

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

IN THE MATTER OF:

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MARC KATZ, D.V.M.
LICENSE No. 1989

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DOCKET NO. 05-005

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CONSENT AGREEMENT

This Consent Agreement, dated this 3rd day of February, 2006, is between the State Board of Veterinary Medical Examiners ("Board") and Marc Katz, D.V.M. ("Dr. Katz"), License No. 1989. The Agreement concerns the charges that the Board filed against Dr. Katz, pertaining to his treatment of "Toonces," a fifteen-year old male Domestic Short Hair owned by Ms. Stefani Olsen.

Under State law, the Board is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating the provisions of the Veterinary Practice Act and regulations adopted thereunder. The Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with [the Veterinary Practice Act and] Board rules and regulations after receiving a license" (Md. Code Ann., Agric. Art., §2-310(8)); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty of not more than \$5,000 (Md. Code Ann., Agric. Art., §2-310.1).

In this matter, the Board charged that Dr. Katz permitted an individual, who is neither a veterinarian nor a registered veterinary technician, to provide veterinary care on an animal (to wit: administering insulin to a diabetic cat), while that individual was not under the responsible direct supervision of a licensed and registered veterinarian, a violation of COMAR 15.14.01.17.

STATEMENT OF FACTS

Dr. Katz, by entering into and signing this document, acknowledges that the Board has made the following Findings of Fact:

1. At all times relevant to the charges, Dr. Katz was, and is, licensed to practice veterinary medicine in the State of Maryland; and owned and operated the Kindness Animal Hospital located at 2130 University Boulevard, Silver Spring, Maryland 20902.
2. On or about Saturday, June 26, 2004, Stefani Olsen presented her companion animal, "Toonces," a fifteen-year old male Domestic Short Hair, to the Kindness Animal Hospital for medical boarding that weekend.
3. Before presenting her cat that day, Ms. Olsen asked a staff member of Kindness Animal Hospital whether it accepted medical boarders, informing the employee that her cat was a diabetic and receiving insulin to control the disease. Ms. Olsen was advised that Kindness Animal Hospital accepted medical (diabetic) boarders, and charged additional fees to care for them (e.g., separate charges for each insulin shot).
4. On presentation, Ms. Olsen advised members of the hospital's staff that her cat had received his insulin shot that morning at approximately 7:30 a.m., and that he should receive additional shots at 12-hour intervals, with food.
5. Later that evening, Dr. Katz permitted his son, Joshua, who is neither a veterinarian nor a registered veterinary technician, to administer insulin to Toonces, even though he knew no veterinarian was present at the facility. As such, Dr. Katz permitted an individual to render veterinary care upon an animal without the responsible direct supervision of a licensed and registered veterinarian.
6. On Sunday night, June 27, 2004, the technician on duty found Toonces seizing in his cage, and contacted Dr. Katz at his home. After examining the cat and noting that his mucous membranes were quite pale, and that his temperature was subnormal, Dr. Katz surmised that Toonces had been seizing for several hours, and began treating the cat for hypoglycemia.

CONCLUSIONS OF LAW

Based upon these Findings of Fact, the Board makes the following Conclusions of Law: On or about June 26, 2004, Dr. Katz permitted an individual, who is neither a veterinarian nor a registered veterinary technician, to provide veterinary care on an animal (to wit: administering insulin to a diabetic cat), while that individual was not under the responsible direct supervision of a licensed and registered veterinarian, a violation of COMAR 15.14.01.17.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Marc Katz, D.V.M., violated the Veterinary Practice Act, it is this 3rd day of February, 2006, by the State Board of Veterinary Medical Examiners, **ORDERED:**

- 1.) That Dr. Katz is assessed a CIVIL PENALTY in the amount of Two Hundred Fifty Dollars (\$250.00);
- 2.) That Dr. Katz' license to practice veterinary medicine in this State is SUSPENDED for thirty days, but that this suspension is STAYED; and
- 3.) That Dr. Katz is placed on PROBATION for a period of six months under the following terms and conditions:
 - a.) That Dr. Katz obey all laws and regulations governing the practice of veterinary medicine in this State; and
 - b.) That, within thirty (30) days from the date of this Agreement, Dr. Katz shall pay the aforementioned Civil Penalty.

2/3/06
Date



Chris H. Runde, DVM
Chris H. Runde, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT


I, Marc Katz, D.V.M., acknowledge that I had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge that the Board has made the Findings of Fact and Conclusions of Law contained herein. Accordingly, in order to resolve these matters, I agree to accept and submit to the foregoing Consent Agreement, consisting of 4 pages.

I acknowledge the validity of this Consent Agreement as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland. I also affirm that I am waiving my right to appeal from this Consent Agreement.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Agreement.

I sign this Consent Agreement without reservation as my voluntary act and deed after having an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

1/21/06
Date



Marc Katz, D.V.M.
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 31st day of January, 2006, before me, a Notary Public of the State and City/County aforesaid, personally appeared Marc Katz, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Nancy E. Blak
Notary Public

My Commission expires: 12-1-07