

**STATE OF CONNECTICUT
CONNECTICUT BOARD OF VETERINARY MEDICINE**

In Re: Robert Morrison, D.V.M.
Licence No. 001033
335 Boston Post Road
East Lyme, CT 06333

MEMORANDUM OF DECISION

The Connecticut Board of Veterinary Medicine was presented with a Statement of Charges by the Department of Health Services, dated June 1, 1988, brought against Robert Morrison, D.V.M. (Respondent). The Statement of Charges alleged, in one count, violations of Conn. Gen. Stat. § 20-202(2).

Prior to the initiation of the instant charges, the Respondent was given the opportunity to show compliance with all lawful requirements for the retention of his license pursuant to Conn. Gen. Stat. § 4-182(c).

A Notice of Hearing, dated June 28, 1988, was issued to Respondent. Attached to the Notice was a copy of the Department's Statement of Charges. The hearing took place on November 9, 1988 in Room 120, 150 Washington Street, Hartford, Connecticut. At the hearing Respondent had full opportunity to present evidence and cross-examine witnesses, and in fact did so through his counsel, Leo J. McNamara.

Each member of the Board involved in this decision attests that he has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

Finding of Facts

Based on the testimony given and the exhibits offered into evidence the Board made the following findings of fact:

1. Respondent, Robert Morrison, D.V.M., is the holder of Connecticut Veterinary License Number 001033, and he held that license at all times referenced in the complaint.

2. Between approximately June 20, 1986 and August 5, 1986, Respondent provided veterinary care to "Sparky", a dog owned by Adam B. Szymczyk .

3. On or about June 20, 1986, Respondent diagnosed the dog "Sparky", with heartworm during a regular checkup.

4. Since Mr. Szymczyk was going away for the month of August, treatment for the heartworm condition was scheduled for September, 1986.

5. Before leaving, Mr. Szymczyk arranged for his son and daughter-in-law, Chuck and Donna Szymczyk, to care for his three dogs, including "Sparky".

6. The dogs were left in Mr. Szymczyk's fenced-in yard. Chuck and Donna Szymczyk shared the daily responsibility of feeding the dogs and generally keeping an eye on them and on the house.

7. On or about August 5, 1986 at about 6:00 - 6:30 p.m., Donna Szymczyk went to the house to attend to the dogs and found "Sparky" in the driveway in a puddle of blood.

8. Donna Szymczyk immediately informed her husband, Chuck Szymczyk, about the situation who thereafter called the Respondent and left a message with his answering service.

9. After Chuck Szymczyk left a second message with the answering service, Respondent returned the call and spoke with him.

10. From his telephone conversation with Chuck, Respondent understood that there was a stick protruding from "Sparky's" neck and that she was in pain. Chuck Szymczyk also indicated that "Sparky" was wheezing and bleeding.

11. During this telephone conversation Respondent felt that the situation did not rise to the level of an emergency and recommended that "Sparky" be brought in the following morning, suggesting pain relief in the interim.

12. "Sparky" was subsequently presented to the New Haven Central Hospital for Veterinary Medicine where euthenasia was performed.

Discussion and Conclusions

In the First Count, section 3a, Respondent was charged with having violated Section 20-202 of the Connecticut General Statutes in that he failed to promptly institute treatment for heartworms. That statute states in pertinent part:

After notice and opportunity for hearing as provided in the regulations established by the commissioner of health services, said board may take 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 gross negligence towards animals and birds.

It is the opinion of the Board that section 3(a) of the Statement of Charges should be dismissed. The Board finds insufficient evidence to show that Respondent's failure to promptly institute heartworm treatment for "Sparky" would indicate unskillfulness or gross negligence in violation of Conn. Gen. Stat. § 20-202(2). Other than the heartworm condition, "Sparky" was a young and vital dog. Under these circumstances, the delay in treatment until the owner returned from his trip was within the acceptable standards of treatment.

In the First Count, section 3b, Respondent was charged with having violated section 20-202 of the Connecticut General Statutes in that he failed to respond in a timely fashion to an emergency call received when "Sparky" impaled herself on a stick.

Although there was conflicting evidence as to whether "Sparky" was bleeding or had respiratory problems, Respondent understood from his telephone conversation with Chuck Szymczyk that there was a stick protruding from "Sparky's" neck and that she was in pain. The stick protruding from "Sparky's" neck and the resulting pain created a per se emergency situation.

While the Board can appreciate the emotional stress under which Respondent was acting given the recently received information regarding his wife's CAT SCAN test; Respondent, as a licensed veterinarian, had a responsibility either to promptly respond to the emergency at hand or to make an appropriate referral to another qualified veterinarian.

It is the opinion of the Board that Respondent has violated Connecticut General Statutes Section 20-202(2) as specified in the First Count, Section 3b.

ORDER

Pursuant to its authority under § 19a-17 of the Connecticut General Statutes, the Board of Veterinary Medicine hereby orders the following:

1. That section 3(a) of the Statement of Charges be dismissed; and

2. That Robert Morrison, D.V.M. be ~~reprimanded~~ under section 3(b) of the Statement of Charges for violating Conn. Gen. Stat. § 20-202(2).

The Board hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

CONNECTICUT BOARD OF VETERINARY MEDICINE

11/15/89
Date

Robert P. Dann
Robert Dann, D.V.M.
Chairman

Date of Mailing of this Decision November 17, 1989

Celia B. Carroll
Celia B. Carroll
Board Liaison