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**BEFORE THE ARIZONA STATE
VETERINARY MEDICAL EXAMINING BOARD**

In the Matter of:)	BOARD NO. 04-07
GEORGE MAJEWSKI, D.V.M.)	FINDINGS OF FACT
Holder of License No. 3617)	CONCLUSIONS OF LAW
For the Practice of Veterinary Medicine)		AND ORDER
In the State of Arizona)	
Respondent.		
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INTRODUCTION

On May 19, 2004, George Majewski, D.V.M. (Respondent) was scheduled and noticed to appear for an Informal Interview before the Arizona State Veterinary Medical Examining Board ("Board"). The proceedings in this matter are governed by A.R.S. § 32-2234. Respondent was advised of his right to legal counsel by letter. Respondent appeared and participated in the Informal Interview and was represented by counsel, Mr. David Stoll. The Board reviewed all documents submitted regarding this matter and took testimony from the Respondent and the Complainant.

Following the Informal Interview and the Board's discussion of the information and documents submitted, the Board determined that Respondent's conduct constituted unprofessional conduct pursuant to A.R.S. § 32-2232 (12), as it relates to A.A.C. R3-11-501 (1) and A.R.S. § 32-2232 (21), as it relates to A.A.C. R3-11-502 (F)(3), (F)(5), (J)(4)

1 and (J)(9). After considering all of the information and testimony, the Board issues the
2 following Findings of Fact, Conclusions of Law and Order.

3 **FINDINGS OF FACT**

4 1. Respondent is the holder of License No. 3617 issued on January 11, 1999 and
5 is therefore authorized to practice the profession of veterinary medicine in the State of
6 Arizona.
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10 2. On March 8, 2003, "Tootsie" a three year old male rabbit was presented to the
11 Respondent because its right eye was sensitive to light, watered, was squinty and because
12 the rabbit was scratching its right ear.

13 3. Upon examination Respondent found that the rabbit's nails were very long
14 and could have been the cause of the trauma to the right eye. No temperature, pulse, or
15 respiration was noted in the medical record. With the owner's permission, the rabbit was
16 sedated with Ketamine, 100 mg SQ, and Midazolam, 0.4 mg SQ. Respondent took skin
17 scrapings from the right eyelid and the cytology that was performed was negative for
18 fungal spores. There was no obvious evidence of a corneal ulcer and Respondent
19 diagnosed uveitis and prescribed NPB-H Ophthalmic Ointment to be applied to the right
20 eye twice daily. Respondent determined that the right ear was impacted with wax,
21 flushed the ear with ear cleaning solution, trimmed the nails and cauterized them with
22 Qwikstop. There was no anesthetic monitoring or recording.

23 4. On March 11, 2003, the complainants presented the rabbit to Respondent for
24 an emergency exam because of suspected nerve damage to the right rear leg. Upon
25 examination the rabbit was calm, quiet, and when Respondent took the rabbit out of the
26 carrier it walked fine.

1 5. On March 13, 2003, the complainants presented the rabbit to Respondent for a
2 recheck of the right eye and possible trauma to the leg. Respondent observed the rabbit
3 walking and did not see any abnormalities. Respondent grossly examined the rabbit's
4 right eye and determined that the rabbit might have an ulcer and they would have to
5 change the medicine. The rabbit was discharged with Gentocin Ophthalmic Ointment with
6 instructions to give two (2) drops into the right eye every 12 hours, to recheck in 8-10
7 days.

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CONCLUSIONS OF LAW

10 1. The Arizona State Veterinary Medical Examining Board has jurisdiction over this
11 matter pursuant to A.R.S. §32-2201, et seq.

12 2. The conduct and circumstances described in paragraph 3 of the Findings of
13 Fact constitute a violation of A.R.S. §32-2232 (12), as it relates to A.A.C. R3-11-501 (1),
14 because in this type of situation Respondent should have performed a fluorescein stain
15 examination of the eye.

16 3. The conduct and circumstances described in paragraph 3 of the Findings of
17 Fact constitute a violation of A.R.S. § 32-2232 (21), as it relates to A.A.C. R3-11-502
18 (F)(5) for failure to record anesthetic monitoring, (F)(3) for failure to record temperature,
19 pulse and respiration six hours prior to the anesthesia, (J)(9) for failure to sign or initial
20 the medical records, and (J)(4) for failure to record temperature.

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1 3. Respondent shall bear all costs incurred regarding compliance with this Order.

2 This Order is conclusive evidence of the matters described and may be considered
3 by the Board in determining an appropriate sanction in the event a subsequent violation
4 occurs. In the event Respondent violates any term of this Order, the Board may, after
5 opportunity for Informal Interview or Formal Hearing take any other appropriate
6 disciplinary action authorized by law, including suspension or revocation of
7 Respondent's license.

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REHEARING/APPEAL RIGHTS

10 Respondent has the right to petition for a rehearing or review of this Order.
11 Pursuant to A.R.S. § 32-2234(F) and § 41-1092.09 the petition must be filed with the
12 Board within thirty (30) days after personnel service of this Order or within thirty-five
13 (35) days from the date of mailing if the Order was served via certified mail. Pursuant to
14 A.A.C. R3-11-904(C), the petition must set forth legally sufficient reasons for granting
15 the rehearing or review. The filing of a petition for rehearing or review is required to
16 preserve any rights of appeal to the Superior Court that the party may wish to pursue.

17 This Order shall be effective and in force upon the expiration of the above time
18 period for filing a motion for rehearing or review with the Board. However, the timely
19 filing of a motion for rehearing or review shall stay the enforcement of the Board's
20 Order, unless, pursuant to A.A.C. R3-11-904 (F), the Board has expressly found good

1 cause to believe that this Order shall be effective immediately upon the issuance and has
2 so stated in this Order.

3 Dated this 21st day of June, 2004

4 Arizona State Veterinary Medical Examining Board
5 Robert L. Kritisberg, DVM
6 Chairman

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8 By Jenna Jones
9 Jenna Jones
10 Executive Director

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Original of the foregoing filed
this 21st day of June, 2004 with:

Arizona State Veterinary
Medical Examining Board
1400 W. Washington, Suite 240
Phoenix, AZ 85007

A copy of the foregoing sent by
certified mail, # 7003 2260 0001 4159 5304
this 21st day of June, 2004 to:

George Majewski, D.V.M.

A copy of the foregoing sent by regular mail
this 21st day of June, 2004 to:

Mr. and Mrs. D. Hodge

Mr. David Stoll
Attorney at Law
2111 East Highland Avenue, Ste. 255
Phoenix, AZ 85016

A copy of the foregoing sent by interagency mail
this 21st day of June, 2004 to:

Marc Harris
Assistant Attorney General
1275 W. Washington CIV/LES
Phoenix, AZ 85007

By: 

Date: June 21, 2004