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ATTORNEY GENERAL OF NEW JERSEY

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STATE OF NEW JERSEY
DEPARTMENT OF CONSUMER AFFAIRS
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL
EXAMINERS
DOCKET NO. BDS-5596-86

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
ALBERT BERKELHAMMER, V.M.D. :
TO PRACTICE VETERINARY MEDICINE :
IN THE STATE OF NEW JERSEY :

Administrative Action
FINAL CONSENT ORDER

This matter was brought before the Board of Veterinary Medical Examiners on the Complaint of the Attorney General of New Jersey, by Regina H. Nugent, Deputy Attorney General, which was filed with the Board on June 12, 1986. The Complaint alleged in the first and second counts that Respondent Albert Berkelhammer, V.M.D., had employed two unlicensed persons, Sham Sunder Chari and Liubinco Tosici, whom he permitted to engage in the unlicensed practice of veterinary medicine and surgery in his veterinary

facility in Maplewood, New Jersey. The third count alleged that Respondent had rendered unauthorized treatment to a dog belonging to the Juliano family and had engaged in gross and/or repeated acts of negligence in his treatment of the dog. The fourth count alleged that Respondent had rendered unauthorized treatment to a cat belonging to the Massa family, had failed to apprise the Massas of alternative procedures and the costs thereof and had engaged in repeated acts of negligence in his treatment of the cat. The fifth count alleged that Respondent had ratified and condoned the conduct of his employees in the case of a cat brought to his facility by James and Michael Tangredi, where the employees had engaged in deception and misrepresentation and professional misconduct in rendering unauthorized treatment to the cat, in misleading the Tangredis as to the anticipated costs of treatment and in threatening to retain the cat if Respondent's bill was not paid immediately. The sixth count alleged that Respondent had engaged in professional misconduct by rendering unauthorized treatment and in failing to disclose both anticipated costs of treatment and prognosis in the case of a cat belonging to the Rissenberg family. The seventh count alleged that Respondent had engaged in gross malpractice and professional misconduct in his treatment of a dog belonging to Donald Huber. The eighth count alleged that Respondent had engaged in professional misconduct in rendering unauthorized treatment and failing to disclose estimated costs and had engaged in gross and/or repeated acts of negligence in the treatment of a dog belonging to the McLaughlin family. The ^{ninth}~~sixth~~

count alleged that Respondent had engaged in professional misconduct in formulating and implementing a policy of avoiding advance disclosure of fees to clients, thus preventing them from making informed decisions about the treatment to be rendered to their animals based on costs and possible alternative procedures.

Respondent has now agreed to enter a plea of no contest and to settle this matter by the entry of the within Order, thus waiving his right to any further hearing on the the issues raised by the Complaint. The Board having found that the entry of the within Order will serve the public interest, and for good cause shown,

IT IS THEREFORE on this day of February, 1987,

ORDERED:

1. Respondent shall pay a civil penalty in the amount of \$15,000 to be submitted to the Board in fifteen (15) installments of \$1000 each, due and payable by means of certified checks or money orders made payable to the State of New Jersey. The first payment shall be due on April 15, 1987, and said payments shall be submitted on the fifteenth day of each month thereafter until June 25, 1988 when the last payment shall be made.

2. Respondent shall pay the costs of investigation in this matter in the amount of \$805.10 by means of a certified check or money order, made payable to the State of New Jersey and submitted to the Board offices no later than April 1, 1987.

3. Respondent shall make restitution in the following amounts to the following clients named in the Complaint:

- (a) Vincent Juliano.....\$249.00
- (b) Frank Massa.....\$326.00
- (c) James and Michael Tangredi....\$240.00
- (d) Donald Huber.....\$541.50
- (e) Mary McLaughlin.....\$576.50

These payments shall be made by way of five certified checks or money orders made out to the respective clients in the amounts designated and submitted to the Board offices by March 15, 1987.

4. Respondent shall provide Mrs. Marion Rissenberg with a receipt for \$300, marked "paid in full" for services rendered to her cat "Frank" from June 20, 1984 to June 30, 1984.

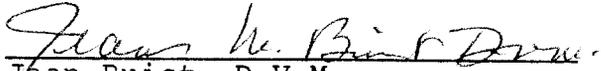
5. The full amount of any balance of payment of costs, restitution and penalties shall become due and payable immediately should Respondent fail to make timely payments as set forth herein.

6. Respondent's license to practice veterinary medicine in the State of New Jersey shall be suspended for a period of two years from the date of the entry of the within Order, provided however, that the period of suspension shall be stayed on the condition that Respondent shall comply fully with the terms of the within Order and with applicable licensing laws and Board regulations.

7. Respondent shall cease and desist from permitting the unlicensed practice of veterinary medicine by any person acting as respondent's employee or agent.

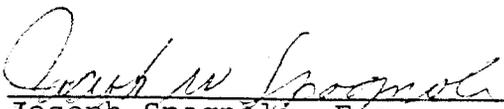
8. Respondent shall, prior to the initiation of any veterinary treatment, provide all clients with written estimates of costs and with all available and appropriate information to enable them to give informed consent to any proposed treatment or testing procedures before their initiation.

9. Respondent shall cease and desist from retaining any animals beyond any scheduled release time from his veterinary facility because the client cannot immediately pay the bill for services and treatment, and shall cease and desist from threatening such action as a means of collecting a bill.


Jean Buist, D.V.M.
President
State Board of Veterinary
Medical Examiners

Consented to as to
form and entry:


Albert Berkelhammer, V.M.D.


Joseph Spagnoli, Esq.
Attorney for Respondent