

Oregon Veterinary Medical Examining Board

April 30, 2001

Roseburg, Oregon FINAL MINUTES

Present: Dr. Vera Rogers (Chair)
Drs. Jonathan Betts, Emilio DeBess, Martha DeWees
JoAnn Dewey, Public Members
Lori Makinen, Executive Officer
Michael Zagya, Investigator
Carol Parks, Assistant Attorney General

The meeting was called to order at 8:30 a.m. The agenda was adopted as amended. January 29, 2001 minutes were approved as amended.

OLD BUSINESS

The Board welcomed guests Drs. Jimmy Platt and Howard Sepulveda in discussion of the proposed amendment to 875-010-0060 (Unprofessional or Dishonorable Conduct). Concerns were expressed about preservation of due process and vagueness of amendment language. The Board plans to redraft and republish the amendment for further public comment in July.

The Board discussed ongoing concerns about limitations on information available to the public following resolution of complaints. ORS Ch. 676 prohibits disclosure of information on complaints or investigations unless the Board issues a notice of discipline. Often, even though the Board takes action short of a notice of discipline, the complainants receive only notice that discipline was not imposed. The Board will explore the possibility of exemption from certain parts of Ch. 676 in the next legislative session.

COMPLAINTS

2000-21—Resolution pending.

2000-22—Complaint alleged negligence. A dog was presented for ear surgery and cardiac arrested following administration of anesthesia. When the clients arrived to claim the dog's body, the veterinarian refused to provide a copy of the record. Police were summoned. The client took the dog's body to another practitioner who told them surgery had not been performed. The veterinarian appeared at an informal conference with the Board and was directed to comply with client requests for records. In lieu of discipline, the veterinarian was further instructed to attend Continuing Education on anesthesia and report back to the Board. The veterinarian complied. Ms. Dewey moved, Dr. DeWees seconded, and the Board voted to consider no violation of the Practice Act.

2000-34—Complaint alleged negligent failure to diagnose giardia in an 8-week old kitten. The veterinarian found the kitten underweight, semicomatose and severely dehydrated and recommended euthanasia. Client declined euthanasia or hospitalization and all further services except fluids to be administered by client at client's home. The kitten died. The Board asked the veterinarian to provide a written kitten protocol, which was reviewed and found satisfactory. Ms. Dewey moved, Dr. Betts seconded, and the Board voted to consider no violation of the Practice Act.

2000-36—Review pending.

2000-42—Complaint alleged negligent treatment of an 11-year old, grossly obese terrier mix presented with breathing difficulties and vomiting. Records indicate that client declined treatment and referral and eventually opted for euthanasia. Client took records to another veterinarian, whose comments may have motivated the complaint. Ms. Dewey moved, Dr. DeWees seconded, and the Board voted to consider no violation of the Practice Act.

2001-01—Complaint alleged that the veterinarian performed an inadequate repair of a Cockatoo's prolapsed cloaca. The record indicated that the veterinarian had informed the client that the procedure was temporary and that referral to an avian specialist was made. Ms. Dewey moved, Dr. DeWees seconded, and the Board voted to consider no violation of the Practice Act.

2001-04—Complaint alleged misinterpretation of radiographs by veterinarian. The veterinarian based diagnosis of hip dysplasia on radiographs, as well as physical measurements. The breeder from whom client purchased dog requested and received permission for a second opinion. Radiographs were sent to a veterinarian in Michigan, who did not diagnose hip dysplasia. The breeder filed a complaint against the owner's veterinarian. Ms. Dewey moved, Dr. DeWees seconded, and the Board voted to consider no violation of the Practice Act.

2001-05—Review pending.

2001-08—Complaint alleged that the veterinarian neutered the wrong dog. Client's daughter presented two dogs for boarding, one of which was to be neutered. The veterinarian acknowledged that miscommunication had occurred when the dog was presented and offered reimbursement, and referred the client to the veterinarian's insurer. Ms. Dewey moved, Dr. DeWees seconded, and the Board voted to consider no violation of the Practice Act.

2001-09—Complaint alleged that the veterinarian was negligent and charged for diagnostic procedures that were not performed. The 14-year old dog in generally poor health was presented with an anal gland lump. The dog cardiac arrested while under anesthesia. The record showed that clients had been advised of surgery risks and had declined consultation with a cardiac veterinarian. The complaint was filed six months later after client's account was referred to a collection agency. Ms. Dewey moved, Dr. DeWees

seconded, and the Board voted to consider no violation of the Practice Act.

2001-11—Complaint alleged that the veterinarian failed to diagnose flea infestation in a plot to overcharge an elderly client. The record showed that at the time of presentation, the dog had no fleas and was given medication for a skin rash which the veterinarian felt might be the result of allergies. Ms. Dewey moved, Dr. DeWees seconded, and the Board voted to consider no violation of the Practice Act.

2001-12—Review pending.

2001-13—Complaint alleged that the veterinarian biopsied the wrong tumor and exceed the estimated fees. The record showed that the client had been informed of which tumor would be biopsied and informed that cytology would be billed. Ms. Dewey moved, Dr. DeWees seconded, and the Board voted to consider no violation of the Practice Act.

2001-16—Complaint alleged that the veterinarian had performed a procedure without client consent. The veterinarian stated that the client had been unreachable by phone and that performing the procedure while the dog was anesthetized was a judgment call. The veterinarian will receive a letter citing Practice Act requirements for obtaining client consent and a sample consent form. Ms. Dewey moved, Dr. Betts seconded, and the Board voted to consider no violation of the Practice Act.

2001-17—Complaint alleged that a dog was released to the owner with a catheter in its leg, which caused subsequent infection and cancer. Records indicated that the patient had been released with instructions to return the following day for removal of the catheter. Client failed to return until a month later, at which time the dog was diagnosed with either a bone infection or neoplasia. Client declined further services and objected to charges. Ms. Dewey moved, Dr. DeWees seconded, and the Board voted to consider no violation of the Practice Act.

2001-20—Complaint alleges gross negligence. An apparently stray or feral cat was presented to the veterinarian with evidence of recent trauma, including a fractured jaw. The cat was fractious and had no identification tag or microchip. The local humane society had no report of a missing cat. The veterinarian euthanized the cat that afternoon. Later that evening, the veterinarian was contacted by an individual claiming to be the cat's owner. The individual indicated that the cat was a "free spirit" and was often taken to the individual's workplace and left to roam in the fields. The individual's insurance claim against the veterinarian was denied. Noting that the veterinarian's actions were consistent with the provisions of ORS Ch. 686 ("Good Samaritan"), Ms. Dewey moved, Dr. DeWees seconded, and the Board voted also to consider no violation of the Practice Act.

2001-25—Complaint alleged that a dog's urinary tumor was repeatedly misdiagnosed by the regular veterinarian but discovered immediately by the second veterinarian. Records showed that the client had

repeatedly refused diagnostics recommended by the first veterinarian. Note was taken of the fact that the first veterinarian does not carry customer accounts, while the second one does. Ms. Dewey moved, Dr. DeWees seconded, and the Board voted to consider no violation of the Practice Act.

Next Board meetings: July 1-2, Lincoln City
September 23, Bend

There being no further business, the meeting was adjourned at approximately 3:00 p.m.