

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, Fifth Floor
Post Office Box 45029
Newark, New Jersey 07101

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: January 21, 2015 *JE*

By: Meaghan Goulding
Deputy Attorney General
(973) 648-4741

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF _____ :
:
:
JAMES CLINTON, V.M.D. : Administrative Action
LICENSE NO: 29VI00111200 :
:
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 its review of a consumer complaint filed by T.K., concerning veterinary services rendered to his dog "Betsy" on or about October 18, 2007, by James Clinton, V.M.D., license number 29VI00111200 ("Respondent"). Respondent owns Animal Eye Clinic in Medford, New Jersey.

The Attorney General filed a two count Administrative Complaint on July 14, 2014, alleging that Respondent violated the laws and regulations of the Board when Respondent, following

routine eye surgery performed on Betsy, left Betsy unattended and unobserved overnight wearing a collar and/or slip lead. The Complaint further alleges that Respondent violated the Board's regulation by maintaining an incomplete patient record on Betsy.

On or about September 22, 2007, Respondent examined Betsy's eyes and observed a possible eye disease in Betsy's left eye and recommended she undergo an exam while anesthetized so that he could fully exam the eye. Betsy was brought back to Respondent's office on or about October 1, 2007 for the exam, with the understanding that any necessary eye surgery would be performed while Betsy was anesthetized. At that time, Betsy was wearing a collar and/or slip lead supplied by her owner.

Betsy was anesthetized and Respondent performed a veterinary ophthalmic procedure to correct the eye problem. At Respondent's recommendation, Betsy remained overnight at the Animal Eye Clinic. Betsy, while wearing the collar and/or slip lead supplied by her owner, was left unattended and unobserved in the enclosure at Respondent's Animal Clinic. On the morning of October 2, 2007, Respondent observed that Betsy had died.

At all times relevant hereto, Respondent has denied and continues to deny each and every allegation as set forth in the Attorney General's Complaint.

The Board, having reviewed this matter carefully, has concluded that the Respondent's actions constituted repeated acts of negligence in violation of N.J.S.A. 45:1-21(d). The Board also found that Respondent's patient file on Betsy violated the Board's regulation on record-keeping, in violation of N.J.A.C. 13:44-4.9 and N.J.S.A. 45:1-21(h).

The parties desiring to resolve this matter without the need for further disciplinary proceedings, and Respondent without contesting the findings of the Board and waiving his right to a hearing, and the Board having been satisfied that the resolution herein adequately protects the public health, safety, and welfare, and for good cause shown,

IT IS, therefore, on this 21st day of January, 2015,

1. The Respondent, James Clinton, V.M.D, is hereby reprimanded for his conduct as described above, in violation of N.J.S.A. 45:1-21(d), N.J.A.C. 13:44-4.9, and N.J.S.A. 45:1-21(h).

2. Respondent shall cease and desist from engaging in repeated acts of negligence. Respondent shall comply with the Board's regulation on record-keeping, N.J.A.C. 13:44-4.9.

3. Respondent shall pay a civil penalty of \$1,500 pursuant to N.J.S.A. 45:1-22(b). He shall also be assessed costs in the amount of \$6,500. Respondent shall be responsible for \$1,500 of the civil

penalty, which is due within 30 days of the Order as detailed in paragraph 4. The remaining \$6,500 due as costs shall be stayed for the next three years. If Respondent is found liable for any violation of Paragraph 2 or 4 of this Order, emanating from an incident occurring from the day of this Order forward, the Board shall require Respondent to pay the \$6,500 (representing costs in the instance action) plus any costs or penalties associated with the new violation. If Respondent is not found to have violated this Order or committed any actions as set forth in paragraph 2 of this Order, during the three year period, then the remaining \$6,500.00 shall be discharged.

4. Payment for the civil penalty shall be submitted within thirty days of the Order, by bank check, money order, certified check, or wire transfer, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Jonathan Eisenmenger, Executive Director, Board of Veterinary Medical Examiners at 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Any other form of payment than those listed above, will be rejected and returned to the party making payment with a reminder regarding the forms of approved payment.

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.

6. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation or restrictions upon reinstatement, by this Board, the Acting Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct prior to entry of this Order.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD
Mark W. Logan, V.M.D.
President

I have read and understood the within Order and agree to be bound by its terms.

James Clinton
James Clinton, V.M.D.

Consent is hereby given as to the form and entry of this Order.

Joseph A. Breyemeier
Joseph A. Breyemeier, Esq.
Attorney for Respondent