

The Ohio
Veterinary Medical Board

77 SOUTH HIGH STREET, 16th FLOOR
614-644-5281
COLUMBUS, OHIO 43266-0302

IN RE: Stanley Gorlitsky, D.V.M.

DVM-89-04

ADJUDICATION ORDER

This matter concerns the suitability of Stanley Gorlitsky, D.V.M., (hereinafter "Respondent") to remain licensed to practice veterinary medicine under Chapter 4741, Ohio Revised Code.

It was proposed by the Ohio Veterinary Medical Board to determine whether or not to issue a reprimand, or suspend or revoke Respondent's license to practice veterinary medicine.

Respondent was duly notified of an Opportunity for Hearing in accordance with Revised Code, Chapter 119, by Notice mailed on August 16, 1988, Certified Mail #P 421 293 970, return receipt requested. A request for Hearing was received in the Board office on September 13, 1988.

1. Said Hearing was scheduled for September 13, 1988, and upon the Board's own motion, the Hearing was postponed until a later date.
2. Respondent received Notice dated October 18, 1988, scheduling said Hearing for November 9, 1988. Notice was mailed Certified Mail #P 421 293 982, return receipt requested.
3. A Hearing was held before the Ohio Veterinary Medical Board on November 9, 1988.

Respondent made three Motions to Dismiss the charges as set forth in the August 16, 1988 Notice of Opportunity for Hearing.

The basis of the first Motion to Dismiss alleges that the charges in the Notice of Opportunity for Hearing were extremely vague and did not set forth details as required in O.R.C. Section 119.07. O.R.C. Section 119.07 requires that the Notice include the charges or other reasons for such proposed action along with the law or rule. The Board finds the August 16, 1988 Notice of Opportunity for Hearing comports with O.R.C. Section 119.07. The Board finds the Motion to be meritless and therefore, overrules the Motion.

The basis of the Second Motion to Dismiss is that it is inherently unjust and inequitable to try a case before a Board who is represented and advised by the same person who prosecutes the case. O.R.C. Section 119.10 states that "at any adjudication hearing required by sections 119.01 to 119.13, inclusive . . . the attorney general or any of his assistants or special counsel who have been designated by him shall represent the agency." The Board finds the Motion to be meritless and therefore, overrules the Motion.

The third Motion to Dismiss alleges that the Board's rules and regulations under which the Respondent is charged, go far beyond gross incompetence and as such are improper. Respondent was charged on O. R.C. Section 4741.22(A) and (B). O. R.C. 4741.22 states "The state veterinary medical board may refuse to issue a license or a temporary permit to any applicant, may issue a reprimand, or suspend or revoke the license or the temporary permit of any person licensed to practice veterinary medicine who:

- (A) In the conduct of his practice does not conform to the rules prescribed by the board for proper sanitary and hygienic methods to be used in the care and treatment of animals;"

O.A.C. 4741-1-03 amplifies O. R.C. 4741.22(A) setting forth the minimum standards of sanitary and hygienic methods to be used in the care and treatment of animals. The Board finds the Motion meritless and therefore, overrules the Motion.

Upon consideration of all the testimony and evidence presented the Ohio Veterinary Medical Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. At a meeting prior to the hearing, the Executive Secretary of the Board presented to the Board the written complaints of Barbara Klonowski, Phyllis Sedlacek, Mr. and Mrs. Charles Klaus, and Kim Kelly and Allen Hoffman regarding Stanley Gorlitsky, D.V.M.

2. The Board determined there was probable cause for formal administrative action and issued to Respondent a Notice of Opportunity for Hearing dated August 16, 1988.
3. The Respondent requested a Hearing before the Board.
4. The Board Hearing was held on November 9, 1988 at which time Respondent appeared and was represented by Counsel.
5. Allegations on Count 1 pertained to conduct of Respondent's practice not conforming to the rules prescribed by the State Veterinary Medical Board for proper sanitary and hygienic methods to be used in the care and treatment of animals.
6. Allegations on Count 2 (a & b) pertained to failure to use reasonable care or discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease or in the conduct of surgery; and a departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established. This allegation applied to the care and treatment of Misty, owned by Phyllis Sedlack, and also, Max and Mittens, owned by Kim Kelly and Allen Hoffman.
7. Allegations on Count 3 pertained to Respondent permitting or having permitted a person not a licensed veterinarian, a veterinary student extern, or a graduate animal technician to engage in work or perform duties in violation of Section 4741.01 to 4741.29 Ohio Revised Code including but not limited to an examination. On or about April 18, 1988, of Truffaut, a dog owned by Barbara Klonowski, Respondent was assisted by an employee who is not a licensed veterinarian, a veterinary student extern, or a graduate animal technician.
8. Further allegations on Count 4 (a,b,c & d) pertained to gross incompetence of the Respondent. Count 4(a) pertained to failure to properly treat and care for Truffaut, a dog owned by Barbara Klonowski. Count 4 (b) pertained to failure to provide proper care and treatment to two cats, "Max" and "Mittens" owned by Kim Kelly and Allen Hoffman during the period December 10, 1987 through December 12, 1987, and December 17, 1987 through December 19, 1987.

Count 4(c) pertained to inadequate care, treatment and surgery performed by Respondent during the period from December 29, 1987 through December 31, 1988 regarding Topaz, a cat owned by Mr. and Mrs. Charles Klaus. Count 4(d) pertained to Respondent performing an ovariectomy on or about February 16, 1987, on Misty, a cat owned by Phyllis Sedlacek. On or about December 3, 1987 Respondent again performed abdominal surgery on Misty removing ovarian tissue from Misty's abdominal cavity.

9. Respondent's surgery room is centrally located in the animal hospital with doors leading from the kennel area, Respondent's private office and reception area.
10. The walls of Respondent's surgery room are wood, partitioned, and are not constructed floor to ceiling.
11. Herbal supplements, medicine, and mixtures in powder form are mixed and stored in Respondent's surgery room.
12. The kennel area of Respondent's hospital is approximately 2300 to 3000 square feet. Captured stray animals are placed and kept in the kennel area by the dog warden. The dog warden has keys and access to this area 24 hours a day for the purpose of retaining animals.
13. Respondent administers ketamine and valium routinely as an anesthetic for dogs. Respondent's facilities contain no lock, box or record of controlled substances.
14. Respondent's medical records do not reflect or indicate any record of weights for the animals in counts 2 and 5.
15. Respondent's medical records do not indicate body temperatures of the animals in Counts 2b and 5a,c,d.
16. Respondent's medical records do not indicate anesthetics used.
17. Respondent's medical records do not indicate date of surgical procedure or date of release for Kelly and Allen Hoffman's cats.
18. Respondent does not employ a registered animal technician.

19. Respondent did instruct or direct an employee, Jon Zimmerman, who is not a registered animal technician, to administer injections and restrain animals.
20. Barbara Klonowski presented her dog, Truffaut, to Respondent on or about April 18, 1988, for treatment and care.
21. Truffaut was presented to Respondent for routine animal shots and examination.
22. Respondent also extracted a fecal sample by inserting a fecal loop into the rectum of Truffaut, perforating all layers of the rectum. In performing this procedure, Respondent was assisted by Jon Zimmerman, an employee who is not a registered animal technician.
23. Truffaut displayed signs of wanting to defecate after Respondent performed the fecal extraction. This behavior continued from the time Truffaut had undergone the fecal extraction until in the late evening.
24. At or about 1:45 A.M. on April 19, 1988, Barbara Klonowski presented Truffaut to the Emergency Pet Clinic in New Bedford, Ohio, where he was attended to by Dr. James R. Richards.
25. Upon examination, Dr. Richards noted a lot of bruising in the area surrounding the anus, swollen and bruised mucosa (lining) of the rectum, and a sizeable tear in the swollen mucosa. The lining of the rectum was protruding.
26. Dr. Richards referred Truffaut to Dr. Petra Ost, a Diplomate of the American College of Veterinary Surgeons, at approximately 8:00 A.M. on April 19, 1988.
27. Truffaut died while Dr. Ost was performing exploratory surgery. Dr. Ost did perform a necropsy on the body of Truffaut.
28. The necropsy revealed that the rectal perforation, the secondary peritonitis, and septic shock caused Truffaut's death.

29. On or about December 10, 1987 Respondent was presented with "Max" and "Mittens" two cats owned by Kim Kelly and Allen Hoffman, for spaying.
30. Both Max & Mittens were released from Respondent's hospital two days after surgery was performed.
31. On or about December 17, 1987, both Max and Mittens were returned to Respondent with the complaint being infected incisions.
32. Respondent resutured both Max and Mittens and Ms. Kelly arrived to pick up both cats on or about December 19, 1987. However, Ms. Kelly was advised at that time that Mittens had died. Max was released to Ms. Kelly. The body of Mittens was released to Mr. Hoffman.
33. Ms. Kelly and Mr. Hoffman presented Max and the body of Mittens to Dr. Decker approximately 1½ to 2 hours after they were released from Respondent's care.
34. Max had a temperature of 105.6F. at the time he was presented to Dr. Decker. Dr. Decker administered an injection of antibiotics and dispensed antibiotics to Max.
35. Dr. Decker conducted an autopsy on the body of Mittens. The autopsy revealed a bruised abdominal wall and a large amount of pus in the abdominal cavity. A culture of the pus revealed Staphylococcus Aureus and beta strep.
36. Dr. Decker re-examined Max on December 23, 1987. Her temperature was 101.9F. Sutures were removed from Max by Dr. Decker on January 12, 1988.
37. When Dr. Decker removed Max's sutures, the abdominal wall was not properly healed.
38. Dr. Decker performed surgery on Max to repair a hernia on February 15, 1988.
39. On or about December 29, 1987, Charles and Patricia Klaus presented to Respondent; for spay, their cat; Topaz.

40. Respondent performed the spay and Topaz was released on December 31, 1987.
41. Topaz was lethargic and vomited during the 24 hours after being released from Respondent's care. Mr. and Mrs. Klaus attempted to call Respondent on several occasions at his 24 hour emergency telephone number. There was no answer and no referral for an alternate number.
42. Topaz died on January 1, 1988.
43. An autopsy was performed by Robert D. Williams, D.V.M. on January 5, 1988.
44. The autopsy on Topaz was inconclusive because the body was frozen for approximately four days. Gross findings revealed no evidence of bleeding. There was fluid in the thoracic cavity which was clear and the fluid in the abdominal cavity appeared viscous.
45. On or about February 16, 1987, Phyllis Sedlacek presented her cat, Misty, to Respondent for an ovariectomy and declaw on all four paws.
46. Misty repeatedly displayed signs of going into heat after the ovariectomy in February 1987 until December 1987.
47. Respondent performed surgery to remove ovarian tissue from Misty on or about December 3, 1987.
48. Respondent released Misty on or about December 7, 1987. Misty was again presented to Respondent on or about December 8, or 9, 1987, because her incision had opened. Respondent resutured Misty's incision. Respondent released Misty on December 10, 1987.
49. During the early morning hours, approximately 4:00 A.M., on December 11, 1987, Misty died.

Conclusions of Law

1. The Board has jurisdiction and authority to hear these matters and the proceedings comport with Revised Code, Chapter 119.

2. In the matter of Respondent's practice not conforming to the rules prescribed by the Board for proper sanitary and hygienic methods to be used in the care and treatment of animals as the phrase is used in R. C. 4741.22(A), the Board finds the Respondent guilty as charged in Count 1 of the Notice of Opportunity for Hearing.

The Board finds that in the Respondent's veterinary hospital, ventilation was unsatisfactory. The walls of the surgery room were not fully constructed to afford adequate control of air movement. Respondent could not establish that routine cleaning procedures were used to ensure sanitation and hygiene in his surgery room.

3. In the matter of Respondent failing to use reasonable care or discrimination in administering drugs, or failure to employ acceptable scientific methods in selection of drugs or other modalities for treatment of disease or in the conduct of surgery, and a departure from or failure to conform to minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to a patient is established, as the phrase is used in R.C. 4741.22(A) and A. C. 4741103(A) and (B), as charged in Count 2(a) and (b) the Board finds the Respondent guilty. The Board finds that Respondent failed to employ adequate procedures in the conduct of surgery, and failed to employ scientific methods because of inadequate technique in and improper aseptic use of unknown substances for topical use.

4. In the matter of Respondent permitting a person not a registered animal technician to engage in work or perform duties in violation of R. C. 4741.22(Q), the Board finds the Respondent guilty as charged in Count 3.

The Board finds that the Respondent admitted to employing no registered animal technicians. Respondent did permit Jon Zimmerman who was not registered as an animal technician to assist with Truffaut in extracting a fecal sample. Credible evidence was also offered to substantiate non-registered employees who were permitted to perform fecal tests and administer injections.

5. In the matter of Respondent perforating/tear[ing], the rectum of Truffaut while extracting a fecal sample with a fecal loop, this constitutes "gross incompetence" as the phrase is used in R. C. 4741.22(R). The Board finds the Respondent guilty as charged in Count 4(a).

The Board does recognize that perforating/tearing of the rectum is a hazard of the fecal loop procedure with improper technique. The Board feels that Respondent should have recognized a problem from the actions exhibited by Truffaut and as reported to him by Truffaut's owner, Barbara Klonowski.

6. In the matter of Respondent failing to provide proper care and treatment to Max and Mittens owned by Kim Kelly and Allen Hoffman, this constitutes "gross incompetence" as the phrase is used in R. C. 4741.22(R). The Board finds the Respondent guilty as charged in Count 4(b).

Credible testimony was offered that Max had a temperature of 105.6F. and suffered from infection just hours after her release from Respondent's care.

Mittens died while in the care of Respondent. An autopsy report substantiated that the death was directly related to infection.

7. In the matter of Respondent failing to provide adequate care and treatment to Topaz, owned by Charles and Patricia Klaus, the Board finds the Respondent guilty as charged in Count 4(c). Topaz died within hours after her release from Respondent. The Board finds this to be within an established pattern of infections directly stemming from Respondent's surgeries.

8. In the matter of Respondent failing to provide proper care and treatment, to Misty, owned by Phyllis Sedlacek, both during and after surgery, this constitutes "gross incompetence" as the phrase is used in R. C. 4741.22(R). The Board finds the Respondent guilty as charged in Count 4(d).

pondent was incompetent when he performed the ovariectomy on Misty February 16, 1987, in that all ovarian tissue was not removed. Respondent performed surgery on Misty to remove ovarian tissue on December 3, 1987.

The Board finds that Respondent consistently failed to recognize the existence of Nosocomial infection in his clinic and consequently failed to respond with appropriate medical management. Respondent made no attempt to improve weaknesses or deficiencies within his facility which contributed to the occurrence of the infections.

The Board finds Respondent's testimony to be inconsistent and not credible. For example, Respondent stated he used no controlled substances, then stated his anesthetic regimen was valium and ketamine, which are controlled substances. The Board would have found Respondent's testimony to be more credible had his medical records supported his testimony. However, Respondent's medical records are wholly inadequate and insufficient and do not in any way support his testimony. The Board finds it not credible to accept recall as fact in cases up to one year old without supporting recorded medical information.

Order

WHEREFORE, the Ohio Veterinary Medical Board hereby orders, adjudges and decrees that STANLEY GORLITSKY's license to practice veterinary medicine in the State of Ohio be suspended for a period of one (1) year for violating R. C. 4741.22(A) and A. C. 4741-1-03 as charged in Count 1 of the August 16, 1988 Notice of Opportunity for Hearing. Eight months of the suspension year to be suspended provided his practice has improved within the first four months of suspension and conforms with A. C. 4741-1-03. Said suspension to begin fifteen (15) days after the date of the mailing of this order, and

WHEREFORE, the Ohio Veterinary Medical Board hereby orders, adjudges and decrees that STANLEY GORLITSKY's license to practice veterinary medicine in the State of Ohio be suspended for a period of one (1) year for violating R. C. 4741.22(A) and A. C. 4741-1-03(A) and (B) as charged in Count 2 of the August 16, 1988 Notice of Opportunity for Hearing. Eight months of the suspension year to be suspended

provided his practice has improved within the first four months of suspension and conforms with A. C. 4741-1-03; and that this suspension run concurrently with the suspension on Count 1, and

WHEREFORE, the Ohio Veterinary Medical Board hereby orders, adjudges and decrees that STANLEY GORLITSKY, D.V.M. be issued a written reprimand for violation of R. C. 4741.22(Q) as charged in Count 3 of the August 16, 1988 Notice of Opportunity for Hearing. The written reprimand shall be made a permanent part of Stanley Gorlitsky's records maintained by the Ohio Veterinary Medical Board, and

WHEREFORE, the Ohio Veterinary Medical Board hereby orders, adjudges and decrees that STANLEY GORLITSKY, D.V.M. be issued a written reprimand for violation of R. C. 4741.22(R) as charged in Count 4(a) of the August 16, 1988 Notice of Opportunity for Hearing. The written reprimand shall be made a permanent part of Stanley Gorlitsky's records maintained by the Ohio Veterinary Medical Board, and

WHEREFORE, the Ohio Veterinary Medical Board hereby orders, adjudges and decrees that STANLEY GORLITSKY's license to practice veterinary medicine in the State of Ohio be suspended for a period of four (4) months for violation of 4741.22(R) as charged in Count 4(b) (c) and (d) of the August 16, 1988 Notice of Opportunity for Hearing. The four month suspension shall run concurrently with the suspension on Count 1 and Count 2.

BY ORDER OF THE OHIO
VETERINARY MEDICAL BOARD

Beatrice Witt
Beatrice Witt
Executive Secretary

DATED: Feb 17, 1989

TO: STANLEY GORLITSKY, D.V.M., take notice:

You may appeal the Order pursuant to Section 119.12 of the Ohio Revised Code, by filing a Notice of Appeal with the Ohio State Veterinary Medical Board, 77 South High Street, 16th Floor, Columbus, Ohio 43266-0302 and also a copy with the Court of Common Pleas of the County of your place of business, or in the County in which you are a resident. Such Notice of Appeal shall contain the Order appealed from and the grounds of said appeal. Such Notice of Appeal shall be filed within fifteen (15) days after the mailing of the Adjudication Order.