



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
NEW JERSEY STATE
VETERINARY MEDICAL EXAMINERS
on this date of: 7-28-05
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July 19, 2005

CERTIFIED TRUE COPY

By Certified and Regular Mail

Kathy Chien, D.V.M.
10 Cedar Road
Cedar Knolls, New Jersey 07927

Re: I/M/O KATHY CHIEN, D.V.M.
Complaint Number: 03-102

Offer of Settlement In Lieu of Disciplinary Proceeding

Dear Dr. Chien:

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 its review of a consumer complaint filed by Barbara Greenberg. The complainant maintains, among other allegations, that you engaged in professional misconduct, contrary to N.J.S.A. 45:1-21(e), and that you refused to release the patient's records subsequent to treatment you rendered to her eleven (11) year old Collie, "Tassie," on December 10, 2003.

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

1. A complaint filed by Ms. Greenberg with the Board's administrative office on or about December 24, 2003, as well as any and all attachments and exhibits;
2. A reply from Dr. Chien, dated January 12, 2004, to Ms. Greenberg's complaint, as well as any and all attachments and exhibits; and
3. Tassie's patient records spanning over almost a 2 year period, 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 which are administered by the Board, in violation of N.J.S.A. 45:1-21(h), in that you failed to comply with the Board's rule regarding patient records in violation of N.J.A.C. 13:44-4.9.

The Board's review into this matter revealed that you performed blood work on Ms. Greenberg's dog, Tassie, a client of several years, on December 10, 2003. The results of Tassie's blood test were furnished to you on Friday, December 12, 2003. On Sunday, December 14, 2003 after not hearing from Ms. Greenberg, you telephoned the owner to discuss the results. The two telephone consultations lasted, according to your January 12, 2004, response, approximately one hour and a half. On Monday, December 15th, Ms. Greenberg came to your home to pick up Tassie's medication. At that time, the owner expressed her dissatisfaction with being billed \$60.00 for the Sunday evening phone consultations. Ms. Greenberg left the premises without paying for the disputed consultations.

As discussed during the telephone conversations, Ms. Greenberg sought a second opinion concerning Tassie's condition from American Animal Hospital ("American"). Later, on December 15th, 2003, American requested that you send, via facsimile, a copy of Tassie's medical records to it which you maintain was done. American later again contacted you and requested the medical records explaining that the first facsimile had been lost or misplaced. You maintain that the records were again sent to American. Ms. Greenberg called you apparently after the second faxing of the records and was under the impression that you had not furnished the records to American Animal Hospital. Specifically, Ms. Greenberg alleges that you retained and used Tassie's medical records as leverage for payment of your services.

The Board concludes that Tassie's records were ultimately furnished to American so that this issue has been resolved. Additionally, the Board finds that there is insufficient evidence to substantiate any disciplinary action against you concerning the owner's allegations of professional misconduct or the failure to release patient records.

However, in its review of this matter, the Board had the opportunity to review your patient records submitted in this matter. This review of Tassie's patient records revealed that your records failed to contain important and required information relative to the veterinary services provided to the animal. Specifically, the records did not contain :1) The name of the facility and identification of the treating licensee; 2) All pertinent symptoms and signs observed; ; 3) the description of any and all tests ordered or performed and the results thereof; and 4) conclusions and/or diagnosis.

N.J.A.C. 13:44-4.9 provides, in the pertinent portion, that:

A licensee shall maintain a separate patient record for each animal, herd or flock. All patient records shall accurately reflect the treatment or services rendered. Such records shall include at least the following information:

1. The name of the facility and identification of the treating licensee. If the patient is treated by anyone other than the licensee, the licensee shall ensure that the identity of the individual providing the service is indicated in the patient record and that the provider initials and dates each entry he or she makes on the patient record:
5. All pertinent symptoms and signs observed;
6. Tests ordered or performed and the results thereof;
7. Conclusions and/or diagnosis;
9. Such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response;
10. The name, initials or other identifying information to indicate the identity of the licensee or agent making the entry in the patient records; and
11. Copies of any consent forms signed by the owner or the owner's representative.

[N.J.A.C. 13:44-4.9(a); emphasis added].

The Board has concluded that your failure to include the requisite information in your patient records constitutes a violation 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. Cease and desist from violations of the patient records rule, specifically, N.J.A.C. 13:44-4.9(a); and
2. Pay a civil 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. 13:44-4.9(a).

ACKNOWLEDGMENT: I, **KATHY CHIEN, 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 comply with the requirements of N.J.A.C. 13:44-4.9. I also agree to comply with all other requirements set forth in this settlement letter.


KATHY CHIEN, D.V.M.

DATED:

July 22, 2005



cc: Olga E. Bradford, Deputy Attorney General

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 (15) days following your receipt of this letter. In the event that the Board receives no response from you within (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General Office for the initiation of the appropriate enforcement action.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

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