

STATE OF CONNECTICUT
CONNECTICUT BOARD OF VETERINARY MEDICINE

Walter Doolittle, D.V.M.

Petition No. 2002-0802-047-025

MEMORANDUM OF DECISION

Procedural Background

The Department of Public Health ("the Department") presented the Connecticut Board of Veterinary Medicine ("the Board") with a Statement of Charges ("Charges") dated December 31, 2003, against Walter Doolittle, D.V.M. ("respondent"). Board Exh. 1. The Charges, along with the Notice of Hearing, was sent to respondent by certified mail, return receipt requested, and first class mail on January 22, 2004. The Notice of Hearing scheduled a hearing for April 21, 2004, and notified the parties that the hearing would be held before the Board. Board Exh. 1.

On February 10, 2004, respondent filed an Answer to the Charges.

On April 21, 2004, the Board held an administrative hearing to adjudicate respondent's case. Respondent appeared *pro se*. The Department was represented by Attorney Ellen Shanley.

The Board conducted the hearing in accordance with Chapter 54 of the Connecticut General Statutes, the Uniform Administrative Procedure Act, and § 19a-9-1 et seq. of the Regulations of Connecticut State Agencies. All Board members involved in this decision received copies of the entire record and attest that they have either heard the case or read the record in its entirety. This decision is based entirely on the record.

Allegations

1. In Paragraph 1 of the Charges, the Department alleges that respondent is, and has been at all times referenced therein, the holder of Connecticut veterinarian license number 000704.
2. In Paragraph 2 of the Charges, the Department alleges that during 2001-2002, respondent provided care and treatment to Nikki, a cat owned by S. Balmer.
3. In Paragraph 3 of the Charges, the Department alleges that during May 2002, Ms. Balmer reported that Nikki was experiencing vomiting.

4. In Paragraph 4 of the Charges, the Department alleges that in providing such care and treatment to Nikki, respondent negligently and/or unskillfully
 - a. failed to keep adequate and/or accurate records of Nikki; and/or,
 - b. failed to provide S. Balmer with the medical records of Nikki.
5. In Paragraph 5 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. § 20-202(2).

Findings of Fact

1. Respondent, of Preston, Connecticut is, and has been at all times referenced therein, the holder of Connecticut veterinarian license number 000704. Resp. Exh. A.
2. S. Balmer is the owner of a cat named Nikki. Tr., p. 10.
3. On April 24, 2001, respondent provided care and treatment to Nikki for an eye injury she sustained as a small kitten. Respondent treated Nikki with Terramycin Ophthalmic Ointment for her eye condition. Nikki was also given a rabies vaccination at this office visit. Tr., p. 32; Resp. Exh. A.
4. On April 30, 2001, respondent “spayed” Nikki and dispensed NBP Ophthalmic Ointment to Ms. Balmer for treatment of Nikki’s eye. Resp. Exh. A.
5. On May 14, 2001, respondent removed Nikki’s spay sutures and gave Nikki a second “F.D.” and second “Fip” vaccination. Resp. Exh. A.
6. On May 16, 2002, S. Balmer took Nikki to respondent and reported that Nikki was vomiting. Tr., p. 30; Resp. Exh. A.
7. On May 16, 2002, respondent treated Nikki for vomiting, anorexia and dehydration. Nikki was given a centrine injection and additional tablets to be administered at home to stop the vomiting; 60 cc of Ringers solution for her dehydration; Felovite to encourage eating; Nutrical for her caloric needs; and, Amoxicillin for her intestinal infection. Tr., pp. 28-31; Resp. Exh. A.
8. Respondent’s medical records for Nikki lacked any examination findings or treatment options. Nikki’s medical records, as written by respondent, fail to indicate if further diagnostic tests or procedures were offered. Tr., pp. 24, 30; Dept. Exh. 3.
9. In 2001, S. Balmer requested Nikki’s medical records from respondent’s receptionist, Gloria, on three different occasions. Ms. Balmer received medical records for Nikki that she believed were inadequate. Tr., pp. 10, 11.

Discussion and Conclusions of Law

Section 20-202(2) of the Connecticut General Statutes provides, in pertinent part, that the Connecticut Board of Veterinary Medicine “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 or certificate has become unfit or incompetent or has been guilty of cruelty, unskillfulness or negligence toward animals and birds. . . .” The Department bears the burden of proving one or more of these causes by a preponderance of the evidence. *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S. Ct. 999, *reh’g denied*, 451 U.S. 933 (1981); *Swiller v. Commissioner of Public Health*, 15 Conn. Law Rptr. No.16, 532 (January 29, 1996).

The Board relied on its own expertise in evaluating the charges against the respondent by the Department and the requisite standard of care. *Pet v. Department of Health Services*, 228 Conn. 651, 667 (1994).

The Board finds that the Department met its burden of proof that respondent negligently and unskillfully failed to keep adequate medical records of Nikki. The purpose of a medical record is to provide a vehicle for documenting actions taken in patient management, documenting patient progress, providing meaningful medical information should the patient transfer to a new veterinarian or should the respondent be unavailable for some reason. See Regs., Conn. State Agencies, § 19a-14-40. Based on the Board’s training and experience, such records should include examination findings, treatment options and diagnostic tests and procedures offered. The Board has reviewed the respondent’s medical records submitted at the hearing and concludes that the respondent’s recordkeeping with respect to Nikki was deficient. Specifically, the respondent’s medical records with respect to Nikki lack examination findings, treatment options, and whether further diagnostic tests or procedures were offered. Without adequate medical records, respondent’s treatment cannot be repeated with certainty, nor can these medical records be understood should respondent’s own memory fall short or should the patient transfer to a new veterinarian. The deficiencies of Nikki’s medical records are also corroborated by Laura A. Carey, a Veterinarian of the Litchfield Veterinary Hospital, who reviewed Nikki’s records on behalf of the Department and by respondent himself. Findings of Fact (“FF”), 2-8. At the hearing, respondent testified that “the records make plenty of sense to [him]” and that “[he doesn’t] have nine other veterinarians that [he has] to explain it to.” Respondent’s own testimony suggests to the

Board that his records are discernible exclusively to him without regard to the unforeseeable possibility that other veterinarians may need to review the records to provide future care to Nikki.

The Board also finds that Department failed to meet its burden of proof that respondent negligently or unskillfully failed to provide S. Balmer with the medical records of Nikki. Respondent, through his receptionist, "Gloria", sent requested medical records to Ms. Balmer. FF. 8. Ms. Balmer acknowledged at the hearing, receipt of Nikki's medical records, but again, the facts establish that such records failed to meet the minimum standards of practice in that the information provided therein was lacking significant information relating to Nikki's examination, treatment options and diagnostic tests or treatments offered. FF. 5-8.

Based on the above, the Board concludes that the Department met its burden of proof with regard to allegations 1 through 4(a) and 5 of the Charges. The Department failed to meet its burden of proof with regard to allegation 4(b) of the Charges. Accordingly, the Board finds that respondent negligently and unskillfully failed to maintain adequate and accurate medical records for Nikki, which constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. § 20-202.

Order

Based upon the findings of fact and conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §§ 19a-17(a) and 20-202, the Board orders the following in the case of Walter Doolittle, D.V.M., Petition number 2002-0802-047-025, veterinarian license number 000704:

1. Respondent's license shall be placed on probation for a period of one (1) year under the following terms and conditions:
 - a. Respondent shall obtain at his own expense, the services of a Veterinarian, pre-approved by the Department ("supervisor"), to conduct a monthly random review of fifteen (15) of respondent's patient records (including nursing and treatment sheets), created or updated during the term of this Decision. In the event respondent has fewer than fifteen (15) patients, the monitor shall review all of respondent's patient records.
 - (i) The supervisor shall meet with respondent not less than once every month for the term of his probationary period.

- (ii) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate for purposes of ensuring and determining if respondent is maintaining and keeping adequate and accurate medical records. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (iii) Respondent shall be responsible for providing written supervisor reports directly to the Department on a quarterly basis for the full term of the probationary period. Such supervisor's reports shall include documentation of dates and durations of meetings with respondent, number and a general description of the patient records, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety.
2. Respondent shall be responsible for all costs associated with the satisfaction of the terms of this Memorandum of Decision.
 3. All reports, correspondence and/or other communication with the Department and/or Board required pursuant to this Order shall be sent to:

Bonnie Pinkerton
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308
 4. Respondent shall inform the Department in writing of his current address and any change thereto during the period of probation. All notices provided to respondent will be sent to the most current address of respondent on file with the Department.
 5. This Order shall become effective upon the signature of the Board Chairperson.

Connecticut Board of Veterinary Medicine

2/9/05
Date

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