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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS –
STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

IN THE MATTER OF:

KATHLEEN DAVIS, D.V.M.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners (“Board”) following the Board’s review of a consumer complaint filed by Lakisha Smith, on or about November 12, 2004, concerning the services rendered by Livingston Animal Hospital and specifically, Kimani Griffith, D.V.M., to her Rottweiler “Athena” during September 14 - 20, 2004. Ms. Smith alleged that Dr. Griffith engaged in professional misconduct and negligence, among other contentions, in his treatment of Athena.

The Board’s review of this matter revealed that Ms. Smith presented Athena to the Livingston Animal Hospital (“Hospital”), on or about Monday, September 13, 2004, subsequent to her finding an enlarged mammary gland on the dog. Athena was

seen by Kimani Griffith, D.V.M.. Following his examination of the dog, Dr. Griffith recommended that Athena undergo both an ovariohysterectomy as well as a partial mastectomy. The following day, Athena had the recommended procedures performed by the respondent at the Hospital. She stayed overnight and was discharged to the owners on the following day, September 15, 2004.

On Saturday, September 18, 2004, the dog was referred to Animal Emergency and Referral Associates (hereinafter "AERA"). The owners' complained that Athena suffered from lethargy, appetite loss and continual diarrhea which had become bloody. Once at AERA, the dog was seen by Luciano Sturla, D.V.M., stabilized and sent back to her treating veterinarian, Dr. Griffith, with a recommendation for exploratory surgery and abdominal lavage. She was discharged on Monday morning, September 20, 2004 and told to see Dr. Griffith.

Athena was presented to the respondent on September 20th with the owner believing that corrective surgery would be performed. Unfortunately, Athena's condition deteriorated and she was returned to AERA by Dr. Griffith during the evening of September 20th without undergoing any surgery. This time she was treated by the respondent, Kathleen Davis, D.V.M. Dr. Davis performed a physical examination, administered medications, performed additional diagnostic testing and provided aggressive supportive care to Athena who was in grave/critical condition. The decision was made, by Dr. Davis and the owners, to continue supportive care and have the dog evaluated by AERA's Internal Medicine specialist for possible exploratory surgery. Athena, however, died on Tuesday, September 21, 2004.

The Board's further investigation into this matter revealed, among other things, that Dr. Davis was licensed as a veterinarian in this State on or about December 29, 1997. The Board's records indicate however that Dr. Davis' license expired on June 30, 2003 and that she failed to renew said license for the 2003-2005 licensure period. In a letter to the Board's administrative office, dated December 2, 2004, Dr. Davis advised

that she was unaware that her license to practice veterinary medicine had lapsed and opined that this may be due to a recent change of address of which she had failed to notify the Board.

Dr. Davis' license was reinstated by the Board's administrative office on March 29, 2005. Her license was renewed for the current licensure period of July 1, 2005 to June 30, 2007 on or about May 19, 2005.

Having reviewed the entire record, it appears to the Board that the respondent engaged in the unlicensed practice of veterinary medicine. The Board concludes that cause for disciplinary action against Dr. Davis exists for unlicensed practice of veterinary medicine in this State in violation of N.J.S.A. 45:1-21(h) and N.J.S.A. 45:9-4.

It appearing that the respondent desires to resolve this matter without the need for formal disciplinary proceedings; and the respondent acknowledging and not contesting the findings of fact and conclusions of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown:

IT IS on this 27TH day of July 2005,

ORDERED that:

1. The respondent, Kathleen Davis., D.V.M., is hereby formally reprimanded for engaging in unlicensed practice of veterinary medicine in violation of N.J.S.A. 45:9-4.
2. Dr. Davis is assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,500.00 for engaging in the unlicensed practice of veterinary medicine in violation of N.J.S.A. 45:9-4. Payment for the civil penalty shall be submitted no later than ten (10) days from the entry of this Consent Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie Aronson, Executive Director, Board of Veterinary Medical

Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. Failure to comply with any of the provisions of this Order or remit any and all payments 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: Mark W. Logan VMD
MARK LOGAN, V.M.D.
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Kathleen Davis VMD
KATHLEEN DAVIS, D.V.M.

6/30/05
DATE: