

STATE OF MAINE
BOARD OF VETERINARY MEDICINE

In re:)
Darren Richards, V.M.D.) CONSENT AGREEMENT
Complaint No. 2007-VET -3607)

Introduction

This document is a Consent Agreement, which is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 5 M.R.S. § 191, to resolve violations by Darren Richards, V.M.D. ("Dr. Richards") of the statutes and rules of the Board of Veterinary Medicine ("the Board"). The parties to this Consent Agreement are Dr. Richards, the Board; and the Maine Office of the Attorney General.

Facts

1. Dr. Richards is a licensee of the Board, license #VT-1451, and has been licensed since 2001.
2. On or about May 22, 2007, the complainant filed a complaint against Dr. Richards regarding the death of the complainant's dog, Tara, a.k.a. Terra.
3. On April 24, 2006, Dr. Richards consulted with the complainant about surgery for Terra to remove a mammary mass and perform an ovariohysterectomy.
4. When a patient has mammary cancer, Dr. Richards recommends a preoperative workup, which includes complete blood count, serum chemistry, and chest radiographs.
5. As indicated in Terra's record, Dr. Richards recommended that Terra have a preoperative workup. However, the owner expressed financial constraints regarding a preoperative workup and instead elected to have only the ovariohysterectomy, mass removal, and histopathology performed. An anesthesia/surgery release form describing the procedure as "Tumor Removal/Ovariohysterectomy" was signed by the owner. The second page of the worksheet used to accept/decline the preoperative workup was not completed.
6. On April 25, 2006, Dr. Richards performed surgery on Terra by removing the mammary mass and doing an ovariohysterectomy. Surgery began at 11:30 am and concluded prior to 2:30 pm.
7. During and after surgery, Terra was continuously monitored with a pulse oximeter, and her temperature and heart rate were continuously monitored.

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Terra's mucous membrane color and gums were monitored approximately every five minutes. Dr.

Richards notated that at 4:30 pm, Terra's heart rate was 120 bpm and her color was pink. After 4:30 pm there were no notations made regarding Terra's temperature, heart rate, mucous membrane color, or gums.

8. Dr. Richards gave Terra an IV catheter at 4:30 pm.
9. Around 6:30 pm, Terra went into peracute respiratory arrest and was placed on a ventilator. The CBC at 7:44 p.m. after Terra received 2 liters of IV fluids showed only moderate anemia with a hematocrit level of 28.9%. At 8 pm the owner was contacted and gave permission to take Terra off the ventilator. Terra died just after 8 pm.
10. The complainant took Terra's body to the University of Maine Animal Disease Diagnostic Laboratory for a necropsy.
11. The results of the necropsy revealed that Terra had cancer in her liver and lungs with evidence of metastasis. It also showed that Terra had a secondary hemorrhage from the proximal uterine artery, and that she had 1-2 liters of blood in her abdominal cavity.
12. Pursuant to 10 M.R.S. § 8003(5)(A-1), a board may take certain disciplinary actions against a license for licensee's violation of applicable laws, rules or conditions of licensure or registration.
13. Pursuant to 32 M.R.S. § 4864(14) (recodified at 10 M.R.S. § 8003(5-A)(A)(5) 2007), a violation of any law or rule of the Board is both a ground for refusal to renew an application and discipline by the Board.
14. Pursuant to 32 M.R.S. § 4864(11) and 02-285 C.M.R. ch. 7, the Board's Code of Ethics, failing to apply principles or skills to carry out the practice of veterinary medicine by ensuring safe treatment of a patient, including proper interpretation of status and monitoring, and by appropriate treatment for blood loss is a violation of the Board's laws and rules.
15. Pursuant to 02-285 C.M.R. ch. 5 § 2, veterinarians shall maintain adequate medical records, which includes:
 - A. Chief presenting complaint of the patient;
 - B. Findings of physical examination;
 - C. Results of laboratory, radiographic, or any other diagnostic procedures;

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D. Differential diagnosis; and

E. Treatment given, including any surgical procedures, drugs with route of administration, and dosage.

16. At its April 2, 2008 meeting, the Board voted to resolve this matter by this consent agreement.
17. Absent acceptance of this Consent Agreement by Dr. Richards by signing and dating it and returning it to Cathy Neumann, Complaint Coordinator, 35 State House Station, Augusta, Maine 04333-0035 on or before July 16, 2008, the Board will resolve the complaint by scheduling the matter for an adjudicatory hearing.

Covenants

18. Dr. Richards admits that the facts set forth above are true and accurate;
19. Dr. Richards admits to the following violations:
 - i. 32 M.R.S. § 4864(14) (recodified at 10 M.R.S. § 8003(5-A)(A)(5) 2007);
 - ii. 32 M.R.S. § 4864(11) and 02-285 C.M.R. ch. 7 by failing to apply principles or skills to carry out the practice of veterinary medicine by ensuring safe treatment of a patient by misinterpretation of status, inadequate monitoring and delay in appropriate treatment for blood loss; and
 - iii. 02-285 C.M.R. ch. 5 § 2 because of gaps in recordkeeping regarding post operative monitoring of his patient, particularly between 4:30 pm and 6:30 pm, the most critical time, and having an incomplete release for the preoperative workup.
20. As discipline for the conduct admitted in paragraph 10 of this Second Consent Agreement, Dr. Richards agrees to accept the following DISCIPLINARY ACTION:
 - i. A warning; and
 - ii. Obtain, within 24 months following execution of this Consent Agreement, at his own expense, eight (8) clock hours of LIVE CONTINUING PROFESSIONAL VETERINARY EDUCATION

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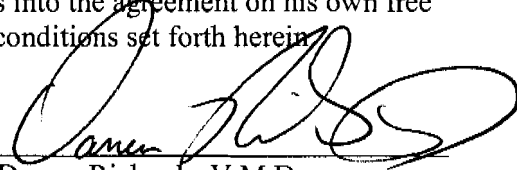
approved by the Board Continuing Education Officer prior to attendance in the following fields: four (4) hours in CRITICAL CARE and four (4) hours in SURGERY. This requirement shall be in addition to and not creditable towards the twenty-four (24) clock

hours of continuing professional education required biannually for re-licensure.

21. The Attorney General and Board agree that no further administrative or legal action will be taken against Dr. Richards's license based on the facts described herein, except in the event that Dr. Richards does not fully comply with the terms of this consent agreement.
22. This consent agreement is not subject to appeal.
23. This consent agreement is not subject to amendment, except by written agreement of all parties.
24. This consent agreement is a public document within the meaning of 1 M.R.S. § 402, and shall be made available to the public for inspection and copying pursuant to 1 M.R.S. § 408.
25. Dr. Richards understands that execution of this agreement is completely voluntary and that he has the right to consult with an attorney before signing the consent agreement.
26. Dr. Richards understands that his signature indicates that he has read and understands this consent agreement; he enters into the agreement on his own free will; and he agrees to abide by all terms and conditions set forth herein.

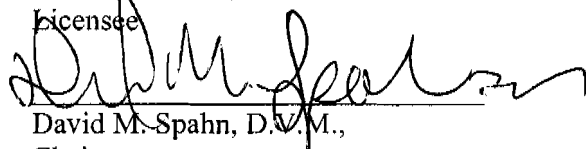
Dated:

7-2-08


Darren Richards, V.M.D.
Licensee

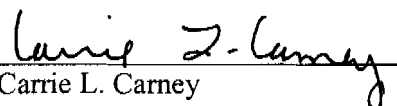
Dated:

7/22/08


David M. Spahn, D.V.M.,
Chairperson
Board of Veterinary Medicine

Dated:

7-23-08


Carrie L. Carney
Assistant Attorney General