



Maryland State Board of Veterinary Medical Examiners FY23 Disciplinary Report

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2023 Report
Final Version



Introduction

The Maryland State Board of Veterinary Medical Examiners protects animal and public health through the enforcement of the Veterinary Practice Act and related regulations. Toward this end, the Board licenses veterinarians, registered veterinary technicians (RVTs), veterinary hospitals and animal control facilities. The Board also inspects veterinary hospitals to ensure they meet sanitation standards. A large component of the Board's work includes investigating consumer complaints, initiating its own investigations, and determining whether disciplinary action will be taken against any of its licenses as required by Agriculture Article, §2-301, et seq., Annotated Code of Maryland.

House Bill 549 - *State Board of Veterinary Medical Examiners - Sunset Extension and Program Evaluation* passed the Maryland General Assembly during the 2020 Legislative Session. The law requires the Board to report annually to the Governor and General Assembly on the disciplinary actions it has taken the previous fiscal year. This is the fourth report due under the law and covers FY 2023 (July 1, 2022 through June 30, 2023).

The Board

Board members are appointed by the Governor to five-year terms. The seven-member Board includes five licensed veterinarians who have been in practice at least five years and two members who represent consumers. Two of the veterinarians must be predominantly large animal practitioners. The Board meets approximately once a month.

Board members in FY 2023 were: Dr. Elizabeth Callahan, President, (Veterinary Medical Center, Easton); Dr. Christine Calvert (VCA Calvert Veterinary Center, Pasadena); Ms. Lynne Chaput (Consumer Member, Severna Park); Dr. Karena Joung (Veterinary Emergency Group); Ms. Patty Quimby (Consumer Member, Easton); Dr. Peter Radue (Damascus Equine, Damascus); and Dr. James Reed (Annapolis Animal Hospital, Annapolis). In May 2023 Dr. Heidi Schmechel (PET ER of Salisbury) replaced Dr. Karena Joung.

During FY 2023, the Board licensed a total of 318 new veterinarians (up from 188 in FY 2022), and renewed 3,072 veterinarian licenses, compared to 2,578 last year. Registered Veterinary Technician (RVT) licenses are valid for three years. A total of 86 RVTs were registered for the first time in FY 2023 and 191 renewed their triennial registration during the year. Currently, there are 784 RVTs statewide. In addition, 584 veterinary hospitals and 30 animal control facilities were licensed during FY 2023.

About Complaint Investigations

Any consumer may submit a complaint against any licensee through the Board's website. The staff reads each complaint to ensure the Board has jurisdiction over the issue at hand. For instance, the Board has no jurisdiction over financial disputes between clients and veterinarians nor does it have any authority over rescue groups, commercial kennels, or humane organizations.

Once received, complaints are given a docket number and assigned to an investigator who will obtain all relevant medical records, including any available images, such as radiographs, ultrasound, MRIs, etc. and interview those involved. Some complaints may be dismissed without an investigation if they are a duplicate submission, or the Board does not have jurisdiction of the allegations. A final case file is prepared and presented to the Board during a non-public meeting for review, discussion, and final determination. From time-to-time, the Board will send a complaint to



an out-of-state expert for review and input. After reviewing a complaint investigation file, the Board has several options for how to proceed.

- The Board may dismiss a complaint outright and no further action is required.
- The Board may take informal actions. These are confidential, non-public actions that are not available to the public, including the complainant, but are part of their professional record. These include:
 - A Letter of Information/Warning
 - A Letter of Advice
 - A Letter of Admonishment
- The Board may take formal actions. These are public orders available for public review. Public orders are posted on the Board’s website and reported to the American Association of Veterinary State Boards, which notifies other states or jurisdictions where the licensee is licensed, if any. These public actions include:
 - Consent Agreements
 - Civil Penalty Final Orders
 - Orders of Censure
 - Probation
 - Suspension
 - License Surrenders
 - Revocation

Unless the Board issues a formal public disciplinary action, details of how a complaint is resolved are not available to the public, including the complainant; however, the Board does notify complainants when an investigation is complete and provides a summary of the findings.

Code of Maryland Regulations 15.14.02 contains a complete description of the Board’s complaint procedures and possible actions.

Disciplinary Actions – FY 2023

The Board has one full-time investigator, one contractual investigator (30 hours/week) who was hired April 1, 2020, and one full-time administrative specialist dedicated to handling complaint investigations.

The Board received 3 more complaints in FY 2023 than it did the year before. While this number seems small, the number of complaints increased by 40 in FY 2022 and this trend appears to be continuing. The Board and its staff reviewed and closed out 131 complaints in FY 2023. On average, the Board reviewed almost eleven complaint investigations per month.

The Board closed those 131 complaint investigations with 73 non-dismissal actions. The number of actions does not match the number of complaints because several complaints involve more than one licensee and multiple actions may be taken on each complaint.

The Board actions taken during the past two fiscal years were as follows:

Statistics	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
Complaints received during FY	89	88	128	131
Complaints closed during FY (includes complains from previous FYs)	82	105	140	131
Number of Board actions	101	138	161	136



Below are Non-Public Actions				
Number of Dismissals	23	59	72	63
Number of Letters of Advice	26	24	17	8
Number of Letters of Admonishment	14	23	13	23
Number of Letters of Information or Warning	7	12	15	20
Below are Public Board Actions				
Number of Consent Agreements	11	12	19	13
Number of Civil Penalty Final Orders	19	3	22	9
Number of Censure	1	2	1	0
Number of Surrenders	0	1	1	0
Number of Permanent Suspensions	0	2	1	0

Fines

The Board may assess civil penalties against a licensee as part of a Consent Agreement or as a final order. During FY23, the Board issued a total of \$23,400 in fines. Revenue from fines goes to the General Fund, not to the Board.

Referred Cases

During FY23, a total of 39 cases were referred to the Attorney General’s Office for final resolution. Not all referred complaints conclude with public orders. Some final resolutions do not complete in the same fiscal year as they were referred.

	FY 2020	FY 2021	FY 2022	FY 2023
Total Referrals to the AG’s Office	55	45	30	39
Total Public (Formal) Actions Completed	31	20	41	23
Total Referrals Resolved with Non-Public Action	8	6	5	12
Total Referrals Pending at Year End	16	19	13	9

At Year End (June 30, 2023)

The Board has a total of 72 open complaint cases. Of those, 6 were pending a final decision; 9 had been referred to the Attorney General; and 56 were still being investigated.

	FY 2020	FY 2021	FY 2022	FY 2023
Open Complaints at year end	92	78	62	72
Number in active investigation	65	46	39	56
Number Referred to AG’s Office	16	19	13	9
Number pending final Board action at year end	11	13	10	6
Number of open complaints that are more than a year old	11	10 *	4	9

*All 10 open cases at the end of FY 2021 that were more than a year old were among the 13 cases that were pending a Board decision at year end. These were not open investigations, nor had they been referred to the AG’s Office at this time.

A note about Investigation Metrics

Complaint investigations are considered “closed” when the Investigator’s Report goes to the Board for a decision. It will be at least another month if it is dismissed and may be several more months before the complaint is actually closed if it is referred to the Attorney General’s Office for charges.

In 2020, the Board adopted new metrics to track progress. These new metrics recognize that some complaint investigations are much more complicated than others and must be evaluated differently. Below is a breakdown of those new metrics and the two-year statistics.

- **Green level complaints** are Board-initiated complaints that do not have another identified complainant. These are largely, but not exclusively, the result of inspection findings reported by inspectors. Our goal is to completed investigation for 90 percent of green complaints within 3 months.
- **Yellow level complaints** involve obtaining medical records and/or other evidence from one or two veterinarians at one or two veterinary practices. Our goal is to complete investigations for 90 percent of yellow complaints within 12 months.
- **Red level complaints** involve one or more of the following: A Board-certified specialist or specialty practice; interviewing three or more veterinarians as part of an investigation; obtaining medical records and/or other evidence from three or more facilities; an outside expert review. Our goal is to complete investigations for 90 percent of red level cases within 24 months.

	FY 2020	FY 2021	FY 2022	FY 2023
Total Green Closed	28	8	34	42
Total Green Closed on Time	20	7	33	42
% of Green closed w/in 90 days	71%	88%	97%	100%
Total Yellow Cases Closed	29	79	88	88
Total Yellow Cases Closed On Time	18	60	85	87
% Yellow closed w/in 12 months	62%	76%	95%	99%
Total Red Cases Closed	36	18	21	17
Total Red Cases Closed On Time	25	18	21	17
% Red closed w/in 24 months	69%	100%	100%	100%

Note: The number of cases closed does not equal the number of cases received because there is often more than one action (that is, more than one veterinarian/pet) involved in a single complaint.

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