

five days prior to the scheduled hearing. Additionally, although respondent had originally been represented by the law firm of Bumgardner, Hardin and Ellis, through Mark Kundla, Esq., that firm's representation of respondent was terminated prior to February 18, 1987. Consequently, respondent requested that the Board adjourn the hearing so that he could obtain counsel and prepare his defense. The Board granted respondent's request for adjournment and rescheduled the hearing for March 25, 1987. A hearing in this matter was held on March 25, 1987 with Donald M. Lomurro, Esq., appearing on behalf of respondent and Julio Morejon, Deputy Attorney General, appearing on behalf of the complainant.

The State presented the following documentary evidence which was admitted into evidence:

- S-1 Letter dated June 13, 1984 from Dr. Reelee to the State Board of Veterinary Medical Examiners concerning Chico Johnson.
- S-2A through S-2G Medical records of Chico Johnson from April 14, 1984 through May 12, 1984 (includes billing statements, appointment card and laboratory report from Metpath for Chico Johnson).
- S-3 Cameron Animal Hospital record for Chico Johnson from May 29, 1984 through June 12, 1984.

The State also presented two witnesses: William Johnson, the owner of the dog, Chico; and George Cameron, D.V.M., the subsequent treating veterinarian.* Mr. Johnson testified to the circumstances

* George Cameron, D.V.M., is a member of the State Board of

(Footnote Continued On Following Page)

that led him to bring Chico to Dr. Reelee, to his dealings with Dr. Reelee and to his dealings with Dr. Cameron. Dr. Cameron testified both as a fact witness and as an expert witness. Dr. Cameron testified as to his treatment of Chico and his dealings with Mr. Johnson. Dr. Cameron also testified that it was his opinion that Dr. Reelee's treatment of Chico was improper.

Respondent presented one witness, Dr. Sirel Reelee. Dr. Reelee testified as to his treatment of Chico and his dealings with Chico's owner, William Johnson. Respondent also submitted three character references from Rao Mallampati, D.V.M., Ph.D., Mandamohan R. Veluvolu, D.V.M., M.S., and Dr. M. El-Banna.

The record in this matter was held open for the submission of written closing statements by Mr. Lomurro and Deputy Attorney General Morejon. Mr. Lomurro's summation was submitted on or about April 8, 1987; Deputy Attorney General Morejon's summation

(Footnote Continued From Previous Page)

Veterinary Medical Examiners. Due to his involvement in this matter as subsequent treating veterinarian of Chico Johnson, Dr. Cameron had recused himself from all previous Board discussions in this matter and did not participate in the deliberations in this matter.

Mr. Lomurro, on behalf of respondent, objected to the Board hearing this matter rather than the Office of Administrative Law. Respondent based this objection on the fact that Dr. Cameron, a member of the Board, would be testifying before the Board. Respondent expressed the concern that the Board members involved in hearing the matter might give more weight to Dr. Cameron's testimony or find Dr. Cameron more credible because he was a Board member. The Board overruled this objection. Each Board member indicated on the record before both parties that they could judge the matter impartially and objectively based on the evidence produced at the hearing.

was submitted on or about April 20, 1987. The Board thereafter conducted its deliberations in Executive Session on April 29, 1987. The Board's decision on this matter was announced in public session on April 29, 1987; the decision was published in the public minutes of the Board.

DISCUSSION

William Johnson, the owner of Chico, a male german shepard, testified that in early 1984 he observed that Chico was shaking his head and scratching; this is what caused him to bring Chico to the East Orange Animal Hospital. Mr. Johnson stated that when he brought Chico to the East Orange Animal Hospital (on or about April 14, 1984), Dr. Reelee weighed the dog and then informed Mr. Johnson that he (Dr. Reelee) would have to do skin scrapings to make an accurate diagnosis. Mr. Johnson testified that, before he left Dr. Reelee's office on that first visit, Dr. Reelee also told him that the dog was "half girl and half boy" (Transcript at page 22, line 8). Mr. Johnson stated that Dr. Reelee directed his (Mr. Johnson's) attention to those characteristics of Chico which led him (Reelee) to believe that Chico was "half male, half female"; Mr. Johnson testified that he did not observe any of these characteristics. Mr. Johnson further testified that he left Chico at the Animal Hospital and that when he returned several days later to pick Chico up, Mr. Johnson found out that Chico had been castrated. While Mr. Johnson testified that Dr. Reelee had probably discussed the operation on Chico with him during the April 14, 1984 visit, Mr. Johnson also stated that he did not fully understand what kind

of operation it was. Mr. Johnson stated that he returned to the Animal Hospital with Chico three times to have Chico's stitches removed and that each time he was told that the doctor was not in. Mr. Johnson stated that he only saw Dr. Reelee once, when he first brought Chico in on April 14, 1984. Mr. Johnson testified that Chico's symptoms (shaking his head, scratching) still continued after he picked Chico up from the Animal Hospital and that Chico finally got better only after he was treated by Dr. George Cameron. According to the billing statements that were introduced into evidence as S-2D, Mr. Johnson paid two hundred and sixteen dollars for the services Dr. Reelee rendered for Chico. Chico's stitches were removed by Dr. Cameron, Mr. Johnson testified, and Chico's ailment was diagnosed as mange (scabies)* by Dr. Cameron.

Mr. Johnson testified that Chico was symptom-free (i.e. no scratching or shaking) after three visits with Dr. Cameron.

Dr. Cameron, the subsequent treating veterinarian, testified that when he first saw Chico in or about May or June of 1984, Chico exhibited the following symptoms: generalized hair loss around the ears, lateral surface of the thighs and legs, the abdomen and abdominal area, and the dog was extremely pruritic. Dr. Cameron stated that his initial diagnosis was scabies and that this diagnosis was verified by the treatment he gave Chico. Dr. Cameron indicated that he gave Chico three anti-parasite baths and

* Mange is a skin disease caused by parasitic mites. Scabies (or sarcoptic mange) is a type of mange caused by sarcoptes scabiei var. canis.

that by using a clinical test with the bath, he was able to verify that Chico had scabies. Dr. Cameron testified that Chico's symptoms had cleared up after three anti-parasite baths. Dr. Cameron stated that he did not believe that Mr. Johnson understood what the term "castration" meant nor did he believe that Mr. Johnson fully understood what male-feminization syndrome was.

In his capacity as an expert witness, Dr. Cameron offered the following opinions: castration was an improper and inappropriate first step in the treatment of Chico, a dog that presented primarily with skin disease and pruritus. While it would not be unprofessional for a veterinarian to recommend castration for a dog that roamed and has seborrhea, Chico did not present with these problems. It was Dr. Cameron's opinion that the proper and appropriate first step in the treatment of Chico should have been a medicated bath for scabies. Additionally, even assuming that male-feminization syndrome was present in Chico, it was Dr. Cameron's opinion that castration was still not the appropriate first step in the treatment of Chico. As stated above, the skin condition should have been diagnosed and treated first and, according to Dr. Cameron, certain blood tests (e.g., to check testosterone ratios) as well as a more detailed physical examination of Chico (especially of the testicles) should have been performed prior to surgery to help substantiate the diagnosis of male-feminization syndrome. Finally, it was Dr. Cameron's testimony that it was improper to perform surgery (castration) on Chico and expose

the dog to anesthesia before getting the results of the blood test that was administered.

Dr. Reelee testified that when he saw Chico on April 14, 1984, he made the following observations: Chico had dermatological problems which had multiple causes; the dog had severe seborrhea* and severe pruritus; and the dog had the head of a male and the body of a female. It was Dr. Reelee's determination after the physical examination that Chico had male-feminization syndrome. Dr. Reelee testified that he was told that Chico roamed and would occasionally stay out overnight. It was Dr. Reelee's testimony that he informed Mr. Johnson that Chico had multiple problems and that additional testing would be necessary. Dr. Reelee stated that he did perform skin scrapings on Chico in the presence of Mr. Johnson as a test for scabies and that the results of the skin scrapings were negative. According, to Dr. Reelee, Mr. Johnson appeared to understand the medical information that was presented to him, including the discussion of castration. Dr. Reelee stated that after Chico was admitted to the Animal Hospital on that date, a medicated bath for seborrhea was administered and Chico was given antibiotics. It was Dr. Reelee's testimony that he castrated Chico because the dog's organs showed feminization; because of severe seborrhea with odor; and because Chico roamed. Dr. Reelee further stated that the castration was not intended to cure all of Chico's problems. Finally, Dr. Reelee indicated that he did not know that

* Seborrhea is an excessive discharge from the sebaceous glands.

Mr. Johnson has been dissatisfied with the results of the surgery. On cross-examination Dr. Reelee stated that he believed castration would help Chico's seborrhea. However, Dr. Reelee admitted that while he gave Chico a medicated seborrhea bath, scabies is not seborrhea and a seborrhea bath would not indicate whether Chico had scabies.

The Board reviewed the three character references submitted by Dr. Mallampati, Dr. Veluvolu and Dr. El-Banna. These letters were very general and cursory in their discussion of Dr. Reelee, and the Board therefore did not find them persuasive.

Based on the foregoing discussion and the record herein, and based on its own expertise, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Sirel A. Reelee, D.V.M., is a licensed practitioner of veterinary medicine and has been licensed at all times pertinent hereto.

2. Chico, a male german shepard, was brought by his owner, William Johnson, to the East Orange Animal Hospital on April 14, 1984 with a presenting problem of pruritus (severe itching) and skin problems.

3. Dr. Reelee took a history, examined Chico and took a skin scraping from Chico. The purpose of the skin scraping was to ascertain whether Chico had scabies. The results of the skin scraping were negative. However, a negative finding is not diagnostic; that is, a negative skin scraping does not mean the animal

does not have scabies. Based on the history and his physical examination of Chico, Dr. Reelee diagnosed Chico as suffering from male-feminization syndrome which caused the skin disease from which Chico was suffering. Dr. Reelee characterized the skin disease as severe seborrhea. Based on these determinations (severe seborrhea and male-feminization syndrome) as well as a statement from Mr. Johnson that Chico roamed, Dr. Reelee recommended to Mr. Johnson that Chico be castrated.

4. Although the Board believes that Dr. Reelee did discuss Chico's diagnosis with Mr. Johnson and also discuss his recommendation of castration, the Board finds that Mr. Johnson had no real understanding of Dr. Reelee's diagnosis, the proposed testing and treatment, or the term castration. The castration performed on Chico by Dr. Reelee therefore was done without informed consent.

5. Chico was admitted to the Animal Hospital, was given antibiotics and a medicated bath. The medicated bath was for seborrhea and would not indicate whether Chico had scabies. Beyond the skin scrapings for scabies described above, Dr. Reelee did not utilize any diagnostic tests or tools to determine the cause of Chico's severe pruritus; Dr. Reelee did not perform the clinical test which would have given the diagnosis of scabies.

6. After Chico was castrated and released from the Animal Hospital, Mr. Johnson did not notice any improvement in Chico's condition (i.e. severe itching and scratching). Although Mr. Johnson attempted to see Dr. Reelee again concerning Chico, he

was unable to do so. Mr. Johnson paid a total of two hundred and sixteen dollars for the services rendered for Chico by Dr. Reelee. As Chico's symptoms did not abate after a period of approximately four to six weeks, Mr. Johnson brought Chico to another veterinarian, Dr. George Cameron. Dr. Cameron diagnosed Chico's condition as scabies and treated Chico with three medicated baths for scabies. This treatment method apparently cured Chico.

7. Chico's primary condition was scabies which was not diagnosed by Dr. Reelee. Castration is not a treatment for scabies, the problem that Chico presented with. Chico should not have been castrated as the first step in treatment. The appropriate testing should have been performed on Chico (as Dr. Cameron did) to establish the cause of his pruritus. Once the correct diagnosis of scabies had been made, Chico should have been given a medicated bath appropriate for scabies (not seborrhea).

8. Dr. Reelee did not recognize, diagnose or treat Chico for scabies. While Dr. Reelee's misdiagnosis might have been plausible, the disease (scabies) that was actually present was not diagnosed, treated or healed.

9. Blood was taken for testing on the same date the castration was performed; the results of the blood tests were not returned to Dr. Reelee until after the surgery and thus there was no presurgical evaluation. Dr. Reelee should not have operated on Chico until he received the results of the blood tests.

10. No testing was done for the estrogen and/or testosterone levels in Chico's blood; such testing should have been

performed as it would have aided in the substantiation of Dr. Reelee's diagnosis of male-feminization syndrome. Additionally, Dr. Reelee should have physically examined Chico's testicles to ascertain whether there was a mass present; such a mass could be indicative of a sertoli cell tumor which could produce male-feminization syndrome.

CONCLUSIONS OF LAW

Dr. Reelee's conduct in castrating Chico as the first step in treating him for a skin condition, his failure to diagnose or treat Chico for scabies or to adequately diagnose Chico's ailment before treatment, his failure to do appropriate blood testing to substantiate his diagnosis of male-feminization syndrome and his failure to do blood testing prior to surgery are severe and unjustified deviations from generally accepted veterinary medical practice and therefore constitute gross negligence, malpractice or incompetence within the meaning of N.J.S.A. 45:1-21(c).

THEREFORE, IT IS on this *24th* day of *February*, 1988,
ORDERED that:

1. The license of Sirel A. Reelee, D.V.M., to practice veterinary medicine in the State of New Jersey is hereby suspended for a period of thirty days effective on receipt of this Order.

2. Sirel A. Reelee, D.V.M., be and is hereby assessed a civil penalty of two thousand five hundred (\$2,500) dollars. Dr. Reelee shall forward payment of the civil penalty to the Board of Veterinary Medical Examiners within thirty days of the effective date of this Order.

3. Sirel A. Reelee, D.V.M., shall make restitution to William Johnson in the amount of two hundred and sixteen (\$216.00) dollars. Dr. Reelee shall forward payment of restitution to the Board of Board of Veterinary Medical Examiners within thirty days of the effective date of this Order.

4. Sirel A. Reelee, D.V.M., shall be and is hereby assessed costs of this action in the amount of eight hundred and thirty dollars and forty-nine cents (\$830.49). Dr. Reelee shall forward payment of costs to the Board of Veterinary Medical Examiners within thirty days of the effective date of this Order.

BY: David A. Meirs, V.M.D., *David A. Meirs, V.M.D.*
President
New Jersey Board of Veterinary
Medical Examiners