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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  
on this date of: 11-4-2010  
PAULA T. DOW  
Attorney General



BY CERTIFIED AND REGULAR MAIL

October 22, 2010

THOMAS R. CALCAGNI  
Acting Director

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

D. Raymond Hostetter, V.M.D.  
Hopewell Veterinary Group, Inc.  
230 Hopewell-Pennington Road  
Hopewell, New Jersey 08525

Re: I/M/O D. RAYMOND HOSTETTER, V.M.D.  
Complaint Number: 10-075

Offer of Settlement in Lieu of Disciplinary Proceeding

Dear Dr. Hostetter:

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 Gerald Ryan and Jeanne Bradbury, concerning the treatment of Mr. Ryan's dog, "Little Man," in June and July 2010.

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

1. A complaint filed on or about September 9, 2010, by Gerald Ryan and Jeanne Bradbury, as well any and all attachments and exhibits;
2. A letter, dated August 28, 2010, from D. Raymond Hostetter, V.M.D., to the Board as well as any and all attachments and exhibits; and
3. Medical records of "Little Man" Ryan.

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.

- 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 has concluded that your failure to include this 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 T. 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.

The Board's review into this matter revealed that Little Man, an eight (8) year old Boxer dog, was presented to you at Hopewell Veterinary Group, Inc. ("Hospital") on June 28, 2010 for treatment of growths on his head. After consultation, you recommended that a biopsy be performed on the lumps. The procedure was performed on June 30, 2010. One lipoma was removed routinely, however the second growth was found to be more involved and no biopsy was done of this mass. The dog was discharged the same day after recovering from anesthesia. You maintain, in your August 28<sup>th</sup> letter to the Board, that you spoke to the owners later that night and tried to explain the seriousness of Little Man's condition. The owners brought Little Man back to the Hospital on an emergency basis approximately two days later with complaints that the dog's condition had deteriorated. He was treated thereafter by another veterinarian at the Hospital. Little Man's condition continued to worsen until the owners elected euthanasia at another veterinary facility on July 23, 2010. At no point after the day of the biopsy, did you examine Little Man or have any contact with the owners again.

The Board, following its review of the submitted documents, has concluded that there is insufficient evidence to initiate any formal disciplinary action against you relative to the veterinary care rendered to Little Man. However, the Board, in its review of the matter, had the opportunity to review the patient records you submitted for review. The Board has concluded that you violated its patient record regulation by failing to create and maintain medical records for Little Man, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a).

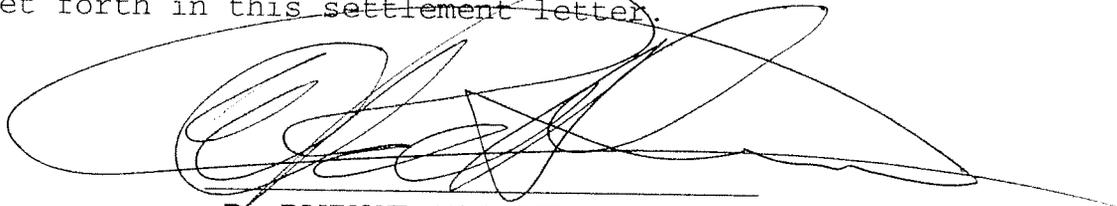
Specifically, the Board concludes that the records do not contain: 1) the name of your facility; 2) the address of the owner of the animal; 3) all pertinent symptoms and signs observed, such as adequate physical examination findings for the June 28, 2010 visit; and 4) the treatment or treatment plan prescribed.

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

A licensee shall maintain a separate patient record for each animal, herd 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

ACKNOWLEDGMENT: I, **D. RAYMOND HOSTETTER, V.M.D.**, 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.



**D. RAYMOND HOSTETTER, V.M.D.**

**DATED:**

29 October 2010

cc: Olga E. Bradford, Deputy Attorney General