

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

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Community Health, hereafter Complainant, by Melanie B. Brim, Director, Bureau of Health Professions, and files this complaint against Abolarin Agbona, D.V.M., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Veterinary Medicine, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.
2. Respondent is currently licensed to practice veterinary medicine in the state of Michigan and holds a current controlled substance license.
3. Respondent is the owner/veterinarian of Comprehensive Animal Clinic in Lansing, Michigan.

4. 1981 AACRS, R 338.4913, promulgated by the Board, provides, in part, the following:

- 1) A departure from the provisions of this rule is deemed to constitute a departure from, or failure to conform to, minimal standards of acceptable and prevailing veterinary medical practice.
- 2) A veterinary facility shall be maintained in a sanitary manner.
- 3) The determination of whether a veterinary facility is maintained in a sanitary manner shall include, without limitation, consideration of whether the following requirements have been met:
 - (a) The facility shall be maintained in a clean and orderly condition.
 - (b) Floors, walls, windows, exam tables, and all equipment and storage cabinets shall be kept clean.

5. On March 23, 2005, at approximately 8:00 p.m., a feline named Zippy presented to Respondent, who diagnosed Zippy with urinary blockage. Respondent's documentation concerning his treatment of Zippy was inadequate. Specifically, Zippy's medical records showed no indication of physical examination findings, history and route of medications administered. The medical records also lacked a summary of x-ray findings, urinalysis results, or procedures performed.

6. On March 25, 2005, when Zippy was picked up from the clinic by its owner, Zippy was covered in urine and feces. Thereafter, Zippy continued to experience problems urinating and the owner sought treatment for Zippy from another veterinarian.

7. On September 14, 2005, Complainant's investigator conducted an inspection of Respondent's clinic and found that Respondent failed to store controlled substances in a securely locked cabinet or maintain an accurate inventory of controlled substances. Complainant's investigator also noted a strong odor of urine and feces upon entering the clinic, and found uncapped needles and syringes on hallway countertops and overflowing Sharp's containers. Complainant's investigator further found that the refrigerator/freezer in the clinic stored medications, but also contained *foods intended for human consumption or animal consumption.*

COUNT I

Respondent's conduct, as set forth above, evidences a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of section 16221(a) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of section 16221(b)(i) of the Public Health Code, supra.

COUNT III

The unsanitary conditions of Respondent's clinic, as set forth above, are contrary to 1981 AACRS, R 338.4913(2), in violation of sections 16221(b)(i) and 16221(h) of the Public Health Code, supra.

COUNT IV

The unsanitary conditions of Respondent's clinic, as set forth above, are contrary to 1981 AACRS, R 338.4913(3)(a), in violation of sections 16221(b)(i) and 16221(h) of the Public Health Code, supra.

COUNT V

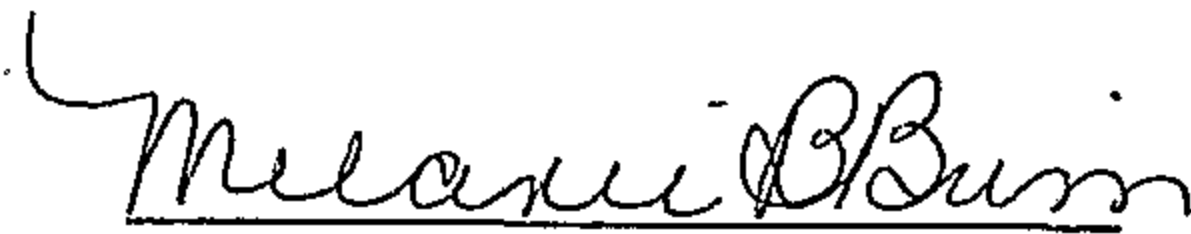
The unsanitary conditions of Respondent's clinic, as set forth above, are contrary to 1981 AACRS, R 338.4913(3)(b), in violation of sections 16221(b)(i) and 16221(h) of the Public Health Code, supra.

WHEREFORE, Complainant requests that the within complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated there under, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of

this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Melanie B. Brim, Director, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.



Melanie B. Brim, Director
Bureau of Health Professions

DATED: *January 11, 2006*

This is the last and final page of an Administrative Complaint 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 five pages, this page included.

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