

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF VETERINARY MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

ABOLARIN AGBONA, D.V.M.
License Number: 69-01-008492

File Number: 69-05-98523
CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an Administrative Complaint, hereafter Complaint, was issued on January 11, 2006, charging Abolarin Agbona, D.V.M., hereafter Respondent, with having violated sections 16221(a), 16221(b)(i) and 16221(h) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; and

WHEREAS, Respondent neither admits nor denies the allegations of fact and law as set forth in the Complaint dated January 11, 2006, but agrees that the Disciplinary Subcommittee of the Michigan Board of Veterinary Medicine, hereafter Disciplinary Subcommittee, may treat the allegations as true, which finding shall have the same force and effect for purposes of this Consent Order as if evidence and argument were presented in support of the allegations; and

WHEREAS, the Disciplinary Subcommittee has reviewed the Stipulation and, based upon the matters asserted therein, agrees that the public interest is best served by resolution of the outstanding Complaint; now, therefore,

IT IS HEREBY FOUND that the allegations of fact and law set forth in the Complaint are true for purposes of this Consent Order and constitute violations of sections 16221(a), 16221(b)(i) and 16221(h) of the Public Health Code, supra.

Accordingly,

IT IS HEREBY ORDERED that, for the aforesaid violations of the Public Health Code, Respondent is placed on PROBATION for a period of one year, commencing on the effective date of this Order. Reduction of the probationary period shall only occur while Respondent is employed as a veterinarian. The terms of probation shall be as follows:

1. CONTINUING EDUCATION: Respondent shall successfully complete a continuing education course accepted by the Michigan Board of Veterinary Medicine, hereafter Board, in the area of documentation. This continuing education course shall be completed during the probationary period.

Respondent shall seek and obtain approval of the continuing education course from the Board Chairperson or the Chairperson's designee. Respondent shall mail requests for approval of the continuing education course and proof of successful completion of the continuing education to the Department of Community Health, hereafter Department, at the address set forth below.

2. BOARD MEMBER REVIEW: During the probationary period, Respondent shall be subject to a minimum of four unannounced random visits by a Board member or designee to review Respondent's professional practice, records, and the sanitary conditions of Respondent's veterinary facility.

In the event Respondent, at any time, fails to comply with the minimal standards of acceptable and prevailing practice or appears unable to practice with reasonable skill and safety, the Board member or designee shall immediately notify the Department.

3. REPORT OF NON-EMPLOYMENT: If at any time during the period of probation Respondent is not employed as a veterinarian, Respondent shall file a report of non-employment with the Department within 15 days after becoming unemployed. Respondent shall continue to file a report of non-employment on a quarterly basis until Respondent returns to employment as a veterinarian, at which time, Respondent shall notify the Department of this fact within 15 days after returning to practice.
4. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN: Periods of residency and practice outside of Michigan shall not reduce the probationary period of this order. Respondent shall report any change of residency or practice outside Michigan no more than 15 days after the change occurs. Compliance with this provision does not satisfy the requirements of sections 16192(1) and 16221(g) of the Public Health Code, supra, regarding Respondent's duty to report name or mailing address changes to the Department.
5. COMPLIANCE WITH THE PUBLIC HEALTH CODE: Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.
6. REPORTING PROCEDURE: Respondent shall direct all communications required by the terms of this Order to: Department of Community Health, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

The timely filing of all information relating to this Order shall be Respondent's responsibility, and failure to file said information within the time limitations herein provided shall be deemed a violation of an order of the Disciplinary Subcommittee.

7. COSTS: Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

IT IS FURTHER ORDERED that Respondent shall be automatically discharged from probation at the end of the probationary period, PROVIDED Respondent has complied with the terms of this Order and has not violated the Public Health Code.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, and if such violation is deemed to constitute an independent violation of the Public Health Code or the rules promulgated thereunder, the Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACRS, R 338.1632 and section 16221(h) of the Public Health Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Disciplinary Subcommittee, as set forth below.

Dated: 5/25/06

MICHIGAN BOARD OF VETERINARY MEDICINE

By: 
Chairperson, Disciplinary Subcommittee

STIPULATION

1. Respondent neither admits nor denies the allegations of fact and law as set forth in the Complaint dated January 11, 2006, but agrees that the Disciplinary Subcommittee may treat the allegations as true, which finding shall have the same force

and effect for purposes of this Consent Order as if evidence and arguments were presented in support thereof.

2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and to appear with an attorney and such witnesses as Respondent may desire to present a defense to said charges.

3. Respondent hereby authorizes the individuals and entities required to report pursuant to the foregoing Consent Order, to release to the Department and the Department of Attorney General any and all information necessary for full compliance with the foregoing Consent Order and to assure protection of the public health, safety and welfare.

4. Factors considered in the formulation of the within Consent Order are as follows:

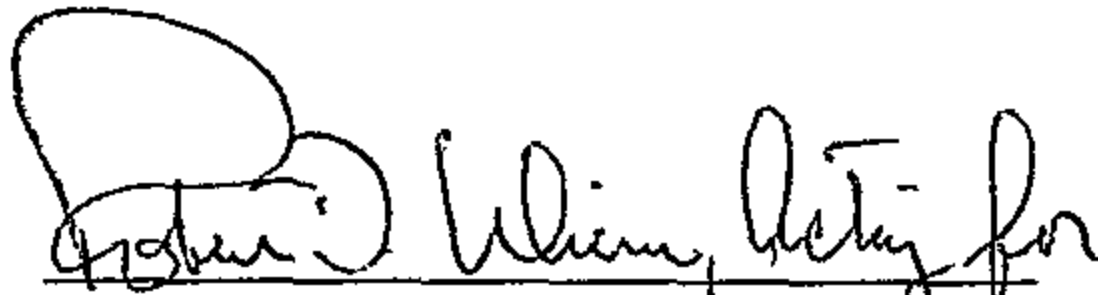
Respondent indicated that he explained the diagnosis, treatment protocols, and charges to Zippy's owner. Also throughout this process, Respondent has categorically denied that his clinic was unsanitary or that he failed to provide the services that were billed. Respondent indicated that he has revised his documentation methods to thoroughly reflect the treatment provided and maintains a log to accurately reflect the inventory of controlled substances. Respondent secures the controlled substances in a locked safe and no longer stores medications and foods items in the same refrigerator.

5. Willie Reed, D.V.M., a member of the Board who supports this proposal, and the Department's representative are both free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the foregoing Consent Order.

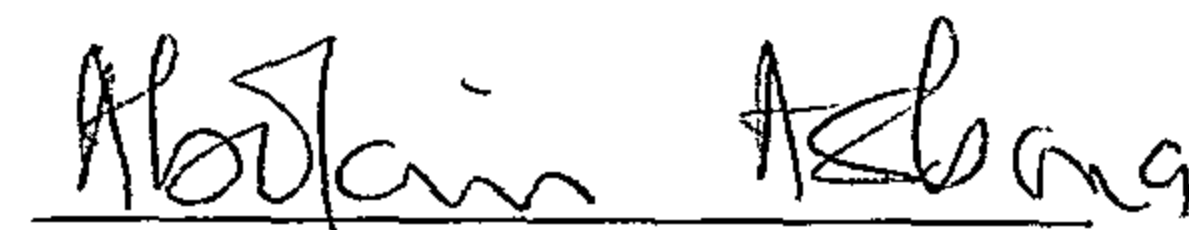
6. The foregoing Consent Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in said cause.

7. The foregoing proposal is conditioned upon acceptance by the Disciplinary Subcommittee, Respondent and the Department expressly reserving the right to further proceedings without prejudice should the Consent Order be rejected.

AGREED TO BY:


Melanie B. Brim, Director
Bureau of Health Professions
Department of Community Health
Dated: April 7, 2006

AGREED TO BY:


Abolarin Agbona, D.V.M.
Respondent
Dated: 04-02-06

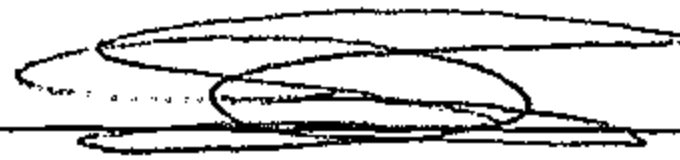
State of Michigan)
County of Ingham) ss

On the 2 day of April, 2006, before me, a Notary Public in and for said county, appeared Abolarin Agbona, D.V.M., who, upon oath, stated that he has read the foregoing Consent Order and Stipulation by him subscribed, that he knows the contents

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thereof to be true, and that the signing of said Consent Order and Stipulation is his free act and deed.



Notary Public, Ingham County
State of Michigan
My Commission expires 2-23-11

This is the last and final page of a Consent Order and Stipulation in the matter of Abolarin Agbona, D.V.M., File Number 69-05-98523, before the Disciplinary Subcommittee of the Michigan Board of Veterinary Medicine, consisting of seven pages, this page included.

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BUREAU OF HEALTH PROFESSIONS
COMPLAINT & ALLEGATION DIVISION