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RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
on this date of: 4/4/11

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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	:	
	:	<u>Administrative Action</u>
<b>ERNEST V. VAUGHN, D.V.M.</b>	:	
	:	
TO PRACTICE VETERINARY MEDICINE	:	CONSENT ORDER
IN THE STATE OF NEW JERSEY	:	
_____	:	

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 T. J. following her visit with her two (2) year cat, "Mitty," to the respondent Ernest V. Vaughn, D.V.M. In her complaint, Ms. J. alleged, among other contentions, that the respondent engaged in negligence and professional misconduct in his care of her cat in February 2008.

Mitty was presented to Dr. Vaughn at the Westfield Animal Hospital ("Hospital") on February 14, 2008 for a front paw

declawing procedure. Following a physical examination which was within normal limits, the surgical procedure was performed. Mitty remained in the Hospital until the following day. His bandages were removed and since no signs of bleeding, swelling or pain existed, he was discharged.

According to the owner, the week following the declawing surgery, Mitty appeared to be very lazy, sad and had decreased appetite. On the evening of February 26, 2008, the cat had difficulty breathing and later collapsed. He was taken to an emergency hospital where Mitty was diagnosed with hypertrophic cardiomyopathy. Ms. J. asserts that the declawing procedure the respondent performed on Mitty was the cause of his developing cardiomyopathy.

In his April 2, 2008 correspondence to the Board, Dr. Vaughn advised that he examined Mitty and found no symptoms that contraindicated a surgical procedure. He further stated that he would not have discharged the cat if there had been any indications that his health had been compromised. Finally, the respondent strongly disagreed with the allegation that the declaw procedure caused Mitty's cardiac issues. As support for his contention that surgery was not the cause of Mitty's current condition, Dr. Vaughn advised that he had performed neuter surgery on the cat in June 2006 without any complications.

The Board, following its review of this matter, including the patient records prepared by the respondent, concluded that the veterinary medical services provided by Dr. Vaughn did not

substantially deviate from acceptable veterinary medical standards of care to warrant disciplinary action. However, the Board concluded that Dr. Vaughn violated or failed to comply with its patient record regulation, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9, in that his medical records for Mitty did not contain the information required by the regulation.

Specifically, the Board concluded that the respondent's records failed to contain information, including, but not limited to: 1) notations on the cat's June 2006 neuter surgery; 2) all pertinent symptoms and signs observed, namely, physical examination results from any visit; 3) notations regarding anesthesia utilized for the neuter and declawing surgeries, i.e., type of anesthesia and the dosages administered etc.; and 4) such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response, such as, surgery recovery notations. This conduct constitutes a violation of N.J.S.A. 45:1-21(h), and specifically N.J.A.C. 13:44-4.9, 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 waiving his rights to a hearing; 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 31<sup>st</sup> DAY OF MARCH 2011

ORDERED THAT:

1. The respondent, Ernest V. Vaughn, D.V.M., is hereby reprimanded for his conduct as described above, in violation of N.J.A.C. 13:44-4.9(a).

2. Dr. Vaughn shall cease and desist from any further violations of the statutes and regulations cited above.

3. The respondent shall take, successfully complete and provide the Board with proof of completion, of a minimum of twenty (20) credit hours of Board approved courses of continuing education in the area of Record Keeping and Practice Management within six (6) months of the date of this Order. All continuing education courses taken by the respondent to fulfill this requirement shall be RACE approved and have no affiliation with or be sponsored by the Westfield Animal Hospital or Dr. Vaughn. Additionally, no continuing education credits completed in compliance with this Consent Order may be used to satisfy the minimum continuing education requirements for any biennial renewal period.

4. Dr. Vaughn shall pay a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of **\$2,000.00** for the patient record rule deficiencies, in violation of N.J.S.A. 45:1-21(h). Payment for the civil penalty shall be submitted contemporaneously with the signing of the Order, 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 at 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. 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 \$2,000.00, in equal monthly installment payments of \$200.00 for a total ten (10) months. The first payment shall be paid simultaneously with submission of this Order with subsequent payments due on the fifteenth of each 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.

5. 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.

Ernest V. Vaughn, D.V.M.  
ERNEST V. VAUGHN, D.V.M.

DATED: 3/15/2011

3/28/11  
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