

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES  
BUREAU OF HEALTH SYSTEM REGULATION  
DIVISION OF MEDICAL QUALITY ASSURANCE

Louis Nezvesky, D.V.M.  
License No. 000571  
1758 Boston Avenue  
Suite Two  
Bridgeport, CT 06610

Petition No. 930427-47-010

MEMORANDUM OF DECISION - Revision of 9-13-95  
Decision

INTRODUCTION

On June 13, 1994, the Department of Public Health and Addiction Services ("Department") presented the Connecticut State Board of Veterinary Medicine ("Board") with a Statement of Charges against the Respondent, Louis O. Nezvesky, D.V.M.

("Respondent"). (Department Exhibit 2). The Statement of Charges alleged in One Count that the Respondent violated Connecticut General Statutes §20-202. (Department Exhibit 2).

The Department alleged that the Respondent violated Connecticut General Statutes §20-202 by providing care and treatment to Lacey, a dog owned by Lynn Sedotto, which was unskillful or grossly negligent in that: a. Respondent caused an excessive dose of anesthesia to be administered; b. Respondent failed to document properly the anesthesia in the medical record; c. Respondent made false statements to a department investigator regarding his actions in this case; d. Respondent admitted to

a department investigator that he (respondent) fraudulently altered the medical record, and/or e. Respondent advised a department investigator that he (respondent) should be allowed to obtain an animal similar to the one in question so that he could administer medication in an experiment. (Department Exhibit 2).

Initially, the Respondent denied the allegations set forth in the Statement of Charges. (Transcript 11/30/94 pp. 8-11). More specifically, the Respondent denied that he had provided care and treatment to Lacey in violation of Connecticut General Statutes §20-202. (Transcript 11/30/94 p. 11). On January 4, 1995, the Respondent amended his response to the Statement of Charges. (Transcript 1/4/95 pp. 7-19). In the amended Response to the Statement of Charges, the Respondent admitted the allegations set forth in the Statement of Charges inasmuch as the Department alleged that the Respondent caused an excessive dose of anesthesia to be administered to Lynn Sedotto's dog and also, the Respondent failed to document properly the anesthesia in the medical record. (Transcript 1/4/95 pp. 7-10).

#### PROCEDURAL BACKGROUND

Prior to the initiation of the instant charges, the Department gave the Respondent the opportunity to attend a Compliance

Conference scheduled on March 9, 1994 to show compliance with all lawful requirements for the retention of his license. (Department Exhibit 4).

The Department served the Notice of Hearing and the Statement of Charges on the Respondent by certified mail, return receipt requested. (Department Exhibit 2). The administrative hearing in this matter was initially scheduled on September 7, 1994. (Department Exhibit 2). On August 4, 1994, the Respondent called and requested a continuance. On August 21, 1994 the Department filed a Non-Objection to Respondent's request for a continuance. (Department Exhibit 1). Absent objection, this Board, on August 31, 1994, granted the Respondent's request for a continuance. (Department Exhibit 2). The hearing initially scheduled on August 4, 1994 was rescheduled until November 30, 1994. (Department Exhibit 2).

The hearing was held as scheduled on November 30, 1994 and the Respondent appeared at the hearing without counsel. The Department was represented by Attorney David Pavis. The Department and the Respondent had the opportunity to present evidence and conduct cross examinations of witnesses. During the hearing, the Respondent moved for a continuance so that he could have the opportunity to call a witness. (Transcript 11/30/94 pp. 58-60). The Board granted the Respondent's request for a continuance. (Transcript 11/30/94 pp. 58-60).

The hearing was continued until January 4, 1994. The Board conducted the hearing in accordance with Connecticut General Statutes Chapter 54 and the Regulations of Connecticut State Agencies §19-2a-1, et seq. All Board members involved in this decision attest that they have either heard this case or reviewed the complete record. This decision is based entirely on the record and the specialized professional knowledge of the Board in evaluating the evidence.

FINDINGS OF FACT:

1. The Respondent is, and has been at all times referenced in the Statement of Charges, the holder of Connecticut Doctor of Veterinary Medicine license number 000571. (Department Exhibit 3; Transcript 1/4/95 p. 7).
2. During March of 1993, the Respondent treated a dog named Lacey, who belonged to Lynn Sedotto. (Transcript 1/4/95 p. 7).
3. Lacey was a White Terrier, who was twelve months old and weighed between twelve and fourteen pounds. (Department Exhibit 6).

4. Between January and March of 1993 the Respondent provided orthodontic care and treatment to Lacey. (Department Exhibits 6, 7).
6. Lacey's medical record indicated that on March 29, 1993, the Respondent administered 6cc of Rompun and 0.4 cc of Ketaset. (Department Exhibits 6, 7, 9).
7. On March 29, 1993, the Respondent administered an excessive amount of anesthesia to Lacey. On March 29, 1993, after receiving anesthesia administered by the Respondent, Lacey stopped breathing and the Respondent was unable to resuscitate Lacey. (Transcript 1/4/95 p.7; Department Exhibits 6, 7, 9).
8. An investigator from the Department, William Gerrish, questioned the Respondent on several occasions, regarding the allegations set forth in the Statement of Charges. More specifically, Mr. Gerrish questioned the Respondent regarding the type of treatment and the amount of anesthesia the Respondent gave to Lacey on March 29, 1993. (Transcript 11/30/94 pp. 28-31)
9. During the initial conversation the Respondent had with the Department's investigator, William Gerrish, the Respondent stated that he did not think the medical entry for March

29, 1993 was correct. The Respondent stated to Mr. Gerrish that he thought he gave the dog .6 cc Rompun. (Transcript 11/30/94 pp. 28-29; Department Exhibit 9).

10. The Respondent spoke with Mr. Gerrish again on September 29, 1993. During this conversation, the Respondent stated that he wanted to retract his earlier statement. He said that he would go by what was noted in the medical record regarding the amount of Rompun he administered to Lacey. Therefore, the Respondent, on September 29, 1993 changed his earlier version of what occurred on March 29, 1993 and stated that he gave 6 cc of Rompun to Lacey. (Transcript 11/30/94 p. 29).
11. During the aforementioned conversation, the Respondent also told Mr. Gerrish that he regretted that he did not edit the medical records so that the records would have reflected .6 cc of Rompun instead of 6 cc of Rompun. (Transcript 11/30/94 p. 29, 51).
12. The Respondent also suggested to Mr. Gerrish that the Respondent could get a similar dog, the same weight and height as Lacey and he (the Respondent) could administer 6 cc of Rompun to the dog so the investigator could see what would happen. (Transcript 11/30/94 p. 31).

13. The Respondent's assistant, Barbara Carberry wrote the medical entry for the dog on March 29, 1993. Barbara Carberry was not a nurse or a veterinarian. (Transcript 11/30/94 pp. 30, 51).
14. Dr. Hallisey is a licensed veterinarian in the State of Connecticut. Dr. Hallisey has been practicing since 1982. His practice consists primarily of small animal medicine. Dr. Hallisey is qualified to provide expert testimony regarding the acceptable standard of care in this case. (Transcript 11/30/94 p. 33).
15. Pursuant to a request by the Department, Dr. Hallisey was asked to review the medical records of the dog owned by Lynn Sedotto, Lacey. (Transcript 11/30/94 p. 33).
16. According to Dr. Hallisey, a Veterinarian is responsible to document his own medical entries in the the medical record after treating an animal. (Transcript 11/30/94 p. 38).
17. According to Dr. Hallisey, the Respondent should have entered the amount of the drug administered to the animal instead of his assistant, Barbara Carberry. (Transcript 11/30/94 p. 38).
18. Dr. Hallisey stated that the medical records of the

Respondent were very confusing and very inconsistent. Dr. Hallisey noted that on one entry it appears that the Respondent had administered .3 cc of Rompun to Lacey and on another day it states that Lacey was give 3 cc of Rompun twice on one day. Dr. Hallisey stated that if this was in fact true Lacey would have died on the day, which he purportedly received 3 cc of Rompun. Dr. Hallisey also noted that on one medical entry for Lacey, it stated that the dog weighed 12 to 14 pounds and on another day the entry indicated that the dog weighed 20 pounds.

(Transcript 11/30/94 pp. 35-36).

19. After reviewing the entire medical file for Lacey, Dr. Hallisey concluded that the Respondent's, "medical records-keeping [was] substantially poor." (Department Exhibit 8).
  
20. Dr. Hallisey also stated that he was "amazed" at the Respondent's statement that he (the Respondent) would experiment on another White Terrier by administering 6 cc of Rompun to test whether the dog would survive. According to Dr. Hallisey, "this [was] an outrageous assertion for any veterinarian to make. It is not our job to conduct experiments on animals. (Department Exhibit 8).

DISCUSSION AND CONCLUSIONS OF LAW:

Connecticut General Statutes §20-202 provides in pertinent part:

After notice and opportunity for a hearing as provided in the regulations established by the commissioner of Public Health and Addiction Services, said board may take any of the actions set forth in §19a-17 for any of the following causes: (2) proof that the holder of such license ... has been guilty of cruelty, unskillfulness or gross negligence towards animals and birds...

The Department must sustain its burden of proof by a preponderance of the evidence.

The Department sustained its burden of proof with regard to the entire Statement of Charges except for Paragraph two (2) c.

The Respondent admitted that he caused an excessive dose of anesthesia to be administered to Lacey. The Respondent also admitted that he failed to properly document the anesthesia in Lacey' medical record.

The Department provided substantial credible evidence to support the conclusion that the Respondent altered his medical records. The Respondent stated that he was disappointed that he did not have additional time so that he could have altered the medical entry for Lacey on March 29, 1993. Additionally, this Board finds that the Department's investigator, William Gerrish was a credible witness and this Board believes that the Respondent told Mr. Gerrish that he wanted to experiment on a dog by injecting the dog with 6cc of Rompun. The Department's expert witness concluded that the Respondent's conduct with regard to record-keeping and his comment to the Department's

investigator regarding his desire to experiment with a live dog was clearly conduct which violated the acceptable standard of care for the profession.

With regard to Paragraph 2. c, the Board finds that the Department did not sustain its burden of proof. Although there were inconsistencies with respect to the statements made by the Respondent to the investigator, there is no evidence to support the fact that the Respondent made false statements to an investigator regarding actions in this case.

Accordingly, this Board concludes, as set forth in this Decision, that the Respondent's conduct was in violation of Connecticut General Statutes §20-202.

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ORDER:

Pursuant to the authority vested in it by the Connecticut General Statutes §19a-17 and §20-202, the Board orders the following in this case against the Respondent, Dr. Louis Nezvesky, D.V.M., Petition Number 930427-47-010:

1. The license of Louis Nezvesky, D.V.M. is hereby revoked.
2. Reapplication shall be approved by the entire Board.

Connecticut Board of Veterinary Medicine

11/29/15

Jordan R. Dann

Date

by: Jordan R. Dann, D.V.M., Chairperson

AMB

0614Q/25-35

STATE OF CONNECTICUT  
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With regard to Paragraph 2. c, the Board finds that the Department did not sustain its burden of proof. Although there were inconsistencies with respect to the statements made by the Respondent to the investigator, there is no evidence to support the fact that the Respondent made false statements to an investigator regarding actions in this case.

Accordingly, this Board concludes, as set forth in this Decision, that the Respondent's conduct was in violation of Connecticut General Statutes §20-202.

ORDER:

Pursuant to the authority vested in it by the Connecticut General Statutes §19a-17 and §20-202, the Board orders the following in this case against the Respondent, Dr. Louis Nezvesky, D.V.M., Petition Number 930427-47-010:

1. One year suspension of license;
2. Reapplication shall be approved by the entire Board;  
and
3. The Board shall accept the Respondent's surrender of his license.

Connecticut Board of Veterinary Medicine

9-13-95

Jordan R. Dann

Date

by: Jordan R. Dann, D.V.M., Chairperson

AMB

0614Q/25-35