STATE OF MARYLAND
SECRETARY OF AGRICULTURE

IN THE MATTER OF : *

Docket No. 99-038

SAILENDRA ROY, D.V.M. *

LICENSE NO. 2775 *

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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 $5,000 (Md. Code Ann., Agric. Art., §2-310.1).

On August 23, 2001, Sailendra Roy, D.V.M., appeared before the Board to contest a charge 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. The charge against Dr. Roy stemmed from a complaint filed by Laura Baldridge and her husband, Braxton, pertaining to the manner in which he euthanized their cat, "Bentley," a sixteen year-old, neutered, domestic short-hair. More specifically, the Baldridges complained that Dr. Roy initially failed to administer the euthanasia solution through an IV catheter that already had been inserted in Bentley's front leg; that Dr. Roy instead first jabbed the syringe containing the euthanasia solution into Bentley's side, and then, apparently after noticing the IV catheter, removed the syringe from Bentley's side, and placed it into the catheter. Following its investigation

of this complaint, the Board filed a disciplinary action against Dr. Roy, charging that initially, he did attempt to euthanize Bentley by intrathoracic or intraperitoneal injection, and that by doing so, he failed to conduct himself in relation to his patient, and his owners, so as to merit their full confidence and respect, a violation of COMAR 15.14.01.04.

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, Jr.; (2) Dr. James R. McClellan; (3) Dr. John P. O'Mara; (4) Dr. Reggie R. Cox; and (5) Ms. Judith A. Cox. Craig Nielsen, Assistant Attorney General, served as counsel to the Board. Thomas F. Filbert, Assistant Attorney General, was the presenter of evidence.

For the reasons specified below, the Board finds that the allegations against Dr. Roy are true, and that his failure to initially attempt to euthanize the Bentley using an IV injection constitutes a violation of COMAR 15.14.01.04.

FINDINGS OF FACT

1. Dr. Roy euthanized Bentley. When Dr. Roy performed this procedure, the cat had a patent IV catheter in his left front leg, was weak, depressed, and near death. These findings are based on the following evidence introduced at the hearing on this matter, which evidence also is found to be credible and true:
   a. On the evening of June 1, 1999, Laura Baldridge and her husband, Braxton, presented their cat, "Bentley," a sixteen year-old, neutered, domestic short-hair, for treatment to James A. Hendrickson, V.M.D., the owner of the Metropolitan Emergency Animal Clinic, located in Rockville, Maryland. On presentation, Bentley was very weak and lethargic.
   b. After examining Bentley and radiographing the cat, Dr. Hendrickson offered the following differential diagnosis: "Probable thoracic neoplasia, possible lung lobe torsion." Dr. Hendrickson placed Bentley on fluids, administering the fluids through an IV catheter he inserted in the cephalic

vein of the cat's left front leg. The catheter was held to Bentley's leg with brightly colored blue tape.

c. On June 2, 1999, at approximately 7:00 a.m., Dr. Hendrickson discharged Bentley from his facility into the Baldridge's care, advising them to take Bentley directly to a veterinarian, noting that the cat was still weak and depressed. Dr. Hendrickson further advised that Bentley should have an ultrasound to be certain that the cat's condition was fully diagnosed. In addition, he provided the Baldridges a copy of Bentley's treatment record and the radiographs he had taken of the cat.

d. The Baldridges immediately took Bentley to the Ambassador Animal Hospital, where they presented him to Dr. Roy with the intention of obtaining an ultrasound and a second opinion. On presentation, Bentley still had the IV catheter that Dr. Hendrickson had inserted in his left cephalic vein; and the catheter still was held to Bentley's front leg with brightly colored blue tape.

e. Dr. Roy described Bentley's case on presentation as "serious." After examining Bentley, and reviewing the treatment record and radiographs the Baldridges provided him, Dr. Roy concluded that the cat needed immediate supportive care. More specifically, observing that Bentley was having difficulty breathing, Dr. Roy advised placing the cat in an oxygen cage. Laura Baldridge observed that Bentley at that time was "unable to move for the most part" and was having "a lot of difficulty in breathing."

2. Dr. Roy, due to carelessness, initially administered the euthanasia solution to Bentley by an intraperitoneal or intrathoracic injection; and apparently, after noting the IV catheter in the cat's leg, removed the syringe from Bentley's side, and administered the remainder of the euthanasia solution through the IV catheter. These findings are based on the following evidence introduced at the hearing on this matter, which evidence also is found to be credible and true:

a. The Baldridges had great difficulty deciding whether to have Bentley

euthanized, struggling with this decision for approximately 35-40 minutes. The Baldridges occupied one of just two examination rooms in Dr. Roy's hospital. During this period, Dr. Roy was busy seeing other patients, frequently returning to the examination room that the Baldridges occupied to ascertain if they had come to a decision.

b. Laura Baldridge described Dr. Roy's bedside manner as "uncaring." She further testified that Dr. Roy was "not happy" with their decision to euthanize Bentley.

c. The Baldridges were present when Dr. Roy performed this procedure. Laura Baldridge held Bentley, and her husband, Braxton, stood by her side. Laura Baldridge testified that after they informed Dr. Roy of their decision to have Bentley euthanized, he left the room, returned with a syringe, walked "rapidly" around the table on which Bentley was situated, and "jabbed" the syringe into Bentley's side. She added that Dr. Roy then "pulled" the syringe out from the cat's side "in a not very gentle fashion," placing it into the catheter, and administered the remainder of the euthanasia solution through this device. Braxton Baldridge's testimony was similar to his wife's on these points. He testified that Dr. Roy was "perfunctory and brusque" in the performance of this procedure; that Dr. Roy initially inserted the syringe with the euthanasia solution into Bentley's side, and then apparently, after noticing the catheter in Bentley's leg halfway through the procedure, inserted the syringe into the catheter.

3. The fastest, most humane route that a veterinarian can take for inducing the death of a cat that already is depressed and near death is to administer the euthanasia solution by intravenous injection. Indeed, if the veterinarian knows a patent IV catheter is in place, it is inhumane for him not to administer the euthanasia solution by intravenous injection. This finding is based on the testimony of Richard V. Broadstone, D.V.M., Diplomate, American College of Veterinary Anesthesiologists, whom the Board recognized as an expert in the

field of veterinary medicine, specializing in anesthesiology. Currently, Dr. Broadstone is an Associate Professor of Anesthesiology, Department of Small Animal Clinical Sciences, at the Virginia-Maryland Regional College of Veterinary Medicine.

a. Dr. Broadstone stated that euthanasia is the act of inducing humane death in an animal, a death without pain and distress. To achieve this goal, a veterinarian should use euthanasia techniques that result in the animal's rapid unconsciousness, followed by cardiac and respiratory arrest and ultimate loss of brain function - techniques that minimize stress and anxiety experienced by the animal before unconsciousness.

b. Dr. Broadstone opined that a veterinarian, who has been requested to euthanize a cat that is depressed and near death, should not administer the euthanasia solution by an intraperitoneal or intrathoracic injection. Instead, the veterinarian should perform this procedure by an intravenous injection because this method provides the fastest, most humane route for inducing death. Dr. Broadstone added that if the veterinarian knows a patent IV catheter is in place, it is inhumane for him not to administer the euthanasia solution by intravenous injection.

4. Dr. Roy did not dispute the fact that he euthanized Bentley. Additionally, Dr. Roy did not dispute Dr. Broadstone's opinion concerning the goals of euthanasia and the most humane method for achieving these goals under the circumstances in Bentley's case, *i.e.*, by administering the euthanasia solution by intravenous injection. Dr. Roy, however, did dispute the Baldridges' account of the euthanasia procedure he performed on Bentley. Dr. Roy testified that he had observed the IV catheter in Bentley's front leg. He further testified that he only administered the euthanasia solution through the IV catheter; that he did not inject the cat in its side, and if he had done so, the animal would have moved or jumped. However, because Bentley was in a depressed state, the cat would not have moved when injected in its side. Very simply, the Baldridges' testimony

concerning the manner in which Dr. Roy euthanized Bentley is more credible than Dr. Roy's testimony.

5. The Board has jurisdiction over Dr. Roy and the subject matter of this complaint. Dr. Roy is licensed to practice veterinary medicine in this State, and was so licensed at the time of the subject incident. Dr. Roy also is the owner of the Ambassador Animal Hospital, Inc., and likewise owned this facility at the time of the subject incident.

CONCLUSIONS OF LAW

Sailendra N. Roy, D.V.M., did not conduct himself in relation to his patient, Bentley, a sixteen year-old, neutered, domestic short-hair, and Bentley's owners, Laura and Braxton Baldridge, so as to merit their full confidence and respect, a violation of COMAR 15.14.01.04., in failing to initially administer the euthanasia solution to Bentley by intravenous injection, particularly in view of the cat's depressed state of being.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Sailendra Roy violated COMAR 15.14.01.04, it is this 2nd day of November, 2001, by the State Board of Veterinary Medical Examiners, **ORDERED**:

(1) That Dr. Roy pay a civil penalty in the amount of $300 within 30 days from the date of this Order.

11/2/01
Date

STATE BOARD OF VETERINARY MEDICAL EXAMINERS

Donald M. Carman D.V.M.

Donald M. Carman, D.V.M.
President, State Board of Veterinary Medical Examiners
50 Harry S. Truman Parkway
Annapolis, MD 21401