



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

December 17, 2007

Thomas Marsh, D.V.M  
212 Hillside Road  
Fairfield, CT 06430

Re: Consent Order  
Petition No. 2005-0510-047-012  
License Number 001199

Dear Dr. Marsh:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective December 3, 2007.

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.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Respectfully,

Olive Tronchin, HPA  
Practitioner Licensing and Investigations Section

cc: Jennifer Filippone



Phone: (860) 509-7400  
Telephone Device for the Deaf (860) 509-7191  
410 Capitol Avenue - MS # 12HSR  
P.O. Box 340308 Hartford, CT 06134  
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STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
HEALTHCARE SYSTEMS BRANCH

In re: Thomas Marsh, D.V.M.

Petition No. 2005-0510-047-012

CONSENT ORDER

WHEREAS, Thomas Marsh, D.V.M., of Fairfield, Connecticut (hereinafter "respondent") has been issued license number 001199 to practice veterinary medicine by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 384 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. From July 1994 through February 2005, respondent provided care and treatment to Jessica Speart and George Brenner's (hereinafter "the petitioners") dog, Max.
2. On or about February 3, 2005, the petitioners brought their dog, Max, to respondent for an examination of the dog's left rear leg. During the visit, the respondent examined the left rear leg, took x-rays of that leg, and then administered a cortisone shot to the left rear leg.
3. On or about February 4, 2005, the petitioners noticed that Max was still suffering from discomfort in his left rear leg, and brought Max back to respondent. Respondent examined both rear legs and noted in his records that the right rear knee also appeared painful. The right rear leg was not x-rayed.

4. On or about February 7, 2005, the petitioners again presented Max to respondent for care and treatment of his significant discomfort. The petitioners agreed to have respondent operate on Max's left leg, and left Max in respondent's care.
5. Respondent performed surgery on Max's right leg instead of his left.
6. Respondent had not requested or obtained the petitioners' consent to perform surgery on Max's right rear leg.
7. In providing care and treatment to Max, respondent negligently and/or unskillfully failed to conduct diagnostic testing in relation to the symptoms presented; failed to ensure that the results of his examination and testing were accurately transmitted to the petitioners; and/or failed to properly diagnose, treat, or obtain consent for treatment of Max.
8. Respondent failed to keep adequate and/or accurate records of Max.
9. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-202.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, 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-10, 19a-14, and 20-202 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, and 20-202 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent's license number 001199 to practice as a veterinarian in the State of

Connecticut is hereby reprimanded.

2. Respondent shall pay a civil penalty of one-thousand dollars (\$1,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. Respondent's license shall be placed on probation until the following terms and conditions have been met:
  - a. Respondent shall attend and successfully complete a course in veterinarian documentation standards, pre-approved by the Department. Within thirty days of completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course.
4. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant  
Department of Public Health  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, CT 06134-0308

5. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
6. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
7. Respondent shall pay all costs necessary to comply with this Consent Order.
8. 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 terms of this Consent Order have been violated, provided that no prior written consent for deviation from said terms has been granted.

- b. Said notification shall include the acts or omissions that violate the terms of this Consent Order.
  - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a 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 within the fifteen (15) days specified 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 violations of the terms of this Consent Order.
9. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a veterinarian, 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. Respondent further agrees 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 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 the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
10. 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.

11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Bureau of Healthcare Systems of the Department.
12. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
13. 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.
14. 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, 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.
15. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
16. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch 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 this executed Consent Order is approved or accepted.
17. 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.
18. Respondent has the right to consult with an attorney prior to signing this document.

19. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

I, Thomas Marsh, 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.

Thomas Marsh DVM  
Thomas Marsh, D.V.M.

Subscribed and sworn to before me this 12<sup>th</sup> day of Dec 2006.

**MATTHEW T. CUMMINGS**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES AUG. 31, 2010

Matthew T. Cummings  
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 27<sup>th</sup> day of March 2007, it is hereby accepted.

Jennifer Filippone  
Jennifer Filippone, Section Chief  
Practitioner Licensing and Investigations  
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Veterinary Medicine on the 11 day of April 2008, it is hereby ordered and accepted.

Jason R. Dunn  
Connecticut Board of Veterinary Medicine

NF/SHANLEY/Marsh/CO Marsh3