



RICHARD J. CODEY
Acting Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Veterinary Medical Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102

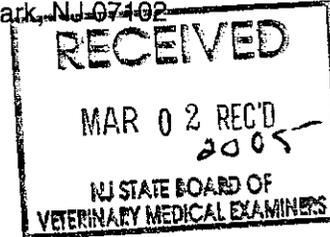
RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 3-2-05



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Attorney General

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Acting Director

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By Certified and Regular Mail

CERTIFIED TRUE COPY

Lyndon A. Goldsmith, D.V.M.
Park Veterinary Clinic, P.C.
1014 Raritan Avenue
Highland Park, New Jersey 08904

Re: I/M/O LYNDON A. GOLDSMITH, D.V.M.
"Luigie" Priam
File Number: 03-052

Letter of Admonishment In Lieu of Disciplinary Proceeding

Dear Dr. Goldsmith:

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 Betty Priam to provide emergency care and treatment to her fourteen year old Chihuahua, named "Luigie," on or about July 9, 2003.

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

1. A complaint filed by Betty Priam with the Board's administrative office on or about July 16, 2003, as well as any and all attachments and exhibits; and
2. A correspondence dated July 28, 2003, from Lyndon A. Goldsmith, D.V.M., as well as any and all attachments and exhibits.

Upon review of all available information, the Board has determined that there is insufficient cause in this matter to warrant the filing of formal disciplinary charges. Notwithstanding this decision, the Board, however, asked me to convey to you its concerns with regard to this matter.

In considering this matter, the Board's review revealed that you had routinely provided care for Luigie since 1987. On or about July 9, 2003, the owner called Park Veterinary Clinic after midnight to seek medical attention for Luigie who, according to Mrs. Priam, was weak and having difficulty breathing. She maintains that she reached your service and left a message. When she did not receive a call back, she again called and was allegedly told by the service that the message had been sent and received by your clinic.

In your July 28, 2003, letter to the Board, you explained that you were out of New Jersey on July 9th and had delegated the responsibility of answering emergency calls to a technician who had been provided your beeper. As a result of some technological flaws, Mrs. Priam's emergency message was not received and/or retrieved by your clinic until the following morning. Luigie unfortunately died earlier in the morning.

The Board, following its review of this matter, has concluded that your clinic's policy for handling emergency calls, when the practice is closed or when you are out of the State or otherwise unavailable, failed to satisfy the requirements of N.J.A.C. 13:44-4.7. This regulation, in its entirety, states that

Veterinarians shall provide emergency care.
[N.J.A.C. 13:44-4.7].

This regulation is intentionally broad since it is the Board's position that sufficient emergency care can and will vary and depend upon the particular circumstances of each case. Notwithstanding this, the Board has concluded that the inability for Mrs. Priam to be provided any directive concerning the emergent care of her dog failed to meet the mandates of the regulations. At a bare minimum, the Board believes your clients should be directed to a particular emergency clinic, via an answering machine and/or service, in your area in the case of an emergency and when you are out of town or unavailable to be reached and provide the necessary care and treatment. The Board strongly urges you to implement proper and thorough policies and procedures for the handling of emergency cases that will satisfy the requirements and intent of N.J.A.C. 13:44-4.7.

As you may be aware, the Board is obligated to investigate every complaint from the public concerning the professional conduct of its licensees to assure that veterinarians licensed in this State are complying with applicable statutes, regulations and accepted standards of practice. As such, since the Board has determined not to bring any disciplinary action against you at this time, this matter will be deemed closed if, within fifteen (15) days of receipt of this letter, you sign the acknowledgment at the bottom of this letter, acknowledging receipt of this correspondence and your intention to observe the Board's concerns, and return it to the Board office. In such event, this letter will be a matter of public record.

In the event you fail to respond to this request within fifteen (15) days, please be advised that the Board may continue its investigation into this matter and may require you to appear at an investigative inquiry. Thereafter, if the facts so warrant, the Board may refer the matter to the Office of the Attorney General for the initiation of a disciplinary proceeding. 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.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: _____



LESLIE G. ARONSON
Executive Director

ACKNOWLEDGMENT: I, LYNDON A. GOLDSMITH, D.V.M., hereby acknowledge receipt of this letter and assure that I will comply with the directives contained herein.



LYNDON A. GOLDSMITH, D.V.M.

DATED:

cc: Deputy Attorney General Olga E. Bradford
7002 0860 0000 9897 1863