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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 3/31/2006

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS -
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF

JOHN R. WITMER, D.V.M.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

:
:
: Administrative Action
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: CONSENT ORDER
:
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This matter was opened before the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's receipt of information suggesting that respondent John R. Witmer, D.V.M., was prescribing and administering Controlled Dangerous Substances ("CDS") without a valid New Jersey CDS Registration, or a Drug Enforcement Administration ("DEA") Registration, to horses under his care.

Upon receipt of the above referenced information, the Board authorized the Enforcement Bureau of the Division of Consumer Affairs ("EB") to conduct an investigation, including a personal interview with the respondent which was held on February 21, 2003.

The investigation revealed that the respondent has been working in New Jersey as a veterinarian since 1988 and began working at Colts Neck Equine Associates ("Colts Neck"), Farmingdale New Jersey, on May 16, 2001.

Dr. Witmer advised during the February 21, 2003, interview that he works in New Jersey for the racing season and then returns to his home State of Florida where he also has a practice. He admitted that he had a DEA registration in Florida and had a CDS registration in this State until 1991 when he let both his New Jersey veterinary medicine license and the CDS registration lapse since he was no longer working in New Jersey.

The respondent further admitted that when he returned to New Jersey, in May 2001, he reinstated his veterinary medicine license but did not renew his CDS registration and that he prescribed and administered controlled substances in his practice in this State. Specifically, Dr. Witmer indicated that he was under the impression that the CDS and DEA registration numbers assigned to the owner of Colts Neck were applicable for all of the veterinarians employed at the practice. He also indicated that, once he learned that he was required to secure appropriate CDS and/or DEA registrations in order to lawfully prescribe and administer Controlled Dangerous Substances ("CDS") in New Jersey, he applied for the requisite documents.

Having reviewed the entire record in this matter, including the February 21, 2003 affidavit from the respondent, the Board has concluded that Dr. Witmer engaged in professional misconduct, in violation of N.J.S.A. 45:1-21(e), as well as violated or failed to comply

with the provisions of an act administered by the Board, contrary to N.J.S.A. 45:1-21(h), in that he prescribed and administered CDS to horses in his care without the proper New Jersey CDS or DEA registration in violation of N.J.S.A. 24:21-1 et seq. While the respondent indicated that he erroneously believed that this conduct was permitted since the owner of his practice had obtained the proper registrations, the Board finds that the law is clear and that every licensee is responsible for knowing and complying with the law. Absent a valid and current CDS registration, a practitioner is not authorized to dispense, prescribe, order, administer or distribute controlled substances in this State.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of 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, THEREFORE, ON THIS ^{Kth} DAY OF MARCH 2006,

ORDERED THAT:

1. The respondent, John R. Witmer, D.V.M., is hereby reprimanded for his conduct as described above, in violation of N.J.S.A. 45:1-21(e) and N.J.S.A. 45:1-21(h).
2. Dr. Witmer shall cease and desist from any further violations of N.J.S.A. 45:1-21(e) and N.J.S.A. 45:1-21(h).
3. Dr. Witmer is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of **\$1,500.00** for his failure to comply with the provisions of the statutes and regulations administered by the Board in violation of N.J.S.A. 45:1-21(h). Said penalties shall be paid

by certified check or money order made payable to the State of New Jersey and submitted to Leslie G. Aronson, Executive Director of the State Board of Veterinary Medical Examiners at 124 Halsey Street, Post Office Box 45020, Newark, New Jersey 07101, within fifteen (15) days following entry of this Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

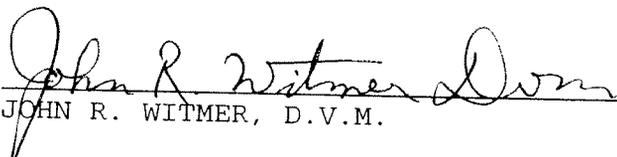
4. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: 

ALFRED R. SCERNI, JR., ESQUIRE
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.


JOHN R. WITMER, D.V.M.

DATED:

3/3/2006