



## FINDINGS OF FACTS

1. Dr. Burgess graduated from Tufts Veterinary School, in Massachusetts, with a Doctor of Veterinary Medicine degree in May 1997.

2. In or about February 2003, she applied to the Board for licensure via waiver of examination in this State based upon her licensure as a veterinarian in California and Wisconsin.

3. On June 13, 2003, complainant Tracy Alexander presented her five (5) year old female Boxer, named "Amy," to Red Bank Veterinary Hospital ("Red Bank Hospital") with a history of a grade III mast cell tumor in her lateral thorax. On this date, Dr. Burgess performed an oncology examination on Amy. Subsequent to her examination, she recommended certain additional diagnostic testing to the owner and directed that the dog be returned to Red Bank Hospital for follow-up care and testing, including an ultrasound. Dr. Burgess also issued a written report to the referring veterinarian in which she detailed her findings, a diagnosis and her professional opinion of the animal's condition and recommended treatment. This report was provided on the letterhead of Red Bank Hospital and was dated July 7, 2003. Moreover, Dr. Burgess' name, on the written report, is followed by the initials of "D.V.M." A copy of said report is attached as "Exhibit A" and incorporated herein.

4. Additionally, during the Board's investigation of Amy's complaint to it, the Board requested information from Dr. Burgess and Red Bank Hospital relative to its treatment of Amy. The respondent and Red Bank Hospital submitted to the Board patient records and correspondences concerning their treatment and evaluation of the dog. These documents and records, including a correspondence from Dr. Burgess to the Board dated September 2, 2003, indicate that Dr. Burgess practiced veterinary medicine on Amy, including prescribing medications and administering injections, during a period when she was not licensed in the State of New Jersey. Copies of these documents are also attached as "Exhibit B" and incorporated herein.

5. Finally, in her September 2, 2003, letter to the Board, in which the respondent replied to the allegations contained in the Alexander complaint, Dr. Burgess admits that at the time Amy was under her care at Red Bank Hospital, she was not licensed as a veterinarian in the State of New Jersey. Specifically, the respondent stated

At that time, my application for New Jersey licensure by reciprocity was in the review process and since then I have been issued a temporary license to practice in the State of New Jersey. I am scheduled to sit for the New Jersey jurisprudence exam on September 12, 2003.

[See Exhibit "C"].

6. Board records reveal that Dr. Burgess was granted a temporary permit to practice veterinary medicine in New Jersey in August 2003 and was ultimately licensed as a veterinarian in this State in or about October 2003.

#### CONCLUSIONS OF LAW

1. The Board finds that Dr. Burgess engaged in the unlicensed practice of veterinary medicine, during the course of her affiliation with Red Bank Veterinary Hospital, by examining Amy Alexander in or about June 2003 and referring the animal for additional diagnostic testing, including a needle aspirate and an abdomen ultrasound, in violation of N.J.S.A. 45:16-9 and N.J.S.A. 45:1-21(h).

2. The Board also finds that Dr. Burgess' use of the initials "D.V.M." following her name on a June 14, 2003, correspondence to Dr. Birmingham concerning her examination and recommended treatment of Amy provided at Red Bank constitutes the unlicensed practice of veterinary medicine as detailed in N.J.S.A. 45:16-9. Since Dr. Burgess performed these duties in June 2003, and was not granted a temporary permit until August 2003 and later licensed in this State in October 2003, the Board concludes that she engaged in the unlicensed practice of veterinary medicine in violation of N.J.S.A. 45:16-9.

### DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, preliminarily concluding that the respondent had engaged in the unlicensed practice of veterinary medicine and imposing a civil penalty of \$1,500.00, was entered on June 29, 2005 and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

As indicated above, a copy of the Provisional Order was mailed to the respondent, at her last known address via certified mail, return receipt requested, and regular mail on July 1, 2005. The returned green card indicates that the Provisional Order was received by the respondent on July 7, 2005 and the regular mail was not returned. Despite proof that the respondent received the Provisional Order issued by the Board, the respondent did not provide a written response to the Provisional Order to the Board.

The Board, at its September 21, 2005, meeting determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board again concluded that the respondent had engaged in the unlicensed practice of veterinary medicine as detailed in the Findings of Fact and Conclusions of Law. Therefore, the Board voted to finalize the Provisional Order as initially issued without modifications.

ACCORDINGLY, IT IS on this 27<sup>th</sup> day

of OCTOBER 2005 ORDERED that:

1. The respondent Kristine Burgess, D.V.M., is hereby formally reprimanded for engaging in the unlicensed practice of veterinary medicine, contrary to N.J.S.A. 45:16-9 and N.J.S.A. 45:1-21(h).

2. Dr. Burgess is hereby assessed a civil penalty in the amount of \$1,500.00 for engaging in the unlicensed practice of veterinary medicine in violation of N.J.S.A. 45:16-9 and N.J.S.A. 45:1-21(h).

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By: \_\_\_\_\_

  
ALFRED R. SCERNI, JR., ESQUIRE  
President