



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



PETER C. HARVEY
Attorney General

February 15, 2005

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 3-2-05 Mailing Address:
JEFFREY BURSTEIN
Acting Director
P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

By Certified and Regular Mail

Phillip A. Roerig, D.V.M.
Glen Manor Veterinary Hospital
5 Glen Manor Drive
Glen Gardner, New Jersey 08826

Re: I/M/O PHILLIP A. ROERIG, D.V.M.
Complaint Number: 03-051

Offer of Settlement In Lieu of Disciplinary Proceeding

Dear Dr. Roerig:

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 the care and treatment you provided to Kelly Weiland's cat, "Monti Clarke," on or about July 3, 2003.

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

1. A complaint filed by Kelly Weiland with the Board's administrative office on or about July 16, 2003, as well as any and all attachments and exhibits; and
2. A letter to the Board from Phillip A. Roerig, D.V.M., dated July 27, 2003, as well as any and all attachments and exhibits.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated, and/or failed to comply with, the provisions of

the Veterinary Medicine Practice Act and its accompanying regulations, contrary to N.J.S.A. 45:1-21(h), in that you prepared and maintained inadequate and incomplete patient records, as required by N.J.A.C. 13:44-4.9, regarding this cat.

Specifically, the Board's review into this matter revealed that the complainant first contacted your hospital on July 2, 2003 and scheduled an appointment for her cat for July 9th for his annual rabies shot and for treatment of a wound. The following day, Ms. Weiland called and requested an appointment for that day, July 3rd, believing that the wound had worsened. While your office had no available appointments for that day, Ms. Weiland was told to bring Monti to the hospital so he could be seen at your earliest convenience. The complainant brought the cat to your hospital at approximately 1:00 p.m. The records in this matter indicate that you treated Monti, however, communications between you, your hospital and the owner nevertheless deteriorated and resulted in you requesting that she leave with her pet and never return to your hospital.

The Board has reviewed the entire record established in this matter and preliminarily concludes that you provided appropriate care and treatment to the cat. However, the Board has reviewed your patient records in this matter and has preliminarily concluded that the medical records you forwarded to the Board concerning Monti fail to meet the requirements of N.J.A.C. 13:44-4.9. Specifically, your records failed to contain required information, such as the name of the facility and the identification of the treating veterinarian; history of the presenting problem; all pertinent systems and signs observed of your evaluation as required by N.J.A.C. 13:44-4.9(a)(1), (4), (5) and (10). Additionally, the Board noted that your medical records fail to contain any pre-surgical examination notes and a recorded offer of pre-surgical blood work which is information necessary in order to provide a clear statement of the patient's condition and the veterinary evaluation and response. [N.J.A.C. 13:44-4.9(a)(9)].

Parenthetically, the Board noted that the file in this matter contained no consent form which was signed by the owner authorizing you to provide any necessary care and treatment you deemed appropriate to the cat. The Board recommends that you consider incorporating consent forms in your practice, if you do not already utilize such a form, in order to minimize communication problems such as those that arose in this present matter in the future.

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. Cease and desist from preparing and maintaining incomplete patient records contrary to the mandates of N.J.S.A. 45:1-21(e) and the patient records rule, namely N.J.A.C. 13:44-4.9; and
2. Pay a penalty in the amount of **\$1,500.00**, 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. 13:44-4.9.

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.

2/28/05

RECEIVED
FEB 28 2005
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Leslie G. Aronson
LESLIE G. ARONSON
Executive Director

ACKNOWLEDGMENT: I, **PHILLIP A. ROERIG, 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 **\$1,500.00**, which is to be paid upon signing of this acknowledgment, for violating the Board's patient records rule codified at N.J.A.C. 13:44-4.9.

Phillip A. Roerig DVM
PHILLIP A. ROERIG, D.V.M.

DATED:

cc: Deputy Attorney General Olga E. Bradford
7002 0860 0000 9897 1948