

RECEIVED and FILED by the
NEW JERSEY STATE BOARD
VETERINARY MEDICAL EXAMINERS
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL
EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

EHREN S. YABLON, B.V.M.S.
License No.: 29VI00522400

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

Administrative Action

VERIFIED COMPLAINT

Matthew J. Platkin, Acting Attorney General of New Jersey, by Pavithra Angara, Deputy Attorney General, with offices located at 124 Halsey Street, Fifth Floor, Newark, New Jersey, by way of Verified Complaint, says:

GENERAL ALLEGATIONS

1. Complainant, Matthew J. Platkin, Acting Attorney General of New Jersey, is charged with enforcing the laws of the State of New Jersey, pursuant to N.J.S.A. 52:17A-4(h), and is empowered to

initiate administrative disciplinary proceedings against persons licensed by the New Jersey State Board of Veterinary Medical Examiners (hereinafter the "Board") pursuant to N.J.S.A. 45:1-14 to -27.

2. The Board is charged with the duty and responsibility of regulating the practice of veterinary medicine in the State of New Jersey pursuant to N.J.S.A. 45:16-1 to -18 and N.J.A.C. 13:44-1.1 to -5.1.

3. Pursuant to N.J.S.A. 45:1-22, the Board may enter an order of temporary suspension pending a plenary hearing on an Administrative Complaint upon a palpable showing by the Attorney General of a clear and imminent danger to the public health, safety and welfare.

4. Ehren S. Yablon, BVMS, hereinafter "Respondent" is a veterinarian, licensed to practice in the State of New Jersey, with an active license number of 29VI00522400.

5. Respondent's Newark office, Newark Veterinary Hospital ("NVH"), is located at 98 Wilson Avenue, Newark, New Jersey 07105.

COUNT I

6. Complainant repeats and realleges the General Allegations above as if fully set forth herein.

7. On June 19, 2021, the Board's Enforcement Bureau ("EB") performed an inspection of Respondent's office located at 98 Wilson Avenue, Newark, New Jersey 07105, and noted several deficiencies. (Enforcement Bureau Report of Inspection, dated July 19, 2021, attached as Exhibit A to the Certification of Pavithra Angara, DAG (hereinafter "Angara Cert."), AG001 to AG087)).

8. Specifically, EB Investigators observed urine on the waiting room floor; rodent feces in the storage area; a dirty examination room with uncovered trash containers and waste; lack of antiseptic in the operating room; dirty and disorganized isolation areas; unsecured lock box with CDS medication in the medication room; dirty and disorganized storage area; dirty and in poor condition sterilization equipment; lack of hand soap and disinfectant products; storage refrigerator which contained both food and hazardous oncology medication; presence of a significant amount (40-50%) of expired medications, including essential medications, on shelves, cabinets, and inside the refrigerator; improperly stored medications; unsecured CDS medications without any logs or record keeping; abundance of full sharps containers in rear exit area, with some sharps items stored in plastic water bottles and a plastic bag; lack of contracts and records for cleaning services, medical waste, and sharps pick-up; and presence

of assorted debris, old medical equipment and a deceased cat in a crate on top of a freezer in the basement area. (Angara Cert., Exhibit A, AG001 to AG087).

9. On April 19, 2022, EB performed a second inspection of Respondent's office located at 98 Wilson Avenue, Newark, New Jersey 07105, and again, noted several deficiencies. (Enforcement Bureau Report of Inspection, dated April 19, 2022, attached as Exhibit J to Angara Cert., AG283 to AG320).

10. Specifically, EB Investigators observed the general appearance of the office to be unsatisfactory, with cluttered and unkempt examination rooms, office area, storage area, and kennel area; unsecured lock box with CDS medication in the medication room; dirty and in poor condition sterilization equipment; continued presence of expired medications, as well as misbranded medications without any identifying labels, located on shelves, cabinets, and inside the refrigerator; unsecured CDS medications without any logs or record keeping; continued abundance of full sharps containers in the rear exit area, with some sharps items stored in plastic water bottles and a plastic bag; lack of contracts and/or records for cleaning services, medical waste, and sharps pick-up; and the presence of animal remains in bags in a

cooler, assorted debris, tools, and old medical equipment in the basement area. (Angara Cert., Exhibit A, AG283 to AG320).

11. The actions of Respondent described herein constitute gross negligence, malpractice or gross incompetence which endangered the life, health, welfare or safety of any person, and/or repeated acts of negligence, malpractice or incompetence pursuant to N.J.S.A. 45:1-21(c) and (d).

12. The actions of Respondent described herein constitute professional or occupational misconduct as may be determined by the Board pursuant to N.J.S.A. 45:1-21(e).

13. The actions of Respondent described herein constitute a violation of N.J.S.A. 45:16-8.2, maintaining clean and sanitary facilities, resulting in a violation of N.J.S.A. 45:1-21(h).

14. Respondent's conduct as alleged herein palpably demonstrates that his continued practice as a Veterinarian in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of his license pursuant to N.J.S.A. 45:1-22.

COUNT II

15. Complainant repeats and realleges the General Allegations and those of Count I above as if fully set forth herein.

16. On April 1, 2021, Respondent examined seven husky puppies at NVH and administered vaccinations to the puppies. (Patient Records, attached as Exhibit B to Angara Cert., AG091 to AG102).

17. On April 6, 2021, three of the husky puppies returned to NVH, with complaints of vomiting, bloody diarrhea, lack of appetite, dehydration, and lethargy. (Angara Cert., Exhibit B, AG100 to AG102; Fernanda Gambirazi Statement, attached as Exhibit C to Angara Cert., AG109). The three husky puppies tested positive for parvovirus and were hospitalized at NVH. (Angara Cert., Exhibit B, AG100 to AG102; Exhibit C, AG109; Exhibit I, DVD, PARVO CASES, Video Apr 06,3 03 13PM).

18. NVH is not a 24-hour emergency facility and does not have an isolation room to sequester sick animals. (Angara Cert., Exhibit C, AG109; Exhibit G, AG266-268; Exhibit I, DVD, PARVO CASES, Video Apr 06,3 03 13PM).

19. Respondent kept all three husky puppies in a single kennel next to other kennels containing other hospitalized patients. (Angara Cert., Exhibit C, AG109; Exhibit G, AG266-268; Exhibit I, DVD, PARVO CASES, Video Apr 06,3 03 13PM, Photo Apr 27, 9 02 10 PM).

20. The three husky puppies with parvovirus did not receive intravenous fluids and were laying directly on a heating pad stained with their own blood. (Angara Cert., Exhibit C, AG109; Exhibit G, AG266-268; Exhibit I, DVD, PARVO CASES, Video Apr 07, 8 25 06 AM, Photo Apr 07, 8 25 03 AM).

21. On the afternoon of April 6, 2021, one of the husky puppies passed away. (Angara Cert., Exhibit C, AG109; Exhibit I, DVD, PARVO CASES, Video Apr 07, 8 25 06 AM, Photo Apr 07, 8 25 03 AM).

22. Respondent did not call to notify the owner and did not remove the deceased husky puppy from the shared kennel, leaving the other two husky puppies in the same kennel overnight without any treatment, monitoring, food, or water. (Angara Cert., Exhibit C, AG109; Exhibit G, AG266-268; Exhibit I, DVD, PARVO CASES, Video Apr 07, 8 25 06 AM, Photo Apr 07, 8 25 03 AM).

23. Two days later, on April 8, 2021, a second husky puppy passed away. (Angara Cert., Exhibit C, AG109 to AG110).

24. The owner arrived at NVH with three additional husky puppies that were all presenting with the same symptoms of parvovirus as the other hospitalized husky puppies. (Angara Cert., Exhibit C, AG109 to AG110).

25. Due to the mounting cost to care and treat these husky puppies, the owner elected to surrender the remaining husky puppies to an animal shelter. (Angara Cert., Exhibit C, AG110).

26. On April 8, 2021, Susan Janett, the President and Co-Founder of Rosemarie's Rescue Ranch, assumed the care of the remaining husky puppies. (S. J. Statement, attached as Exhibit D to the Angara Cert., AG113).

27. The five remaining husky puppies, four of which were diagnosed with parvovirus, were admitted to VEG and entered into an aggressive hospitalization and supportive care treatment plan, resulting in four out of the five husky puppies making a full recovery. (VEG Veterinary Records, attached as Exhibit E to Angara Cert., AG115 to AG205).

28. Respondent's records for the seven husky puppies are not maintained as separate records, do not provide sufficient information to clearly identify the animal, do not contain clear and detailed notes on the history of the presenting problem, symptoms and signs observed in the animal, conclusions and/or diagnoses, tests ordered and results thereof, copies of consent forms signed by the owner, and/or detailed treatment plans. (Exhibit B, Angara Cert., AG091 to AG102).

29. Respondent's failure to separate the sick husky puppies from the other husky puppies, failure to isolate the husky puppies' kennel from the other patient kennels, the unsanitary circumstances of the care and treatment of the husky puppies, and poor record keeping results in violations of Board statutes and regulations.

30. The actions of Respondent described herein constitute gross negligence, malpractice or gross incompetence which endangered the life, health, welfare or safety of any person, and/or repeated acts of negligence, malpractice or incompetence pursuant to N.J.S.A. 45:1-21(c) and (d).

31. The actions of Respondent described herein constitute professional or occupational misconduct as may be determined by the Board pursuant to N.J.S.A. 45:1-21(e).

32. The actions of Respondent described herein constitute a violation of N.J.S.A. 45:16-8.2, maintaining clean and sanitary facilities, as well as N.J.A.C. 13:44-4.9, patient records, resulting in violations of N.J.S.A. 45:1-21(h).

33. Respondent's conduct as alleged herein palpably demonstrates that his continued practice as a Veterinarian in New Jersey presents a clear and imminent danger to the public health,

safety, and welfare warranting the immediate temporary suspension of his license pursuant to N.J.S.A. 45:1-22.

COUNT III

34. Complainant repeats and realleges the General Allegations and those of Counts I, II, and III above as if fully set forth herein.

35. On June 28, 2021, Respondent examined Princess, a 7-year-old female bulldog for a fever and bleeding issues. (Angara Cert., Exhibit B, AG103 to AG107; A.V. Statement, attached as Exhibit F to Angara Cert., AG242 to AG244). During this visit, Respondent performed an examination, administered antibiotics, and performed bloodwork. (Angara Cert., Exhibit B, AG103 to AG107; Exhibit F, AG207).

36. The next day, on June 29, 2021, the owner called Respondent and informed him that Princess was not well. (Angara Cert., Exhibit F, AG207). Respondent told the owner that he knew what was wrong and asked her to bring Princess into the office for an operation. (Angara Cert., Exhibit F, AG207; Exhibit B, AG104).

37. Respondent's patient record stated that Princess passed away on June 29, 2021 while being prepared for surgery at 7:00 p.m. (Angara Cert., Exhibit B, AG104).

38. No surgery was performed on June 29, 2021. (Byron Cabrera Statement, attached as Exhibit G to Angara Cert., AG213).

39. The next day, on June 30, 2021, a veterinary technician found Princess deceased with bloody vomit and informed Respondent. (Angara Cert., Exhibit G, AG213; AG239-243).

40. Respondent proceeded to move a deceased Princess to the surgery table and open her abdomen without gloves and while talking on the phone. (Angara Cert., Exhibit G, AG213; AG244-246).

41. When asked what he was doing, Respondent informed the veterinary technician that he wanted to see something. (Angara Cert., Exhibit G, AG213).

42. The veterinary technician momentarily left the room and when he returned, Respondent was informing the owner that Princess had died during surgery. (Angara Cert., Exhibit G, AG213).

43. On June 30, 2021, Princess' owner took her to Dr. Tavormina, another veterinarian, to perform an autopsy. (Angara Cert., Exhibit F, AG208; Anthony Tavormina, DVM Certification, attached as Exhibit H to Angara Cert., AG272 to AG279).

44. According to the autopsy, Princess had not undergone surgery on her uterus. (Angara Cert., Exhibit H, AG273).

45. Respondent's record for Princess does not provide clear and detailed notes on the history of the presenting problem,

symptoms and signs observed in the animal, conclusions and/or diagnoses, tests ordered and results thereof, copies of consent forms signed by the owner, and/or detailed treatment plans. (Exhibit B, Angara Cert., AG104 to AG105).

46. Respondent's failure to perform the procedure as agreed upon, concealment of the date and time the procedure was performed, the unsanitary nature of the care and treatment of Princess, and/or poor record keeping, result in violations of Board statutes and regulations.

47. The actions of Respondent described herein constitute gross negligence, malpractice or gross incompetence which endangered the life, health, welfare or safety of any person, and/or repeated acts of negligence, malpractice or incompetence pursuant to N.J.S.A. 45:1-21(c) and (d).

48. The actions of Respondent described herein constitute professional or occupational misconduct as may be determined by the Board pursuant to N.J.S.A. 45:1-21(e).

49. The actions of Respondent described herein constitute a violation of N.J.S.A. 45:16-8.2, maintaining clean and sanitary facilities, as well as N.J.A.C. 13:44-4.9, patient records, resulting in violations of N.J.S.A. 45:1-21(h).

50. Respondent's conduct as alleged herein palpably demonstrates that his continued practice as a Veterinarian in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of his license pursuant to N.J.S.A. 45:1-22.

WHEREFORE, Complainant respectfully demands the entry of an order against Respondent, Ehren S. Yablon, as follows:

1. Temporarily suspending Respondent's license to practice as a Veterinarian in the State of New Jersey pending the disposition of a plenary hearing on this Verified Administrative Complaint;

2. Suspending or revoking the Respondent's license to practice as a Veterinarian in the State of New Jersey following a plenary hearing;

3. Assessing civil penalties against Respondent for each and every separate unlawful act as set forth above, pursuant to N.J.S.A. 45:1-25;


4. Requiring Respondent to pay costs, including investigative costs, attorney's fees and costs, expert and fact witness fees and costs, costs of trial, and transcript costs, pursuant to N.J.S.A. 45:1-25;

5. Ordering Respondent, as a condition for continued, reinstated or renewed licensure, to submit to an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety, and to take and successfully complete educational training determined by the Board to be necessary, pursuant to N.J.S.A. 45:1-22 (g);

6. Ordering Respondent, as a condition for continued, reinstated or renewed licensure, to submit to an assessment of skills to determine whether the licensee can continue to practice with reasonable skill and safety, and to submit to any supervision, monitoring or limitation on practice determined by the Board to be necessary, pursuant to N.J.S.A. 45:1-22 (h); and

7. Ordering such other and further relief as the Board of Veterinary Medical Examiners shall deem just and appropriate under the circumstances.

MATTHEW J. PLATKIN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 
Pavithra Angara
Deputy Attorney General

Dated: April 21, 2022