

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 9/25/02

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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

DONALD FORCE, V.M.D.
License No: VI004304

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL DECISION AND ORDER
AFTER UPL EXPLANATION

This matter was opened to the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") on the complaint filed by Kathy and Louis DiStasi against the respondent Donald Force, V.M.D., concerning the treatment rendered by Dr. Force on their female beagle dog "Janie" on or about April 21, 2002.

Following the Board's receipt and review of the complaint, the respondent appeared for an investigative inquiry before the Board on September 26, 2001. At that time, the respondent testified as to the treatment he provided Janie. Additionally, he testified that the x-ray medical records of animal patients were thrown out within one (1) year of receiving treatment at his facility, Jersey Shore Veterinary Medical Service, Incorporated, when there was insufficient storage space at the

office. Additionally, the respondent testified that he retained no receipt or copy of medical records when the original medical records were provided to the consumer or another veterinarian as required by the Board's regulations. Hence, the Board's investigation into this matter revealed a probable violation of N.J.A.C. 13:44-4.9.

On May 30, 2002, a Uniform Penalty Letter (hereinafter "U.P.L.") was sent to the respondent setting forth the initial findings of the Board and offering respondent the opportunity to settle this matter by acknowledging the violations and paying a civil penalty in the amount of \$1,500.00 for the failure to maintain a medical record for a minimum of two years or to keep a written receipt, if the records are released, showing the disposition of the records and retaining said receipt for a period of two (2) years as required by N.J.A.C. 13:44-4.9(d). Alternatively, the respondent was given the options of either requesting a hearing before the Board or submitting a written explanation and waiving his right to a hearing.

Waiving his right to a hearing, the respondent elected to submit a written explanation. In this correspondence, dated June 5, 2002, the respondent explained in further detail the merits of his treatment of Janie. Additionally, the respondent maintained that he has never discarded an x-ray. Rather, he maintained that, following his appearance before the Board, he reviewed the

procedures of his facility and found that Jersey Shore does indeed save all of its radiographs. Respondent contends that if he indicated otherwise at the inquiry, he misspoke.

At its June 26, 2002, meeting, the Board considered the respondent's explanation and all the available information. With respect to the charges outlined in the U.P.L., the Board finds that the respondent's testimony before it at the September 26, 2001, inquiry was more credible than the information contained in the respondent's June 5th reply to the U.P.L. In his testimony, the respondent advised the Board that Jersey Shore

. . .[does not] have the x-rays. We don't keep x-rays. We probably dump them, maybe, once a year. [T26].¹

Additionally, respondent's testimony, that he fails to retain a receipt or copy of medical records when he provides an original record to the consumer or another veterinarian, remains unchanged. Accordingly, the Board finds that the respondent failed to conform with statutory and regulatory obligations as set forth in the U.P.L. and thus concludes that the violation of N.J.A.C. 13:44-4.9(d) has occurred.

Based on the foregoing:

IT IS, THEREFORE, ON THIS 25th DAY OF SEPTEMBER 2002,

ORDERED THAT:

¹ "T_" refers to the transcript of the September 26, 2001, investigative inquiry.

1. The respondent Donald Force, V.M.D., shall hereby pay to the Board of Veterinary Medical Examiners a civil penalty, totaling \$1,500.00, for failing to maintain adequate medical records. This violation was set forth in the May 30, 2002, U.P.L. Payment for the civil penalty totaling \$1,500.00 shall be submitted no later than then (10) days from the entry of this Final Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be sent to Leslie Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101.

2. Failure to comply with any provisions of this Order or remit any and all payments or penalties required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: 
NEAL BEEBER, D.V.M.
President