

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES 1/
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

Rheal Bouchard, D.V.M.
License No. 01136
MacDonald Veterinary Hospital
267 Cottage Grove
Bloomfield, CT 06002

Petition No. 910208-47-005

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND:

The Department of Public Health and Addiction Services ("Department") presented the Connecticut Board of Veterinary Medicine ("Board") with a Statement of Charges brought against Rheal Bouchard, D.V.M. ("Respondent") dated July 12, 1993. (Department Exhibit 4). The Statement of Charges alleged in one (1) count that Respondent violated Connecticut General Statutes §20-202. Specifically, the Statement of Charges alleges that on July 9 and July 17, 1992, the Respondent examined and treated a dog owned by P. J. Landsman, and that in doing so, he acted inappropriately in that (a) he failed to refer the dog for surgical arthrodesis of the legs; (b) he inappropriately splinted the dog's leg; (c) he inappropriately

1/ Previously, this agency was known as the Department of Health Services. Effective July 1, 1993, the Department of Health Services merged with the Connecticut Alcohol and Drug Abuse Commission to form the new Department of Public Health and Addiction Services. Public Act No. 93-381.

splinted the dog's leg without explaining that the splint should only be temporary; (d) he did not refer the dog for appropriate treatment; and/or (e) he failed to properly treat the dog.

Prior to the initiation of the instant charges, the Department, acting pursuant to Section 4-182(c) of the Uniform Administrative Procedure Act, gave the Respondent the opportunity to attend a Compliance Conference to show compliance with all lawful requirements for the retention of his license. (Department Exhibit 2). The Respondent attended the Compliance Conference and was represented by counsel. (Transcript 12/8/93 p. 3).

The Department served the Notice of Hearing and Statement of Charges on the Respondent by certified mail, return receipt requested. (Department Exhibit 4). The Respondent filed a response to the Statement of Charges in an Answer dated August 17, 1993. (Respondent Exhibit B).

The Respondent requested a continuance of the October 13, 1993 hearing date; the Board granted the request. On December 8, 1993 and January 19, 1994 the Board held a consolidated administrative hearing to adjudicate the Respondent's case, along with a companion case for Margaret McIsaac, D.V.M. The Respondent appeared with his Attorney, John S. Pinney. Stephen

J. Varga, Esq., represented the Department. Both the Department and the Respondent presented evidence and conducted cross-examination of witnesses.

The Statement of Charges identified 1992 as the year in which the alleged disciplinary violations occurred. Based on the other evidence presented in this case, the Board determined that this was an inadvertent clerical error and recognized that the year in question was 1990.

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.

After the hearing concluded, all participating Board members received copies of the entire record. All Board members involved in rendering this decision either heard the case or reviewed the record in its entirety. This decision is based solely on the record and the specialized professional knowledge of the Board in evaluating the evidence.

FINDINGS OF FACT:

1. Respondent is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut veterinary license number 01136. (Department Exhibit 4 and Respondent Exhibit B).

2. On July 9 and 17, 1990, the Respondent examined and treated a dog ("Noddy") owned by P.J. Landsman. (Department Exhibit 4, Respondent Exhibit 6).
3. During the course of the examination performed on July 9, 1990, the Respondent took a radiograph of Noddy's right rear hock. The x-ray revealed a subluxation of that joint. (Transcript 1/19/94, p. 16; Transcript 12/8/93, pp. 46-48).
4. The Respondent splinted the dog's leg. (Transcript 1/19/94, p. 18). Although splinting the dog's leg was neither the best treatment nor a reliable permanent treatment, it was not inappropriate temporary treatment.
5. The Respondent did not explain to Ms. Landsman that the splint should only be temporary treatment. (Department Exhibit 6; Transcript 12/8/93, p. 16).
6. The Respondent did not recommend that Ms. Landsman see another veterinarian. (Transcript 12/8/93 pp. 16-17).
7. The Respondent did not discuss surgical repair with Ms. Landsman. (Transcript 1/19/94 p. 36).
8. The Respondent did not refer the dog for surgical

arthrodesis of the legs. (Transcript 12/8/93, pp. 15, 16, 26; Transcript 1/19/94, pp. 35, 36).

9. The Respondent should have referred the dog for surgical treatment if the surgery could not have been done at Respondent's office. (Transcript 12/8/93, p. 49; Transcript 1/19/94, pp. 57-58).
10. Because the Respondent did not discuss the option of surgery with Ms. Landsman, explain that the splint should be only a temporary treatment, or refer the dog for surgery, the Respondent did not properly treat the dog.

CONCLUSIONS OF LAW:

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

[The] board may take any of the actions set forth in Section 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....

2. By failing to explain that the splint should only be temporary or to refer the dog for surgical treatment, the Respondent was "guilty of ...unskillfulness" in his treatment of Noddy. Accordingly, the Board finds that the Respondent violated Connecticut General Statutes §20-202.

3. The Department sustained its burden of proof with regard to Paragraphs 1, 2, 3a, 3c, 3d, 3e and 4, but not subparagraph 3b.

DISCUSSION

Subparagraphs 3a and 3d of the First Count allege, respectively, that the Respondent inappropriately failed to refer Noddy for surgical arthrodesis of the legs and that he did not refer the dog for appropriate treatment. The Board finds that the Department satisfied its burden of proof on both of these allegations. The Board notes that both experts who testified at the hearing agreed that surgery was the best treatment for Noddy's injury.

Dr. Pond testified that "the most predictable way of getting the bones back together again in their normal anatomical position is most definitely to do surgery." (Transcript 1/19/94, p. 57). He further testified that "[s]plinting and other conservative methods are unlikely to result in the bones coming back in their normal position, and being able to ... have normal function." Id. at 57-58. He stated that "from the point of view of having an absolutely 100 per cent predictable result, I would always recommend surgery to pull the bones back into place...." Id. at 58.

Dr. Dann testified that "the appropriate treatment would have

been if the doctor...did not regularly do this type of surgery they [sic] would make a referral either to a major institution or one of the hospitals in the area that have Board certified veterinarian surgeons..." (Transcript 12/8/93, p. 49).

Even though the Respondent examined Noddy twice, he never discussed surgical repair with Ms. Landsman nor referred the dog for surgical arthrodesis.

Subparagraph 3b of the First Count alleges that the Respondent inappropriately splinted the dog's leg, while subparagraph 3c alleges that the Respondent inappropriately splinted the dog's leg without explaining that the splint should only be temporary. The Board concludes that the record supports the latter allegation but not the former. The Board finds that splinting was an appropriate means of attempting to provide Noddy with some immediate relief. The Board further finds, however, that the Respondent inappropriately failed to explain to Ms. Landsman that the splint should only be temporary. The record shows that splinting would not reliably produce a satisfactory permanent result for Noddy, whose injury required more aggressive treatment. (Transcript 12/8/93, p. 48).

Subparagraph 3e of the First Count alleges that the Respondent failed to properly treat the dog. By failing to discuss the option of surgical arthrodesis with Ms. Landsman or to refer Noddy for such treatment, and by failing to explain that

Noddy's splint should remain in place only temporarily, the Respondent failed to properly treat the dog.

Paragraph 4 of the First Count alleges that the Respondent's conduct, described in Paragraph 3, constitutes a violation of Connecticut General Statutes §20-202. The Board concludes that subparagraphs 3a, 3c, 3d and 3e, on which the Department sustained its burden of proof, demonstrate unskillfulness by the Respondent, and therefore, establish that the Respondent violated Section 20-202.

ORDER:

Pursuant to the authority vested in it by Connecticut General Statutes §19a-17 and §20-202, the Board orders the following in this case against Rheal Bouchard, D.V.M., Petition No. 910208-47-005:

1. The Respondent shall be issued a letter of ~~reprimand~~ **reprimand!**
2. The Respondent shall be on ~~probation~~ for a period of six (6) months.
3. The Respondent shall be assessed a **civil penalty** of five hundred dollars (\$500.00), payable by certified check to "Treasurer, State of Connecticut" within sixty (60) days of the date this decision is signed. The certified check,

which shall indicate Respondent's Petition Number on its face, should be mailed to Bonnie Pinkerton, Nurse Consultant, Department of Public Health and Addiction Services, Division of Medical Quality Assurance, 150 Washington Street, Hartford, Connecticut, 06106.

4. This Order shall become effective on 5 April, 1995.

Connecticut Board of Veterinary Medicine

4/5/95
Date

Richard E. Lau, D.V.M.
by: Richard E. Lau, D.V.M., Member and
Acting Chairman



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES

BUREAU OF HEALTH SYSTEM REGULATION

CONNECTICUT BOARD OF VETERINARY MEDICINE

April 5, 1995

Rheal Bouchard, D.V.M.
MacDonald Veterinary Hospital
267 Cottage Grove Road
Bloomfield, Connecticut 06002

RE: Petition No. 910208-47-005

Dear Dr. Bouchard:

Although you were not the veterinarian who attended to Noddy when Mrs. Landsman first presented her to MacDonald Veterinary Hospital, you did examine Noddy subsequent to her initial examination by your colleague. You did discuss Noddy's care with Mrs. Landsman. During those visits however, you did not suggest methods of treatment other than splinting or rest, as suggested by your colleague.

The members of the Connecticut Board of Veterinary Medicine firmly believe that clients can best form their own opinions about treatment only if offered medically reasonable options. Tarsal arthrodesis is indeed a reasonable option for tibial tarsal subluxation.

It is our opinion that, by failing to offer other reasonable medical options, you failed to serve your patient and client well. Therefore, the Connecticut Board of Veterinary Medicine formally reprimands you.

Sincerely,

Connecticut Board of Veterinary Medicine

By: Richard E. Lau, D.V.M.
Member and Acting Chairman

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Phone: TDD: 203-566-1279
150 Washington Street — Hartford, CT 06106
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES

BUREAU OF HEALTH SYSTEM REGULATION

October 31, 1995

Rheal Bouchard, D.V.M.
MacDonald Veterinary Hospital
267 Cottage Grove Road
Bloomfield, Connecticut 06002

Re: Memorandum of Decision
Petition No. 910208-47-005
License No. 001136



Dear Dr. Bouchard:

Please accept this letter as notification that you have successfully completed the terms of your probation, effective October 4, 1995.

Notice shall be sent to our License and Registration section to remove any restrictions from your license.

If you have any questions regarding this matter, do not hesitate to call me at 566-1011.

Very truly yours,

Bonnie Pinkerton
Nurse Consultant
Public Health Hearing Office

1402Q/101
10/95

cc: Debra Tomassone

Phone: TDD: 203-566-1279
150 Washington Street — Hartford, CT 06106
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