

**State Board of Veterinary Medical Examiners  
Public Session Minutes**

May 22, 2002

**A. CALL TO ORDER**

This scheduled meeting of the Board was called to order at 9:30 a.m. in the Somerset Conference Room, 6th floor, 124 Halsey Street, Newark, New Jersey.

**B. ROLL CALL**

**The following Board Members were present for this meeting:**

Board President John G. De Vries, DVM  
Board Vice President Neal L. Beeber, DVM  
Board Member Mark W. Logan, VMD  
Board Member David A. Meirs, VMD  
Board Member Alfred R. Scerni, Jr., Esq. for Open Session and Items N, O.1, P, Q,  
and R in Executive Session Board Member Carolyn Self, DVM  
Board Member Ernest Zirkle, DVM

**Absent:** (none)

**Staff present:**

Executive Director Diane I. Romano  
Deputy Attorney General Olga Bradford  
Isaura Roman, Principal Clerk  
Susan Flores, Secretary to the Executive Director

**Public present:** Dr. Christopher Laffoon, NJVMA

A quorum was present for the entire meeting.

The meeting was presided over by Dr. DeVries.

In accordance with Chapter 231 of P.L. 1975, more commonly referred to as the Sunshine Law, adequate notice of this meeting was provided by mailing to the Office of the Secretary of State, the Star Ledger, the Trenton Times, the Bergen Record and the Courier Post.

**C. APPROVAL OF PUBLIC MINUTES**

On a motion of Dr. Zirkle, seconded by Dr. Logan and unanimous vote of the Board, with Mr. Scerni abstaining, April 24, 2002 public session Minutes were approved as submitted.

**D. LEGISLATIVE/REGULATORY**

(none)

**E. ADMINISTRATIVE**

**1. FY 2002 Budget Report** The Board reviewed this report and on a motion of Dr. Meirs, seconded by Dr. Self

and unanimous vote, directed that a memo be sent concerning the \$25,000 over budget projected expenditure for Division of Law reimbursement, specifically DAG Ehrenkrantz's run up of approximately \$30,000 on the Goldsmith matter, none of which was recovered.

## **F. CREDENTIALING**

### **1. Jason M. Berg, DVM**

On a motion of Mr. Scerni, seconded by Dr. Logan and unanimous vote, the Board approved the application of Dr. Berg to sit for the jurisprudence exam. At a point later in the meeting, on a motion of Dr. Beeber, the Board went back into open session to re-address this candidate. Dr. DeVries recused himself and left the room and Dr. Beeber assumed the chair. On a motion of Dr. Self, seconded by Mr. Scerni and unanimous vote of the remaining members, the Board determined to offer Dr. Berg a Consent Order with a \$1,500 civil penalty for his unlicensed practice. Upon settlement of this Consent Order, Dr. Berg will be permitted to sit for the jurisprudence examination.

### **2. Toni E. Faucette, DVM**

On a motion of Mr. Scerni, seconded by Dr. Meirs and unanimous vote, the Board approved Dr. Faucette to sit for the jurisprudence exam.

### **3. Leonard D. Johnson, Jr., DVM**

On a motion of Mr. Scerni, seconded by Dr. Self and unanimous vote, the Board determined to ascertain from Dr. Johnson why he indicated on his application that he is licensed to practice in New Jersey when he is not, under what authority he is presently working in New Jersey, since he does not have a temporary permit, and exactly what he has been doing for the past 17 months.

## **G. FINAL ORDERS/CONSENT ORDERS**

### **1. Steven Mildner, VMD**

Consent Order for gross negligence, incorporating a \$2,000 civil penalty and \$666.80 costs, filed 4/25/02. Fine and costs have been paid; therefore, this file is now closed.

## **H. MISCELLANEOUS**

### **1. NJVMA request for clarification**

The Board discussed a request for clarification concerning the parameters under which a licensee may issue prescriptions for injectable medications, needles and syringes, and under which a licensee may refuse to issue a prescription for same. On a motion of Dr. Beeber, seconded by Dr. Zirkle and unanimous vote, the Board determined that a veterinarian must provide a prescription to a client, in a veterinarian-client-patient relationship, when that veterinarian is prescribing an item to a client and that client requests a prescription in lieu of having the veterinarian dispense the item directly to him/her."

### **2. Inquiry re filling prescriptions**

On a motion of Dr. Beeber, seconded by Dr. Zirkle and unanimous vote, the Board determined that a veterinarian may fill a prescription for a patient seen at another veterinary hospital if the owner presents him with a legal script or in response to a script phoned in by another veterinary hospital.

## **I. PLAQUE PRESENTATION**

The Board presented Dr. Thomas M. Jacks with a plaque for his 16 years' service on the Board. Dr. DeVries presented the plaque and Dr. Jacks thanked the Board.

## **J. NEXT MEETING**

The next regularly scheduled meeting of the Board is June 26, 2002 at 9:30 a.m. in the Somerset Conference Room, 6th floor, 124 Halsey Street, Newark, New Jersey.

## **K. EXECUTIVE SESSION**

At 10:15 a.m. the Board unanimously moved to executive session to hold investigative inquiries and to consider new consumer complaints and new and pending disciplinary matters.

## **L. CONSUMER COMPLAINTS**

The Board discussed new and pending consumer complaints and investigations in executive session and returned to open session to record their votes for those matters resulting in disciplinary action:

### **1. File #02-006 @ Dr. Janirka Ponce, DVM**

On a motion of Dr. Logan, seconded by Dr. Meirs and affirmative vote of Drs. Logan, Meirs, Zirkle and Mr. Scerni and negative vote of Drs. DeVries, Beeber and Self, the Board determined to fine Dr. Ponce \$500 for failure to provide emergency service.

### **2. File #02-014 @ Dr. Leonard J. Patrick**

On a motion of Dr. Beeber, seconded by Dr. Self and unanimous vote, the Board determined to fine Dr. Patrick \$1,000 for inadequate and incomplete patient records.

### **3. File #02-022 @ Gordon B. Stull, VMD**

On a motion of Dr. Beeber and unanimous vote, the Board determined to fine Dr. Stull \$1,000 for repeated acts of negligence, incorporating the letter of admonishment sent to Dr. Stull last month for a single act of negligence.

### **4. File #02-032 @ Dr. Anthony Gibney**

On a motion of Dr. Zirkle, seconded by Dr. Logan and unanimous vote, the Board determined to fine Dr. Gibney \$500 for unprofessional conduct for inappropriately questioning the consumer's employer concerning the consumer's mental status/ capacity.

## **M. ADJOURNMENT**

This meeting of the Board was adjourned at 3:25 p.m.

Respectfully submitted,

DIANE I. ROMANO  
Executive Director

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