

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. 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

RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
this date of: 10-28-2010  
PAULA T. DOW  
Attorney General



**BY CERTIFIED AND REGULAR MAIL**

THOMAS R. CALCAGNI  
Acting Director

September 27, 2010

**Mailing Address:**  
P.O. Box 45020  
Newark, NJ 07101  
(973) 504-6500

John Boyle, D.V.M.  
Bergenline Animal Hospital  
7706 Bergenline Avenue  
North Bergen, New Jersey 07047

Re: **I/M/O JOHN BOYLE, D.V.M.**  
**Complaint Number: 10-015**

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

Dear Dr. Boyle:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter the "Board") has had an opportunity to review information concerning your professional conduct following its consideration of a consumer complaint filed by Billie L. Close. The complaint alleged, among other contentions, that you engaged in negligence and professional misconduct concerning the treatment of Ms. Close's cat, "Tasha," in September 2009.

Specifically, the information reviewed by the Board included the following documents:

1. A complaint filed on or about January 25, 2010, by Billie L. Close, as well any and all attachments and exhibits;
2. A letter, dated May 6, 2010, from John Boyle, D.V.M., to the Board as well as any and all attachments and exhibits; and
3. Medical records of "Tasha" Close.

Upon review of all available information, the Board has found that probable cause exists to support a finding that you failed to comply with the Veterinary Medical Practice Act and its accompanying regulations, in violation of N.J.S.A. 45:1-21(h) and, specifically N.J.A.C. 13:44-4.9, in that you failed to maintain adequate medical records as required by the applicable

regulation.

The Board's review into this matter revealed that Tasha, a fifteen (15) year old Domestic Short Hair cat, was presented to you at Bergenline Animal Hospital ("Hospital) on September 1, 2009 for euthanasia. The owner maintains that she, at several times prior to the visit and at the time of the appointment, requested that the cat be sedated **prior** to commencement of the euthanasia process. She further asserts that this request was ignored by you during the entire process and that Tasha suffered a painful death as a result.

The Board has concluded, following its review of the complaint and the submitted documentation, that there is insufficient evidence to initiate any formal disciplinary action against you relative to the veterinary care rendered to Tasha. However, the Board, in its review of this matter, had the opportunity to review the patient records you submitted for Tasha. The Board found that your records failed to contain important and required information relative to the veterinary services provided to the cat. Specifically, the Board concludes that the records did not contain: 1) all pertinent symptoms and signs observed, such as adequate physical examination findings for the September 1, 2009 visit; 2) conclusions and/or diagnosis, namely, that the cat's condition warranted euthanasia; 3) the treatment or treatment plan prescribed; and 4) such other notes as to provide a clear statement of the patient's condition and the veterinary evaluation and response.

N.J.A.C. 13:44-4.9(a) provides, in pertinent part, 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:**

1. The name of the facility and identification of the treating licensee. If the patient is treated by anyone other than the licensee, the licensee shall ensure that the identity of the individual providing the service is indicated in the patient record and that the provider initials and dates each entry he or she makes on the patient record;
2. The name, address and telephone number of the owner of the animal;
3. Sufficient information to clearly identify the animal, heard or flock (for example, animal name or tattoo, breed or predominant breed species);
4. A history of the presenting problem;
5. All pertinent symptoms and signs observed;



6. Tests ordered or performed and the results thereof;
7. Conclusions and/or diagnosis;
8. The treatment or treatment plan prescribed, including a specific notation of any medications or modalities prescribed;
9. Such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response;
10. The name, initials or other identifying information to indicate the identity of the licensee or agent making the entry in the patient records; and
11. Copies of any consent forms signed by the owner or the owner's representative.

[N.J.A.C. 13:44-4.9(a); emphasis added]. The Board found that your patient records submitted for Tasha constitutes nothing more than invoices for services rather than proper medical records that conform to its regulation. The Board has concluded that your failure to include the requisite information in your patient records constitutes a violation of N.J.A.C. 13:44-4.9.

At this juncture, the Board has determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has decided that it will first offer you an opportunity to settle this matter, thereby avoiding the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from violations of the patient record rule, namely N.J.A.C. 13:44-4.9; and
2. Pay a civil penalty in the amount of **\$1,000.00** for record keeping violations, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter for your violations of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9.

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 that 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 that 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 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 you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

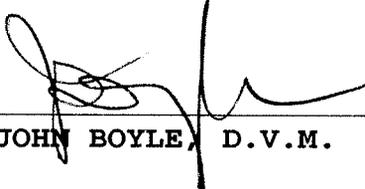
If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement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

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

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

  
LESLIE G. ARONSON  
Executive Director

ACKNOWLEDGMENT: I, **JOHN BOYLE, D.V.M.**, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct that had 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 **\$1,000.00** 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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**JOHN BOYLE, D.V.M.**

**DATED:**

cc: Olga E. Bradford, Deputy Attorney General