

**STATE OF CONNECTICUT  
CONNECTICUT MEDICAL EXAMINING BOARD**

Paul Chace, DVM.  
License No.: 001745

Petition Number: 2001-1003-047-028

**MEMORANDUM OF DECISION**

*Procedural Background*

On March 24, 2003, the Department of Public Health ("the Department") presented a Statement of Charges to the Connecticut Board of Veterinary Medicine ("the Board") against the Connecticut veterinarian license of Paul Chace ("respondent"). Dept. Exh. 1. The Statement of Charges and Notice of Hearing were mailed via certified mail, return receipt requested on May 1, 2003. The Notice of Hearing informed the parties that a hearing would be held before the Board on Wednesday, July 23, 2003. Dept. Exh. 1.

On June 3, 2003, the Department filed a Motion to Amend the Statement of Charges to correct a scrivener's error. The Motion was granted by the Board during the hearing on July 23, 2003. Dept. Exh. 2.

On June 4, 2003, the Department filed a Motion to Deem Allegations Admitted.

Respondent ("Resp.") filed a response to the Amended Statement of Charges ("Charges") on June 30, 2003, and an Answer to the Charges during the July 23, 2003 hearing. Resp. Exh. A.

The Department withdrew its Motion to Deem the Allegations Admitted during the hearing on July 23, 2003.

Respondent appeared *pro se*; Attorney Ellen Shanley, appeared on behalf of the Department. Both parties were given opportunity to present evidence and argument on all issues and to conduct cross-examination.

The Board conducted the hearing in accordance with Connecticut General Statutes Chapter 54 (the Uniform Administrative Procedure Act). All Board members involved in this decision received copies of the entire record and attest that they either heard the case or read the record in its entirety. This decision is based entirely on the record and the specialized professional knowledge of the Board in evaluating the evidence.

*Allegations*

1. In paragraphs 1 of the Charges, the Department alleges respondent is, and has been at all times referenced in the Charges, the holder of Connecticut veterinarian license number 001745, and has an office located at the Old Canal Veterinary Clinic, Plainville, Connecticut.
2. In paragraphs 2 of the Charges, the Department alleges during June 2001, respondent provided care and treatment to Ozzy, a parakeet owned by Melissa Calabrese.
3. In paragraph 3 of the Charges, the Department alleges that Ms. Calabrese reported to respondent that Ozzy had a lump in the area of her eye.
4. In paragraph 4 of the Charges, the Department alleges that in providing such care and treatment to Ozzy, respondent negligently and/or unskillfully:
  - a. failed to keep adequate and/or accurate records of Ozzy; and/or
  - b. failed to properly treat Ozzy.
5. In paragraph 5 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-202(2).

*Findings of Fact*

1. Respondent is, and has been at all times referenced in the Charges, the holder of Connecticut veterinarian license number 001745. Resp. Exh. A, Dept. Exh. 5.
2. Respondent provided care and treatment to Ozzy, a parakeet owned by Melissa Calabrese in June 2001. Resp. Exh. A; Dept. Exh. 5.
3. Ms. Calabrese reported to respondent on June 16, 2001, that Ozzy had a lump in the area of her eye. Resp. Exh. A; Dept. Exh. 5.
4. Respondent determined Ozzy suffered from "scaly mites" and provided Ms. Calabrese an oral treatment for Ozzy of 1% Ivermectin diluted in 0.3 ml of 50% dextrose. Ozzy was treated as an outpatient and Ms. Calabrese was instructed to return with Ozzy within two weeks. Dept. Exh. 5.
5. Ms. Calabrese returned on June 28, 2001 with Ozzy, and reported that he was lethargic and kept to the bottom of the cage. Respondent reduced the initial dose of Ivermectin to ward off the risk of a reaction. Dept. Exh. 5.

6. Within an hour after the June 28, 2001 visit, Ms. Calabrese called respondent and reported Ozzy's condition was worsening. Ms. Calabrese took Ozzy to the Mt. Lore Veterinary Clinic, located closer to her home where Ozzy received supportive care and later died. Dept. Exh. 5.
7. Respondent failed to keep adequate records of Ozzy's treatment. Tr. 7/23/03, pp. 17-22, 35, 38; Dept. Exh. 4.
8. There is insufficient evidence to find that respondent failed to properly treat Ozzy. Dept. Exh. 5.

### *Discussion and Conclusions of Law*

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S.Ct. 999, *reh'g denied*, 451 U.S. 933 (1981); *Swiller v. Commissioner of Public Health*, CV 970573367, Superior Court, J.D. Hartford/New Britain at Hartford, February 19, 1998.

Section 19a-10 of the Connecticut General Statutes provides in pertinent part, "[Boards] may conduct hearings on any matter within their statutory jurisdiction. Such hearings shall be conducted in accordance with Chapter 54 and the regulations established by the Commissioner of Public Health."

Connecticut General Statutes §20-202(2) provides:

After notice and opportunity for hearing as provided in the regulations established by the Commissioner of Public Health, said 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 or certificate has become unfit or incompetent or has been guilty of cruelty, unskillfulness or negligence towards animals and birds . . .

The Board finds that the Department met its burden of proof with respect to paragraphs 1 through 4a and 5 of the Charges, but failed to meet its burden with respect to paragraph 4b.

The evidence establishes that respondent possesses a significant level of knowledge relative to the treatment of birds. Respondent was the only witness to testify regarding the standard of care; the Department presented no expert testimony to establish the standard of care was violated. The evidence in the record reveals that respondent has demonstrated unskillfulness and negligence in his record keeping abilities, which are an integral part of the care he provides. The standard of care requires a veterinarian's records to be maintained in a manner in which other professionals can read and understand the treatment a veterinarian has provided to his

patients. Respondent's records fell below this standard in that: the records relating to Ozzy's treatment did not provide a comprehensive computation of treatment doses; the records reflected Ozzy received an injection that respondent testified he did not administer; and, his method of dilution of the drug Ivermectin was not understandable and inadequately documented in his records.

Thus, based on the record in its entirety, the Board finds respondent failed to meet the minimum standard of care in his practice as set forth in §20-202(2) of the Connecticut General Statutes, and his license is subject to disciplinary action as prescribed in Connecticut General Statutes §§19a-17(a).

*Order*

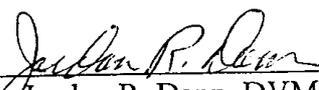
Pursuant to the authority vested in it by §§19a-17 and 20-202(2) of the Connecticut General Statutes:

1. The Board orders respondent's license number 001745 to practice as a veterinarian in the State of Connecticut is hereby reprimanded.
2. Respondent shall document his dilution method so that it is understandable to the Board, including how the calculations are done. The treatment doses shall be posted in a place in the office where everyone else in the office/practice and other veterinarians can view; and shall be included in all of respondent's records so that other practitioners can review and evaluate them.
3. The outline of respondent's dilution method must be submitted to the Department.
4. All correspondence shall be addressed to:

Bonnie Pinkerton, Nurse Consultant  
Department of Public Health  
Division of Health Systems Regulation  
410 Capitol Avenue, MS #12HSR  
P.O. Box 34308  
Hartford, CT 06134-0308

7. This Order shall become effective upon the signature of the Board Chairperson.

APRIL 21, 2004  
Date

  
By: Jordan R. Dann, DVM, Chairman  
Connecticut Board of Veterinary Medicine