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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
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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

PHILLIP DeBAECKE, D.V.M.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

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: Administrative Action
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: CONSENT ORDER
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This matter was opened to the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's review of a consumer complaint filed by Valerie Wisol relative to the treatment rendered by the respondent, Phillip Debaecke, D.V.M., to her seven (7) year cat, "Taz," in November 2005. In her complaint to the Board, Ms. Wisol alleged that Dr. Debaecke was negligent, and failed to respond to an emergency, in his treatment of Taz.



The owner presented Taz to Dr. DeBaecke at Banfield Pet Hospital ("Hospital") on Tuesday, November 1, 2005 with a complaint of vomiting throughout the previous night. Taz had a history of renal disease and had been treated by Dr. Debaecke since 2004. Following his physical examination, the respondent performed blood work, which revealed elevated glucose, BUN, and creatinine levels, and diagnosed the cat with diabetes mellitus. Dr. DeBaeke further maintains, in an undated correspondence to the Board, that he also performed a urinalysis November 1, 2005, however, the medical records only contain the results of a test performed in March 2004. Taz was given subcutaneous fluids, insulin and Clavamox at the Hospital. He was released to the owner on Wednesday, November 2, 2005 with instructions for re-evaluation in two (2) weeks.

Taz' condition deteriorated at home and the owner tried to contact Dr. DeBaeke at the Hospital on Thursday, November 3rd. However, unbeknownst to her, the Hospital was closed on Thursdays. She took the cat to Garden State Veterinary Specialists ("GSVS"). On presentation at GSVS, Taz was 8%-10% dehydrated, weak, lethargic and had sunken eyes. Test results revealed, among other things, 3+ ketones, elevated BUN, creatinine, glucose, cholesterol and bilirubin levels and a Grade 3 heart murmur. GSVS diagnosed Taz with, among multiple serious conditions, diabetic ketoacidosis and, therefore, concluded that the cat was in a state of medical emergency. Fluid therapy was initiated. The owner was advised at

GSVS that Taz's prognosis was grave and she ultimately elected euthanasia.

In his correspondence to the Board, Dr. Debaecke maintained that he had correctly diagnosed Taz's condition. He further asserted that the cat could have been managed on an outpatient basis. He further insisted that the owner was aware of the Hospital's closure on Thursdays. Finally, Dr. Debaecke conceded that he regretted not being more aggressive with Taz's therapy.

The Board, following its review of the patient records, and other relevant documents in this matter, has concluded that Dr. DeBaecke engaged in gross negligence, in violation of N.J.S.A. 45:1-21(c), in that he failed to properly diagnose diabetic ketoacidosis, given his physical appearance and test results, and to initiate the appropriate therapy. The Board noted that the cat could not have become 8%-10% dehydrated with sunken eyes and test results of 3+ ketones, as he presented at GSVS, within the twenty-four (24) hour period after being examined by the respondent. Additionally, the Board found that Dr. DeBaecke's failure to perform a urinalysis on Taz on November 1st constitutes gross negligence, in violation of N.J.S.A. 45:1-21(c). The Board concludes that these facts as detailed above establish a basis for disciplinary action.

Additionally, the Board concluded that the respondent violated its patient record regulation in that his patient records failed to contain important and required information relative to the veterinary services provided to the cat as required by N.J.A.C. 13:44-4.9(a). Specifically, the Board finds that the records did not contain, among other things: 1) history of the presenting problem; 2) all pertinent symptoms and signs observed; 3) tests ordered or performed and the results thereof; and 4) the treatment or treatment plan prescribed. This conduct constitutes a violation N.J.S.A. 45:1-21(h) and therefore establishes a basis for disciplinary action.

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 8TH DAY OF ~~OCTOBER~~ NOVEMBER 2007,

ORDERED THAT:

1. The respondent, Phillip DeBaecke, D.V.M., is hereby reprimanded for his conduct as described above, in violation of N.J.S.A. 45:1-21(c) and (h), specifically N.J.A.C. 13:44-4.9(a).

2. Respondent shall take and successfully complete a minimum of twenty (20) hours of Board approved courses of

continuing education, in the area of Feline Internal Medicine. All continuing education courses taken by the respondent to fulfill this requirement shall be RACE approved and have no affiliation with nor be sponsored by Banfield the Pet Hospital, Incorporated.

3. Dr. DeBaecke is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of \$5, 000.00 for engaging in gross negligence, in violation of N.J.S.A. 45:1-21(c), as detailed above. Such penalty shall be paid by certified check or money order made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie G. Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101, contemporaneously with the signing of this Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

In the alternative, the respondent may pay the civil penalty, totaling \$5,000.00 in equal installments payments of \$210.00 for a total twenty-three (23) months. The twenty-fourth (24th) and final payment will total \$170.00. The first payment shall be due on the fifteenth of each month beginning December 15, 2007 and every month thereafter until the total amount is paid in full.

Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance

to become immediately due and payable without further notice. Further, failure to pay the penalty within the time period allotted above will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules, and may result in subsequent disciplinary proceedings before the Board for failure to comply with an Order of the Board.

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: Mark W. Logan VMD
MARK W. LOGAN, V.M.D.
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.

Phillip DeBaecke
PHILLIP DeBAECKE, D.V.M.

DATED: