

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH**

In re: Rocco Frank, D.V.M.

Petition No. 2006-0509-047-009

CONSENT ORDER

WHEREAS, Rocco Frank of Westport (hereinafter "respondent") has been issued license number 001324 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. During 1999-2006, respondent provided care and treatment to Snowy, a cat.
2. During March 2006, Susan Zanone (hereinafter "the petitioner") noticed blood in Snowy's urine. The petitioner called the respondent and brought Snowy in to respondent's office.
3. Snowy was diagnosed with acute kidney failure, and the petitioner was informed.
4. During March, respondent negligently and/or unskillfully provided care and treatment to Snowy:
 - a. by failing to recommend and/or perform the appropriate laboratory test;
 - b. by failing to create or maintain adequate medical records; and/or,
 - c. by utilizing a contraindicated anesthetic agent.
5. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-202(2).

WHEREAS, respondent successfully completed two hours of coursework in veterinary documentation standards during the pendency of this petition.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and 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 and 19a-14 and 20-202 of the General Statutes of Connecticut.

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

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license shall be placed on probation for a period of six months under the following terms and conditions
 - a. Within six months of the effective date of this Consent Order, respondent shall:
 - i. attend and successfully complete a course in veterinary management of end of life decisions with clients; and
 - ii. shall attend and successfully complete a course in veterinary ethics.

Said two courses shall be pre-approved by the Department, provided, however, that if the specific subjects designated are not available in any seminar, the respondent may request that he be allowed to attend comparable seminars, subject to approval by the Department. Additionally, within thirty days of the completion of each of the two above-referenced courses, respondent shall provide the Department with

proof, to the Department's satisfaction, of the successful completion of such course.

- b. Respondent shall obtain at his own expense, the services of a veterinarian, pre-approved by the Department (hereinafter "supervisor"), to conduct a monthly random review of twenty percent (20 %) of respondent's patient records. In the event respondent has 20 or fewer patients, the supervisor shall review all of respondent's patient records.
- (1) Respondent shall provide a copy of this Consent Order to his practice supervisor. Respondent's supervisor shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (2) Respondent's supervisor shall conduct such review and meet with him not less than once every month for the period of his probationary period.
 - (3) The supervisor 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 supervisor in providing such monitoring.
 - (4) Respondent shall be responsible for providing written supervisor reports directly to the Department for the probationary period. Such supervisor's reports shall include documentation of dates and duration 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.

3. 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

4. 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.
5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. 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) which 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 7a 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 violation(s) of the term(s) of this Consent Order.
8. If, following commencement of the practice of veterinary medicine in Connecticut in accordance with the terms of probation set forth in this Consent Order, respondent ceases practice, he shall immediately notify the Department in writing. During such time that respondent is not practicing as a veterinarian, he shall not be responsible for complying with the terms of probation set forth in this Consent Order and such terms shall be held in abeyance. Any such period of time when respondent is not practicing will not be counted in reducing the period of probation covered by this Consent Order. In the event respondent resumes the practice of veterinary medicine in Connecticut, respondent shall provide the Department with 60 days prior written notice. Respondent shall not return to the practice of veterinary medicine in Connecticut without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. If requested to do so by the Department, respondent further agrees to complete the following:
- a. submit to and complete a medical, psychiatric/psychological evaluation and/or skills evaluation by a provider pre-approved by the Department. The results of such evaluation shall be submitted directly to the Department.
 - b. execute releases for any records requested by the Department including, but not limited to, psychiatric/psychological care, employment records, treatment and disability records and monitoring and/or professional assistance program records. For purposes of this document, psychiatric/psychological care includes any substance and/or alcohol abuse treatment.

- c. submit a certified copy of his entire file, including all screens, therapy and employer reports and any other documents from any State other than Connecticut which impose conditions on respondent to maintain his license.
- d. attend and successfully complete coursework, remediation, and/or retraining pre-approved by the Department. Upon completion, respondent shall provide the Department with proof, to the Department's satisfaction, of successful completion.

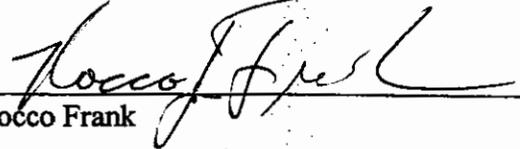
Respondent understands that any return to the practice of veterinary medicine in Connecticut without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

9. If, during the period of probation, respondent practices veterinary medicine outside Connecticut, he shall provide written notice to the Department concerning such employment. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. Respondent may comply with the terms of probation outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of veterinary medicine Connecticut, respondent agrees to comply with all terms and conditions contained in paragraph 8 above.
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. In the event respondent is not employed as a veterinarian for periods of thirty (30) consecutive days or longer, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.

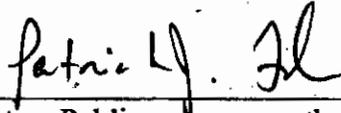
12. Legal notice shall be sufficient if sent to respondent's last known address of record reported to Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
13. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
14. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which his compliance with this Consent Order or with §20-202 of the General Statutes of Connecticut, as amended, is at issue.
15. In the event respondent violates a 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, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. 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 be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. Respondent has the right to consult with an attorney prior to signing this document.
22. 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, Rocco Frank, 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.


Rocco Frank

Subscribed and sworn to before me this 16th day of March 2009.


Notary Public or person authorized
by law to administer an oath or affirmation
COMMISSIONER OF SUPERIOR COURT

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 20th day of March 2009, it is hereby accepted.


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 10th day of June 2009, it is hereby ordered and accepted.


Connecticut Board of Veterinary Medicine



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

December 22, 2009

Rocco Frank, DVM
814 Post Road, E
Westport, CT 06880

Re: Consent Order
Petition No. 2006-0509-047-009
License No. 01324

Dear Dr. Frank:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective December 22, 2009

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.

Best of Luck in the future,


Olive Tronchin, HPA
Practitioner Licensing and Investigations Section

 c: Jennifer Fillippone



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