

PAULA T. DOW
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: 9-20-10

By: Olga E. Bradford
Deputy Attorney General
(973) 648-3696

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

IN THE MATTER OF :

JONATHAN I. BACH, D.V.M. :

TO PRACTICE VETERINARY MEDICINE :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

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 Kimberly Oriole regarding her visits with her pet to the respondent, Jonathan I. Bach, D.V.M., at Marlboro Village Veterinary Hospital ("Hospital"). In her complaint, Ms. Oriole alleged that Dr. Bach, among other contentions, engaged in negligence and professional misconduct in the treatment he provided to her pet Yorkie, "Bella," in May 2007.

The Board's review of this matter reveals that Ms. Oriole purchased Bella, a Yorkie puppy, on May 1, 2007, from Pet Paradise pet store ("Pet Paradise) in Englishtown, New Jersey. According to the owner, Pet Paradise referred her to Dr. Bach and advised her that, if she took her newly purchased pet to the respondent, she would receive two complimentary visits and free fecal examination. On May 4, 2007, Ms. Oriole presented Bella to Dr. Bach with complaints of diarrhea and coughing. Following his examination of the puppy, Dr. Bach diagnosed Bella with an infection for Hookworm and Coccidial parasites. He prescribed antibiotics for the dog but did not provide the owner with an unfit for purchase certificate.

Bella returned to the Hospital on May 9, 2007 with continued complaints of frequent coughing. Dr. Bach examined the puppy and diagnosed localized tracheitis and sinusitis. Medications were prescribed for Bella to treat these conditions. Again, the respondent did not provide Ms. Oriole with an unfit for purchase certificate.

The puppy was again presented to Dr. Bach on May 23, 2007. The owner complained that Bella was still coughing and had not improved. The respondent examined the dog and determined that Bella was free of clinical signs of coughing or tracheitis and thereafter administered a DHLPP booster vaccine.

Ms. Oriole subsequently took the puppy to another veterinarian on May 29, 2007 where Bella was diagnosed with and treated for kennel cough and Giardia intestinal parasites. Ms. Oriole received an unfit for sale certificate from this second veterinarian on this date. The owner reported that it took Bella five (5) months from the date of purchase to recover from kennel cough and nine (9) months from the Giardia parasites.

In correspondence to the Board, dated February 21, 2008, Dr. Bach detailed his treatment of Bella. He confirmed that on the puppy's first visit, on May 4, 2007, he diagnosed her with an infection for Hookworm and Coccidial parasites. Further, Dr. Bach asserted that he correctly diagnosed Bella with localized tracheitis and sinusitis on May 9th. However, he maintained that Bella was ". . . active, playful, and eating well such that I did not believe an 'unfit for sale' letter was justified" at the time of his treatment of Bella.

The Board, following its review of the relevant documents in this matter, concluded that Dr. Bach engaged in professional misconduct, in violation of N.J.S.A. 45:1-21(e), in that he failed to issue to Bella's owner an unfit for sale letter twice, namely on May 4 and May 9, 2007, despite diagnosing the new puppy with significant medical conditions within the fourteen (14) day time period outlined in the Pet Purchase Act, codified

at N.J.S.A. 56:8-95 and N.J.A.C. 13:45A-12.3. The Board concludes that in this matter Dr. Bach had a conflict of interest given his relationship with the pet store and as Bella's treating veterinarian which led to his failure to issue an unfit for purchase certificate for a puppy he diagnosed with Hookworm infection, parasites and an upper respiratory infection.

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 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 ^{13TH} DAY OF SEPTEMBER

~~180011~~ 2010 HEREBY ORDERED THAT:

1. The respondent, Jonathan I. Bach, D.V.M., is hereby reprimanded for his conduct as described above, in violation of N.J.S.A. 45:1-21(e).

2. Respondent shall cease and desist from further violations of N.J.S.A. 45:1-21(e).

3. Dr. Bach shall pay a civil penalty in the amount of **\$1,000.00** for engaging in professional misconduct contrary to N.J.S.A. 45:1-21(e). Payment for the civil penalty shall be submitted contemporaneously with the signing of this 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, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties subject to N.J.S.A. 45:1-25.

4. 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.

JONATHAN I. BACH, D.V.M.

DATED: 5/11/10