

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

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IN THE MATTER OF	:	
	:	
JONATHAN I. BACH, D.V.M.	:	<u>Administrative Action</u>
	:	
TO PRACTICE VETERINARY MEDICINE	:	CONSENT ORDER
IN THE STATE OF NEW JERSEY	:	

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This matter was opened to the State Board of Veterinary Medical Examiners (hereinafter referred to as "Board") following the Board's review of a consumer complaint filed by A.S. following his visit with his pet to Jonathan I. Bach, D.V.M., at the Marlboro Village Veterinary Hospital ("Hospital"). In his complaint to the Board, Mr. S. alleged that the respondent, Dr. Bach, failed, among other contentions, to properly diagnose his pet's condition and that he failed to

respond to an emergency in the treatment of his then fourteen (14) month old mixed Beagle dog, "Kaleb," in July 2013.

The Board's review of this matter revealed that the dog had previously ingested a foreign body and was treated at an emergency facility on July 21, 2013. Kaleb continued to improve from that date until July 25, 2013 when his vomiting returned. Owner, Mr. S., took the dog to his regular veterinarian for examination and he was treated with subcutaneous fluids, metronidazole and other medications.

Mr. S. presented Kaleb to the respondent on Friday, July 26, 2013 with complaints of diarrhea and vomiting. Dr. Bach found the dog was mildly lethargic and dehydrated with a tender cranial abdomen. He took x-rays and blood tests. A tentative diagnosis of hemorrhagic gastroenteritis was made and Kaleb was admitted into the Hospital for intravenous therapy, parasitism and other care and diagnostic testing.

The following day, the dog was reported to be stable but vomiting, melena and hematochezia persisted. By July 28, 2013, the hemorrhagic diarrhea persisted. Dr. Bach took abdominal radiographs which he found to be suspicious but took no further diagnostic tests and did not refer or offer to refer the dog to a specialist. Rather, the respondent scheduled a tentative mobile ultrasound examination for July 29, 2013 to be performed if Kaleb did not improve. Dr. Bach maintained, in his

undated letter to the Board, that in his professional opinion, the dog was stable enough to wait for the ultrasound examination on Monday. Despite the continuation of Kaleb's symptoms and condition, Dr. Bach never mentioned the option of referral to the owner.

The Hospital was closed on July 28, 2013. On Monday, July 29, Dr. Bach advised the owner that Kaleb died overnight. Kaleb's ultrasound test was never performed. Dr. Bach offered Mr. S. a necropsy, but he declined. Mr. S. requested that Kaleb be cremated and was later presented with a bill for Dr. Bach's services totaling \$3,329.29.

The Board, following its review of the relevant documents in this matter, concluded that Dr. Bach engaged in repeated acts of negligence in his care and treatment of Kaleb, in violation of N.J.S.A. 45:1-21(d), in that he failed to: 1) recognize the critical nature of the condition of the patient; 2) timely perform appropriate diagnostics in light of the condition of a patient that did not improve; and 3) offer a timely referral to the owner. The Board found that the respondent, among other things, delayed in offering and/or providing diagnostic testing in this matter. For example, he advised the Board that he took radiographs of the patient on Sunday, July 28, 2013, which he opined were " . . . suggestive of a cloth foreign body in the large intestine but were not

definitive." But yet he did nothing with this information, namely, no additional diagnostic testing or referral. The Board concludes that the conduct of the respondent deviated from acceptable standards of care thereby establishing a basis for disciplinary action.

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 waiving his rights to a hearing in this matter; 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 10<sup>th</sup> DAY OF MAY 2017

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(d).

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

3. Dr. Bach shall pay a civil penalty in the aggregate amount of \$1,500.00, for engaging in repeated acts of negligence, contrary to N.J.S.A. 45:1-21(d). The penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to Jonathan Eisenmenger,

Executive Director of the State Board of Veterinary Medical Examiners, at 124 Halsey Street, Post Office Box 45020, Newark, New Jersey 07101, contemporaneously with submission of this Order. Subsequent violations will subject the respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

In the alternative, the respondent may pay the civil penalty, totaling \$1,500.00, in equal monthly installment payments of \$125.00 for a total of twelve (12) months. The first payment shall be made simultaneously with submission 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 the 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. In anticipation of entering into this Consent order, Dr. Bach has provided proof of full attendance at, and successful completion of a minimum of, **fifteen (15)** credit hours of Board pre-approved courses of continuing education,

consisting of five (5) credit hours in the area of Radiology and ten (10) credit hours in the area of Critical Care. All continuing education courses taken by the respondent to fulfill this requirement were RACE approved. 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.

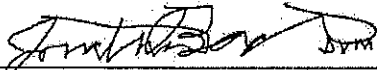
5. Dr. Bach shall provide restitution to Mr. S. in the amount of \$1,664.65, which constitutes fifty (50%) percent of the owner's fees paid to the respondent and provide proof to the Board of having paid such restitution no later than thirty (30) days after the filing of date of this Order.

6. Failure to comply with any of the provisions of this Consent 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: 5/2/2017

Consent as to form and entry.



JOSEPH A. BREYEMEIER, ESQUIRE  
Naulty, Scaricamazza and McDevitt, LLC  
Attorney for the Respondent,  
Jonathan I. Bach, D.V.M.

DATED: