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

IN THE MATTER OF:	*	
RICHARD A WEITZMAN, V.M.D. LICENSE NO. 1277	*	DOCKET NO. 04-040
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CONSENT AGREEMENT

This Consent Agreement, dated this 16th day of December, 2005, is between the State Board of Veterinary Medical Examiners ("Board") and Richard A. Weitzman, V.M.D., License No. 1277. The Agreement concerns the charges that the Board filed against Dr. Weitzman, pertaining to his treatment of "Nathan," a three-year old male Golden Retriever owned by Craig and Laurie Maloney.

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's charges against Dr. Weitzman include the following:

1.) The care he provided Nathan fell below the minimal standard required of a veterinarian in this State, a violation of COMAR 15.14.01.07; and

2.) He failed to comply with the record-keeping requirements for companion animals provided under COMAR 15.14.01.10.

STATEMENT OF FACTS

Dr. Weitzman, 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. Weitzman was, and is, licensed to practice veterinary medicine in the State of Maryland. Dr. Weitzman operated a veterinary practice located at 8924 Liberty Lane, Potomac, Maryland 20854. Annette Slowinski, D.V.M. ("Dr. Slowinski"), worked at this practice.

2. On or about January 20, 2004, Craig and Laurie Maloney took their dog, "Nathan," a three-year old male Golden Retriever, to Dr. Weitzman's facility for veterinary care. Dr. Slowinski was the attending veterinarian. The Maloneys advised Dr. Slowinski that, on the previous evening, they had taken Nathan to the Metropolitan Emergency Animal Clinic because he had been vomiting, was anorectic, and experiencing dry heaves at night for two to three weeks. They further advised Dr. Slowinski that Nathan still was experiencing these problems. Dr. Slowinksi recorded Nathan's presenting history in the patient's record.

3. Dr. Slowinski also recorded in the patient's record the following findings concerning Nathan's physical condition at the beginning of custody: "hydration o.k., T=101, moderately tender cranial abdomen." Dr. Slowinski made no other findings or observations concerning Nathan's physical condition at the beginning of custody (*e.g.*, the patient's heart rate, respiratory rate, *etc.*). If she did, she did not record them in the patient's record.

4. Dr. Slowinski radiographed Nathan, advising the Maloneys that the dog had an obstruction in his stomach, and that he would die if it was not immediately removed. Dr. Slowinski, however, simply made the following notation in patient's record concerning these radiographs: "Rads." She recorded no other information in the patient's record on this matter, including her initial diagnosis.

5. Later that day, Dr. Slowinski anesthetized Nathan, and Dr. Weitzman performed surgery to remove the obstruction. Dr. Weitzman also castrated Nathan - an elective surgery. No preoperative blood work was performed (thus, no PCV, total protein, or BUN values were measured). If any such work was performed, it was not noted in the patient's record. Indeed, the only preoperative measure noted in the patient's record was Nathan's temperature.

6. Entries in the patient's record concerning the surgical procedures performed upon Nathan are as follows: "Telazol 0.8 cc IV, ethane [sic], neuter, enterotomy + gastrotomy, and exploratory." Dr. Weitzman did not record in the patient's record the amount of ethrane administered to Nathan to perform these procedures; nor did he prepare a surgical log or otherwise record the surgical results or findings (*e.g.*, the nature of the obstruction he removed from Nathan).

7. Following surgery, Dr. Weitzman administered Amoxicillin ("1.4 cc SQ") and Torbugesic ("0.8 cc IM") to Nathan.

8. Although the patient's record suggests that Nathan was to be monitored post-surgically, there are no entries in the record indicating how Nathan was faring post-surgically.

9. Later that evening, Nathan was discharged. At pick-up, Mr. Maloney observed that Nathan appeared groggy. Dr. Slowinski advised Mr. Maloney that Nathan had just received a powerful sedative to keep him calm. The patient's record, however, does not specify the sedative that was administered to Nathan, or the amount given.

10. At discharge, the practice also prescribed Amoxicillin ("400 mg 1 BID #14") and Carafate ("1 gram 1 BID #10").

11. On January 22, 2004, after contacting the Maloneys and being informed that Nathan was lethargic, not interested in food, and drinking very little water, Dr. Weitzman examined the dog, and made the following notations in the patient's record concerning the dog's condition: "T. 102.4, looks O.K., no Abd. pain, anorexic."

12. On January 24, 2004, after the Maloneys informed him that Nathan's condition was unchanged, Dr. Weitzman examined the dog, and made the following notations in the patient's record concerning the dog's condition: "T. 103.0, anorexic." Dr. Weitzman administered Baytril ("4 cc IM") to Nathan and also prescribed it ("68 [mg]1 ½ BID #15"). Dr. Weitzman instructed the Maloneys to stop giving Carafate to Nathan, but did not note this instruction in the patient's record.

13. On January 25, 2004, after the Maloneys informed him that Nathan was lethargic, not eating, and vomiting after drinking water, Dr. Weitzman examined the dog, and made the following notations in the patient's record concerning the dog's condition: "T. 101.8, Hydration good, still anorexic, Abd. not painful, incision sites O.K." Dr. Weitzman took a stool sample, observed that it was putrid, but made no notation of his finding in the patient's record. Dr. Weitzman administered Baytril ("4 cc IM") and Atropine to Nathan, but failed to note in the patient's record the dosage of Atropine that was administered.

14. On January 26, 2004, after the Maloneys informed him that Nathan had no energy, still had not eaten, and drinking very little, Dr. Weitzman examined the dog, and made the following notations in the patient's record concerning the dog's condition: "T. 101.8, Abdomen not painful, Hydration good, not vomiting, drinking water, some blood in stool." Dr. Weitzman administered Baytril ("4 cc") to Nathan. Dr. Weitzman advised the Maloneys that if Nathan did not eat by the following day, he "may have to open him up and see what is going on." Dr. Weitzman, however, failed to note this concern in the patient's record. Although Nathan's recovery was protracted, and Dr. Weitzman suspected that something was wrong, he failed to take, or delayed taking, measures that would have aided in diagnosing the problem. Dr. Weitzman did not take any abdominal radiographs. While Dr. Weitzman did take a blood sample from Nathan, he did not submit it for analysis until the following day.

15. Later, on January 26, 2004, the Maloneys presented Nathan to Charles Weiss, D.V.M., for a second opinion. After taking a brief history of Nathan's condition as it pertained to his medical status, Dr. Weiss examined the dog, and made the following notations in the patient's record: "Weight: 82.4, Temp. 102.5, General Appearance - lethargic, not walking, unable to stand, very weak, dehydrated 7-8%, MM - tachy, light pink, LN'S - WNL, Abd. Palp. - tense and painful, distended, brown fluid from incision, H&L - WNL, Skin - WNL, Ears - Clear, Eyes - Clear, Teeth - WNL." Dr. Weiss also took an abdominal radiograph and made the following notation in the patient's record: "poor abdominal detail suspect peritonitis." Additionally, Dr. Weiss analyzed a blood sample

from Nathan and made the following notations in the patient's record: "WBC - 21.5, RBC - 9.32, Hct - 72.1, BUN - 41, ALP - 850, TBILI - 4.7, AMY - 2100." Dr. Weiss diagnosed that Nathan was suffering from peritonitis and performed surgery upon him. Dr. Weiss' surgical report included the following remarks: "Large amount (one liter) of foul smelling dark brown liquid filling abdominal cavity. Lavage copiously with warm Saline with Cefazolin (1 gram) added to flush (4 liters total). GI tract - Large amount of fibrous adhesions. Organs red and inflamed. Intestines - Severe erythema. One ½ inch hole in ileum. Closed with double-layer closure with 4-0 PDS."

16. On January 27, 2004, Dr. Weiss opened Nathan's abdominal cavity, noted a small amount of discharge present, and flushed abdomen with lactated ringers. On January 28, 2004, Dr. Weiss twice repeated this procedure, and made the following remarks in the patient's record after the second procedure: "Enterotomy site healing and abdomen looks less inflamed. Intestines and mesentary all less inflamed and color coming back towards normal. Has less adhesions."

17. On January 30, 2004, Nathan was discharged. On February 13, 2004, Dr. Weiss rechecked Nathan and noted in the patient's record that the dog was doing well.

CONCLUSIONS OF LAW

Based upon these Findings of Fact, the Board makes the following Conclusions of Law:

1. On or about January 20, 2004, Dr. Weitzman unnecessarily increased a patient's surgical risk, and, in so doing, exercised poor judgment and provided substandard care, a violation of COMAR 15.14.01.07; to wit: Dr. Weitzman performed an elective castration, in conjunction with a gastrotomy and enterotomy (two moderate risk surgeries involving, in each instance, a hollow organ incision in compromised tissue), and thereby, unnecessarily increased the risk of infection and stress to the patient.

2. In failing to assess a patient's physical condition (*e.g.*, the animal's heart rate,

respiratory rate, *etc.*) before anesthetizing the patient and performing a gastrotomy and enterotomy upon it, particularly given that no pre-operative bloodwork was performed, Dr. Weitzman's treatment of the patient was substandard, a violation of COMAR 15.14.01.07 (before anesthetizing and performing surgery upon an animal, a veterinarian should assess the animal's physical condition). Alternatively, if Dr. Weitzman did examine this patient, and had properly assessed the animal's physical condition, or had relied upon Dr. Slowinski's assessment, such findings were not noted in the patient's record, a violation of COMAR 15.14.01.10A(6) (a veterinarian shall assess the patient's physical condition at the beginning of custody).

3. In not recording in the patient's record the amount of ethrane administered to a surgical patient, Dr. Weitzman failed to comply with COMAR 15.14.01.10(9) (requiring a veterinarian to keep an anesthetic log).

4. In not completing a surgical log (*e.g.*, reporting the results of the gastrotomy and enterotomy performed upon a patient), Dr. Weitzman failed to comply with COMAR 15.14.01.10(9) (requiring a veterinarian to keep a surgical log).

5. In failing to monitor a patient post-surgically, Dr. Weitzman's treatment of the patient was substandard, a violation of COMAR 15.14.01.07. Alternatively, if Dr. Weitzman did monitor this patient post-surgically, he did not note the animal's progress in the patient's record, a violation of COMAR 15.14.01.10(8) (requiring a veterinarian to record the patient's progress).

6. On January 25, 2004, Dr. Weitzman administered Atropine to a patient, but failed to note in the patient's record the dosage of Atropine administered, a violation of COMAR 15.14.01.10(7) (requiring a veterinarian to record the medication, including amount and frequency, in the patient's record).

7. Although the patient was presented to him for a re-check on successive days

following abdominal surgery, with complaints of lethargy, anorexia, *etc.*, Dr. Weitzman did not thoroughly assess the patient's condition and, in so doing, provided substandard care, a violation of COMAR 15.14.01.07. Alternatively, if Dr. Weitzman did thoroughly assess the animal's condition, he only recorded limited findings of his assessment in the patient's record, a violation of COMAR 15.14.01.10(8) (requiring the veterinarian to record the patient's progress).

8. Although the patient still was lethargic, anorectic, *etc.*, six days following abdominal surgery, had higher than normal temperatures and, on at least one occasion, had blood in his stool and, although he suspected a problem, Dr. Weitzman did not take, or delayed taking, appropriate diagnostic steps to investigate the patient's protracted recovery, such as investigating the possibility of an intestinal leakage (*e.g.*, Dr. Weitzman did not take any abdominal radiographs and, although he took a blood sample, he did not take immediate steps to have it analyzed) and, in so doing, provided substandard care, a violation of COMAR 15.14.01.07.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Richard A. Weitzman, V.M.D., violated the Veterinary Practice Act, it is this 16th day of December, 2005, by the State Board of Veterinary Medical Examiners, **ORDERED**:

1.) That Dr. Weitzman is CENSURED;

2.) That Dr. Weitzman is assessed a CIVIL PENALTY in the amount of Two Thousand One Hundred Dollars ($2,100.00), but that payment of this penalty is suspended;

3.) That Dr. Weitzman is placed on PROBATION for a period of six months under the following terms and conditions:

   a.) That Dr. Weitzman obey all laws and regulations governing the practice of veterinary medicine in this State;

b.) That, within thirty (30) days from the date of this Agreement, Dr. Weitzman shall reimburse the Maloneys Three Thousand One Hundred and Forty-One Dollars ($3,141.00), which amount represents a portion of the veterinary fees they subsequently incurred caring for their dog; and forgive all of the veterinary fees he charged them in this matter, that being: One Thousand and Seventy Dollars ($1,070.00); and

c.) That Dr. Weitzman immediately institute new record-keeping procedures that meet the requirements of COMAR 15.14.01.10, and provide the Board on or before the second Thursday of each month, for a period of three months, a copy of the treatment record for one animal presented to him that month.

12-16-05
Date

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

CONSENT

I, Richard A. Weitzman, V.M.D., 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 8 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.

12/8/05
Date

Richard A. Weitzman VMD
Richard A. Weitzman, V.M.D.
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 8th day of December, 2005, before me, a Notary Public of the State and City/County aforesaid, personally appeared Richard A. Weitzman, V.M.D., 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. Blank
Notary Public

My Commission expires: 12-1-07