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

IN THE MATTER OF THE COMPLAINT OF	*	
THE STATE BOARD OF VETERINARY MEDICAL	*	
EXAMINERS AGAINST	*	
SAILENDRA ROY, D.V.M.	*	DOCKET NO.: 98-037
LICENSE NO. 2775	*	

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

COPY

DECISION AND ORDER

The State Board of Veterinary Medical Examiners ("Board") is the State licensing authority that oversees the practice of veterinary medicine in Maryland. Under the Veterinary Practice Act, the Board may prescribe reasonable standards for the practice of veterinary medicine, including conduct and ethics. The Board also may discipline a veterinarian who it finds guilty of violating a law or regulation governing the practice of veterinary medicine in this State. More specifically, the Board may "suspend, or revoke [the veterinarian's] license, and censure or place [the veterinarian] on probation" (Md. Code Ann., Agric. Art. §2-310); 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).

On July 22, 1999, Dr. Sailendra Roy appeared before the Board to contest charges that he did not conduct himself in relation to the public, his colleagues and clients (patient-owners), so as to merit their full confidence and respect, a violation of COMAR 15.14.01.04, based on the following allegations that:

1) He failed to observe pressure/rub sores that had developed on the chest and hocks of an animal under his care and custody, while treating the animal for osteoarthritis;

2) He failed to treat pressure/rub sores that had developed on the chest and hocks of an animal under his care and custody, including failing to contact the owners to discuss treatment of these sores; and

3) He failed to observe and/or advise the owners before discharging an animal that had been placed in his care that the animal had developed pressure/rub sores while boarding at his facility.

These charges stemmed from Ms. Candice Busey's complaint against Dr. Roy alleging that he did not properly care for her dog, Casey, a male, Golden Retriever, during the dog's stay at his hospital. Before the hearing, Dr. Roy was given a copy of Ms. Busey's complaint against him. Dr. Roy also was served a copy of the charges that the Board filed against him and the Rules of Practice governing disciplinary hearings before the Board. Dr. Roy was informed of his right to counsel and retained Stephen Markey, Esq. to represent him at the hearing.

Dr. Donald M. Carman, the Board's President, presided over the hearing. The following Board members also were in attendance: (1) Dr. Willard L. Hawkins; (2) Dr. James R. McClellan; and (3) Dr. John P. O'Mara. Rachel Paffafotis, Assistant Attorney General, served as counsel to the Board.

Thomas F. Filbert, Assistant Attorney General, was the presenter of evidence.

FINDINGS OF FACT

1. Dr. Roy, a licensed veterinarian, is the owner of Ambassador Animal Hospital. Dr. Roy assumed the care of Casey, a male twelve-year old Golden Retriever owned by Robert Busey, and his wife, Candy, when, on July 22, 1998, for a period of approximately 12 days, he accepted this dog as a boarder at his hospital. When Dr. Roy assumed Casey's care, the dog's health was generally good. Mr. Busey described Casey on that date as "very energetic" and in "great shape."

2. During this time period, Dr. Roy and another veterinarian who worked at the hospital, Dr. Basheer Ahamed, administered veterinary care to Casey, including: (a) Administering neutraceuticals for osteoarthritis; and (b) Administering chlorhexidine baths for possible acute moist pyrotraumatic dermatitis or "hot spots." Casey also was given a mat, albeit a hard, plastic one, to lay upon to help relieve these conditions.

3. A "hot spot" is a superficial infection. While this condition is often associated with allergic insults, it can originate also from a rubbing trauma, *i.e.*, bed sores, and become deep and ulcerative if the trauma continues. Indeed, Dr. Daniel Morris, a board certified veterinary dermatologist, testified that a very superficial problem can progress to a deeper lesion quickly - in a period as short as 4-5 hours.

4. While a chlorhexidine bath is a reasonable course of action for treating a superficial infection, it is not reasonable for a lesion that is becoming ulcerative. Dr. Morris opined that if the lesion was becoming ulcerative, such treatment alone would be substandard care; that if such progression took place, the dog should have been placed on antibiotics.

5. After Casey was deemed to be suffering from possible hot spots, Dr. Roy did not examine the dog to check whether the lesions were becoming ulcerative. While Dr. Ahamed

testified that he had checked the dog, he admitted that his examinations were only cursory.

6. Although the Buseys had notified Dr. Roy of the telephone number at which they could be reached during this 12-day period, he did not call them to explain that he was treating Casey for osteoarthritis and possible hot spots. Dr. Roy later explained to the Buseys that he did not call them because he did not view Casey's condition as an emergency.

7. On August 3, 1998, at approximately 5 p.m., Mr. Busey arrived at Ambassador Animal Hospital to take Casey home. Dr. Roy, the attending veterinarian when Casey was discharged, informed Mr. Busey that Casey had been treated for osteoarthritis, but did not inform him that Casey had been treated for possible hot spots.

8. At that time, Casey appeared disoriented, lethargic, and glassy-eyed. Casey also had a foul odor about him. In making this finding, the Board has determined that Mr. Busey's description of Casey's condition at discharge is more credible than Dr. Roy's description. Testifying that he was concerned about Casey's appearance, Mr. Busey stated that Casey appeared "very shaky," "disoriented," "glassy-eyed," "unfocused," "lethargic," and rough-looking, as though he "had not been bathed" - so "roughed up" that he questioned whether Casey had been bathed. Mr. Busey also testified that he noticed a foul odor about Casey; albeit adding that he was more concerned with Casey's appearance at the time and, after being informed that Casey had been bathed, thought initially that the odor may have been the shampoo that had been used to bathe Casey. Additionally, the Board notes that while Dr. Roy testified that he did not notice any unusual odor about Casey, he also admitted that he got no closer than 3-4 feet to the dog.

9. Finding Mr. Busey's description of Casey at the time of discharge to be true, Dr. Roy should have physically examined the dog before discharging him. He did not. As Dr. Daniel Morris explained, such description, if true, would indicate that something may be amiss with the dog, and called for the veterinarian's attention.

10. If Dr. Roy had physically examined Casey, he would have observed pressure/rub sores that Casey had developed to his chest and hocks during his stay at Dr. Roy's hospital. Although a hot spot can progress to a deeper lesion quickly, the Board does not find, as Dr. Roy contends, that the lesions to Casey's chest and hocks developed only in the hours after the dog was discharged from his facility. In making this finding, the Board notes Mr. Busey's testimony that: (a) he had observed a sore to Casey's hock immediately upon leaving Dr. Roy's hospital, when placing Casey in his vehicle; (b) the foul odor that he smelled about Casey earlier at the hospital was the same odor that he smelled later that evening when, after touching Casey's chest with his hand, he felt a wet ooziness, noticed the large sore, smelled his hand, and nearly retched; and (c) he had observed wet spots where Casey laid after arriving home, and more importantly, on the sheet upon which Casey laid when riding home from the hospital. The Board also notes Dr. DuBois' observations when Casey was presented to him on the following day for treatment; namely, that Casey had large, deep pressure/rub sores to the left ventral area of his chest,

the medial area of his right hock, and the lateral area of his left hock, down to the metatarsal bone. Finally, the Board notes Dr. Morris' opinion that, assuming Mr. Busey's observations of Casey are true, such sores would have been visually appreciable to Dr. Roy if he had physically examined the dog. The foul odor that Mr. Busey had noted about Casey emanated from the sore spots that the dog had developed during his stay at Dr. Roy's hospital, and the odor indicated that the sores were no longer superficial but instead had begun progressing to deeper, ulcerated lesions.

11. Although these sores had begun progressing to deeper, ulcerated lesions while the dog was under Dr. Roy's care, Dr. Roy offered no additional treatment for this condition, *e.g.*, such as administering antibiotics to the dog.

CONCLUSIONS OF LAW

You failed to observe pressure/rub sores that were progressing to deeper, ulcerated lesions on the chest and hocks of an animal that you were treating for osteoarthritis and possible hot spots, an infection that can progress quickly to deeper lesions if the rubbing trauma continues. For example, you did not physically examine the animal, and your staff conducted no more than a cursory examination of the animal, to ascertain whether the animal had developed decubital ulcers, even though you were treating the animal for osteoarthritis and possible hot spots. In failing to make this observation (*e.g.*, perform such examination), particularly in light of the fact that the animal already had been diagnosed with osteoarthritis and possible hot spots, you did not conduct yourself in relation to the public, your colleagues and clients (patient-owners), so as to merit their full confidence and respect, a violation of COMAR 15.14.01.04.

Although you treated an animal for possible hot spots, that is, a superficial infection, that the dog developed while under your care (*i.e.*, you administered chlorhexidine baths to the dog, an appropriate treatment for this condition, but not for decubital ulcers), when this infection began progressing to decubital ulcers while under your care, you failed to address the onset of these sores (*e.g.*, prescribing antibiotics) or contact the owners about same. As such, you did not conduct yourself in relation to the public, your colleagues and clients (patient-owners), so as to merit their full confidence and respect, a violation of COMAR 15.14.01.04.

You failed to observe and/or advise the owners at the time the animal was being discharged from your care that the animal had developed an infection during his stay at your facility that had begun progressing to deeper decubital ulcers. For example, you did not physically examine the dog to ascertain the presence of ulcerated sores before discharging the animal, even though he appeared disoriented, lethargic, and glassy-eyed at discharge, and had been treated for possible hot spots during his stay at your facility; nor did you advise the owners that Casey had developed such an infection. As such, you did not conduct yourself in relation to

the public, your colleagues and clients (patient-owners), so as to merit their full confidence and respect, a violation of COMAR 15.14.01.04.

ORDER

Having found that Dr. Sailendra Roy violated COMAR 15.14.01.04 as specified above, the Board on this 26th of August, 1999, **ORDERS**:

That Dr. Roy pay a civil penalty in the amount of $1,500 within 30 days, but that the payment of this penalty is suspended provided, however, that within 30 days from the date of this Order, Dr. Roy pays $1,127.75 to Robert Busey and his wife, Candy, which amount represents the sum of the monies that the Buseys paid to: (a) Dr. Robert DuBois, the subsequent treating veterinarian, for treating the pressure/rub sores that their dog Casey developed during his stay at Dr. Roy's facility; and (b) Dr. Roy to board Casey at his facility.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Donald M. Carman D.V.M.

DONALD M. CARMAN, D.V.M.
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401
(410) 841-5862

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3) He failed to observe and/or advise the owners before discharging an animal that had been placed in his care that the animal had developed pressure/rub sores while boarding at his facility.

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CONCLUSIONS OF LAW

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the public, your colleagues and clients (patient-owners), so as to merit their full confidence and respect, a violation of COMAR 15.14.01.04.

ORDER

Having found that Dr. Sailendra Roy violated COMAR 15.14.01.04 as specified above, the Board on this 26th of August, 1999, **ORDERS**:

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

ORDER

Upon considering Dr. Roy's Appeal and Motion to Waive Time Requirements for Appeal, it is this 14th day of April, 2000

ORDERED, that the appeal is dismissed and the motion denied because the appeal was not timely filed, pursuant to COMAR 15.01.01.02D.

Henry A. Virts
Secretary of Agriculture