

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

GD
In re: James ^F Howell, D.V.M.
Candlewood Animal Hospital
117 Kent Road
New Milford, CT 06776

Petition No. 940208-47-005

CONSENT ORDER

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WHEREAS, James ^J Howell of New Milford (hereinafter "respondent") has been issued license number 000984 to practice veterinary medicine by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that respondent:

1. Examined and treated Miven, a five year old female Shetland sheepdog, negligently and/or unskillfully by failing to:
 - a. adequately and timely treat Miven's skin avulsion;
 - b. take timely wound cultures and/or check Miven's kidney function prior to administering Gentamicin during the second course of treatment; and,
 - c. administer and/or prescribe proper dosages of antibiotic medications.
2. That the above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes Section 20-202(2).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the allegations of wrongdoing but, while admitting no guilt or wrong doing, agrees that for purposes of this or any future proceedings before the Connecticut Board of Veterinary Medicine (hereinafter "the Board") this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §19a-9, §19a-14, and §20-202 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-202 of the Connecticut General Statutes, as amended, respondent hereby stipulates and agrees to the following:

1. That he waives his right to a compliance conference and a hearing on the merits of this matter.
2. That he shall pay a civil penalty of \$2,000.00 at the the time respondent submits the executed Consent Order to the Department.
3. That respondent's license to practice veterinary medicine shall be suspended for a period of thirty (30) days and that said suspension shall be immediately stayed.
4. That respondent's license shall concurrently be placed on probation for a period of two (2) years under the following terms and conditions:
 - (a) For hospitalized patient care cases, respondent shall:
 - (1) Personally perform and document a physical examination of each patient that comes under his care. Such exam shall include, among other things, taking the patient's temperature and weight and a evaluation of the patient's condition;
 - (2) Evaluate each patient's condition and prepare a list of all problems identified;
 - (3) Formulate and document a plan of care for the identified problems; document the daily care provided; and,
 - (4) Provide and document the day by day reassessment of the patient's condition and the daily update of the new care plan.
 - (b) Respondent shall obtain at his own expense, the services of a veterinary doctor, licensed and practicing in the State of Connecticut and pre-approved by the Department (hereinafter "monitor"), to conduct a weekly review of one hundred percent (100%) of respondent's patient records involving wound and trauma treatment and antibiotic treatment *respondent has completed the course work* until ~~all the conditions~~ *set forth in paragraph (f) below* have been met, *and the Department has advised respondent of this in writing. Thereafter,* respondent shall allow a monthly random review of twenty percent (20%) or

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- fifteen of respondent's patient records involving wound and trauma treatment and antibiotic treatment, whichever is the larger number. In the event respondent has fifteen or fewer patients, the monitor shall review all of respondent's ^{perkinney} wound and trauma treatment and antibiotic treatment records on a monthly basis.
- (c) Respondent's monitor shall meet with him not less than once every month of his probation.
- (d) The monitor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the monitor in providing such monitoring.
- (e) Respondent shall be responsible for providing written monitor reports directly to the Department consultant on a monthly basis for the entire period of probation. Such monitor's reports shall include documentation of dates and durations of meetings with respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety.
- (f) Within six months of the effective date of this Consent Order, respondent shall complete or commence a total of forty (40) hours of course work pre-approved by the Department in the areas of pharmacology, wound and trauma emergency medicine, and medical record keeping. At least ten hours shall be required in each such subject area. Respondent shall provide to the Department written proof of the successful completion of each such courses within thirty days of completion of the courses.
- (g) Within thirty days of the effective date of this Consent Order, respondent shall establish procedures pre-approved by the Department for the monitoring, assessment and treatment of animals admitted with either wound or trauma complications and/or for antibiotic treatment.

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- (h) Within thirty days of the effective date of this Consent Order, respondent shall adopt and implement procedures for the preparation and maintenance of comprehensive records for hospitalized patient care.
- (i) Prior to discharging a patient that has been treated for trauma and or wound complications, respondent shall record the condition of the patient and the patient's vital signs.
- (j) Effective upon the execution of this Consent Order, respondent shall maintain a complete and accurate accounting of all wound or trauma emergency patients and all antibiotic treatment patients. These records shall at a minimum document the name of the animal, the type of animal, the owner's address, procedure, date(s) of care and treatment. This document shall be accessible by the Department and the monitor.
- (k) All expenses incurred in order to satisfy the terms set forth in the paragraphs above shall be borne by respondent.

5. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Public Health Hearing Office
Department of Public Health
150 Washington Street
Hartford, CT 06106

6. All reports required by the terms of this Consent Order shall be due on the tenth business day of each month beginning with the report due on March, 1996.
7. That he shall comply with all state and federal statutes and regulations applicable to his licensure.
8. That he understands that this Consent Order is a matter of public record.
9. That any alleged violation of any provision of this Consent Order, may result in the following procedures at the discretion of the Department:

- (a) The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
- (b) Said notification shall include the acts or omission(s) that violate the term(s) of this Consent Order.
- (c) Respondent shall be allowed fifteen (15) days' from the date of the mailing of notification required in paragraph 8(a) above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
- (d) If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
- (e) Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

10. That, in the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a veterinary doctor, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation of the Consent Order and that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that his conduct

constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, Sections 4-182(c) and 19a-17(c).

11. That, in the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
12. That legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Medical Quality Assurance of the Department.
13. That this Consent Order is effective on the first day of the month immediately following the date said order is accepted and ordered by the Board.
14. That the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which (1) his compliance with this Consent Order is at issue, or (2) his compliance with §20-202 of the General Statutes of Connecticut, as amended, is at issue.
15. That any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
16. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
17. That this Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the the Department at any time prior to its being executed by the last signatory.

18. That respondent permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance of the Department to present this Consent Order and the factual basis for this Consent Order to the Board.
Respondent understands that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
19. That respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
20. That respondent has the right to consult with an attorney prior to signing this document.

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I, James Howell, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

James A. Howell
James A. Howell, D.V.M.

Subscribed and sworn to before me this 23rd day of Jan 1996.

W. Donald Della, Commissioner AS-gt.
Notary Public or person authorized
by law to administer an oath or
affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 24th day of January 1996, it is hereby accepted.

Stanley K. Peck
Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the CT Board of Veterinary Medicine on the 24th day of January 1996, it is hereby ordered and accepted.

Jordan R. Oan
Connecticut Board of Veterinary Medicine

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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

March 17, 1998

Dr. James Howell
Candlewood Animal Hospital
117 Kent Road
New Milford, Connecticut 06776

Re: Consent Order
Petition No. 940208-47-005
License No. 000984



Dear Dr. Howell:

Please accept this letter as notice that you have completed the terms of your license probation, effective February 1, 1998.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, R.N.C.
Division of Health Systems Regulation

cc: Debra Tomassone



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