



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: *2/16/06*



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CERTIFIED TRUE COPY

February 16, 2006

Mailing Address:
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By Certified and Regular Mail

Kenneth Dazen, V.M.D.
David S. Kupermith, D.V.M.
Animal and Bird Health Care Center and Hospital
1785 Springdale Road
Cherry Hill, New Jersey 08003

Re: I/M/O KENNETH DAZEN, V.M.D. and
DAVID S. KUPERSMITH, D.V.M.
Complaint Number: 03-085

Letter of Admonishment In Lieu of Disciplinary Proceeding

Dear Drs. Dazen and Kupersmith:

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 a complaint it received, filed by Kristin J. Robbins, concerning the treatment which you rendered to her English Short Hair Guinea Pig, "Princess," then approximately ten (10) weeks old, on September 25, 2003.

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

1. A complaint filed, on or about October 27, 2003, by Kristin J. Robbins, as well as any and all attachments and exhibits; and
2. A correspondence, dated December 19, 2003, from David S. Kupersmith, D.V.M., to Leslie G. Aronson, Executive Director of the Board, 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.

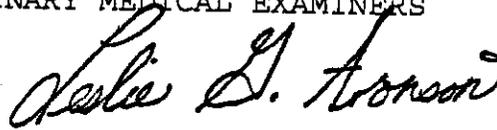
In reviewing this matter, the Board found that Princess was presented to Dr. Kupersmith at the Animal and Bird Health Care Center and Hospital ("Hospital") on September 25, 2003, with complaints of breathing difficulties. Since Princess' condition, as reported by the owner, suggested an urgency and due to the unavailability of any appointments in the Hospital on September 25th, the guinea pig was presented to Dr. Kupersmith as an "emergency" appointment.

In an effort to assess her condition as quickly as possible, Princess was taken from Ms. Robbins to a back room in the Hospital where Dr. Kupersmith performed a physical examination and later obtained a medical history. Following his examination, Dr. Kupersmith recommended a treatment plan of the guinea pig that included nutrition suggestions to the owner, radiographs and the prescribing of antibiotics. The owner alleges that she never authorized, neither verbally nor in writing, any of the diagnostic tests and treatments, namely the administration of fluids, provided to Princess by Dr. Kupersmith. Princess initially improved from her diagnosed pneumonic condition but later died.

The Board has concluded that the veterinary medical services provided to Princess in this matter were appropriate and therefore concluded that formal disciplinary action were not warranted. However, the Board strongly suggests that, once an animal is in stable condition, your Hospital obtain consent from the owner, either verbally or preferably in writing via a consent form, prior to undertaking extensive and expensive diagnostic testing and other procedures in order to avoid any future complaints of this nature.

As you may be aware, the Board is obligated to review every complaint received from consumers in order to assure that veterinarians licensed to practice in this State are complying with the applicable statutes, regulations and accepted standards of practice. Notwithstanding the concerns expressed in this letter, the board has determined not to initiate any formal disciplinary action against you at this time. The Board suggests that you consider the issues raised in this correspondence and comply with the directives contained herein. This matter will now be considered closed by the Board and, as such, this letter will be a matter of public record.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS



By:

LESLIE G. ARONSON
Executive Director

cc: Deputy Attorney General Olga E. Bradford