

obesity, and that she had appeared to respond well to treatment. He enclosed a copy of his treatment record for the animal.

Dr. Smith appeared and testified at an investigative hearing before the Board on May 23, 1990. He stated that he had diagnosed enteritis and treated the cat with penicillin. He had also performed tests of fecal matter. He did not perform blood tests or take X-rays, nor did he administer fluids intravenously. He stated that the owners had requested that the cat be released after four days of treatment and that he had dispensed cephalosporin drops and tylosin solution for home treatment. Following the cat's demise he had performed an autopsy and found what he believed was a tumor or "some sort of a neoplasm" which extended through the lower part of the stomach and part of the small intestine. He had also found enlarged lymph glands. He did no histopathology and did not establish a firm post-mortem diagnosis.

After evaluation of the matter, the Board issued a penalty letter in June 1990 containing its preliminary findings of fact. Dr. Smith waived further proceedings and submitted his response in writing. Following further consideration, the Board made the following:

FINDINGS OF FACT

1. Dr. Smith failed to differentiate the cause of the enteritis which was his working diagnosis and could not justify his choice of antibiotic treatment.

2. Even had the working diagnosis been correct, Dr. Smith's

symptomatic treatment was totally inadequate and illogical by current medical standards.

3. Dr. Smith's "skin pinch" or "skin turgor" test for dehydration was inadequate to judge hydration in a grossly obese cat. He failed to perform simple tests, such as X-rays, a hematocrit and total serum protein test, and other more extensive blood work, all of which would have been valuable in establishing a working diagnosis.

4. Dr. Smith failed to maintain the cat with intravenous fluid and electrolytes in a clinical situation which demanded their use early in treatment, and demonstrated a lack of knowledge of the fluid requirements of the patient.

5. Dr. Smith failed to establish a proper treatment plan, apparently deciding to "wait and see what happened," which in an obese cat creates a dangerous metabolic state which commonly leads to severe illness and death from hepatic lipidosis if untreated.

6. Despite his questionable understanding of the cat's illness, Dr. Smith failed to offer the client the option of referral to a specialist.

7. Dr. Smith failed to retain any of the post-mortem tissue which could have aided in the determination of the cause of death.

8. Dr. Smith failed to communicate the nature of the cat's illness to its owner, did not instruct about signs of deterioration or improvement to be noted, and did not schedule a date for re-examination following the cat's discharge.

CONCLUSIONS OF LAW

Based on the aforesaid findings of fact, the Board finds that Alan Smith, D.V.M., was repeatedly negligent in his diagnosis and treatment of the aforesaid animal in violation of N.J.S.A. 45:1-21(d). Therefore, for good cause shown,

IT IS on this 7th day of October, 1991,

ORDERED that Alan Smith, D.V.M., shall, within 30 days of the entry of this Order, pay a civil penalty in the amount of \$1,000.00, and it is further

ORDERED that, within 30 days of the entry of this Order, Alan Smith, D.V.M., shall pay costs in the amount of \$126.00 by means of a certified check payable to the State of New Jersey and submitted to the Board, and it is further

ORDERED that, within 30 days of the entry of this Order, Alan Smith, D.V.M., shall pay restitution to the aforesaid consumer in the amount of \$85.00.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

BY: George Cameron
George Cameron, D.V.M.
President