

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

on this date of: 5/28/02 *DC*

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS -
BOARD OF VETERINARY MEDICAL EXAMINERS

_____	:	
IN THE MATTER OF THE LICENSE OF	:	
	:	
	:	
EDWIN O. GILBERT, D.V.M.	:	<u>Administrative Action</u>
License No: VI000510	:	
	:	
	:	FINAL ORDER
TO PRACTICE VETERINARY MEDICINE	:	
IN THE STATE OF NEW JERSEY	:	
_____	:	

This matter was opened to the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's review of a consumer complaint alleging that Edwin O. Gilbert, D.V.M., in or about June 2000, provided substandard care to an eleven year old female Shih Tzu named Muffin, owned by Ed and Pietrina Sarti, which led to Muffin's death.

Following a September 27, 2000, Investigative Inquiry in which Dr. Gilbert appeared, with counsel, before a Committee of the Board, the full Board determined that probable cause existed to support the filing of a complaint against Dr. Gilbert for violating N.J.S.A. 45:1-21(c) and for violating the Board's record-keeping requirements, N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9, in regard to his treatment of Muffin, who died following surgery to remove two cysts.

In or about February 2002, Dr. Gilbert agreed to resolve the matter outlined above in order to avoid the initiation of any formal proceedings. The terms of this negotiated settlement were memorialized in a Consent Order entered on February 28, 2002, and is incorporated into and attached to this Order by reference.

Pursuant to the February 28, 2002, Consent Order, Dr. Gilbert, among other conditions, was required to take and pass the National Board of Veterinary Medical Examiners' ("NBVME") Species Specific Examination for Small Animals within thirty (30) days following entry of the Consent Order. The Consent Order indicates that a passing grade for the NBVME Species Specific Examination for Small Animals was the correct answer for at least seventy (70) percent of the questions. Finally, the Consent Order provided that if Dr. Gilbert failed the examination, his license would be immediately actively suspended, through a Board Order, until such time as he passed the examination, should he choose to take it again. [February 28, 2002, Consent Order, ¶2].

Moreover, the Consent Order stated that Dr. Gilbert would be prohibited from taking the Species Specific Examination for Small Animals again for at least thirty (30) days following notice of a failing grade. Further, the doctor agreed that if he failed the examination four (4) times, he would be prohibited from re-taking the examination for one (1) full year, following notice of his fourth failing grade. All costs associated with the taking

and/or re-taking of the examination, including the costs of the proctor, would be borne by Dr. Gilbert, pursuant to the Consent Order. [February 28, 2002, Consent Order, ¶3].

Dr. Gilbert took the Species Specific Examination for Small Animals on March 25, 2002. The administrative office of the Board was advised by the National Board of Veterinary Medical Examiners, on or about April 29, 2002, that Dr. Gilbert scored 63. A copy of the March 25, 2002, correspondence from NBVME is attached and incorporated into this Order. As stated earlier, the recommended passing score on the examination is 70, hence, Dr. Gilbert did not pass.

In accord with the Consent Order of February 28, 2002, the Board has determined to enter this Order:

IT IS, THEREFORE, ON THIS 28th DAY OF MAY 2002,

ORDERED THAT:

1. The license of Edwin O. Gilbert, D.V.M., to practice veterinary medicine in the State of New Jersey is hereby suspended effective immediately;

2. Dr. Gilbert's license shall remain actively suspended until such time as he takes and successfully passes, by achieving a score of 70 or higher, the NBVME Species Specific Examination for Small Animals;

3. Dr. Gilbert is prohibited from retaking the NBVME Species Specific Examination for Small Animals again for at least

thirty (30) days following notice of the failing grade for the March 25, 2002 examination. Should he choose to take it again, Dr. Gilbert shall be prohibited from retaking the specified exam for at least thirty (30) days following notice of a failing grade for any future examinations as well, except as provided in paragraph #4 below;

4. Should Dr. Gilbert fail the examination four (4) times, he shall be prohibited from re-taking the examination for one (1) full year, following notice of his fourth failing grade;

5. All costs associated with the taking and/or re-taking of the examination, including the costs of the proctor, shall be borne by Dr. Gilbert.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: John DeVries, DVM
JOHN DeVRIES, D.V.M.
President