

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

Kenneth Preli, D.V.M.

Petition No. 2002-1105-047-037

MEMORANDUM OF DECISION

Procedural Background

On November 3, 2003, the Department of Public Health ("the Department") presented the Connecticut Board of Veterinary Medicine ("the Board") with a Statement of Charges ("Charges"), against Kenneth Preli, D.V.M. ("respondent"). Dept. Exh. 1. The Charges, along with the Notice of Hearing, was sent to respondent by certified mail, return receipt requested, and first class mail on November 13, 2003. The Notice of Hearing scheduled a hearing for January 14, 2004, and notified the parties that the hearing would be held before the Board. Dept. Exh. 1.

On November 26, 2003, respondent filed an Answer to the Charges.

On January 14, 2004, the Board held an administrative hearing to adjudicate respondent's case. The hearing was continued to April 21, 2004. Respondent was represented by Peter Janus, Esq. The Department was represented by Attorney Ellen Shanley.

The Board conducted the hearing in accordance with Chapter 54 of the Connecticut General Statutes and Regulations of Connecticut State Agencies, §§19a-9-1, *et seq.* All Board members involved in this decision received copies of the entire record and attest that they have either heard the case or read the record in its entirety. This decision is based entirely on the record.

Allegations

1. In Paragraph 1 of the Charges, the Department alleges that respondent is, and has been at all times referenced therein, the holder of Connecticut veterinarian license number 001913.
2. In Paragraph 2 of the Charges, the Department alleges that during 2001-2002, respondent provided care and treatment to Caleb, a cat owned by Maureen Foster.
3. In Paragraph 3 of the Charges, the Department alleges that during October 2002, Ms. Foster reported that Caleb was experiencing lethargy, vomiting, and anorexia.

4. In Paragraph 4 of the Charges, the Department alleges that in providing such care and treatment to Caleb, respondent negligently and/or unskillfully failed
 - a. to properly treat Caleb; and/or,
 - b. to keep adequate and/or accurate records of Caleb.
5. In Paragraph 5 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. §20-202(2).

Findings of Fact

1. Respondent, of Orange, Connecticut is, and has been at all times referenced herein, the holder of Connecticut veterinarian license number 001913. Resp. Exh. A.
2. Respondent provided care and treatment to Caleb, a male cat owned by Maureen Foster. Resp. Exh. A.
3. On October 14, 2003, Ms. Foster took Caleb to the Shoreline Animal Emergency Clinic (the Clinic) where he was examined by Dr. Yassenow. Caleb was exhibiting symptoms of vomiting, anorexia and lethargy. At the time of his visit, Caleb had a full bladder and was urinating freely. The Clinic was able to take a urine sample. The specific gravity of Caleb's urine was 1.0/10, which is very low, and diluted. He had high values of BUN and creatinine, and his potassium level was elevated. Caleb's kidneys felt irregular Tr. 1/14/04, pp. 19, 20, 33, 34; Tr. 4/21/04, pp. 8-10.
4. Very low specific gravity of the urine and high values of BUN and creatinine may indicate renal failure. Tr. 1/14/04, pp. 47- 49, 52; Tr. 4/21/04, p. 8.
5. The Clinic did some diagnostic testing, took x-rays, and found Caleb to be uremic. The Clinic put Caleb on IV fluids and transferred him to respondent the next day for continuing care. Tr. 1/14/04, pp. 20, Dept. Exh. 7.
6. Caleb remained in respondent's care from October 15, 2002 through October 19, 2002.
7. On October 15, 2002, respondent took x-rays, repeated blood work and placed Caleb on IV fluids. Respondent found Caleb's BUN and creatinine was very high. Based on the x-rays taken by respondent on October 15, 2002, and the x-rays taken by the Clinic on October 14, 2002, Caleb's kidneys appeared irregular. The x-rays revealed that Caleb's bladder was full and there were approximately three calculi stones in the bladder. Tr. 1/14/04, pp. 22, 23; Resp. Exh. A; Dept. Exh. 5-6.
8. The existence of calculi can be a symptom of an infection or can cause feline lower urinary tract syndrome, which can include an obstruction in the urinary tract in the urethra. Caleb's x-rays did not reflect the existence of an obstruction. Tr. 1/14/04, pp. 31, 33, Dept. Exh. 5, 6, 7. Tr. 4/21/04, p. 10.

9. While in respondent's care from October 15 through October 17, 2002, Caleb was freely urinating. Tr. 1/14/04, pp. 45, 101; Tr. 4/21/04, p. 10.
10. Respondent failed to record the existence of calculi in Caleb's bladder or comments on the x-rays in Caleb's medical records. Tr. 1/14/04, pp. 23, 105, 123; Tr. 4/21/04, p. 11.
11. On October 16, 2002, respondent administered IV and subcutaneous fluids to Caleb. Tr. 1/14/04, p. 30.
12. The proper standard of care for recording fluids is to record the fluid rate, the type of fluid, the amount of fluid administered, and the measurement of urine flow. Tr. 1/14/04, pp. 139, 141.
13. Respondent failed to note the fluid rate, the types of fluids, the amount of fluids administered and the measurement of Caleb's urine flow. Tr. 1/14/04, pp. 30, 120.
14. On October 18, 2002, respondent took additional x-rays, which revealed minimal plural fusion fluid in Caleb's thoracic cavity, a distended abdomen, and stones in his bladder. There was a period of time when Caleb did not urinate. Tr. 1/14/04, pp. 24, 35, 57; Tr. 4/21/04, pp. 12, 30, 31; Dept. Exh. 6.
15. On October 18, 2002, respondent was able to express urine from Caleb's bladder by taking Caleb's bladder and squeezing it. The fact that he was able to express urine from Caleb's bladder indicates there likely was no blockage. Tr. 4/21/04, pp. 12, 30, 31.
16. From October 15 through October 19, 2002, while Caleb was under the care of respondent, he presented symptoms of renal failure. He did not present symptoms of post-renal obstruction. Tr. 1/14/04, pp. 95, 96, 131, 132.
17. Subsequent to respondent's care, Caleb was taken to the Milford Veterinarians where a stone was found in his urethra. The stones were surgically removed from Caleb's bladder. Tr. 1/14/04, pp. 110, 129; Tr. 4/21/04, p. 37.
18. Based on the symptoms Caleb presented while under respondent's care from October 15, 2002 through October 19, 2002, respondent properly treated Caleb. Tr. 1/14/04, pp. 95, 101.

Discussion and Conclusions of Law

Section 20-202(2) of the Connecticut General Statutes provides, in pertinent part, that the Connecticut Board of Veterinary Medicine "may take any of the actions set forth in §19a-17 for any of the following causes . . . (2) proof that the holder of such license or certificate has been unfit or incompetent or has been guilty of cruelty, unskillfulness or negligence toward animals and birds; . . ." The Department bears the burden of proving the allegations by a preponderance

of the evidence. *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S. Ct. 999, *reh'g denied*, 451 U.S. 9333 (1981); *Swiller v. Commissioner of Public Health*, 15 Conn. Law Rptr. No.16, 532 (January 29, 1996).

The Board relied on the training and experience of its members in making its findings of facts and conclusions of law. *Pet v. Department of Health Services*, 228 Conn. 651, 667 (1994).

The Department met its burden of proof with regard to allegations 1 through 3 and 4(b) of the Charges. The Department failed to meet its burden of proof with regard to allegation 4(a) of the Charges. A preponderance of the evidence establishes that during 2001-2002, respondent provided proper care to Caleb, a cat owned by Maureen Foster. However, although respondent provided care to Caleb within the minimum standard of care, his record keeping was deficient.

While Caleb was under the care of respondent, he presented symptoms of acute renal failure. The Board finds that the fact that Caleb subsequently had an obstruction necessitating surgery, does not establish that Caleb was blocked while under respondent's care. FF. 5-9, 11, 12, 14-18. The x-rays revealed the existence of calculi in Caleb's bladder, but did not reveal an obstruction. Caleb also was urinating freely from October 15, 2002 through October 19, 2002, further indicating he was not obstructed by the calculi. FF. 8, 9, 15. Respondent's findings and treatment were supported by the credible testimony of expert, Dr. Larry Berkwitt, who agreed that with the symptoms Caleb presented under respondent's care, Caleb was properly diagnosed by respondent as having acute renal failure.

The Board finds, however, that the Department met its burden of proof that respondent negligently and unskillfully failed to keep adequate and accurate records of Caleb. Although Caleb's x-rays revealed the existence of calculi in his bladder, respondent failed to record the existence of calculi, and failed to show the x-rays to Ms. Foster. At a minimum, because of Caleb's urinary problem, respondent should have calculated and recorded the cystic calculi and everything on the radiograph. By failing to show Ms. Foster Caleb's x-rays, respondent denied Ms. Foster the opportunity to participate in the examination of the x-rays. Respondent also failed to record the fluid rate, the types of fluids, and the amount of fluids administered to Caleb, as well as the measurement of Caleb's urine flow, thereby exercising a practice below the minimum standard of care. FF. 10-13.

The Board's findings that respondent negligently and unskillfully failed to maintain adequate records for Caleb, constitute grounds for disciplinary action pursuant to *Conn. Gen. Stat. §20-202(2)*.

Order

Based upon the record in this case, the above findings of fact and conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §§19a-17(a) and 20-202, the Board orders the following in the case of Kenneth Preli, D.V.M., Petition number 2002-1105-047-037, veterinarian license number 001913:

1. Respondent's license shall be placed on probation for a period of one (1) year under the following terms and conditions:
 - a. Respondent shall obtain at his own expense, the services of a Veterinarian, pre-approved by the Department ("supervisor"), to conduct a monthly random review of fifteen (15) of respondent's patient records (including nursing and treatment sheets), created or updated during the term of the probation. In the event respondent has fewer than fifteen (15) patients, the monitor shall review all of respondent's patient records.
 - (i) Respondent's supervisor shall meet with him not less than once every month for the term of his probationary period.
 - (ii) 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.
 - (iii) Respondent shall be responsible for providing written supervisor reports directly to the Department on a quarterly basis for the full term of the probationary period. Such supervisor's reports shall include documentation of dates and durations of meetings with respondent, number and a general description of the patient records, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety.
2. Respondent shall be responsible for all costs associated with the satisfaction of the terms of this Memorandum of Decision.

3. All reports, correspondence and/or other communication with the Department and/or Board required pursuant to this Order shall be sent to:

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

4. Respondent shall inform the Department in writing of his current address and any change thereto during the period of probation. All notices provided to respondent will be sent to the most current address of respondent on file with the Department.
5. This Order shall become effective upon the signature of the Board Chairperson.

Connecticut Board of Veterinary Medicine

2/9/05
Date

Jordan R. Dann
by Jordan R. Dann, D.V.M., Chairman



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

March 3, 2006

Kenneth B. Preli, DVM
504 Pine Tree Drive
Orange, CT 06477

Re: Memorandum of Decision
Petition No. 2002-1105-047-037
License No. 001913

Dear Dr. Preli:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective March 1, 2006.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

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,

A handwritten signature in cursive script, appearing to read "Olive Tronchin".

Olive Tronchin, HPA
Office of Practitioner Licensing and Investigation

✓ cc: Jennifer Filippone



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