

**STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

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JOHN FOX, DVM
LICENSE NO. 3955
Responsible Veterinarian

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DOCKET NO. 26-022

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WESTERN MARYLAND ANIMAL HOSPITAL
HOSPITAL LICENSE NO. 01-007

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order (“Order”), dated this 22nd day of October 2025, is issued by the Maryland State Board of Veterinary Medical Examiners (“Board” or “SBVME”) against John Fox, DVM (“Dr. Fox”), License No. 3955, the owner and responsible veterinarian at Western Maryland Animal Hospital (“Hospital”), License No. 01-007, located at 11024 Old Mt. Savage Rd. NW, LaVale, MD 21502.

This Order confirms Dr. Fox’s agreement to resolve Docket No. 26-022 on a pre-charge basis without the issuance of formal charges. By email to Board counsel on October 22, 2025, Dr. Fox accepted the terms and conditions of this Order, including the findings that he violated the Maryland Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 - 2-316, (“the Veterinary Practice Act”) and related Code of Maryland Regulations (“COMAR”) 15.14.01 – 15.14.17 as described herein. Before agreeing to this Order, Dr. Fox was advised in writing regarding his due process rights, including the rights to retain legal counsel, receive formal notice of charges, request a hearing, and all other rights under Section 2-311 of the Veterinary Practice Act, and agreed to waive those rights.

Under Maryland law, the Board is the licensing body responsible for regulating the practice of veterinary medicine in this State. Its authority includes filing disciplinary actions against veterinarians charged with violating provisions of the Veterinary Practice Act and related COMAR regulations. As part of its authority, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee . . . if the veterinarian or veterinary practitioner . . . [f]ails to comply with Board rules and regulations after receiving a license [.]” Md. Code Ann., Agric. § 2-310(8). In addition, the Board may impose a civil penalty of not more than \$5,000 for a first offense or \$10,000 for a second or subsequent offense instead of or in addition to suspending or revoking

a veterinarian's license. Agric. § 2-310.1. When setting the amount of a civil penalty, the Board shall consider the severity of the violation(s), the violator's good faith, any history of prior violations, and the Board's established civil penalty standards. Md. Code Ann., State Gov't Art., § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Fox, after having the opportunity to seek the advice of legal counsel, voluntarily waived his right to formal charges and a hearing and agreed to pay the civil penalty of \$1200. In so doing, Dr. Fox acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated COMAR 15.14.01.12-3C (Expired Medications) as follows:

1. Dr. Fox is a veterinarian who has been licensed to practice in Maryland since 1991. Dr. Fox is the owner and responsible veterinarian at the Hospital. He has no history of discipline by the Board.

2. On February 25, 2025, during an annual inspection of the Hospital, Board Inspector Ellen James ("Inspector James") identified seventy-nine expired medications mixed with the Hospital's working stock of non-expired drugs. The oldest drug she found expired in 2020, and there were several other medications that expired in 2021, including Verbantel (a dewormer) that expired in March 2020, Metacam that expired in February 2021, Digoxin that expired in August 2021, injectable Atropine that expired in August 2021, injectable Vitamin B that expired in December 2021, Vitamin K that expired in December 2021, injectable Bupivacaine that expired in April 2023..

3. Inspector James prepared and issued a COMAR Violation Sheet noting that expired medications had been found. Additionally, she prepared a separate written statement listing the names and expiration dates of the expired medications she found during this inspection.

4. The initial inspection was not an exhaustive search of the Hospital's inventory of drugs. Generally, once more than ten expired medications have been found during an inspection, the inspector will stop counting. The inspector then informs the hospital staff that a follow up inspection will be conducted and instructs them that before that date, all physical areas of the hospital should be examined carefully to identify and remove all expired medications. Accordingly, Inspector James notified the Hospital staff that she would be conducting a follow-up

inspection during which all areas of the Hospital would be checked and instructed them to remove any additional expired medications from the Hospital's working stock before that time.

5. Inspector James performed a follow-up inspection of the Hospital on May 20, 2025, during which she found an additional fifty expired medications that were not marked as expired or separated from non-expired drugs. Most of the expired medications found during this inspection were in two trays of "Fel Leuk VX" with 12 and 25 unused vaccines remaining. However, Inspector James found some additional medications that were long past their expiration dates, including Mitaban liquid that expired in November 2016, Proparacaine ophthalmic that expired in August 2021, Tresaderm (2) that expired in October 2021, Vitamin B complex injection that expired in December 2021 (one of the expired medications identified in the first inspection), and several other vaccines that expired between October 2023 and September 2024.

6. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal. To ensure that expired medications are not dispensed or administered to patients, COMAR 15.14.01.12-3C requires that expired medications be packaged and kept separate and apart from unexpired medications until the expired medications can be disposed of. Dr. Fox violated COMAR 15.14.01.12-3C by allowing expired medications to be stored with non-expired medications in the working stock of drugs at the Hospital at which he serves as the responsible veterinarian.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior discipline for expired medications, the follow-up inspection findings involving many expired drugs that were not removed after the first inspection, the number of expired medications found during both inspections, and the veterinarian's good faith effort to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in this matter was a civil penalty only.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby **ORDERED** by the Maryland State Board of Veterinary Medical Examiners that:

- (a) For the violation of Md. Code Ann., Agric. § 2-310(8) and COMAR 15.14.01.12-3C, based on the failure to remove expired medications from the Hospital's working stock of drugs, John Fox, DVM (License No. 3955), the responsible veterinarian for Western Maryland Animal Hospital (License No. 01-007), is assessed a civil penalty of \$1200 (first offense);
- (b) The civil penalty shall be paid within sixty (60) days from the date of this Order by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME 26-022" and mailed to MDA at the address below; and
- (c) This Order is a public document.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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