



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions

6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

December 1, 2004

Richard E. Flint, Jr., DVM
1210 Callaway Rd.
Rocky Mount, VA 24151

Certified Article Number

7160 3901 9844 2317 5174

SENDERS RECORD

RE: Order of the Special Conference Committee

Dear Dr. Flint:

Enclosed is a Copy Teste of the Order entered by the Board of Veterinary Medicine following the Special Conference held on November 17, 2004. Should the Board office not receive written notification requesting a Formal Hearing within thirty-three days of the date on the Certificate of Service, this Order becomes final.

If you accept the enclosed Order, please remit payment of the monetary penalty to the Department of Health Professions, Enforcement Division, ATTN: Susan Beasecker, 6603 W. Broad St., 5th Fl., Richmond, VA 23230.

Should you have any questions concerning the Committee's recommendations, you may refer them to me or to Terri Behr at (804) 662-9915.

Sincerely,

Elizabeth A. Carter, Ph.D.
Executive Director

Enclosure

pc: Robert Nebiker, Director, Dept. of Health Professions
Cynthia Gaines, Administrative Proceedings Division
Susan Beasecker, Compliance
Keith Dressler, Senior Inspector
Paul A. Dull, Esq.

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE: RICHARD E. FLINT, JR., D.V.M.
License No.: 0301-000982
Complaint No.: 95734

ORDER

Pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Veterinary Medicine ("Board"), composed of John Wise, D.V.M., and Andrew Horner, D.V.M., met with Richard E. Flint, Jr., D.V.M., on November 17, 2004, in Roanoke, Virginia. Dr. Flint was present and represented by Paul A. Dull, Esquire. The purpose of the informal conference was to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated October 29, 2004.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After consideration of the evidence and statements concerning the allegations, the Committee makes the following Findings of Fact:

1. Richard E. Flint, Jr., D.V.M., holds license number 0301-000982, which was issued by the Virginia Board of Veterinary Medicine on July 22, 1969. Said license was suspended by Board's Order entered May 26, 2004. Dr. Flint was Veterinarian-In-Charge at Noah's Ark Animal Complex ("Noah's Ark"), Rocky Mount, Virginia, at all times material to the findings below.

2. Dr. Flint is in violation of § 54.1-3807 (5) of the Code, and 18 VAC 150-20-140 (6) and (7) of the Regulations of the Board of Veterinary Medicine, in that on or about February 6, 2002, Client A presented to Noah's Ark with "Sweetie," a feline who was exhibiting weight loss, lack of energy, and poor appetite. Dr. Flint misdiagnosed Sweetie with hypothyroidism and prescribed thyrozine based on

insignificantly low T-4 levels and non-conclusive physical signs. Sweetie failed to improve from problems related to surgery performed on Sweetie's stifle by Dr. Flint in January 2003. Dr. Flint failed to recognize the deteriorating condition of Sweetie on subsequent visits and failed to offer adequate treatment on February 5, 2003. Client A removed Sweetie from Dr. Flint's care and presented to a subsequent veterinarian, who determined through blood work that Sweetie did not have hypothyroidism, and diagnosed sepsis of the surgical site and regenerative hemolytic anemia.

3. Dr. Flint is in violation of § 54.1-3807 (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-195 (A) of the Regulations of the Board of Veterinary Medicine, in that records for Sweetie did not contain pertinent medical data to include but not limited to, medical and surgical procedures performed. Also, the records do not contain the identity of the treating veterinarian. Further, records provided to Client A do not contain the same entries as the records Dr. Flint provided to the inspector for the Department of Health Professions on September 2, 2004. Specifically, the records Dr. Flint provided to the inspector contained the following:

- a. On January 15, 2002, additional documentation entered "Owners declined flea control products and examination".
- b. On February 6, 2002, additional documentation entered "Test for hypothyroidism noted positive and owners agreed to treat Sweetie as T-4 indicates. Owners declined to take cat to Va. Tech".
- c. On March 9, 2002, additional documentation entered "Blood machine says hypothyroid even as it's not suppose to happen".
- d. On March 10, 2002, additional documentation entered "T-4 0.9. Owners are aware no improvement decline referral to Va. Tech". No entries for March

- 10, 2002, appear on Client A's copy of Sweetie's records.
- e. On March 22, 2002, additional documentation entered "Sweetie has an upper respiratory infection". No entries for March 22, 2002, appear on Client A's copy of Sweetie's records.
 - f. On August 12, 2002, additional documentation entered "Sweetie has an upper respiratory infection".
 - g. On February 6, 2003, additional documentation entered "Sweetie was given intraperitoneally because she was apparently over medicated and not doing well". On February 5, 2003, Sweetie was admitted for a nine (9) day in-hospital stay at another veterinary practice.
 - h. On February 7, 2003, additional documentation entered "Reaction to the penicillin injection may have been caused by infiltrating a nerve and caused numbness or some funny sensation".
 - i. On February 7, 2003, additional documentation entered "Demeanor of the owners, such as their being cost conscious limiting suggestions or options to treatment. Sweetie was diagnosed based on blood work".
4. The Committee found that Dr. Flint's records for Sweetie:
- a. Included inaccurate dates of service;
 - b. Did not contain dosages of medications given in-house;
 - c. Did not contain anesthetics used or surgical procedures performed during surgery in January 2003;

- d. Did not contain presenting complaint, physical findings, diagnosis, client instructions and other pertinent medical information;
- e. Contained inaccurate body weights presented in evidence provided to the Committee for review by Dr. Flint. Specifically, the weight entered for Sweetie on January 31, 2003, was for another cat and Client; and
- f. Contained inaccurate prescription information. One specific occurrence on or about January 28, 2003, the prescription states that Sweetie was prescribed thirty (30) tablets of Euk-Puppy (small) 4 lbs (11506) RX 3532 0 of 0 refills give one (1) tablet daily until gone.

Dr. Flint and his staff explained the discrepancies in Finding of Fact # 3 and other inaccurate information was due to staffing problems and ignorance of the computer software. The Committee informed Dr. Flint that accuracy of the medical records is his responsibility.

5. Dr. Flint provided evidence that the continuous medical care disclosure form used in his practice is not a separate form as required by § 54.1-3806.1 of the Code.

6. Dr. Flint's license was suspended for four (4) months based on the Order entered May 26, 2004. The suspension was continued until resolution of this case.

ORDER

WHEREFORE, on the basis of Findings of Fact and Conclusions of Law #2 and #3, it is hereby ORDERED that:

1. Richard E. Flint, Jr., D.V.M., be, and hereby is, REPRIMANDED.
2. Dr. Flint shall be assessed a MONETARY PENALTY of Seven Hundred Fifty Dollars (\$750.00), said penalty to be paid to the Board by certified check or money order within thirty (30) days

from the date that this Order is final. If the monetary penalty is mailed, it shall be mailed by certified or registered mail. If said monetary penalty is not received within the prescribed deadline, an additional One Hundred Dollar (\$100.00) late fee shall be assessed weekly, up to a maximum of One Thousand Dollars (\$1000.00). Failure to pay the full monetary penalty plus the additional assessment within one hundred (100) days of the date of entry of this Order shall constitute grounds for an administrative proceeding.

3. Within one (1) year from the date this Order becomes final, Dr. Flint shall enroll in and successfully complete a continuing education course in record keeping and orthopedic surgery on the rear leg. Prior to registration, Dr. Flint shall submit to the Board syllabi or course outlines and receive approval from the Board for said courses. Such requests for approval shall be submitted to the Board at least fifteen (15) days before the beginning of said courses. These continuing education hours shall be completed through face-to-face, interactive sessions (i.e., no home study, journal or Internet courses). Further, Dr. Flint shall submit documentation to the Board of satisfactory completion of the courses. These courses shall be in addition to the fifteen (15) continuing education hours required for renewal of his license.

4. It is further ORDERED that within six (6) months following completion of the record keeping class, Dr. Flint's practice shall be the subject of one (1) unannounced inspection by an inspector/investigator of the Department of Health Professions. Such inspection shall be conducted during normal business hours and shall include a review of Dr. Flint's office and equipment, and may include an interview with staff. Dr. Flint shall make his patient medical records available to the inspector/investigator. The inspector/investigator shall obtain and copy a random sample of ten (10) of patient records for review by the special conference committee. Five (5) records will be of surgery

patients and five (5) records of hospital/medical cases. Dr. Flint is solely responsible for the payment of a two hundred dollar (\$200.00) inspection fee to be paid to the Board within thirty (30) days of each such inspection. If said fee is not received within the prescribed deadline, an additional one hundred dollar (\$100.00) late fee shall be assessed weekly, up to a maximum of one thousand dollars (\$1000.00). Failure to pay the full fee plus the additional assessment within one hundred (100) days of each inspection shall constitute grounds for an administrative proceeding. In the event that any such inspection reveals a possible violation of the laws or regulations pertaining to the practice of dentistry in Virginia, or Chapter 34 of Title 54.1, (§§ 54.1-3400 et seq. Virginia Drug Control Act) of the Code of Virginia (1950), as amended, the Board specifically reserves the right to conduct further proceedings in this matter.

Further, on the basis of Finding of Fact # 6, the license of Richard E. Flint, Jr., D.V.M., is hereby REINSTATED subject to the terms stated above.

Dr. Flint shall maintain a course of conduct in his practice of veterinary medicine commensurate with the requirements of Chapter 38, Title 54.1 of the Code, and the Regulations of the Board of Veterinary Medicine. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of veterinary medicine in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Richard E. Flint, Jr., D.V.M., and an administrative proceeding shall be convened to determine whether Dr. Flint's license to practice veterinary medicine in the Commonwealth shall be suspended or revoked.

Pursuant to § 54.1-2400(10) of the Code, this Order shall become final thirty (30) days after service unless a written request for a hearing before the Board is filed with Elizabeth A. Carter, Ph.D.,

Richard E. Flint, Jr., D.V.M.

Executive Director, Board of Veterinary Medicine. In the event that this decision is served by mail, three (3) days shall be added to the thirty (30) day period.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

FOR THE BOARD:



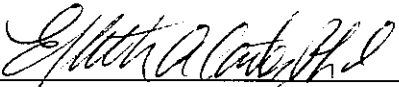
Elizabeth A. Carter, Ph.D.

Executive Director

ENTERED: December 1, 2004

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed to Richard E. Flint, Jr., D.V.M., at 1210 Callaway Road, Rocky Mount, Virginia 24151, and his counsel, Paul A. Dull, Esquire, Brumberg, Mackey & Wall, P.L.C. 300 Professional Arts Building, 30 W. Franklin Road, Roanoke, Virginia 24011, on the 15th day of December, 2004.



Elizabeth A. Carter, Ph.D.
Executive Director
Board of Veterinary Medicine