

RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
JONATHAN BACH, D.V.M.	:	FINAL DECISION AND ORDER
	:	FOLLOWING UPL EXPLANATION
	:	
TO PRACTICE VETERINARY MEDICINE	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened before the New Jersey Board of Veterinary Medical Examiners on a complaint by Robyn Caputo against respondent Jonathan Bach, D.V.M. Ms. Caputo alleged that respondent had refused to release the medical records of her dog "Binkey" because her sister, Renee Caputo, had an outstanding bill for treatment of her dog "Raven." Respondent responded by informing the Board that it was "hospital policy" that medical records and vaccine records not be released to clients with unpaid balances.

By Uniform Penalty Letter (UPL) of April 5, 1999, respondent was notified that the Board had found that he had violated N.J.S.A. 45:1-21 (e)

(professional misconduct) by refusing to release the records for "Binkey" when they were requested. Respondent was offered the opportunity to settle the matter to avoid the initiation of formal disciplinary proceedings by signing a certification (a) acknowledging the allegations and paying a penalty of \$500; or (b) waiving any right to a hearing and submitting a written statement for the Board's final consideration; or (c) requesting a hearing before the Board. Respondent selected (b) and wrote to the Board on March 14, 1999 strongly disagreeing with the Board's decision. He stated that according to N.J.S.A. (sic) 13:44-4.9(c) he was only required to provide patient medical records "within 30 days of a written request" (emphasis added by respondent). However, he made it clear that he had not forwarded the records in question until after the bill had been paid, and reiterated his policy of refusing to release records until after he had been paid for the medical care which he rendered.

At its meeting of April 28, 1999, the Board considered respondent's submission and found that respondent's policy of refusing to release the medical records of patients whose bills have not been paid in full is a violation of the Veterinary Practice Act, and that respondent's refusal to release medical records in the instance in question was based solely on that policy rather than on reliance with the regulation cited.

Based on the foregoing;

IT IS on this 24<sup>th</sup> day of May, 1999.

ORDERED that:

1. Respondent Johathan Bach, D.V.M., shall pay to the Board of Veterinary Medical Examiners a civil penalty in the amount of \$500 for the violation of N.J.S.A. 45:1-21(e) (professional misconduct) for refusing to release patient medical records because his bill had not been paid in full. Said payment shall be made by certified check or money order payable to the State Board of Veterinary Medical Examiners and shall be delivered within ten (10) days of the service of this Order to the Executive Director at the

Board of Veterinary Medical Examiners, P.O. Box 45020, Newark, New Jersey  
07101.

2. Respondent shall cease and desist from engaging in the conduct found  
herein to be unlawful.

BOARD OF VETERINARY MEDICAL EXAMINERS

By David A. Meirs, II, VMD  
David Meirs, V.M.D.  
President