



RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
on this date of: 3/23/03

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

February 26, 2003

JAMES E. MCGREEVEY  
Governor

PETER C. HARVEY  
Acting Attorney General  
RENI ERDOS  
Director

Mailing Address:

P.O. Box 45020  
Newark, NJ 07101  
(973) 504-6500

By Certified and Regular Mail

Paul T. Tallamy, D.V.M.  
P. O. Box 630 - 23 Phillips Road  
Branchville, New Jersey 07826-0630

Re: I/M/O PAUL T. TALLAMY, D.V.M.  
"Millie" Leenheer  
File Number: 02-062

Offer of Settlement In Lieu of Disciplinary Proceeding

Dear Dr. Tallamy:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") has had an opportunity to review information it received concerning your professional conduct following a request from Steven Leenheer to provide emergency care and treatment to his eleven year old German Shepard, named "Millie," in or about June 1999.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint filed by Steven Leenheer with the Board's administrative office on or about June 21, 2002, as well as any and all attachments and exhibits;
2. A correspondence dated July 5, 2002, from Dr. Tallamy, as well as any, and all attachments and exhibits; and
3. Medical records of Millie Leenheer.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated as well as failed to comply with the Veterinary Practice Law, and the provisions of the regulations administered by the Board, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.7 in that you failed to provide emergency care to Millie when contacted by Mr. Leenheer.

Additionally, the Board has preliminarily concluded that probable cause exists to support a finding that you violated the Veterinary Practice Law, as administered by the Board, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9 in that the patient records you created and maintained relative to your care and treatment of Millie failed to include necessary information required by N.J.A.C. 13:44-4.9.

Specifically, the Board's review into this matter revealed that you routinely provided care for Millie from her puppy stage until she was approximately 5 years old. In or about 1996, the owners chose to have Millie seen by another veterinarian. In June 1999, Millie was accidentally hit by a car driven by Mrs. Leenheer leaving her trapped under the vehicle. Mr. Leenheer called you and requested that you come and provide emergency treatment for the dog. The documents reviewed by the Board indicate that you declined to provide assistance to Millie and the Leenheers. In your July 5, 2002, correspondence to the Board, you advise that you told Mrs. Leenheer, during a telephone conversation on the day of the accident, to

. . . . take the dog to another veterinarian perhaps the veterinarian, whom had been caring for her over the last 3 years or someone else, but that [you were] unavailable on that day.

The Leenheers called another veterinarian in Augusta, New Jersey, who provided treatment to Millie, but she later died from her injuries. The Board preliminarily concludes that your refusal to provide any assistance to Millie and the Leenheers during their emergency, including actually attending to Millie, providing telephonic instructions until other help could arrive or referring the consumers to another emergency veterinarian, violates N.J.A.C. 13:44-4.7.

Moreover, N.J.A.C. 13:44-4.9(a) requires that all patient records include certain information which is enumerated in this regulation. The Board's review of Millie's patient records you submitted failed to contain the information enumerated in the cited

regulation, such as, but not limited to; a history of the presenting problem; all pertinent symptoms and signs observed; tests ordered or performed and the results thereof; conclusions and/or diagnosis; and/or treatment plan. The Board preliminarily finds that your records therefore violated the mandates of N.J.A.C. 13:44-4.9.

At this juncture, the Board has determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. You are hereby formally reprimanded by the Board for failing to respond to an emergency as required by N.J.A.C. 13:44-4.7;
2. Cease and desist from violations of the patient records rule, namely N.J.A.C. 13:44-4.9;
3. Pay a penalty in the amount of \$500.00, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for your violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.7; and
4. Pay a penalty in the amount of \$250.00, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for your violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9.

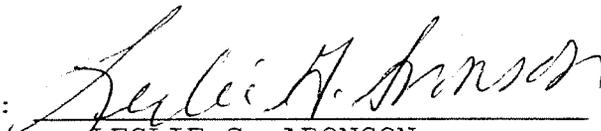
If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in

an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of the appropriate enforcement action.

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By:   
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LESLIE G. ARONSON  
Executive Director

ACKNOWLEDGMENT: I, PAUL T. TALLAMY, D.V.M., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$500.00, which is to be paid upon signing of this acknowledgment, for failing to respond to an emergency, contrary to N.J.A.C. 13:44-4.7, and a penalty of \$250.00, for failing to include necessary information in my patient records in violation of N.J.A.C. 13:44-4.9.

  
PAUL T. TALLAMY, D.V.M.

DATED:

cc: Deputy Attorney General Olga E. Bradford

CERTIFIED MAIL/C.R.R.R.  
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