

BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

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IN THE MATTER OF:	)	CASE No.: 22-122
	)	
DAVID PITKIN, DVM	)	CONSENT AGREEMENT,
	)	FINDINGS OF FACT,
HOLDER OF LICENSE No. 1626	)	CONCLUSIONS OF LAW
FOR THE PRACTICE OF VETERINARY	)	AND ORDER
MEDICINE IN THE STATE OF ARIZONA,	)	
	)	
RESPONDENT.	)	
	)	

**CONSENT AGREEMENT AND ORDER**

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In the interest of a prompt and speedy settlement of the above captioned matter, consistent with the public interest, statutory requirements and responsibilities of the Arizona Veterinary Medical Examining Board ("Board"), and pursuant to A.R.S. §§ 32-2201 *et. seq.*, A.R.S. § 32-2234(E) and § 41-1092.07(F)(5), David Pitkin, DVM, ("Respondent") and the Board enter into this Consent Agreement, Findings of Fact, Conclusion of Law and Order ("Consent Agreement") as a final disposition of this matter.

**RECITALS**

Respondent understands and agrees that:

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1. Any record prepared in this matter, all investigative materials prepared or received by the Board concerning the allegations, and all related materials and exhibits may be retained in the Board's file pertaining to this matter.

1           2.     Respondent has the right to a formal administrative hearing at  
2 which Respondent can present evidence and cross examine the State's  
3 witnesses. Respondent hereby irrevocably waives his right to such formal  
4 hearing concerning these allegations and irrevocably waives his right to any  
5 rehearing or judicial review relating to the allegations contained in this Consent  
6 Agreement.

7           3.     Respondent has the right to consult with an attorney prior to  
8 entering into this Consent Agreement.  
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10          4.     Respondent acknowledges and agrees that upon signing this  
11 Consent Agreement and returning it to the Board's Executive Director,  
12 Respondent may not revoke his acceptance of this Consent Agreement or  
13 make any modifications to it. Any modification of this original document is  
14 ineffective and void unless mutually approved by the parties in writing.  
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16          5.     The findings contained in the Findings of Fact portion of this Consent  
17 Agreement are conclusive evidence of the facts stated herein and may be  
18 used for purposes of determining sanctions in any future disciplinary matter.

19          6.     This Consent Agreement is subject to the Board's approval, and will  
20 be effective only when the Board accepts it. In the event the Board in its  
21 discretion does not approve this Consent Agreement, this Consent Agreement  
22 is withdrawn and shall be of no evidentiary value, nor shall it be relied upon or  
23 introduced in any disciplinary action by any party hereto, except that  
24 Respondent agrees that should the Board reject this Consent Agreement and  
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1 this case proceeds to hearing, Respondent shall assert no claim that the Board  
2 was prejudiced by its review and discussion of this document or of any records  
3 relating thereto.

4 7. Respondent understands that once the Board approves and signs  
5 this Consent Agreement, it is a public record that may be publicly disseminated  
6 as a formal action of the Board.

7 8. Respondent further understands that any violation of this Consent  
8 Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-2232 and  
9 may result in disciplinary action pursuant to A.R.S. § 32-2234.

10 9. The Board therefore retains jurisdiction over Respondent and may  
11 initiate disciplinary action against Respondent if it determines that he has failed  
12 to comply with the terms of this Consent Agreement or of the practice act.

13 10. Respondent admits to the following Findings of Fact, Conclusion of  
14 Law and Order.

15 DATED this 6<sup>th</sup> day of June 2022.

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21 David Pitkin, DVM

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24 The Board issues the following Findings of Fact, Conclusions of Law and  
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**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of veterinary medicine in the State of Arizona.

2. Respondent is the holder of Doctor of Veterinary Medicine License No. 1626 for the practice of veterinary medicine in the State of Arizona.

3. Respondent is also a licensed veterinarian in the State of Ohio.

4. On January 12, 2022, Respondent entered into a Consent Agreement with the Ohio Veterinary Medical Licensing Board ("Ohio Consent Agreement"). Pursuant to the Ohio Consent Agreement, Respondent's license was placed on probation for five years. Among other things, Respondent was required to obtain an assessment by the Ohio Physicians Health Program ("OPHP"). Respondent was also ordered to comply with all terms set forth by OPHP, including random drug screens as required by OPHP at his own expense.

5. The Ohio Consent Agreement is adopted in its entirety and incorporated herein. (See attached.)

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**CONCLUSIONS OF LAW**

1. The conduct and circumstances described in the Findings of Fact constitutes a violation of A.R.S. § 32-2232(7) Chronic inebriety or unlawful use of narcotics, dangerous drugs, or controlled substances.

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**ORDER**

Based upon the foregoing Findings of Fact and Conclusion of Law, the parties agree to the provisions and penalties imposed as follows:



1 of licensure, that the matter be placed on the Board agenda for the Board to  
2 review and determine if the automatic suspension of Respondent's license was  
3 supported by the preponderance of the evidence.

4 6. If the written request is received within 10 days of a regularly  
5 scheduled Board meeting, the request will not be heard at that meeting, but  
6 will be heard at the next regularly scheduled Board meeting.

7 7. Pending the Board's review, Respondent's license shall be reported  
8 as suspended - under review. Respondent may not work in any capacity as a  
9 licensed veterinarian. The Board's decision shall not be subject to further review.  
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#### 11 **TERMS AND CONDITIONS OF STAYED SUSPENSION/PROBATION**

12 8. Respondent shall provide the Board with a copy of the assessment  
13 conducted by the OPHP, including all terms set forth by the OPHP. Respondent  
14 shall submit this information to the Board within 30 days from the effective date  
15 of this Consent Agreement. Respondent shall also provide the Board with any  
16 updates, subsequent evaluations and all summaries, records of whatever nature  
17 by the licensed professionals and any and all parties that provide treatment,  
18 testing or evaluations to Respondent pursuant to the Ohio Consent Agreement.  
19 These documents must be provided to the Board within 30 days of  
20 services/treatment being rendered.  
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#### 22 **Practicing in Arizona**

23 9. At least ten days before starting employment as a veterinarian in  
24 Arizona, Respondent shall provide the Board or designee with a written  
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1 statement providing the contact information of his employer in Arizona and a  
2 signed statement from Respondent's employer on employer letterhead,  
3 confirming Respondent provided the employer with a copy of this Consent  
4 Agreement. If Respondent does not provide the employer's statement to the  
5 Board within ten days, as required, Respondent's failure to provide the required  
6 statement to the Board shall be deemed a violation of A.R.S. § 32-3222(18) and  
7 the Board will provide Respondent's employer(s) with a copy of the Consent  
8 Agreement. In addition, Respondent shall provide the Board with current  
9 documentation establishing that he is in compliance with the Ohio Consent  
10 Agreement.  
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12 10. When practicing in Arizona, Respondent agrees to do so in  
13 accordance with all of the terms set forth by the OPHP, including random drug  
14 screens. In addition, Respondent shall not practice under his license unless he  
15 is fully compliant with all terms and conditions in this Consent Agreement. If, for  
16 any reason, Respondent is unable to comply with the terms and conditions of  
17 this Consent Agreement, he shall immediately notify the Board in writing and  
18 shall not practice under his license until he submits a written request to the Board  
19 to re-commence compliance with this Consent Agreement. All such requests  
20 shall be pre-approved by the Board Chair or designee.  
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22 11. In the event that Respondent is unable to comply with the terms  
23 and conditions of this Consent Agreement, all remaining time frames shall be  
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1 tolled and remain tolled until such time as he is granted approval to re-  
2 commence compliance with the Consent Agreement.

3 12. If, during the period of Respondent's probation while practicing in  
4 Arizona, Respondent changes employment, resigns, is involuntarily terminated,  
5 resigns in lieu of termination, or goes on extended leave of absence for  
6 whatever reason that may impact his ability to timely comply with the terms of  
7 probation, Respondent shall, within ten days of the aforementioned acts, inform  
8 the Board of his change of employment status.  
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10 13. Within ten days of starting each new employment, Respondent shall  
11 provide the Board or designee a written statement providing the contact  
12 information of his new employer(s) and a signed statement from Respondent's  
13 new employer(s) and on employer(s) letterhead, confirming Respondent  
14 provided the employer(s) with a copy of this Consent Agreement. If Respondent  
15 does not provide the employer's statement to the Board within ten days, as  
16 required, Respondent's failure to provide the required statement to the Board  
17 shall be deemed a violation of A.R.S. § 32-3222(18) and the Board will provide  
18 Respondent's employer(s) with a copy of the Consent Agreement.  
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20 **General Provisions**

21 14. Respondent shall practice veterinary medicine using the name  
22 under which he is licensed. If Respondent changes his name, he shall advise the  
23 Board of the name change as prescribed under the Board's procedures.  
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1 15. Prior to the release of Respondent from probation, Respondent must  
2 submit a written request to the Board for release from the terms of this Consent  
3 Agreement at least 30 days prior to the date he would like to have this matter  
4 appear before the Board. Respondent may appear before the Board, either in  
5 person or telephonically. Respondent must provide evidence that he has  
6 successfully satisfied all terms and conditions of the Ohio Consent Agreement  
7 and that it has been terminated. The Board has the sole discretion to determine  
8 whether all terms and conditions of this Consent Agreement have been met  
9 and whether Respondent has adequately demonstrated that he has addressed  
10 the issues contained in this Consent Agreement. In the event that the Board  
11 determines that any or all terms and conditions of this Consent Agreement have  
12 not been met, the Board may conduct such further proceedings as it  
13 determines are appropriate to address those matters.  
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16 16. Respondent shall bear all costs relating to the terms of probation set  
17 forth in this Consent Agreement.

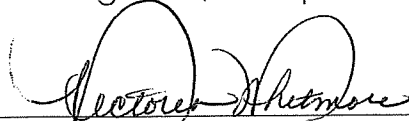
18 17. Respondent shall be responsible for ensuring that all  
19 documentation required in this Consent Agreement is provided to the Board in  
20 a timely manner.

21 18. This Consent Agreement shall be effective on the date of entry below.

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23 19. This Consent Agreement is conclusive evidence of the matters  
24 described herein and may be considered by the Board in determining  
25 appropriate sanctions in the event a subsequent violation occurs.

1 **ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD**

2 James Loughead, Chairperson

3 By   
4 Victoria Whitmore, Executive Director

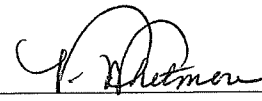
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6 Acceptance Date: 6/13/2022

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8 Original of the foregoing filed  
9 This 13<sup>th</sup> day of June 2022 with:

10 Arizona State Veterinary Medical Examining Board  
11 1740 W. Adams St, Ste. 4600  
12 Phoenix, Arizona 85007

13 COPY mailed this 13<sup>th</sup> day of June, 2022, by Certified First Class Mail, to:

14 David Pitkin, DVM  
15 Address on file  
16 Respondent

17 By:   
18 Board Staff

# ATTACHMENT 1

BEFORE THE OHIO VETERINARY  
MEDICAL LICENSING BOARD

OHIO VETERINARY MEDICAL	:	
LICENSING BOARD	:	Case No. 21-21-012
	:	
	:	
	:	
v.	:	
	:	
DAVID PITKIN, D.V.M.	:	

**CONSENT AGREEMENT**

This Consent Agreement is entered into by and between David Pitkin, DVM (Respondent), and the Ohio Veterinary Medical Licensing Board (Board), the state agency charged with enforcing Chapter 4741 of the Ohio Revised Code (ORC), and all administrative rules promulgated thereunder.

Respondent voluntarily enters into this Consent Agreement being fully informed of his or her rights under Revised Code Chapter 119, including the right to representation by legal counsel and the right to a formal adjudication hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

**BASIS FOR ACTION**

This Consent Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- A. The Board is empowered by R.C. 4741.22, to refuse to issue or renew a license, may issue a reprimand, or suspend or revoke the license, or impose a civil penalty upon any person holding a license.
  
- B. This agreement is made as a compromise between the parties for the complete and final settlement of their claims, differences, and causes of action arising out of, connected with or in any manner related to all matters referred to in the Notice of Opportunity for Hearing letter, dated April 20, 2021.

**AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Respondent knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations:

1. Respondent agrees to a five (5) year period of probation beginning on the effective date of this agreement. Respondent may continue to practice veterinary medicine during the probationary period.
2. Respondent shall obey all federal, state, and local laws, and all laws and rules governing the practice of a veterinary technician in Ohio.
3. Respondent shall obtain an assessment by the Ohio Physicians Health Program (OPHP) within thirty days of the effective date of this Agreement. OPHP can be contacted at 614-841-9690 or [info@ophp.org](mailto:info@ophp.org). If applicable, Respondent will comply with all terms set forth by OPHP, including random drug screens as required by OPHP at his or her own expense.
4. Respondent shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by the licensed professionals and any and all parties that provide treatment, testing or evaluation of Respondent. The above mentioned evaluative reports, summaries, and records are considered medical records for purposes of R.C.149.43, and are confidential pursuant to statute. Failure on the part of Respondent to provide such consent or failure to comply with treatment recommendations shall constitute a violation of this Consent Agreement.
5. Respondent shall abstain completely from the personal use of alcohol if recommended to do so after evaluation by the Ohio Physicians Health Program (OPHP).
6. Respondent shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Respondent's history.
7. Respondent shall inform the Board within fifteen days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
8. Respondent shall submit any and all information that the Board may request regarding his or her ability to practice according to acceptable and prevailing standards of safe veterinary technician practice.

#### **FAILURE TO COMPLY**

Respondent agrees that his or her license to practice as a veterinarian will be automatically suspended if it appears to the Board that Respondent has violated or breached any terms or conditions of the Consent Agreement. Following the automatic suspension, the Board shall notify Respondent via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, Respondent may request a hearing regarding the charges.

If, in the discretion of the Board, Respondent appears to have violated or breached any terms or conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement. The Board shall give Respondent an opportunity for a hearing to challenge any proposed discipline.

**DURATION/MODIFICATION OF TERMS**

The terms, limitations, and conditions of this Consent Agreement may be modified or terminated, in writing, at any time upon the agreement of both Respondent and the Board.

**ACKNOWLEDGMENTS/LIABILITY RELEASE**

Respondent acknowledges that he or she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Respondent waives all of his or her rights under R.C. Chapter 119 as they relate to matters that are the subject of this Consent Agreement, and withdraws his or her request for a hearing pursuant to R.C. Chapter 119.

Respondent waives any and all claims or causes of action he or she may have against the Board, and its members, officers, employees and/or agents arising out of matters, which are the subject of this Consent Agreement.

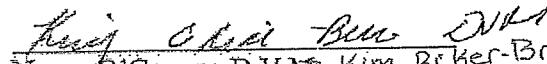
This Consent Agreement shall be considered a public record as that term is used in R.C. 149.43, ORC. The information contained herein may be reported to appropriate organizations, data banks, and governmental bodies, except that the confidential information discussed in Paragraph 4 is not subject to disclosure.

This Consent Agreement is not an adjudication order within the meaning of R.C. 119.01(D). Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, R.C. Chapter 119.

**EFFECTIVE DATE**

Respondent understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.

  
David Pitkin, D.V.M.

  
~~Nancy O'Connor, D.V.M.~~ Kim Riker-Brown, DVM  
President  
Ohio Veterinary Medical Licensing Board

Date: 11-22-2021

Date: 01/12/2022