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**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

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PENNSYLVANIA  
PROFESSIONAL AND OCCUPATIONAL AFFAIRS

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**BEFORE THE STATE BOARD OF VETERINARY MEDICINE**

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**COMMONWEALTH OF PENNSYLVANIA, BUREAU OF PROFESSIONAL  
AND OCCUPATIONAL AFFAIRS**

v.

**THOMAS F. STEVENSON, D.V.M.**

**DOCKET NO. 1033-57-09  
FILE NO. 09-57-05651**

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**FINAL ADJUDICATION AND ORDER**

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**BASIL L. MERENDA, COMMISSIONER  
BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

**ROBIN J. BERNSTEIN, ESQUIRE  
CHAIRMAN  
STATE BOARD OF VETERINARY MEDICINE**

**Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649**

## HISTORY

The license of Thomas F. Stevenson, D.V.M. (Respondent) was suspended through an order of immediate temporary suspension on May 4, 2009, signed by members of the Probable Cause Screening Committee of the State Board of Veterinary Medicine (Board). A hearing examiner for the Bureau of Professional and Occupational Affairs issued an order on August 14, 2009, finding that a *prima facie* case existed to support the temporary suspension and ordering that the suspension remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered by the Board or agreed to by the participants.

This matter commenced on June 8, 2009, when the Commonwealth filed a five-count notice and order to show cause alleging that Respondent violated the Veterinary Medicine Practice Act ("Act"), Act of December 27, 1974, P.L. 995, as amended, 63 P.S. § 485.1 *et seq.* Count one alleged that Respondent was subject to discipline under section 21(8) of the Act, 63 P.S. § 485.21(8), because Respondent failed to keep the equipment and premises of this business establishment in a clean and sanitary condition. Count two alleged that Respondent was subject to discipline under section 21(11) of the Act,<sup>1</sup> 63 P.S. § 485.21(11), in that Respondent engaged in practice amounting to incompetence, gross negligence or other malpractice or the departure from or failure to conform to, the standards of acceptable and prevailing veterinary medical practice. Count three alleged that Respondent was subject to discipline under section 21(1) of the Act, 63 P.S. § 485.21(1), through violation of Principle 2(a) of the Board's regulations, 49 Pa. Code § 31.21, Principle 2(a), in that he willfully and/or repeatedly failed to prevent and relieve suffering of animals. Count four alleged that Respondent was subject to discipline under

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<sup>1</sup> The Commonwealth erroneously cited "Section 21(8) of the Veterinary Medicine Practice Act ... 63 P.S. § 485.21(11)" with the language from section 21(11). Because the correct statutory language was cited and neither Respondent nor his legal counsel asserted that he did not have notice of the allegations against him, the Board finds that Respondent had notice of the allegations against him and was able to defend against the allegations.

section 21(12) of the Act, 63 P.S. § 485.21(12), in that Respondent engaged in practices in connection with the practice of veterinary medicine which are in violation of the standards of professional conduct, namely preventing and relieving the suffering of animals. Count five alleged that Respondent was subject to discipline under section 21(1) of the Act, 63 P.S. § 485.21(1), through violation of Principle 2(a) of the Board's regulations, 49 Pa. Code § 31.21, Principle 2(a), in that he willfully and/or repeatedly failed to prevent and relieve suffering of animals.

On July 7, 2009, Respondent filed an answer to the order to show cause, admitting some of the Commonwealth's allegations and denying others, and denying that he was subject to disciplinary action for violating the Act. Also on July 7, 2009, Respondent filed a motion to dismiss. In his motion to dismiss, Respondent asserted that the allegations in count one were legally insufficient to state an obligation that he maintain the premises at issue in a clean and sanitary manner. Respondent asserted that the allegations in count two failed to identify acts which amounted to incompetence, gross negligence, malpractice or a departure from or failure to conform to the standards of acceptable and prevailing veterinary medical practice and failed to identify any standard of competence or other standard of care that Respondent allegedly violated; and that the Commonwealth failed to allege a duty, breach and injury to demonstrate gross negligence or malpractice. Regarding counts three through five, Respondent asserted that the Rules of Professional Conduct alleged to have been violated were not imperatives and that the Commonwealth's allegations were, therefore, without merit. In addition, Respondent asserted that counts four and five were duplicative and unnecessary and that count five was a verbatim recitation of count three.

On July 20, 2009, the Commonwealth filed a response to the motion to dismiss. The Commonwealth asserted that the Respondent's motion was without merit. The Commonwealth also asserted that the General Rules of Administrative Practice and Procedure, specifically 1 Pa. Code § 31.180, prevented the Board's presiding officer from ruling on a motion until a hearing was held.

On July 23, 2009, the Board issued an order scheduling the matter for hearing on September 11, 2009. On that same date, an order issued directing the parties to file prehearing statements and requests for subpoenas, if any.

On August 5, 2009, Respondent filed a brief in support of his motion to dismiss. On August 21, 2009, the Board issued an order granting the motion to dismiss in part, as to count five of the order to show cause, and ordered the hearing to proceed on counts one through four. Prehearing statements were filed in August 2009.

Respondent's counsel contacted the Board counsel to request a continuance due to an illness in his family. Respondent waived the 180 day limitation on the immediate temporary suspension and, on August 27, 2009, the Board issued an order granting the continuance and accepting Respondent written waiver of the 180 day limitation in section 25(b) of the Act, 63 P.S. § 485.25(b). Board counsel contacted Respondent's counsel in October 2009, to inquire whether Respondent was prepared to move forward with the hearing. On October 26, 2009, the Board issued an order scheduling the matter for hearing on December 10, 2009.

A formal hearing was held on December 10, 2009, before Steven M. Radbill, VMD, Secretary, Mark B. Guise, M.S., VMD, Juanita Monteiro, DVM, David R. Wolfgang, VMD, and Maria Romano-Marcinko, public member. Teresa Lazo, Esquire, Board Counsel, served as hearing officer. Shawn E. Smith, Esquire, represented the Commonwealth. Respondent

appeared in person with his legal counsel Dennis E. Boyle, Esquire and Joshua M. Autry, Esquire. The evidentiary portion of the hearing was closed and the parties agreed to submit their closing arguments in writing as part of their post-hearing briefs.

The hearing transcript was filed on December 24, 2009. On December 31, 2009, the Board issued an order notifying the parties of the filing of the transcript and setting the briefing schedule. The Commonwealth filed its post-hearing brief on January 29, 2010. Respondent requested an extension of time to file his post-hearing brief, which was granted without objection. Respondent filed his post-hearing brief on March 1, 2010, including an appendix of color reproductions of the photographs presented at the hearing. The Commonwealth did not file a reply brief.

After reviewing the entire record in this matter, the Board<sup>2</sup> conducted deliberations on the matter. On June 18, 2010, the Board issued an order terminating the immediate temporary suspension of Respondent's license and indicated that a final adjudication would issue in due course. The Board now issues this adjudication and order in final resolution of this matter.

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<sup>2</sup> Board members Robin Bernstein, Esquire and Larry Gerson, VMD, who were members of the Probable Cause Screening Committee, recused from any deliberation or voting on this matter.

## **FINDINGS OF FACT**

1. Respondent is licensed to practice veterinary medicine in the Commonwealth of Pennsylvania, holding license number BV006357E. (Order to show cause and answer, ¶ 1; Board records)
2. Respondent's license was suspended by order of immediate temporary suspension on May 2, 2009. (Order to show cause and answer, ¶ 22, file no. 09-57-05650, docket no. 1033-57-09)
3. Respondent's license was renewed through November 30, 2010, and may be renewed thereafter upon the filing of the appropriate documentation and payment of the necessary fees. (Order to show cause and answer, ¶ 3)
4. At all times pertinent to the factual allegations, Respondent held a license to practice veterinary medicine in this Commonwealth. (Order to show cause and answer, ¶ 4)
5. Respondent's last known address on file with the Board is P.O. Box 1052, Honey Brook, PA 19344-0904. (Order to show cause and answer, ¶ 5)
6. Respondent was veterinarian of record for Country Lane Kennels ("the kennel") on March 10, 2009. (N.T. 135)
7. On March 10, 2009, Respondent went to the kennel to perform a US Department of Agriculture inspection of the premises. (N.T. 135, 139)
8. The kennel has an office and storage area with a large, industrial-style stainless steel sink. (N.T. 68-69)
9. On March 10, 2009, Officer Tara Loller ("Officer Loller"), a Humane Society Police Officer, went to the kennel undercover to investigate allegations that had been made against the kennel owner related to providing or selling veterinary drugs. (N.T. 17)

10. Respondent and Officer Loller arrived at the kennel at about the same time. (N.T. 136).
11. Officer Loller posed as the niece of a woman known to the kennel owner and pretended to be looking for a puppy to purchase. (N.T. 20)
12. On March 9, 2009, the kennel owner had cut the tail on a 9-week old small mixed breed puppy (hereafter, "the puppy") while trying to groom the puppy. (N.T. 137)
13. On March 9, 2009, the kennel owner put Blood Stop, ferrous sulfate powder, on the puppy's tail. (N.T. 137)
14. The kennel owner showed Officer Loller the puppy. (N.T. 21)
15. Officer Loller exhibited interest in the puppy and carried it around while looking at other dogs. (N.T. 21)
16. A small amount of serosanguinous fluid was oozing from the puppy's injured tail while Officer Loller carried the puppy around the kennel. (N.T. 49-50)
17. When Officer Loller and the kennel owner returned to the atrium, the kennel owner took the puppy from Officer Loller and handed it to Respondent. (N.T. 22)
18. The kennel owner told Respondent that he had cut the puppy's tail the day before while trying to groom the puppy and that he had applied Blood Stop to stop the bleeding from the puppy's tail. (N.T. 137)
19. Blood Stop or Quick Stop is made of ferrous sulfate, a caustic agent. (N.T. 137)
20. Ferrous sulfate creates necrosis of the skin. (N.T. 168)
21. The sink area in the office/storage area was not clean and Respondent described the area as 'not optimal surgical conditions.' (N.T. 23, 155)
22. Respondent ran water in the sink in the office/storage area and used his hand to break down the scabby, coagulated material that had formed and was matted around the puppy's tail

under the running water. (N.T. 136-137-138)

23. The puppy remained in Respondent's hands and was never placed in the sink, on the sinktop or on the floor in the office/storage room. (N.T. 24)

24. Respondent used SoftSoap liquid soap or Dial liquid soap that was at sink to assist in the process of removing the coagulated material from the puppy's tail. (N.T. 139)

25. The puppy was vocalizing while Respondent was washing away the scabby material. (N.T. 24 - 27)

26. When the scabby material was removed, it was evident that the kennel owner had severed the puppy's tail vertebrae and nerves and the puppy's tail was attached by only a small piece of skin. (N.T. 138-139)

27. Respondent used a pair of scissors or shears that were lying on the sinktop and snipped through the remaining piece of skin. (N.T. 140)

28. Respondent did not wash or sterilize the scissors or shears prior to using. (N.T. 28; order to show cause and answer ¶ 15)

29. Respondent did not sedate the puppy or use a numbing agent on the puppy prior to cutting through the small piece of skin that attached the severed tail to the puppy. (N.T. 140; order to show cause and answer ¶ 16)

30. Cutting through the remaining piece of skin on the puppy's tail did not cause any bleeding. (N.T. 28-29, 33, 75, 77, 141, 161; Exhibit C-5)

31. Respondent put some ointment on the puppy's tail and then handed the puppy back to Officer Loller. (N.T. 28-29)

32. The puppy was no longer vocalizing but trembled for approximately 30 minutes. (N.T. 3

33. The acceptable and prevailing standards of veterinary medical practice require a

veterinarian to use proper surgical instruments to minimize tissue trauma and promote proper healing. (N.T. 122, 173)

34. The acceptable and prevailing standards of veterinary medical practice require a veterinarian to use clean or sterilize instruments. (N.T. 121-122, 173)

35. The acceptable and prevailing standards of veterinary medical practice require a veterinarian to provide general anesthesia and analgesia to a 9-week old puppy prior to performing a tail amputation. (N.T. 120, 173).

36. Respondent did not amputate the puppy's tail. (N.T. 139, 28-29, 75, 77, 141, 161)

37. Respondent was served with the order to show cause and all subsequent documents of record in this matter. (Answer; appearance at hearing; post-hearing brief)

## CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Finding of fact no. 1)
2. Respondent was afforded notice of the allegations against him and was provided an opportunity to be heard in this proceeding in accordance with the Administrative Agency Law, 2 Pa. C.S. §504. (Finding of fact no. 37)
3. A preponderance of the evidence does not support a finding that Respondent is subject to discipline under section 21(8) of the Act, 63 P.S. § 485.21(8), because a kennel area in a separate room adjacent to a room in which he cut a piece of skin holding on a puppy's tail had fecal matter in dog cages. (Findings of fact nos. 6-8, 21-23)
4. Respondent is subject to discipline under section 21(8) of the Act, 63 P.S. § 485.21(8), for failing to keep equipment used in his veterinary medical practice in a clean and sanitary condition because he used unsanitary scissors/shears to cut a piece of skin holding on a puppy's tail. (Findings of fact nos. 23-24, 28-29)
5. A preponderance of the evidence does not support a finding that Respondent is subject to discipline under sections 21(1) or 21(12) of the Act, 63 P.S. §§ 485.21(1) or (12), for violating Principle 2(a) of the Board's Professional Conduct Regulations, 49 Pa. Code § 31.21, because Principle 2(a) does not provide an enforceable standard of conduct for veterinarians. 49 Pa. Code § 31.21.

## **DISCUSSION**

### **Applicable Law**

The applicable provisions of the Act provide as follows:

#### **§ 485.21.      Grounds for disciplinary proceedings**

The board shall suspend or revoke any license or otherwise discipline an applicant or licensee who is found guilty by the board or by a court of one or more of the following:

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(1) Wilful or repeated violations of any provisions of this act or any of the rules and regulations of the board.

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(8) Failure to keep the equipment and premises of the business establishment in a clean and sanitary condition.

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(12) Engaging in practices in connection with the practice of veterinary medicine which are in violation of the standards of professional conduct as defined herein or prescribed by the rules of the board.

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63 P.S. §§ 485.21(11). The applicable provisions of the Board's regulations provide as follows:

#### **§ 31.21.      Rules of Professional Conduct**

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##### **Principle 2.**

(a) The principle objectives of the veterinary profession are to render service to society, to conserve livestock resources and to prevent and relieve suffering of animals. Veterinarians should conduct themselves in relation to the public, their colleagues and the allied professions so as to merit their full confidence and respect.

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49 Pa. Code § 31.21, Principle 2(a).

### **Discussion**

#### **Count One of the Order to Show Cause**

In its order to show cause, the Commonwealth alleged that the kennel “had cages without food and water, and copious amounts of fecal matter lying about.” (Order to show cause, ¶ 8). In addition, the Commonwealth alleged that Respondent cut a puppy’s tail with a pair of shears or some other tool and did not first sanitize the tool. (Order to show cause, ¶ 14-15). On the basis of these factual allegations, the Commonwealth alleged, in count one of the order to show cause, that Respondent was subject to discipline for failing of keep the equipment and premises of the business establishment in a clean and sanitary condition. (Order to show cause, ¶ 24).

In support of its allegations, the Commonwealth presented the testimony of Tara Loller, a Humane Society Police Officer (“Officer Loller”) who was at the kennel investigating the kennel owner; Helen Smith, an informant for the PSPCA who was at the kennel to try to buy an adult dog that had an eye injury, and an expert witness. Officer Loller testified that in the kennel area, there was no food and water sitting out and that “[t]here was feces.” (N.T. 19). Officer Loller testified that the sink area over which the puppy was held while Respondent washed the puppy’s tail and snipped through the remaining piece of skin that attached the puppy’s tail was not clean. (N.T. 23). Respondent admitted that the conditions were not optimal for the performance of a surgical procedure. (Finding of fact no. 21). The Commonwealth’s expert, Dr. Brian Harpster, V.M.D., testified that surgical procedures must be performed in a proper surgical environment, which is a sterile environment. (N.T. 121). Respondent agreed with Dr. Harpster’s statements regarding the standard of care in veterinary medicine. (N.T. 173).

Testimony regarding the condition of the kennel area, as opposed to the office/storage room, is irrelevant because no evidence was introduced to suggest that Respondent practiced veterinary medicine in the kennel area. Officer Loller's testimony regarding the sink area is relevant because it is the area in which Respondent practiced veterinary medicine. However, acknowledging that the acceptable and prevailing standards of veterinary medical practice require licensees to perform surgery in a sterile environment is just the beginning of the analysis of whether Respondent's conduct subjects him to discipline.

The General Assembly mandated that the Board be made up of practicing veterinarians so that the Board can use its specialized knowledge to apply the standards of practice to the particular circumstances of a veterinarian's practice. Veterinary medical practice, including performing surgery, may take place outside of a veterinary medical facility. *See, e.g.* section 27(2) of the Act, 63 P.S. § 485.27(2) (authorizing the Board to inspect all animal hospitals or veterinary establishments, including mobile clinics). In this case, Respondent's actions with the puppy constituted the practice of veterinary medicine on an "outcall" basis – outside his veterinary medical facility. In such cases, veterinarians may only perform surgery if the physical location for the surgery is suitable for the particular surgery to be performed and depending upon the circumstances. For example, it could be appropriate to perform an emergency surgical procedure to save the life of an animal in a non-sterile environment when the risk from not performing the procedure is greater than the risk of complications arising from proceeding in a non-sterile environment. The Board's members possess the expertise to make these determinations.

The Commonwealth's expert testified that an emergency tail amputation might need to be performed if there were a tail injury that was life-threatening, such as uncontrollable bleeding. (N.T. 124). Uncontrollable bleeding was not the issue in this case; rather, Respondent proceeded in order to prevent the puppy's tail from becoming caught in its enclosure or having another puppy tear it off. The puppy's condition was not life-threatening; Respondent could have offered to take the puppy back to his clinic.<sup>3</sup> However, the procedure that Respondent performed was not a tail amputation; the kennel owner had essentially amputated the puppy's tail the day before Respondent was at the kennel.

Respondent held the puppy during the entire procedure; the puppy never touched the sink. (N.T. 44). Respondent washed off the coagulated blood matted in the fur to reveal the extent of the puppy's injury and then snipped through the small piece of skin that remained attaching the severed tail to the puppy's body. The kennel owner had already severed the bone and nerves of the tail the day before. Removing the tail was advisable to prevent the tail from being caught in something or chewed on by another puppy and causing further injury. The procedure that Respondent performed did not penetrate living tissue, as evidenced by the fact that none of the witnesses testified that what Respondent did caused any bleeding. The risk of contamination and infection occurred primarily the day before when the puppy's owner cut through the vertebrae and soft tissue making up the puppy's tail. Respondent's action did not reopen that wound. This was not a procedure that required a sterile environment, although such an environment might have been preferable. The Board concludes that Respondent is not subject

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<sup>3</sup> As discussed more fully, *supra* at n. 5, the acceptable and prevailing standards of veterinary medical practice indicated that the puppy should have been taken to Respondent's hospital where surgery and amputation above the site could have been performed. However, the Commonwealth did not allege that Respondent was subject to discipline for failing to perform or offering to perform the procedure that, based on the animal's presentation, should have been performed and was subsequently performed by Dr. Rachel Lee at the PSPCA.

to discipline under section 21(8) for failing to clean the sink in the kennel's office/storage area prior to practicing veterinary medicine over the sink.

Respondent did not clean the shears he used to snip through the piece of skin that attached the puppy's tail. (Finding of fact no. 28). The Board may discipline a veterinarian under section 21(8) of the Act for failing to keep veterinary medical equipment in a clean and sanitary condition. 63 P.S. § 485.21(8). The shears used by Respondent were not his veterinary medical equipment; however, Respondent's use of the shears to practice veterinary medicine effectively made the shears Respondent's veterinary medical equipment at the time he used them on the puppy. Dr. Harpster testified to the importance of performing surgical procedures in a sterile environment and Respondent agreed with Dr. Harpster's testimony. Respondent testified that he attempted to provide an adequately clean environment by using a liquid soap<sup>4</sup> that was next to the sink on the puppy's tail. (N.T. 139). Respondent offered no rationale for then using the shears that were lying by the sink without at least attempting to clean them. Respondent's conduct is paradoxical considering his testimony that he attempted to clean the tail itself by washing it with soap that was present at the sink. The Board concludes that the Commonwealth has established, by a preponderance of the evidence, that Respondent is subject to discipline under section 21(8) of the Act for failing to maintain veterinary medical equipment in a clean and sanitary condition because he used unclean, unsanitary shears in the practice of veterinary medicine.

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<sup>4</sup> Respondent testified that the soap was "Softsoap" or "Dial disinfectant soap" that was on the sink top to wash the puppy's tail area. Thereafter, Respondent's counsel and the Commonwealth's prosecuting attorney referred to the soap as Dial antibacterial soap and elicited testimony about the sanitizing properties of Dial antibacterial soap. The Board finds the evidence insufficient to determine what type of soap was used because of the discrepancy in Respondent's testimony and because no testimony was elicited to demonstrate that the material in the bottle matched whatever label was on the bottle. Nevertheless, the Commonwealth did not allege that Respondent was subject to discipline for failing to properly prepare the tail area for the procedure.

Count Two of the Order to Show Cause

In its order to show cause, the Commonwealth alleged that Respondent was subject to discipline under section 21(11) of the Act for engaging in practice amounting to incompetence, gross negligence or other malpractice, or the departure from, or failure to conform to, the standards of acceptable and prevailing veterinary medical practice. (Order to show cause, ¶ 26). The Commonwealth cited its factual allegations at paragraphs 13 through 17 in support of its allegations. Thus, the Commonwealth alleged that Respondent demonstrated incompetence, gross negligence or other malpractice, or the departure from, or failure to conform to, the standards of acceptable and prevailing veterinary medical practice when he “took the puppy’s tail and soaked it in scalding and steaming water;” when he “cut the puppy’s tail with a pair of shears or some kind of tool [and] . . . did not sanitize the tool;” and when he “did not use any sedation or numbing agent on the puppy” although the “puppy was screaming during the process, trying to get away.” (Order to show cause, ¶¶ 13-17).<sup>5</sup> The Commonwealth presented witness testimony and documents in support of its allegations.

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<sup>5</sup> In his opening statement, the prosecuting attorney alleged that Respondent did not provide sterile preparation of the surgical site; did not provide pre-procedure pain medication, sedation or analgesics; did not wash his hands; did not clean any instrument; did not dress the wound; did not clean the wound; and did not provide any post-procedure pain medication. However, not all of these things were alleged in the order to show cause.

The Commonwealth’s expert testified that Respondent’s treatment of the puppy deviated from the acceptable and prevailing standards of veterinary medical practice in that Respondent did not properly document and maintain a medical record pertaining to the puppy, that there were shortcomings in the treatment of the puppy which compromised the puppy’s condition, that Respondent failed to perform a physical examination on the puppy prior to performing the procedure, that Respondent failed to perform pre-anesthetic laboratory testing on the puppy, that Respondent failed to provide proper anesthesia for the procedure, that Respondent failed to provide proper surgical site preparation to ensure a sterile surgical field including use of an approved antimicrobial with correct contact time, that Respondent did not wash his hands before working on the puppy, that Respondent failed to use proper surgical instrumentation to perform the surgical procedure in order to minimize tissue trauma and promote proper healing, that Respondent failed to perform the corrective procedure correctly with respect to the anatomical position, that Respondent failed to suture the wound or provide coverage for the bone, that Respondent failed to provide post-operative pain management and post-operative antibiotic medications and that Respondent failed to provide the animal’s owner with proper written instructions to ensure clinical healing and proper care once it left the kennel. (N.T. 119-123). (continued on next page)

Officer Loller testified that Respondent turned the faucet on and ran water for 30 to 45 seconds, that she "could see steam coming off the water," and that Respondent "held [the puppy] under the water." (N.T. 23-25). Officer Loller testified that Respondent "would hold [the puppy] and then he was pulling pieces off of her" with his fingers. (N.T. 26). Respondent testified that he held the puppy's tail under running water at the sink and broke down the scabby material that was matted in the hair with his fingers. (N.T. 137-138). Respondent testified that the water "was not hot" and "was not anything that was uncomfortable for me" and that his hands were in the water while he worked on breaking down the material matted in the puppy's hair. (N.T. 138).

Dr. Lee testified that she examined the puppy upon its arrival at the PSPCA sometime between 8 p.m. and 10 p.m. (N.T. 97-98, 101). Dr. Lee testified that she did not see any visible signs of burning or scalding to the hind end of the puppy. (N.T. 97-98, 101). Based on Officer Loller's statements, Dr. Lee sent a tissue sample taken from the puppy's tail when she performed the amputation the next morning to the University of Florida Veterinary Medical Center's Dermatopathology laboratory for forensic examination. (N.T. 99, 100; exhibit C-8).

Dr. Lee testified that she believed that the laboratory's findings corroborated Officer Loller's statement to her that she had observed the puppy's tail being burned under water. (N.T.

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In his closing argument, submitted in writing as part of the post-hearing brief, the prosecuting attorney asserted the Respondent was subject to discipline because he performed no pre-procedure examination on the puppy; never offered or suggested taking the puppy to his clinic; removed skin and tissue from the puppy's tail while washing it over the sink; did not wash his hands, which the prosecutor characterized as filthy; gave no sedation to the puppy, used no soap; used no drugs for pain; cut multiple pieces from the tail; used no sutures; gave no post-procedure pain medication; did not wrap or bandage the puppy's wound; "dipped his filthy fingers into an open jar of some yellow ointment and smeared some on [the puppy's] tail;" signed a health certificate, and gave scant instructions.

The Commonwealth Court has clearly stated that an administrative agency such as the Board is limited to finding violations of the Act *for which Respondent was provided notice in the order to show cause*. The Commonwealth charged Respondent with soaking the puppy's tail in scalding water, using a non-veterinary and unsanitized instrument, and failing to use sedation or a "numbing agent" on the puppy. Therefore, these are the *only* issues that may be addressed by the Board.

100-101). Respondent testified that caustic agents such as the Quick Stop product that the kennel owner used to stop the bleeding after he amputated most of the puppy's tail could cause thermal injury to tissue. (N.T. 182). The Commonwealth's expert witness was present for Dr. Lee's testimony and Respondent's testimony, but was not questioned about the source of the puppy's burn. In addition, the Commonwealth did not question its expert witness about the details of the pathology report. The veterinary pathologist who authored the report, Dr. Pamela E. Ginn, DVM, was not presented as a witness either in person or via telephone. The professional members of the Board possess the education to appreciate the complexities of the pathology report and to make determinations and draw conclusions on factual issues related to the report and what the report does or does not indicate about the injury to the puppy.

The pathology report indicates that a single sample, consistent with a dog tail, was submitted for examination. (Exhibit C-8). On one end of the piece of tissue, bone was exposed and the opposite end had an oblique incision with dark brown, slightly granular tissue exposed. (Exhibit C-8). The end with the exposed bone was the end where Dr. Lee had performed surgery to amputate the tail closer to the puppy's body. The veterinary pathologist took two longitudinal sections of skin from the end that did not have the exposed bone for further analysis. (Exhibit C-8).

The first section examined by the veterinary pathologist was reported as follows:

Coagulated epidermis is separated from the dermis by a large vesicopustule in one area. Coagulated hair follicles are separated from the coagulated dermis in this area. This tissue and the very center of the lesion are *partially to heavily infiltrated and replaced by hemorrhage, fibrin, and neutrophils*. Deep to the coagulated area, the deep dermis and parts of the panniculus are hemorrhagic, edematous and *infiltrated by moderate numbers of reactive fibroblasts, endothelial cells, neutrophils, lymphocytes, macrophages and plasma cells*.

(Exhibit C-8) (emphases added).

As to the second section examined by Dr. Ginn, the report was as follows:

The second section is bordered by haired skin on one lateral margin. This area *abruptly changes* to a zone of deep ulceration that is filled with neutrophils, hemorrhage, necrotic tissue debris and fibrin that extends into the deep dermis and panniculus. The remaining deep viable tissue is *moderately to heavily infiltrated by neutrophils, lymphocytes, macrophages* and leukocytes with pyknotic nuclei, *fibroblasts* and few erythrocytes. There is congestion and edema.

(Exhibit C-8) (emphases added). The pathology report is noteworthy in conjunction with Officer Loller's testimony that the puppy was presented to Dr. Lee at the PSPCA within three hours of leaving the kennel, sometime around 8 to 10 p.m. (N.T. 34). Dr. Lee performed the amputation procedure the next morning. (N.T. 98).

The pathology report is inconsistent with a conclusion that Respondent burned the puppy's tail in hot water. If thermal injury had occurred when Respondent washed the puppy's tail in the sink at the kennel, there would not be reactive fibroblasts and the infiltration of macrophages and neutrophils along with coagulated tissue in the specimens examined by Dr. Ginn. These changes take a minimum of 36 to 48 hour to occur; only about 12 to 15 hours elapsed between the time Respondent washed the puppy's tail at the kennel and the time Dr. Lee obtained the sample during the amputation surgery. The report related to the second sample is also instructive: in a thermal injury caused by the application of hot water, the center area of damage would be the most severe and the damage would fade off at the edges where the hot water was not in contact with the skin; thus the damage would progress from normal skin to mild damage to moderate damage to severe damage. The pathologist reported an abrupt change to the dermis, which is consistent with the distinct line that would be caused by a cut and a chemical burn, and which was most likely caused by the kennel owner who cut the puppy's tail almost

completely through the prior day and then applied Quick Stop powder to stop the bleeding. The presence of reactive fibroblasts, macrophages and neutrophils is also consistent with a chemical burn occurring about 36 hours before the sample was obtained. In addition, it is unlikely that Respondent would have been able to hold his hands in water that was hot enough to burn the puppy's skin. Finally, neither the photographs of the puppy's hind end nor Dr. Lee's testimony of her gross examination of the puppy upon its arrival at the PSPCA indicate a hot water burn injury to the puppy's perianal area. It would be virtually impossible to burn only the tail with excessively hot water and not cause any reddening or trauma to skin around the tail. The Board concludes that the Commonwealth failed to demonstrate, by a preponderance of the evidence, that Respondent held the puppy or the puppy's tail under scalding water. Therefore, the Board cannot find a violation of section 21(11) of the Act as alleged by the Commonwealth.

The next allegation related to count two of the order to show cause was that the Respondent used a pair of shears or some kind of tool to cut the puppy's tail and did not sanitize the tool. Respondent admitted that he used shears or scissors that were lying on the sink top and did not sanitize the shears. (Findings of fact nos. 27-28). The acceptable and prevailing standards of veterinary medical practice require a veterinarian to use proper surgical instrumentation or specific surgical tools or instruments in order to minimize tissue trauma and promote proper healing. (Finding of fact no. 34).

The Commonwealth Court has read the prohibition against "incompetence" in a professional licensing statute to relate to the qualities necessary to effective independent action, as defined by Webster's Third New International Dictionary. *Nelson v. State Board of Veterinary Medicine*, 863 A.2d 129, 136 (Pa. Cmwlth. Ct. 2004). The Court has instructed the Board to apply this definition when an act or omission has resulted in negligent care of an

animal. *Id.* at 138. The Board was presented with insufficient evidence to support a finding that Respondent's conduct constituted incompetence under section 21(11) of the Act.

Section 21(11) also authorizes the Board to discipline a licensee who has committed gross negligence. Gross negligence is a substantial deviation from the acceptable and prevailing standard of veterinary medical practice; the Board must find that the "facts support substantially more than ordinary carelessness, inadvertence, laxity or indifference." Albright v. Abington Memorial Hospital, 548 Pa. 268, 278, 696 A.2d 1159, 1164 (1997). To find gross negligence, "[t]he behavior of the [Respondent] must be flagrant, grossly deviating from the ordinary standard of care." Will v. Electrical Contractors Examining Board, 650 A.2d 1226, 1227 (Pa. Commw. 1994), quoting Bloom v. DuBois Regional Medical Center, 597 A.2d 671, 679 (Pa. Super. 1991). The Board's inquiry is limited to what was charged in the order to show cause; that Respondent used an inappropriate and unsanitary instrument to practice veterinary medicine. In this case, the puppy's tail was severed the day before by the kennel owner. The puppy's tail was not cleaned by the kennel owner; rather, the kennel owner put Quick Stop on the severed tail and put the puppy back into a kennel with other puppies. Thus, for approximately 24 hours, nothing was done to inhibit infection in the puppy's tail. In addition, when Respondent washed the coagulated material off the puppy's tail and snipped through the remaining piece of skin attaching the tail, no bleeding was caused. The fact that there was no bleeding indicates that the initial wound was covered with tissue and that the piece of the tail cut by Respondent was not living. Because of these facts, the Board cannot say that using an inappropriate and unsanitary tool demonstrates more than ordinary carelessness, inadvertence, laxity or indifference by Respondent. The conduct appears to be ordinary negligence, not gross negligence.

The Commonwealth's expert testified, and Respondent agreed that the acceptable and prevailing standard of veterinary medical practice require veterinarians to use appropriate equipment and instruments in the practice of veterinary medicine and to use sanitized tools in the practice. The facts demonstrate that Respondent used a tool that was not a veterinary medical instrument, meeting exacting standards for strength and sharpness and was not sanitized prior to use. The Board concludes that Respondent is subject to discipline under section 21(11) of the Act for failing to conform to the acceptable and prevailing standard of veterinary medical practice by using the shears or scissors that were lying on the sink top to snip the piece of skin on the puppy's tail.

The Commonwealth next averred that Respondent was subject to discipline under section 21(11) of the Act because he did not use any sedation or numbing agent on the puppy. The Commonwealth's expert witness, Dr. Harpster, testified that the minimal standard of care provides for either general or local anesthesia use, depending on the procedure that a veterinarian is going to perform. (N.T. 120). Dr. Harpster opined that in the case of a tail amputation, the acceptable and prevailing standards of veterinary medical practice require a veterinarian to provide general anesthesia to the patient.

In further support of its averment, the Commonwealth presented the testimony of Officer Loller that the puppy was screaming and trying to get away while Respondent broke down the matted material on its tail. (N.T. 25, 27). Officer Loller also testified that the puppy was "extremely vocal" while Respondent used the shears, which she characterized as "cutting a little piece off." (N.T. 27). Overall, according to Officer Loller, "[d]uring the whole procedure, [the puppy] was screaming, whimpering, kind of just flailing. . . ." (N.T. 29). After the procedure was completed, the puppy was handed back to Officer Loller and Officer Loller testified that the

puppy calmed down after approximately one minute. (N.T. 55-56). Respondent testified that the puppy was nonresponsive during his treatment and that the kennel owner “was not having to – hardly restrain the puppy at all.” (N.T. 160).

The Board is acutely aware of the responsibility of veterinarians to provide appropriate medications to alleviate pain in animals. The Board’s regulations regarding professional conduct, promulgated on April 18, 2009, subject a veterinarian to discipline for abusing or neglecting any animal, which includes doing or aiding another to do any act likely to cause unnecessary pain, injury, debility, disease or lameness, or unnecessary fright, stress, panic or hysteria in an animal and also includes depriving an animal of support for its basic physical and emotional needs. *See* 49 Pa. Code §§ 31.1 and 31.21, Principle 3(15). More recently, the Board promulgated final regulations specifically related to the provision of analgesics to animals: Veterinarians shall serve as patient advocates especially regarding the alleviation of pain and suffering, consistent with the acceptable and prevailing standards of veterinary medical practice. “Veterinarians shall utilize analgesic drugs, dosages, treatment intervals and combination therapies proven to be safe and effective in different species and in various conditions of age, illness or injury in accordance with current veterinary medical knowledge and acceptable and prevailing standards of veterinary medical practice in this Commonwealth.” *See*, 49 Pa. Code § 31.21, Principle 7(f), published at 40 Pa. B. 3952 (July 17, 2010). These regulations identify the acceptable and prevailing standards of practice in veterinary medicine. Determining whether pain is “acceptable” or “unacceptable” is complex and must include knowledge of the animal’s condition, an evaluation of the severity of the anticipated pain and whether the pain is anticipated to be acute or chronic, and any contraindications to the provision of analgesics.

In this case, the animal was presented to Respondent already suffering from the wounds (both the initial amputation and the use of Quick Stop) inflicted by the kennel owner the day before. The Commonwealth's charge is based on an erroneous premise – that Respondent, rather than the kennel owner, cut through the entire tail of the puppy. Respondent cleaned the wounded area to determine the extent of the injury and found that the kennel owner had cut through approximately 90% of the puppy's tail the day before Respondent was at the kennel. It is quite likely the puppy vocalized while the matted material was being removed from the already-injured area. However, the short duration and noninvasive nature of cleaning the area enough to determine the severity of the wound does not, in this case, appear to mandate the use of either general or local anesthesia. Once the extent of the injury was determined – that the vertebrae and nerves had already been severed and the tail was attached only by a small piece of nonviable tissue (the witnesses' accounts are consistent in the absence of testimony that Respondent's actions caused fresh bleeding of the wound) – the risks of providing general or local anesthesia to snip through the bit of tissue is not mandatory. The Board concludes that the Commonwealth has failed to demonstrate, by a preponderance of the evidence, that Respondent is subject to discipline under section 21(11) for failing to provide sedation or local anesthesia to the puppy.

Counts Three and Four of the Order to Show Cause

Based on the same factual allegations, the Commonwealth next alleged that Respondent was subject to discipline under section 21(1) of the Act or under section 21(12) of the Act through violation of Principle 2(a) of the Rules of Professional Conduct. The Preamble to § 31.21 of the Board's regulations provides as follows:

Some of the rules of conduct are imperatives, cast in the terms, "shall" or "may not." Veterinarians who fail to adhere to these rules will be subject to professional discipline. Other rules, generally cast in the terms "may" or

“should,” are intended as aspirational goals and define areas under which the veterinarian has professional discretion. No disciplinary action will be taken when a veterinarian acts within the bounds of discretion.

49 Pa. Code § 31.21 (Preamble). Principle 2(a) provides:

The principle objectives of the veterinary profession are to render service to society, to conserve livestock resources and to prevent and relieve suffering of animals. Veterinarians should conduct themselves in relation to the public, their colleagues and the allied professions so as to merit their full confidence and respect.

Thus the Board asks its licensees to determine the bounds of professional discretion in conducting themselves so that others will have confidence and respect in veterinarians. The Board agrees with Respondent’s legal analysis, set forth in his post-hearing brief, that this regulatory provision is unenforceable because its terms are not sufficiently specific to inform licensees what conduct will render them liable for disciplinary action. *See, Nelson v. State Board of Veterinary Medicine*, 863 A.2d 129, 138 (Pa. Cmwlth. Ct. 2004).<sup>6</sup> The Board is constrained to dismiss counts 3 and 4 of the order to show cause. The Board previously, in response to Respondent’s motion to dismiss, dismissed count 5 of the order to show cause as duplicative.

### Sanction

In determining the appropriate sanction, the Board first considers the number and seriousness of the violation(s). The Board may only find violations of the practice act and

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<sup>6</sup> The Board’s recent amendments to its regulations may provide the specificity needed. Amended Principle 3(15) (relating to unprofessional and unethical conduct), prohibits veterinarians from abusing or neglecting any animal. 49 Pa. Code § 31.21, Principle 3(15) (relating to unprofessional and unethical conduct). These terms are defined in 49 Pa. Code § 31.1 (relating to definitions) as follows:

*Animal abuse* – To do, order or aid another to do any act likely to cause unnecessary pain, injury, debility, disease or lameness, or unnecessary fright, stress, panic or hysteria in an animal.

\* \* \* \*

*Neglect* – To abandon an animal or deprive, either personally or through one’s employees or agents, an animal over which one has a duty of care, whether belonging to himself or otherwise, of necessary sustenance, drink, shelter or veterinary care appropriate to the animal’s condition or access to sanitary shelter and support for an animal’s basic physical and emotional needs.

regulations for which Respondent received notice in the order to show cause, and the Board may only impose discipline on Respondent for alleged violations demonstrated by a preponderance of the evidence.<sup>7</sup>

As discussed above, the Board finds that a preponderance of the evidence supports a finding that Respondent is subject to discipline as alleged in count one of the order to show cause for failing to keep veterinary medical equipment in a clean and sanitary condition because he did not clean or sanitize a pair of scissors he used to cut a piece of skin holding on a puppy's tail. The Board also finds that Respondent is subject to discipline under section 21(11) of the Act for failing to conform to the acceptable and prevailing standard of veterinary medical practice by using nonstandard veterinary medical equipment to perform a veterinary medical procedure, specifically, because he used scissors of unknown sharpness to cut the remaining piece of skin from the puppy's tail. Respondent has already served 13 months of suspension arising from the order of immediate temporary suspension.<sup>8</sup> The Board concludes that no additional suspension is warranted. The Board finds that a civil penalty of \$1000 is appropriate to deter Respondent

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<sup>7</sup> The Board is concerned about elements of Respondent's practice that were not alleged in the order to show cause to be violations of the practice act or the Board's regulations, and for which the Board cannot sanction Respondent. Respondent testified that he considered the health certificate to be a veterinary medical record for the puppy, but that certificate does not meet the veterinary medical recordkeeping requirements set forth in the Board's regulations at 49 Pa. Code § 31.22. Respondent testified that he was more than willing to let another veterinarian take responsibility for the puppy and determine whether the puppy needed additional treatment – this demonstrates a shocking disregard for the purchaser, who might have been unknowingly buying a puppy that would require extensive surgical and medical treatment to properly correct the kennel owner's accidental amputation and prevent infection. Respondent should reconsider his veterinarian-client relationships to ensure that veterinary medical expertise determines the care he provides, not the client's desire to make a profit. It is inexcusable for a veterinarian to turn a blind eye to owners who make decisions that are detrimental to animal welfare.

<sup>8</sup> In ruling on the Petition for Immediate Temporary Suspension, the Probable Cause Screening Committee must assume that the Commonwealth can prove all the allegations in the Petition. As presented in the Petition, it appears that Respondent was alleged to have amputated the puppy's tail with an unsanitary tool and without sedation or anesthesia. The facts developed at hearing demonstrated that the kennel owner essentially amputated the puppy's tail the day before it was presented to Respondent for treatment.

and others from similar misconduct in the future. In addition, Respondent's license will be placed on probation for a period of one year.

Wherefore, the following order shall issue.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF VETERINARY MEDICINE

Commonwealth of Pennsylvania, :  
Bureau of Professional :  
and Occupational Affairs : Docket No. 1033-57-09  
v. : File No. 09-57-05651  
Thomas F. Stevenson, VMD :  
Respondent

**FINAL ORDER**

AND NOW, this 14th day of October 2010, the State Board of Veterinary Medicine, having duly convened and studied the entire record of the proceedings, and based upon the foregoing findings of fact, conclusions of law, and discussions, hereby **ORDERS** that the license to practice veterinary medicine of Thomas Stevenson, D.V.M., license no. BV-006357-E, placed on **PROBATION** for a period of **ONE YEAR**. Respondent is hereby assessed a **CIVIL PENALTY** of **\$1000**. The civil penalty shall be paid by the effective date of this order by cashier's check, certified check, or money order made payable to "Commonwealth of Pennsylvania, State Board of Veterinary Medicine." The full amount of the civil penalty shall be delivered to Board Counsel, State Board of Veterinary Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649. If Respondent does not pay the civil penalty in full on or before the effective date of this order, the Board will actively suspend Respondent's license, without hearing or any further action, until such time as the entire amount of the civil penalty has been paid.

Respondent's probation shall be subject to the following terms and conditions:

**GENERAL**

1. Respondent shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining

to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Respondent holds a license to practice a health care profession. Summary traffic violations shall not constitute a violation of this Order.

2. Respondent shall at all times cooperate with the Bureau of Professional and Occupational Affairs and its agents and employees in the monitoring, supervision and investigation of Respondent's compliance with the terms and conditions of this Order, including requests for, and causing to be submitted at Respondent's expense, written reports, records and verifications of actions that may be required by the Bureau of Professional and Occupational Affairs.
3. Respondent shall not falsify, misrepresent or make material omission of any information submitted pursuant to this Order.
4. Respondent shall notify the Bureau of Professional and Occupational Affairs, in writing, within five (5) days of the filing of any criminal charges against Respondent, the initiation of any legal action pertaining to Respondent's practice of the profession, the initiation, action, restriction or limitation relating to Respondent by a professional licensing authority of any state or jurisdiction or the Drug Enforcement Agency of the United States Department of Justice, or any investigation, action, restriction or limitation relating to Respondent's privileges to practice the profession at any health care facility.
5. Respondent shall notify the Bureau of Professional and Occupational Affairs by telephone within 48 hours and in writing within five (5) days of any change of Respondent's home address, phone number, employment status, employer and/or change in practice at a health care facility.

## **VIOLATION OF THIS ORDER**

6. Notification of a violation of the terms or conditions of this Order shall result in the TERMINATION of the period of probation, and the INDEFINITE SUSPENSION of Respondent's license(s) to practice the profession in the Commonwealth of Pennsylvania as follows:
  - a. The prosecuting attorney for the Commonwealth shall present to the Board's Probable Cause Screening Committee ("Committee") a Petition that indicates that Respondent has violated any terms or conditions of this Order.
  - b. Upon a probable cause determination by the Committee that Respondent has violated any of the terms or conditions of this Order, the Committee shall, without holding a formal hearing, issue a preliminary order suspending Respondent's license.
  - c. Respondent shall be notified of the Committee's preliminary order within three (3) business days of its issuance by certified mail and first class mail, postage prepaid, sent to the Respondent's last registered address on file with the Board, or by personal service if necessary.
  - d. Within twenty (20) days of mailing of the preliminary order, Respondent may submit a written answer to the Commonwealth's Petition and request that a formal hearing be held concerning Respondent's violation of probation, in which Respondent may seek relief from the preliminary order activating the suspension. Respondent shall mail the original answer and request for hearing to the Bureau of Professional and Occupational Affairs' Prothonotary, 2601 N. Third Street, Harrisburg, PA 17110, and a copy to the prosecuting attorney for the

Commonwealth, as well as all subsequent filings in the matter.

- e. If the Respondent submits a timely answer and request for a formal hearing, the Board or a designated hearing examiner shall convene a formal hearing within forty-five (45) days from the date of the Prothonotary's receipt of Respondent's request for a formal hearing.
- f. Respondent's submission of a timely answer and request for a hearing shall not stay the suspension of Respondent's license under the preliminary order. The suspension shall remain in effect unless the Board or the hearing examiner issues an order after the formal hearing staying the suspension again and reactivating the probation.
- g. The facts and averments in this Order shall be deemed admitted and uncontested at this hearing.
- h. If the Board or hearing examiner after the formal hearing makes a determination against Respondent, a final order will be issued sustaining the suspension of Respondent's license and imposing any additional disciplinary measures deemed appropriate.
- i. If Respondent fails to timely file an answer and request for a hearing, the Board, upon motion of the prosecuting attorney, shall issue a final order affirming the suspension of Respondent's license.
- j. If Respondent does not make a timely answer and request for a formal hearing and a final order affirming the suspension is issued, or the Board or the hearing examiner makes a determination against Respondent sustaining the suspension of Respondent's license, after at least    years of active suspension and any additional

imposed discipline, Respondent may petition the Board for reinstatement upon verification that Respondent has complied with the Board's order, abided by and obeyed all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions, and all rules and regulations pertaining to the practice of the profession in this Commonwealth.

- k. Respondent's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action.
7. Nothing in this Order shall preclude the prosecuting attorney for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Order.

After successful completion of probation, Respondent may petition the Board to reinstate Respondent's license to unrestricted, non-probationary status upon an affirmative showing that Respondent has complied with all terms and conditions of this Order and is fit to practice.

This Order shall take effect on November 19, 2010, thirty days from the date it is deposited in the mail.

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

*Basil L. Merenda*

**BASIL L. MERENDA,  
COMMISSIONER**

**BY ORDER:  
STATE BOARD OF VETERINARY  
MEDICINE**

*Steven Radbill* VM3  
**STEVEN RADBILL, V.M.D.  
SECRETARY**

Respondent's attorney:

Dennis E. Boyle, Esquire  
Joshua M. Autry, Esquire  
4660 Trindle Road, Suite 200  
Camp Hill, PA 17011

Commonwealth's Attorney:

Shawn E. Smith, Esquire

Board Counsel:

Teresa Lazo, Esquire

Date of Mailing:

*October 19, 2010*

## NOTICE

The attached Final Order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court within 30 days after the entry of the order in accordance with the Pennsylvania Rules of Appellate Procedure. See Chapter 15 of the Pennsylvania Rules of Appellate Procedure entitled "Judicial Review of Governmental Determinations," Pa. R.A.P 1501 – 1561. Please note: An order is entered on the date it is mailed. If you take an appeal to the Commonwealth Court, you must serve the Board with a copy of your Petition for Review. The agency contact for receiving service of such an appeal is:

Board Counsel  
P.O. Box 2649  
Harrisburg, PA 17105-2649

The name of the individual Board Counsel is identified on the Final Order.



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

Teresa Lazo  
Assistant Counsel

tlazo@state.pa.us

October 19, 2010

Dennis E. Boyle, Esquire  
Joshua M. Autry, Esquire  
4660 Trindle Road, Suite 200  
Camp Hill, PA 17011

**RE: Final Adjudication and Order:**  
**Commonwealth of Pennsylvania, Bureau of Professional**  
**and Occupational Affairs v. Thomas F. Stevenson, D.V.M.**  
**Docket No. 1033-57-09**  
**File No. 09-57-05651**

Dear Counselors Boyle and Autry:

Enclosed please find an Order issued by the State Board of Veterinary Medicine in the above-captioned matter.

Sincerely,

*Cynthia K. Mintz*  
for Teresa Lazo, Counsel  
State Board of Veterinary Medicine

TL:klh  
Enclosure

cc: Michelle Roberts, Board Administrator  
State Board of Veterinary Medicine

DEPARTMENT OF STATE/OFFICE OF CHIEF COUNSEL  
2601 NORTH 3RD STREET/P.O. Box 2649//HARRISBURG, PA 17105-2649  
PHONE: 717-783-7200/FAX: 717-787-0251/ [WWW.DOS.STATE.PA.US](http://WWW.DOS.STATE.PA.US)

