

**JON S. CORZINE**  
Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Veterinary Medical Examiners  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



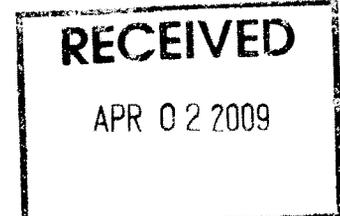
**ANNE MILGRAM**  
Attorney General

**By Certified and Regular Mail**

RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
on this date 3/20/09 4-2-09  
Mailing Address:  
P.O. Box 45020  
Newark, NJ 07101  
(973) 504-6500

**DAVID SZUCHMAN**  
Director

Philippe R. Coudrai, M.S., V.M.D.  
Winslow Animal Hospital  
530 Cross Keys Road  
Sicklerville, New Jersey 08081



Re: **I/M/O PHILIPPE COUDRAI, M.S., V.M.D.**  
**Complaint Number: 08-031**

### **Offer of Settlement in Lieu of Disciplinary Proceeding**

Dear Dr. Coudrai:

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 Jeanine Malone, concerning the care and treatment you rendered to her then ten (10) year old Full Breed Maine Coon cat, "Sebastian," on October 17, 2007. Ms. Malone alleges, among other contentions, that you engaged in negligence, failed to properly diagnose the cat's condition and that you failed to respond to an emergency in your treatment of Sebastian.

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

1. A complaint filed, on or about March 3, 2008, with the Board office by Jeanine Malone, as well as any and all attachments and exhibits; and
2. A correspondence, dated March 14, 2008, from Philippe R. Coudrai, M.S., V.M.D., to the Board, as well as any and all attachments and exhibits.

Upon review of all available information, the Board has preliminarily found that probably cause exists to support a finding that you violated and/or failed to comply with the provisions of the Veterinary Medical 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 keep

adequate medical records, contrary to N.J.A.C. 13:44-4.9.

Specifically, the Board's review into this matter revealed that Sebastian was presented to you, at the Winslow Animal Hospital ("Hospital") on October 16, 2007 for a dental procedure and lumpectomy. By 3:40 p.m. on this date, both procedures had been completed and Sebastian was returned to his cage. At 5:00 p.m, upper airway stridor was noted, however, on further examination, it was noted that the lungs were clear and that the noise was coming from the upper airway. Between 5:00 p.m and 7:40 p.m. there were no entries in the chart. At 7:40 p.m. Sebastian experienced respiratory distress and the owners were instructed to take him to the University of Pennsylvania for critical care. When asked by the Board to provide records from this case, you were unable to do so due to an inability to locate the files.

N.J.A.C. 13:44-4.9 governs patient records in veterinary medicine. This regulation requires, in the relevant portion, that

A licensee **shall maintain** a separate patient record for each animal, heard or flock. All patient records shall accurately reflect the treatment or services rendered. Such records shall include at least the following information: . . . [N.J.A.C. 13:44-4.9(a); emphasis added].

Additionally, this regulation provides that

(e) All records and radiographs on patients **shall be** retained for a period of five years from the date of the patient's last visit . . . . N.J.A.C. 13:44-4.9(e); emphasis added].

The Board has concluded that your failure to retain Sebastian's medical records as required by the cited regulation constitutes a violation of N.J.A.C. 13:44-4.9(a) and (e).

At this juncture, the Board has determined that the above violation is 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, namely N.J.A.C. 13:44-4.9(a) and (e); and
2. Pay a penalty in the amount of **\$1,500.00**, 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) and (e).

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 be 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 his matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board will assume you have rejected its offer, the settlement offer will be withdrawn and the matter will be referred to the Attorney General's Office for the initiation of the appropriate disciplinary action.

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By:   
LESLIE G. ARONSON  
Executive Director

ACKNOWLEDGMENT: I, **PHILIPPE R. COUDRAI, M.S., V.M.D.**, 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 **\$1,500.00**, 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.



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**PHILIPPE R. COUDRAI, M.S., V.M.D.**

**DATED:**

3/27/2009

cc: Olga E. Bradford, Deputy Attorney General