

Ms. B. presented Harley to the respondent at Solomon Veterinary Hospital ("Hospital") in Hamilton Township, New Jersey, on November 3, 2013, with complaints that the cat was suffering from an allergic reaction following an application of flea and tick prevention medication. Dr. Solomon performed an initial physical examination of Harley and then placed the cat and her owner in one of three examination rooms he designates as "wards."

According to Dr. Solomon, he placed Harley in Ward A. He instructed Ms. B. to observe Harley while he attended to other patients. Ward B contained a cat that was to be euthanized while Ward C contained a cat that had already been euthanized. In his November 22, 2013 response to the Board, and again at his February 29, 2014 appearance before the Board, Dr. Solomon admitted that, between attending to other patients, he inadvertently and mistakenly rushed into Ward A, instead of Ward B, and euthanized Harley in front of Ms. B. The respondent, in both his written response and appearance, was straightforward in his admissions relative to his mistaken euthanasia of Harley and demonstrated true remorse for his mistake.

Additionally, during his February 2014 appearance before the Board, Dr. Solomon admitted that he had not completed any continuing education credits, as required by N.J.S.A. 45:16-9.4(a).

The Board concludes that cause for disciplinary action against Dr. Solomon exists as a result of the conduct detailed above. Specifically, the Board finds that Dr. Solomon engaged in gross negligence, contrary to N.J.S.A.45:1-21(c), which damaged the life, health, welfare or safety of Harley by erroneously euthanizing the cat.

It appearing that the respondent desires to resolve this matter without the need for additional disciplinary proceedings; and the respondent acknowledging and not contesting the findings of fact and conclusions of law made by the Board; and waiving his right 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:

ACCORDINGLY, IT IS ON THIS 29th **day of**

JULY 2015, ORDERED that:

1. The license of respondent, Maxwell M. Solomon, V.M.D., to practice veterinary medicine shall be and hereby is actively suspended for a total period of fourteen (14) months, effective ~~thirty (30) days after the entry of this Order,~~ ^{JULY 1, 2015 M/LMR} of which the first two (2) months shall be an active suspension, the remainder stayed, the remaining twelve (12) months shall serve as a

probationary period so long as the respondent is in compliance with all other terms and conditions of the within Order.

During the probationary period, the respondent shall practice with a Board approved, actively licensed New Jersey veterinarian in the Hospital who will serve as a monitor. The licensed monitor shall provide the Board with quarterly reports detailing to it the respondent's progress in discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare, as well as the respondent's implementation of his new practice protocols, including those for patient check-in and euthanasia. The respondent shall be responsible for any and all costs associated with the conditions outlined herein, including but not limited to, all costs associated with the hiring of the monitor.

Prior to the reinstatement of his license, Dr. Solomon may be required to appear before the Board, or a committee of Board members, in order to demonstrate his ability to properly discharge his licensee functions and/or to determine whether he can continue to practice with reasonable skill and safety.

2. Dr. Solomon is hereby formally reprimanded for engaging in gross negligence, contrary to N.J.S.A. 45:1-21(c), in

his treatment of Harley on November 3, 2013, by mistakenly euthanizing the cat.

3. Dr. Solomon is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the aggregate amount of **\$3,750.00**; **\$2,500.00** for engaging in gross negligence in his treatment of Harley, in violation of N.J.S.A. 45:1-21(c), and **\$1,250.00** for failing to complete the required continuing education, contrary to N.J.S.A. 45:16-9.4(a). Payment of a portion of the civil penalty, totaling **\$1,500.00**, shall be submitted contemporaneously with the entry of this Consent Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Jonathan Eisenmenger, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties to N.J.S.A. 45:1-25.

The remaining portion of the civil penalty, totaling **\$2,250.00**, shall be paid by the respondent in equal monthly installment payments of **\$100.00** for a total twenty-three (23) months. The twenty-fourth and final payment will total **\$50.00**. The first payment shall be paid on the fifteenth of the first month following the entry 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.

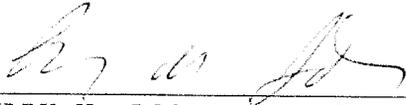
4. Prior to the reinstatement of his license to practice veterinary medicine, Respondent shall take and successfully complete a minimum of twenty (20) hours of Board approved courses of continuing education in compliance with N.J.A.C. 13:44-4.10 and provide proof of such successful completion to the Board 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 Maxwell Veterinary Hospital. 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.

5. Dr. Solomon shall pay the Board's investigative costs in this matter in the amount of **\$350.50**. Such costs shall be paid

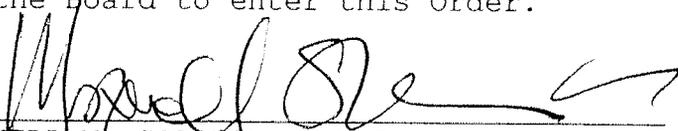
by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Veterinary Medical Examiners at 124 Halsey Street, Post Office Box 45020, Newark, New Jersey 07101, contemporaneously with the entry of this Order.

6. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board. Similarly, any allegations of misconduct and/or violations of the Veterinary Medical Practice Act and/or its accompanying regulations on the part of Dr. Solomon during his probationary period, which are substantiated by the Board, shall also serve as grounds for any other appropriate disciplinary action as the Board may determine, including but not limited to the activation of the stayed suspension to an active suspension.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: 
~~MARK W. LOGAN, V.M.D.~~ *Barry M. Adler DVM*
V. President

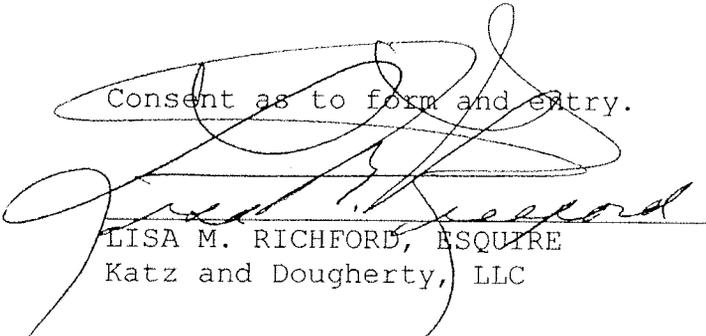
I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.



MAXWELL M. SOLOMON, V.M.D.

DATED: 6/29/15

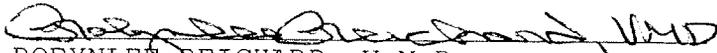
Consent as to form and entry.



LISA M. RICHFORD, ESQUIRE
Katz and Dougherty, LLC

DATED: 6/29/15

I have read, understood and agree
to the reporting requirements
contained in this Order, as
provided in paragraph 1 herein.



ROBYNLEE REICHARD, V.M.D.
Respondent's Monitoring Veterinarian

DATED: 7/15/15

**DIRECTIVES APPLICABLE TO ANY DENTISTRY BOARD LICENSEE
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license has been accepted by the Board, shall conduct him/herself as follows:

1. Document Return and Agency Notification

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate, and if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances Registration. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of dentistry in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee of this Board provides health care services. Unless otherwise ordered by the Board, the disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from all prescription blanks and pads, professional listings, telephone directories, professional stationery, or billings. If the licensee's name

is utilized in a group practice title, it shall be deleted.

Prescription pads bearing the licensee's name shall be destroyed. A destruction report form shall be obtained from the Office of Drug Control (973-504-6558) and filed with that office. If no other licensee is providing services at the practice location, all medications must be removed and returned to the manufacturer (if possible), or destroyed or safeguarded. In situations where the licensee has been suspended for a period of less than one year, prescription pads and medications must be secured in a locked place for safekeeping.

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice, and shall be required to comply with the requirements to divest him/herself of all financial interest in the professional practice pursuant to Board regulations contained in N.J.A.C. 13:30-8.21. Such divestiture shall occur within 90 days following the entry of the Board Order. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the New Jersey Department of Treasury, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Patient Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to patient records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her patient record or asks that the record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

6. Reports of Reimbursement

A disciplined practitioner shall promptly report to the Board his/her compliance with each directive requiring monies to be reimbursed to patients to other parties or third party payors or to any Court.

7. Report of Changes of Address

A disciplined practitioner shall notify the Board office in writing within ten (10) days of change of address.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Dentistry are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a dentist:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the American Association of Dental Examiners, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board. In addition, the same description may appear on the Internet Website of the Division of Consumer Affairs.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.