STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:	*	
GHULAM DASTGIR, D.V.M.	*	DOCKET NO. 00-045
LICENSE NO. 2320	*	

* * * * * * * * * * * * *

CONSENT ORDER

This Agreement, dated this 23rd day of May, 2002, is between the State Board of Veterinary Medical Examiners ("Board") and Ghulam Dastgir, D.V.M., License No. 2320. The Agreement concerns the charges that the Board filed against Dr. Dastgir, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301 *et seq.*), pertaining to his treatment of Nikki, a four-year female cat owned by Ms. Nadine Simpson.

Under the Veterinary Practice Act, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board ... regulations after receiving a license" (Md. Code Ann., Agric. Art., §2-310(8)); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty of not more than $5000 (Md. Code Ann., Agric. Art., §2-310.1).

More specifically, in this matter, the Board charged that Dr. Dastgir failed to conform to those minimal standards of care and treatment which are customary among veterinarians in this State, a violation of COMAR 15.14.01.07, by: (1) diagnosing Ms. Simpson's cat, Nikki, with hyperthyroidism, and attempting to perform a thyroidectomy as treatment, without conducting additional diagnostic testing that, under the circumstances, should have been performed to confirm the existence of this disease; and (2) removing a portion of Nikki's salivary gland in an attempt to perform a thyroidectomy on the cat.

FINDINGS OF FACT

Dr. Dastgir, while not admitting to the charges filed against him in this matter, by entering into and signing this document, stipulates to, and acknowledges that the Board, by a preponderance of the evidence, could prove the following Findings of Fact:

1. Ghulam Dastgir, D.V.M., is licensed to practice veterinary medicine in this State, and has been licensed since 1981.

2. Dr. Dastgir owns the Airpark Animal Hospital, a licensed veterinary facility located at 7600-H Lindbergh Drive, Gaithersburg, MD 20879; and owned this facility at the time of this incident.

3. On April 1, 2000, Dr. Dastgir assumed the care of Nikki, a four-year old female cat owned by Ms. Nadine Simpson. Nikki suffers from allergies, and was taken to Dr. Dastgir's facility to receive an allergy shot.

4. On presentation, Dr. Dastgir recorded a limited history of Nikki's health, *e.g.*, that Nikki weighed seven pounds, was presented with weight loss,[1] had a history of vomiting, and appeared thin. Dr. Dastgir examined Nikki and observed that one of her thyroid glands appeared a bit enlarged (Dr. Dastgir, however, failed to record this observation in Nikki's treatment record). Dr. Dastgir also tested Nikki's blood in-house. The test showed, among other things, **a T4 level of 2.6 (within the normal range)**. Dr. Dastgir recorded the following differential diagnoses in Nikki's treatment record: "Suspect (1) hyperthyroidism, (2) gastritis, (3) hairball."

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[1] In responding to Ms. Simpson's complaint, Dr. Dastgir submitted a copy of his original, *hand-written*, treatment record for Nikki, which states that the cat was presented with "hair" loss. Later, because of the difficulty in reading this record, Dr. Dastgir submitted a *typed* version of this record, which states that the cat was presented with "weight" loss. Ms. Simpson, however, denies telling Dr. Dastgir that her cat lost weight. She also denies telling Dr. Dastgir that Nikki had a history of vomiting.

5. On that same day, without any further explanation in Nikki's treatment record, Dr. Dastgir made a definitive diagnosis that Nikki was suffering from hyperthyroidism, and recommended certain options for treating this condition, including a thyroidectomy. Dr. Dastgir took this action **without performing any additional diagnostic testing to confirm that Nikki actually was suffering from hyperthyroidism**. For example, Dr. Dastgir could have, but did not, request that Nikki be presented 2-4 weeks later so that he could recheck the cat's T4 level (**Note: High basal serum total thyroid hormone concentrations are the biochemical hallmark of hyperthyroidism - a fact that did not exist in this matter, to wit: when Nikki was diagnosed with hyperthyroidism, Dr. Dastgir had taken only one T4 measurement, and that result was within the normal range**). Ms. Simpson, as Dr. Dastgir noted in Nikki's treatment record, "opted for a partial thyroidectomy" upon the cat.

6. On April 10, 2000, Dr. Dastgir attempted to remove Nikki's right thyroid gland, using a lateral incision (instead of the traditional mid-line ventral incision) to perform this procedure. Dr. Dastgir sent a tissue sample taken from this procedure to Antech Diagnostics laboratory so that it could perform a biopsy upon it. Shortly thereafter, Dr. Dastgir learned that the laboratory found "mucus salivary gland compatible with the submandibular gland," but no evidence of thyroid gland. After receiving this report, Dr. Dastgir did not inform Ms. Simpson of the laboratory's findings; nor did he immediately query the laboratory about its findings.

7. On or about June 7, 2000, Dr. Dastgir again saw Nikki. Ms. Simpson queried Dr. Dastgir about the results of the biopsy from the tissue sample taken from Nikki, and Dr. Dastgir simply informed her that it was benign. Dr. Dastgir ordered additional blood work, which showed, among other things, a T4 level of 4.6 (outside of normal range). Based on this survey, and without waiting to perform any additional diagnostic testing, Dr. Dastgir advised Ms. Simpson that the other thyroid gland was diseased, and needed to be removed.

8. On or about June 8, 2000, Ms. Simpson, concerned about Nikki's welfare, presented her cat to Dr. Brad LaVora for a second opinion. Based on the history presented, Dr. LaVora ordered blood work, which showed, among other things, **a T4 level of 1.6 (within normal range)**. After examining Nikki, and the results of the ordered blood work, Dr. LaVora opined that the cat was not suffering from hyperthyroidism.

9. Since that date, Dr. LaVora has examined Nikki on several occasions, and has found no evidence that Nikki is suffering from hyperthyroidism.

10. Peter K. Shires, BVSc, MS, Diplomate ACVS, Professor of Surgery, Virginia-Maryland Regional College of Veterinary Medicine, reviewed Ms. Simpson's complaint against Dr. Dastgir, Dr. Dastgir's response to that complaint, and Dr. Dastgir's treatment record of Nikki, and offered the following opinion on the care Dr. Dastgir provided Nikki: Asked to assume that the information Dr. Dastgir noted in Nikki's treatment record concerning the cat's condition on April 1, 2000 was true (the most pertinent of which is referenced in paragraphs 4-5 above), and that Dr. Dastgir, on physical examination of the cat, believed that one of Nikki's thyroid glands was enlarged, Dr. Shires, based upon reasonable medical certainty, opined that Dr. Dastgir had insufficient evidence to definitively diagnose hyperthyroidism in Nikki, **particularly given the normal T4 level**, and that Dr. Dastgir's action in recommending and performing a thyroidectomy upon Nikki, without performing additional diagnostic testing to confirm that the cat actually was suffering from this disease, fell below the minimal standard of care customary among veterinarians in this State.

11. Dr. Shires would support the following statement: The clinical manifestations of hyperthyroidism in cats are variable. For this reason, the presence or absence of one sign or another, such as weight loss, vomiting, and even an enlarged thyroid gland, neither diagnoses nor excludes this disease. If hyperthyroidism is suspected, screening laboratory tests should always be performed, including, but not limited to, a serum biochemical profile, and analysis. T4 levels can fluctuate, and for this reason, **repeat**

measurements are necessary, particularly when, as here, the only T4 measurement taken is within the normal range.

12. The excerpts from the two textbooks on veterinary medicine that Dr. Dastgir submitted supports Dr. Shires' opinion that Dr. Dastgir acted prematurely in definitively diagnosing Nikki with hyperthyroidism. For example, in Small Animal Clinical Diagnosis by Laboratory Methods, at page 173, the author notes:

> Serum T4 values are needed to diagnose hyperthyroidism.... If the T4 value is borderline, a repeat measurement in 2 to 4 weeks is indicated. If the T4 value is still normal when rechecked, the diagnosis should be reconsidered, or if the index of suspicion of hyperthyroidism is high, possibly a third T4 level may be obtained 4 weeks later.

Likewise, in Textbook of Veterinary Internal Medicine, edited by Stephen J. Ettinger, at pages 1404-5, Mark E. Peterson, the author of the referenced chapter on Hyperthyroidism, speaks of the need to obtain more than one serum T4 determination to confirm a diagnosis of hyperthyroidism, particularly when the value is within the normal range.

13. Dr. Shires would support the following statement: In Nikki's case, Dr. Dastgir had only one T4 value when he diagnosed the cat with hyperthyroidism, and recommended a thyroidectomy as an option to treat this suspected condition; that value was 2.6, a measurement well within the normal range, and thus, not even indicative of hyperthyroidism. If Dr. Dastgir suspected that Nikki was suffering from hyperthyroidism, he ought to have performed repeat T4 measurements to confirm his diagnosis (particularly when, as here, the one T4 level obtained was within the normal range; and not high, or even borderline), and he certainly ought to have done so before performing a thyroidectomy upon Nikki.

14. Additionally, Dr. Shires offered the following opinion on the surgical procedure Dr.

Dastgir performed on Nikki. Asked to assume that Dr. Dastgir attempted to remove Nikki's right thyroid gland using a lateral incision (instead of the traditional mid-line ventral incision) to perform this procedure, and that the analysis by Antech Diagnostics of the tissue sample taken from this procedure is correct (to wit: finding "mucus salivary gland compatible with the submandibular gland," but no evidence of thyroid gland), Dr. Shires, based upon reasonable medical certainty, opined that Dr. Dastgir erroneously removed a portion of Nikki's salivary gland rather than, or in addition to, the cat's right thyroid gland, an error that fell below the minimal standard of care customary among veterinarians in this State (particularly given that there is no salivary tissue in the immediate vicinity of the thyroid glands; and if both the salivary and thyroid glands had been removed in a single block, such procedure would have necessitated removing a tissue block at least 5-7 cm in length, including a muscle layer separating them).

CONCLUSIONS OF LAW

1. Dr. Dastgir diagnosed Ms. Simpson's cat, Nikki, wiyh hyperthyroidism based on limited (insufficient) evidence that the cat actually was suffering from this disease (particularly given that only one T4 measurement was taken (to wit: a 2.6), and that measurement was within the normal range, and thus, not suggestive of hyperthyroidism); and in attempting to perform a thyroidectomy as treatment, based on such limited evidence, and without conducting additional diagnostic testing to confirm his diagnosis (such as waiting 2-4 weeks to recheck the cat's T4 level), Dr. Dastgir failed to conform to those minimal standards of care and treatment which are customary among veterinarians in this State, a violation of COMAR 15.14.01.07; and

2. Dr. Dastgir erroneously removed a portion of Nikki's salivary gland in his attempt to perform a thyroidectomy on the cat, a grievous error because there is no salivary tissue within the immediate vicinity of the thyroid glands; and in so doing, failed to conform to those minimal standards of care and treatment which are customary among veterinarians in this State, a violation of COMAR 15.14.01.07.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Dastgir violated COMAR 15.14.01.07, it is this __ day of _____, 2002, by the State Board of Veterinary Medical Examiners, **ORDERED**:

1.) That Dr. Dastgir pay a civil penalty in the amount of one thousand, five hundred dollars ($1,500) (2 charges x $750 per charge), but that payment of one thousand dollars ($1,000) of this sum is stayed;

2.) That Dr. Dastgir's license to practice veterinary medicine in this State is suspended for a period of six months, however, this suspension is stayed;

3.) That Dr. Dastgir reimburse Ms. Nadine Simpson four hundred, forty-seven dollars, and fifty cents ($447.50), which figure reflects the various costs she incurred in association with the thyroidectomy that Dr. Dastgir performed upon her cat;

4.) That the remaining charge filed against Dr. Dastgir in this manner, alleging that he violated COMAR 15.14.01.04, is dismissed; and

5.) That Dr. Dastgir is placed on probation for a period of eighteen months, beginning on the date this Order is signed, under the following terms and conditions:

a.) That Dr. Dastgir obeys all laws and regulations in this State governing the practice of veterinary medicine;

b.) That Dr. Dastgir pay five hundred dollars ($500) to the State Board of Veterinary Medical Examiners (that being, the portion of the $1,500 civil penalty not stayed) within 120 days from the date this Order is signed;

c.) That Dr. Dastgir reimburse Ms. Nadine Simpson the aforesaid four hundred, forty-seven dollars, and fifty cents ($447.50) within 60 days from the date of this Order; and

d.) That during the eighteen-month probationary period, Dr. Dastgir attend and successfully complete either:

Option I.) The program titled "Small Animal Soft Tissue Surgery Week" at the Virginia-Maryland Regional College of Veterinary Medicine, scheduled for August 5-9, 2002 in Blacksburg, Virginia; or

Option II.) Subject to the Board's approval, other continuing veterinary education that is equivalent to the above-referenced program.

Dr. Dastgir shall notify the Board in writing of the particular option he has chosen. If Dr. Dastgir chooses Option II, he shall update the Board in writing (at least every six months) as to his plan to fulfill this condition (*e.g.*, submitting to the Board beforehand, for its approval, the course(s) he intends to take, and continue to do so until such time that the Board notifies him that he has fulfilled this condition. After Dr. Dastgir has submitted for the Board's review the course(s) he plans to take, the Board shall notify him (a) whether it approves of the course(s) he has submitted, and (b) depending on the nature of the submitted course(s) (*e.g.*, the intensity of the course(s) and the topics covered), whether any additional course(s) is required to fulfill this condition. Finally, upon completion of the veterinary education specified herein, Dr. Dastgir shall supply the Board written proof that he attended and successfully completed the course(s).

5-23-02
Date

Donald M. Carman, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, Ghulam Dastgir, D.V.M., acknowledge that I had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby

acknowledge that the Board, by a preponderance of the evidence, could prove the Findings of Fact and Conclusions of Law contained herein. Accordingly, in order to resolve these matters, I agree to accept and submit to the foregoing Consent Order, consisting of 9 pages.

I acknowledge the validity of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland. I also affirm that I am waiving my right to appeal from this Consent Order.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order.

I sign this Consent Order without reservation as my voluntary act and deed after having an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

May 14, 2002
Date

Ghulam Dastgir, D.V.M.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 14th day of May, 2002, before me, a Notary Public of the State and City/County aforesaid, personally appeared Ghulam Dastgir, D.V.M., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Eleanor C Armstrong
Notary Public

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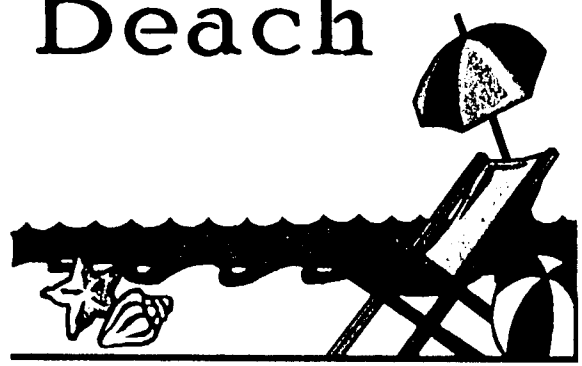
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