

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH PROFESSIONS

In the Matter of

Jan H Pol, D.V.M.  
License Number: 69-01-003494

FILE NO.: 69-10-116474

PROOF OF SERVICE

State of Michigan )  
                                  )  
County of Ingham )

I, Marcie Anderson, of Lansing, County of Ingham, State of Michigan, do hereby state that on April 27, 2012, I sent the following documents to each of the parties listed below, enclosed in an envelope bearing postage fully prepaid, plainly addressed as follows:

CONSENT ORDER AND STIPULATION dated April 26, 2012.

BY:        First Class Mail  
           Certified Mail, Return receipt requested

TO:    Jan H Pol, D.V.M.  
       3959 W Jordan Rd  
       Weidman, MI 48893

       Arthur Jalkanen  
       Schwartz, Jalkanen & Hanmum, P.C.  
       24445 Northwestern Hwy., Ste. 200  
       Southfield, MI 48075

By Interdepartmental Mail to:

       Bill Hurth, Manager  
       Bureau of Health Professions  
       Enforcement Section

Marcie M. Anderson

Marcie M. Anderson  
Health Regulatory Division

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF VETERINARY MEDICINE  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JAN H. POL, D.V.M.  
License Number: 69-01-003494

File Number: 69-10-116474  
CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an Administrative Complaint, hereafter Complaint, was issued on July 29, 2011, charging Jan H. Pol, D.V.M., hereafter Respondent, with having violated sections 16221(a) and 16221(b)(i) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; and

WHEREAS, Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Public Health Code; and

WHEREAS, the Disciplinary Subcommittee of the Michigan Board of Veterinary Medicine, hereafter 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 and constitute violations of sections 16221(a) and 16221(b)(i) 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 minimum period of one day and not to exceed a period of one year, commencing on the effective date of this Order. 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 each of the following areas: a) documentation/recordkeeping; b) small animal reproduction; and c) ultrasound techniques and interpretation. This continuing education shall be completed during the probationary period, and shall not apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall seek and obtain pre-approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall mail requests for pre-approval of a continuing education course and proof of the successful completion of continuing education course to the **Department of Licensing and Regulatory Affairs, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30670, Lansing, MI, 48909.**

2. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.

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

IT IS FURTHER ORDERED that Respondent shall be automatically discharged from probation upon receipt by the Department of Licensing and Regulatory Affairs, hereafter Department, of satisfactory evidence of the successful completion of the continuing education, as set forth above, PROVIDED Respondent has complied with the terms of this Order, and has not violated the Public Health Code.

IT IS FURTHER ORDERED that for the aforesaid violations of the Public Health Code, Respondent is FINED in the amount of \$500.00 to be paid to the State of Michigan within 60 days of the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30185, Lansing, MI 48909**. The fine shall be paid by check or money order, made payable to the State of Michigan, and the check or money order shall clearly display file number **69-10-116474**.

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 AACS, R 338.1632 and section 16221(h) of the Public Health Code, supra.

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

Dated: 4/26/2012

MICHIGAN BOARD OF VETERINARY MEDICINE

By: Kim Beattie  
Chairperson, Disciplinary Subcommittee

STIPULATION

1. The allegations of fact and law contained in the Complaint dated July 29, 2011, are true and constitute violations of sections 16221(a) and 16221(b)(i) of the Public Health Code, supra.

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. Factors taken into consideration in the formulation of the within Consent Order are as follows:

Respondent admits responsibility for failing to set up office practices which would require the documentation of phone calls and communications from animal owners. Respondent indicates he will review office procedures and train staff regarding communication and documentation, in order to prevent

this type of occurrence in the future. Respondent has no previous complaints or allegations against his license.

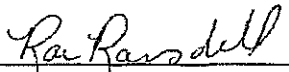
4. Lawrence A. Letsche, D.V.M., a member of the Board who supports this proposal, and the Department's representative are both free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the foregoing Consent Order.

5. 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.

CONTINUED ON NEXT PAGE


6. 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:

  
\_\_\_\_\_  
Rae Ramsdell, Director  
Bureau of Health Professions  
Department of Licensing and  
Regulatory Affairs

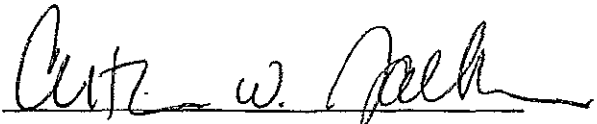
Dated: 2/21/2012

AGREED TO BY:

  
\_\_\_\_\_  
Jan H. Pol, D.V.M.  
Respondent

Dated: 2-6-12

Approved as to form by:

  
\_\_\_\_\_  
Arthur W. Jalkanen (P33548)  
Attorney for Respondent

This is the last and final page of a Consent Order and Stipulation in the matter of Jan H. Pol, D.V.M., File Number 69-10-116474, before the Disciplinary Subcommittee of the Michigan Board of Veterinary Medicine, consisting of six pages, this page included.

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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF VETERINARY MEDICINE  
DISCIPLINARY SUBCOMMITTEE

In the matter of

JAN H. POL, D.V.M.

License Number: 69-01-003494

File Number: 69-10-116474

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Licensing and Regulatory Affairs, hereafter Complainant, by Rae Ramsdell, Acting Director, Bureau of Health Professions, and files this Complaint against Jan H. Pol, 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 currently holds a license to practice veterinary medicine in the state of Michigan, and holds a current controlled substance license.

3. At all relevant times, Respondent was owner and practicing veterinarian of Pol Veterinary Services, hereafter facility, in Weidman, Michigan.



4. On January 30, 2010, D.S. (initials used throughout to protect privacy) bred her German shorthair canine, Mocha, and calculated Mocha's date to deliver the puppies to be approximately April 3, 2010.

5. Between April 3, 2010, and April 8, 2010, D.S. called the facility three times, as Mocha had not delivered the puppies. D.S. was told she did not need to bring the dog to the facility, that Mocha should be able to have the puppies on her own, and to let nature take its course. A facility veterinarian told D.S. to call the facility on April 9, 2010, if Mocha had not given birth by then. The veterinarian failed to document the telephone calls.

6. On April 9, 2010, Mocha had still not given birth, and now had brownish-green mucus discharge. D.S.'s husband, R.S., called the facility and was told to bring Mocha in at 10:00 a.m. R.S. called the facility back a few minutes later and informed the facility that there was more brownish-green mucus discharge. R.S. was instructed by facility staff to keep Mocha by herself in a quiet place because it sounded like she may be starting to go into labor. R.S. was instructed to call the facility back in the afternoon if Mocha had not given birth. R.S. called the facility at 4:30 p.m., indicated Mocha had not given birth, and was instructed to bring Mocha to the facility. A facility veterinarian examined Mocha at approximately 6:30 p.m., and informed R.S. that Mocha was not dilated, and sent R.S. and Mocha home, without conducting any further tests or an ultrasound. The veterinarian informed R.S. that Mocha should have her puppies within the next day or two. The veterinarian failed to document the recommendations.

7. On April 10, 2010, D.S. called the facility and informed a facility veterinarian that Mocha's belly looked skinny and was hanging low. The veterinarian told D.S. that Mocha would probably deliver later that day and to just let nature take its course. The veterinarian failed to document the telephone call.

8. On April 12, 2010, D.S took Mocha back to the facility because she was very concerned that Mocha still had not given birth. A facility veterinarian took an ultrasound at that time and informed D.S. that she did not see any movement in Mocha's stomach. The veterinarian brought Respondent into the room to evaluate Mocha. Respondent looked at the ultrasound, informed D.S. that he saw movement in the ultrasound, and stated that the due date was wrong. Respondent told D.S. to take Mocha home, but to call the office if she had any further questions. Respondent failed to see that the puppies had already expired and there were no heartbeats on the ultrasound. Additionally, Respondent failed to perform a Caesarian section. Respondent failed to maintain and failed to ensure that his staff maintained adequate documentation of telephone calls, treatment records, and recommendations to provide subsequent treaters with appropriate treatment history.

9. On April 12, 2010, D.S. took Mocha to Animal Health Associates, hereafter Animal facility, in Clare, Michigan, for a second opinion. An Animal facility veterinarian performed an ultrasound on Mocha and found no movement inside Mocha. A Caesarian section was performed by an Animal facility veterinarian who found 10 dead puppies covered in brownish-green mucus inside Mocha. The Animal facility veterinarian stated that the puppies probably had been dead at least three or four days,

and that a Caesarian or induction was warranted based on Mocha's brownish-green mucus discharge, temperature and failure to deliver by April 5, 2010.

COUNT I

Respondent's conduct, as set forth above, evidences violations 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 departures from, or failures 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.

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 thereunder, 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, Rae Ramsdell, Acting Director, Bureau of Health Professions, Department of Licensing and Regulatory Affairs, 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.

DATED: 7/29/2011

  
\_\_\_\_\_  
Rae Ramsdell, Acting Director  
Bureau of Health Professions

This is the last and final page of an Administrative Complaint in the matter of Jan H. Pol, D.V.M., File Number 69-10-116474 before the Disciplinary Subcommittee of the Michigan Board of Veterinary Medicine, consisting of five pages, this page included.

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