

THE CORNER INFORMER

The Newsletter of The Southeastern Michigan Veterinary Medical Association

Volume 29 Issue 2 June 2023

OUR PRESIDENT'S ADDRESS

It feels like summer started early in Michigan with the warm weather we have been having. I hope everyone has enjoyed some time with friends and family or at the very least has planned time for loved ones. The Southeastern

Michigan Veterinary Medical Association has some summer plans for you. After working through a pandemic, we could certainly use a party. In 2017, we celebrated our 100 year anniversary by gathering at the Chapman House for cheese, wine, beer, and bourbon tasting along with a formal dinner in the outdoor courtyard. The "Party of the Century" certainly lived up to its name and we have no doubt that the SEMVMA summer party will be equally as memorable. For more information or to

RSVP, see your formal invitation for the Sizzling Summer Soiree on July 15th, 2023 at the Packard Proving Grounds. Our 29th annual golf outing at Tanglewood Golf Course is scheduled for August 2nd, 2023. This event is a fundraiser for Leader Dogs for the Blind. You do not have to be a member to participate. If you have friends or family that enjoy golfing, let them know to save the date and pass along our sign up form. We would love to have you, your friends, and your family there.

We want to hear from you! If you have personal or professional successes or life announcements, let us know so we can include it in our member spotlight. If you have interesting or fun cases you want to share with colleagues, reach out so we can include an article in our newsletter. Is there more our organization could do for our profession or members? Tell us your ideas. We are starting a local mentorship program. If this interests you, look for



Emily Socks

more information inside this newsletter. You can also email us at adminsemvma@ semvma.com or find us on facebook at https://www.facebook.com/SEMVMA. If you are a specialist and want to share your knowledge on a topic of interest, we include a specialist article in our newsletters. Look for the article from Dr. Sarah Babcock as it includes a discount code for her continuing education on a variety of medical records and veterinary law CE that can be used to satisfy the Michigan mandatory CE requirements.

We have nearly finalized both the veterinary and technician continuing education programs that start in the fall. Please make note of the seminar dates that are listed in this newsletter. We take pride in offering high quality veterinary continuing education locally to our members. We hope you will take advantage of either our in person or virtual option.

I am excited for what our association can do together. I am hopeful that even more of our members will become involved and engaged in our continuing education series, newsletter, and social engagements. I look forward to seeing you and hope you enjoy summertime in Michigan.

– Emily Socks

Southeastern Michigan Veterinary Medical Association

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2023/2024 CONTINUING EDUCATION

VETERINARY PROGRAM

10/25/2023 – Dr. Elizabeth Layne – Dermatology

Sponsor: Royal Canin

11/15/2023 - Dr. Larry Adams - Urinary Disease

Sponsor: Royal Canin

12/13/2023 - Dr. Stephan Carey - Respiratory

Sponsor: Zoetis

02/28/2024 - Dr. Kate Sippel - Radiology

Sponsor: Idexx

03/13/2024 - Dr. Matthew Lemmons - Dentistry

Sponsor: Patterson Vet Dental

Sign-in for the conference begins at 8:15 am, with the seminar beginning at 9:00 am. Continental breakfast and full lunch are included. The seminars will conclude at 5:00 pm.

TECHNICIAN PROGRAM

10/25/2023 - Dr. Elizabeth Layne - Dermatology

11/15/2023 – Dr. Larry Adams – Urinary

12/13/2023 - TBA

02/28/2024 - Danielle Schaak, LVT, VTS (SAIM) - Radiology

03/13/2024 - Justine Speck, LVT - Dentistry

Sign-in and dinner for the conference begins at 5:45 pm with the seminar starting at 6:30 pm. The seminars will conclude at 8:30 pm. For each SEMVMA member in your practice, one technician or staff member can attend each of the seminars for FREE. The cost for additional staff members or for the staff of non-SEMVMA members is our regular charge of \$35. You must RSVP to ensure a meal and proceedings. Seminars will be held at the Management Education Center - 811 West Square Lake Road, Troy, MI, (248) 879-2456

You can attend our meetings in person or virtual, your choice! Please contact Barb at the SEMVMA Office to register (248) 651-6332 adminsemvma@semvma.com



Dr. William J. Fuller passed away November 21, 2022 at the age of 99. Dr. Fuller graduated from the Michigan State University CVM in 1950. He practiced small animal medicine in the Detroit area until his retirement. Dr. Fuller joined the Southeastern Michigan Veterinary Medical Association in 1950 and served as president in 1979. Dr. Fuller was a pilot in the Air Force, achieving the rank of captain.

Dr. Harold Duchan passed away April 8, 2023 at the age of 95. Dr. Duchan graduated from the Michigan State University CVM in 1953. He was the proud owner of Centerline Veterinary Hospital. Dr. Duchan joined the Southeastern Michigan Veterinary Medical Association in 1954 and served as president in 1978. Dr. Duchan was passionate about his profession and received the SEMVMA Camaraderie Award in 2014.

Dr. Jackie Walsh Carmona passed away April 9, 2023 at the age of 60. Dr. Walsh was a proud Spartan graduating from Michigan State University CVM in 1989. She joined the Southeastern Michigan Veterinary Medical Association in 1990. Dr. Walsh was working at North Hills Veterinary Hospital with her husband Frank. Jackie lived a life of service to her community.



SAVE THESE DATES! UPCOMING ACTIVITIES



SEMVMA Sizzling Summer Soiree

Packard Proving Grounds
See your formal invitation for more information on how to
RSVP for this event.



SEMVMA 29th Annual Golf Outing

Tanglewood Golf Course 9:00 am Shotgun Start

A PEEK BEHIND THE CURTAIN OF THE STATE LICENSING BOARD

Sarah L. Babcock, DVM, JD

While veterinarians are familiar with the potential for a client to file a complaint for malpractice or professional negligence, they may not be familiar with the authority of the Michigan Board of Veterinary Medicine to impact an individual licensee's ability to practice. Veterinarians licensed in the State of Michigan are required to comply with the Public Health Code. The Public Health Code mandates certain responsibilities and authorities for a health professional licensing board.

It is the responsibility of the Michigan Board of Veterinary Medicine (BVM) to promote and protect the public's health, safety, and welfare. While one may assume by its name that the BVM primarily serves the veterinary professionals in the state, it does not. Rather, the BVM serves a consumer protection function which does have secondary benefits of the profession such as preventing unlicensed individuals from attempting to practice veterinary medicine. The BVM has both veterinary and public members and serves in an advisory capacity to the Michigan Department of Licensing and Regulatory Affairs.

On March 31, 2023 a report titled, "Health Professional Disciplinary Reform FY 2022 Report to the Legislature" was published summarizing actions taken from October 1, 2021 to September 30, 2022. In FY 2022, there were a total of 5313 complaints on health professionals. Veterinary professionals made up 2.9% of all complaints. During this timeframe, there were a total of 936 actions taken by all health professional Boards/ Disciplinary Subcommittees with veterinarians consisting of 2.5% of these actions.

FY 2022: VETERINARY MEDICINE

The Department of Licensing and Regulatory Affairs (LARA) is the principal department that oversees professional licensing, including health facilities and providers. The requirements for licensure vary by profession and provider type. The Licensing Division, in conjunction with state licensing boards, regulates 26 health professions in Michigan under the Michigan Public Health Code. LARA's Bureau of Professional Licensing (BPL) issues state licenses for health professionals. BPL has the obligation to take disciplinary action against licensees who have adversely affected the public's health, safety, and welfare. The Board of Veterinary Medicine will provide input on cases of relicensure.

The BPL received and processed a total of 157 new complaints or allegations related to a veterinary professional. The BPL conducted 98 investigations, issued 23 administrative complaints, dismissed or withdrew 3 administrative complaints, and denied 1 reinstatement for veterinary medicine licensees.

The allegations received were categorized by the Bureau for all health professionals. The categories of deficient conduct includes: criminal conviction, drug diversion, failure to meet licensing requirements, lack of good moral character, negligence (incompetence), no jurisdiction, refusal to release patient records, sister state disciplinary action, substance abuse, and unlicensed persons.

Specifically, veterinarian complaints resulted in 53 total final orders (Consent Order and Stipulation and Final Orders) for the following violations: alcohol related conviction (1); criminal conviction (1); drug diversion (1); failure to report or comply (2); incompetence (14); lack of good moral character (4); MAPS violation (1); mental/physical impairment (1); negligence (13); negligence impaired conduct, practice of condition (4); order violation (1); practice outside scope of license (1); substance use disorder (1); and technical violation of the Michigan Public Health Code (7).

There are various disciplinary actions that the board can take in response to allegations of misconduct. During this time period, the actions included: reprimand (2); fines imposed (3); license denied, limited or restrictions on a license (1); probation (13), probation upon reinstatement, reprimand, suspension (0) and voluntary suspension of a license (4) and summary suspension dissolved (1).

Among the disciplinary actions, the following deficiencies were noted: clinical mistakes (medical, surgical, and performing an unauthorized procedure); client communication and consent (failure to offer diagnostics, failure to communicate options, referral); failure to comply with a board order (reporting convictions, sister

state action); inappropriate delegation (allowing an assistant to perform a dental procedure, administer a rabies vaccine); medical records violations; inappropriate handling, storage, and disposal of medications; and controlled substances violations including MAPS.

Unlike a claim for malpractice, in a veterinary license disciplinary action no damages or actual harm needs to occur for a board to take actions against a licensee. Similarly, the individual that files the complaint does not need to be personally impacted by the action being complained about. There is no monetary award or equitable award for the individual that complains but consequences that are aimed at improving consumer protection. In some of the cases, the Board did use an expert to review the case, but this is not always the case.

Either way, the impact of having your professional conduct reviewed by a state board should not be underestimated. The Board serves a very important role allowing the profession a balance of self-regulation and oversight. Some state boards offer free continuing education on topics such as medical record-keeping, controlled substance regulations, and occupational safety. While state boards serve in this consumer protection role, as you can see by the action taken in examples below, the goal is to help educate licensees to prevent public harm.

Overall, in a review of the veterinary cases from FY 2022, the author made the following inferences for you to consider as you work to improve your professional capabilities:

- ~40% of the cases include written communication deficiencies reflected in medical record-keeping gaps
- 5 out of 22 cases include steroid and non-steroid medication concerns (wrong dose, concurrent dose, lack of client consent)
- ~25% of allegations claims did NOT originate from a client/owner (assumption staff member or colleague; other state regulatory agency)
- 4 out of 22 cases related to fracture repair issues; 3 involved a femoral head osteotomy
- Many actions centered on a failure to communicate and offer diagnostics to clients as part of the diagnostic and treatment plan; including referrals

We will review one example of an allegation from this report and the subsequent disciplinary action. This example will help to highlight the types of misconduct that can result in recourse and the steps that can be taken to avoid ending up in front of the state licensing board.

CASE EXAMPLE

On November 12th a client presented her 10-year-old beagle mix to the veterinarian for a second opinion regarding the dog's currently prescribed heart medication as well as an evaluation for an ongoing cough. Before this date, the dog was treated for about three years by a different provider for congestive heart failure.

The veterinarian examined the dog and recommended dosing adjustments to the dog's current medications, diagnosed the dog with periodontal disease, prescribed an antibiotic, and recommended a dental cleaning. After the appointment, a technician discussed costs and scheduled the dental cleaning appointment. An appointment for the dental cleaning was scheduled for December 2nd.

On November 30th, the client presented the dog to the facility for an emergency visit with reports that the dog was experiencing difficulties breathing and was reluctant to move. The allegation/complaint from the client states, the dog was having "trouble breathing and abdomen pain." It was noted in the client complaint that the clinic was closing but they agreed to see the patient anyway.

The veterinarian noted that the dog appeared to experience pain when lifted onto or down from the examination table and showed moderate pain when the lumbar region was palpated and even more pain when pushing upward on the dog's chest from below. The veterinarian diagnosed the dog with intervertebral disc disease, administered 30 mg of dexamethasone, a corticosteroid, intravenously, prescribed a muscle relaxant, and also prescribed Rimadyl, a nonsteroidal anti-inflammatory.

On December 2nd, Mr. Owner dropped off the dog for the scheduled dental cleaning. At that time, the technician went over costs and lab work and radiographs were offered to Mr. Owner. The office called Mrs. Owner at her husband's request to authorize the diagnostics and she consented. She stated in the allegation

that she agreed to the tests to "ensure the dog was ok for the dental procedure." The owner did not receive follow up communication with regards to the diagnostic results prior to the dental cleaning. These results were both abnormal.

The veterinarian performed the dental cleaning procedure using injectable anesthesia(s). Following the procedure, the dog showed signs of congestion, dehydration, difficulty breathing, and the dog's saliva was blood tinged.

At 2:15 PM the veterinarian called Mrs. Owner and told her the dog was not doing well. The owner went into the clinic with COVID restrictions. She refused to wear a mask and provided a note from her medical provider. At this time, the veterinarian went over the abnormal lab work with the owner and explained that the dog was struggling to breathe. The veterinarian gave the dog a diuretic to encourage urination and an antimicrobial injection to treat potential respiratory infection issues.

The veterinarian recommended that the owner take the dog to another facility who offered overnight care and had ultrasound capabilities. The closest facility was 60 miles away and the owner opted to take him home. The veterinarian provided records and copies and referral information for the owner to share with an emergency clinic. The owner took her dog home where the dog died in the evening of December 2nd.

The Board of Veterinary Medicine obtained an expert to review the case. The veterinarian was found to have failed to exercise due care and failed to conform to the standard of acceptable practice. The expert opined:

- 1. There is no record offering chest radiographs at the November 30th visit. Physical exams are not always able to pick up early congestive heart failure, and in a dog who has already been in heart failure in the past, radiographs should be offered any time the owner feels the patient is having difficulty breathing.
- 2. The veterinarian's treatment for the diagnosed back pain on November 20th was not appropriate. Using a corticosteroid and a nonsteroidal anti-inflammatory together increases the risk of bleeding stomach ulcer and a corticosteroid should only be used when the benefit outweighs the risk for congestive heart failure.
- 3. Lab work and radiographs from December 2nd indicate early congestive heart failure and an enlarged heart. Further review of the radiographs suggesting the dog had several health issues beyond dental disease. The liver was enlarged, a slightly enlarged spleen, one to two radiopaque objects in the abdomen, decreased serosal detail in the area caudal to the stomach and mild spondylosis in the lumbar spine.
- 4. The veterinarian should have notified the client of the abnormal results before performing the dental cleaning, recommended assessment by a cardiologist and/or internal medicine specialist and offered an ultrasound and echocardiogram to help determine the appropriateness of pursuing the dental procedure. It would have been better to cancel the dental procedure, adjust the heart medications, and recheck in a few days. It was risky to place the dog under anesthesia following the abnormal test results.
- 5. The veterinarian's use of solely injectable anesthesia during the December 2nd dental procedure was inappropriate for a dog with underlying cardiac disease as they are contraindicated with cardiac abnormalities. The veterinarian did not place an endotracheal tube or use gas anesthesia to protect the airway and allow supplementation with oxygen which are important for patients with cardiac abnormalities and heart disease. Additionally, the records do not indicate that the veterinarian used an IV catheter which is below the standard of care.
- 6. The veterinarian's medical records are not complete. There are no documented communications with the client including complications arising following the dental procedure. There is a Pre-Anesthetic Laboratory Waiver Form on file but it is not signed by the client. The veterinarian's notes are minimal and there does not appear to be consent for treatment or an anesthesia monitoring form on file.

While the licensee did not admit or deny the allegation for purposes of the consent order and stipulation the allegations are treated as true. Violation MCL 333.16221 (a), (b)(i), and (h).

Count I: Conduct evidence 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 MCL 333.16221(a).

Count II: Conduct demonstrates Respondent's "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," and accordingly "incompetence," in violation of MCL 333.16221(b)(i).

Count III: Conduct evidences a failure to keep and maintain a record for each patient, contrary to MCL 333.16213(1), in violation of MCL 333.16221 (h).

The license was suspended for a period of two days. After the two-day period the veterinarian's license was automatically reinstated. The veterinarian was placed on probation for a minimum of 1 day and maximum of 6 months.

During this time, the licensee was required to pay a fine in the amount of \$1000 and also complete continuing education. The continuing education included a minimum of 5 hours in Medical Record-Keeping; 2 hours in the area of Intervertebral Disc Disease Diagnosis and Management; and 8 hours of CE in the area of Cardiology for a total of at least 15 hours.

TAKE AWAYS

- 1. Good client communication and written documentation could have prevented many of the complaints
- 2. Medical records should be considered a third-party witness. Be sure the BVM can use your medical record to better understand how and why a diagnostic and treatment plan was implemented.
- 3. The use of consent forms tailored to meet the needs of the practice and the clientele will help document that informed client consent has been obtained. Consent forms are not the same as valid client consent-the consent involves a conversation (i.e. shared decision-making) not just a form.
- 4. Providing written discharge instructions to the client to help ensure compliance with instructions to help with treatment success and feel more comfortable if they need to follow up what steps to take.
- 5. If you are performing orthopedic repairs, refresh your knowledge on best practices.
- 6. Refer when the patient needs exceed your capabilities. Offer and document a referral as an option to the owner if there are options for advanced technology or specialists for the specific case initially.
- 7. The number of cases with inappropriate prescribing, dosing, and use of steroids and non-steroidal medications can be resolved with proper education.
- Stay up to date on changes to the state regulations and rules to ensure compliance with requirements for licensure.



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HERE'S WHAT VETS ARE SAYING...





Review BVM decisions, or attend a meeting, to better understand how the rules and regulations are applied to your practice as each set of facts are very unique requiring individual consideration.

To learn more go to www.animalandveterinarylaw.com for recommendations on how you can avoid common pitfalls related to medical records deficiencies; client consent and communications; regulation of the profession, ethics and controlled substance awareness.

We also offer a variety of medical records and veterinary law CE to satisfy the MI mandatory CE requirements.

ARE YOU AWARE THAT THE SEMVMA OFFERS STUDENT LOAN DEBT REDUCTION AWARDS?

The SEMVMA is concerned about the cost of a veterinary education and the accumulated student debt. We realize student debt only adds to the stress of new graduates and we would like to take action to reduce the debt load.

The SEMVMA is proud to announce that we will be awarding two \$5000 awards to recent graduates during the January Membership Celebration Dinner to reduce their student debt. This grant will be awarded to two members who meet specific requirements. We intend to choose 2 recipients per year who meet the following requirements:

- Have graduated in the last 3 years (2021, 2022, 2023)
- Are members of the SEMVMA
- Work in one of the 9 counties that our membership derives from (Wayne, Oakland, Washtenaw, Macomb, Monroe, Livingston, Lapeer, Genesee, St. Clair & Windsor).
- Have active student loan debt that can be verified from a lending institution. **Each award shall be** granted to a recognized student loan provider or debtor organization.
- Have not received the award in the past

An application may be obtained via the SEMVMA office and submitted by October 16, 2023. The award will be chosen at random in the presence of a quorum of the SEMVMA Board of Directors during the November or December BOD meeting. Awardees will be notified and invited specifically to the January Membership Celebration Dinner. The award will be submitted directly to the loan originator or institution.

Please spread the word and encourage your new graduates to apply. We hope this effort will make a difference in the lives of the awarded individuals and make you proud to be a member of the SEMVMA. An application to apply is available on the SEMVMA website.

SEMVMA MENTORSHIP PROGRAM

Attention new grads—Need a mentor? Just starting out and looking for some guidance? New to the area and want to network? SEMVMA is working on starting a mentorship program for new graduates.

A SEMVMA mentor would be an "older/wiser" SEMVMA member who would be a friendly face at SEMVMA CE meetings and other events, could offer guidance on living in Southeastern Michigan or starting out in practice, be available to talk about "life in the trenches," or just offer support.

If this is something you would be interested in, please email us at adminsemvma@semvma.com and we will get you matched with a mentor!

OPPORTUNITIES

MEDICAL DIRECTOR

MedVet has an opportunity for a strong Medical Director (MD) at our Commerce, MI hospital. You must demonstrate leadership with a strong track record of success during times of change, transformation and rapid growth. Board-certified veterinary specialists, experienced ER DVM's, DVM's with military leadership, DVM's with animal health leadership, or DVM's with equivalent experience are ideal. Everything Starts with Our Caregivers. We offer all the benefits you expect, plus a Generous Signing Bonus, Competitive Compensation, Shareholder Opportunity, Student Loan Repayment Program and Paid Parental Leave. For more information about MedVet, please visit our website at www.medvet.com or to submit a confidential CV, email Carolyn Luther, DVM at Carolyn.Luther@medvet.com.

VETERINARIANS

Serenity Animal Hospital is a small animal practice in Sterling Heights, MI, seeking a full time veterinary associate to join our growing family! Proficiency in preventative medicine, small animal surgery, and dentistry is required. A fully licensed technical staff is available to assist you at all times. Endoscopy, laparoscopy, digital radiography, and ultrasound are also located within the practice. Most importantly, we are looking for an easy-going, energetic, fun-loving soul who works well with others and can multi-task. Our clients will challenge you with their pets, and allow you to practice the high-quality, progressive medicine you desire! Serious inquiries may provide their resume in person, via email, greyhounddoc@comcast. net or fax 586-264-9381 to Dr. Karen Michalski.

CLINICS FOR SALE

Are you ready to buy or sell a veterinary practice? Valuations, consultations. Buying or selling, I can help. Call or text Dr. Fred Zydeck, Broker, at: 248-891-3934 or email: fzydeck@aol.com

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NEWSLETTER ADVERTISEMENT POLICY

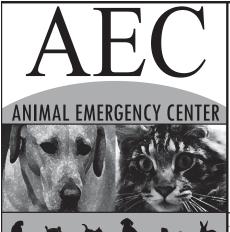
In order to preserve the educational and informative purpose of the SEMVMA newsletter, the SEMVMA council adopts the following policy regarding advertising. Ads should be submitted to Barb at adminsemvma@semvma.com

Practices or businesses with a common owner shall be treated as one business or practice for the purpose of this policy (referred to as "Common Owner Business or Practice"). A common owner is a person or entity which owns 5% or more of an entity or practice. Shareholders or sole proprietors of an entity or practice shall be considered an owner along with the entity that holds an interest in the business or practice.

Corporate ¼ page ads are limited to one business, owner or corporation for each issue of the SEMVMA newsletter. This is in the interest of having the newsletter inform the association and not overwhelm them with ads. The SEMVMA council may modify or waive the application of this policy on a case by case basis at the discretion of the council.

Ads will run only once unless a request is submitted to the Administrative Secretary to run longer. Classified ads are \$15 for 60 words or less and \$25 for 61–100 words. Corporate ¼ page ads are \$135 per issue or \$500 for four issues. Payment is due at the time of the initial ad placement. SEMVMA Members interested in providing Relief Veterinary Services can advertise in the newsletter at no charge. The classified ads must follow the same guidelines regarding number of words and deadline restrictions as all other classified ads. If you are a SEMVMA member interested in placing a classified ad, please contact Barb at 888-SEMVMA-5 or www.adminsemvma@semvma.com.

Newsletters are published quarterly: on March 15th, June 15th, September 15th and December 15th. All ads should be submitted to the SEMVMA office by the 15th of the month preceding publication.



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Thank you

forward to providing our best for your customers and their pets in the future!



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