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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS -
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF

EUNICE OZUZU, D.V.M.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

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:
: Administrative Action
:
: CONSENT ORDER
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This matter was opened to the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's review of three (3) consumer complaints filed respectively by Daniel and Barbara Jones, Robert and Teresa Zains and Alnisa White following their visits with their pets to Eunice Ozuzu and her hospital, Ozuzu Veterinary Clinic, Incorporated, d/b/a Banfield, the Pet Hospital ("Pet Hospital"). In their respective complaints to the Board, the owners allege that the respondent, Dr. Ozuzu, engaged in, among other contentions,

professional misconduct, negligence, gross negligence and the misdiagnosis of their animals.

FIRST COMPLAINT

The Jones presented their six (6) year old dog "Otto" to Dr. Ozuzu at the Pet Hospital on or about October 7, 2003, for a raised, encrusted lesion on Otto's right rear paw. Subsequent to her physical examination of the dog and the taking of a sample of the lesion for a fungal culture, Dr. Ozuzu dispensed the following medications:

three (3) Ketoconazole - 200 mg tablets twice a day;

500 mg Cephalexin - three times a day; and

Micronazole Nitrate ointment to be applied once a day.

The fungal culture results were positive for ringworm.

On or about October 9, 2003, the owners reported to the respondent that Otto was not eating, seemed confused and had vomited after the medication. Dr. Ozuzu recommended discontinuing the Cephalexin but advised to continue with the other medication and the ointment. The medical records however do not contain this information. The owners followed the respondent's directives until October 16, 2003, when they ceased giving Otto the Ketoconazole because the symptoms continued.

Dr. Ozuzu again saw Otto on October 21, 2003. He had not taken any of the prescribed medications since October 16th and looked fine according to the owners. During this visits, Dr. Ozuzu

advised the owners that they could either opt for excision of the lesion on Otto's paw or try to ascertain which medication was causing the vomiting. The owners were also told to continue applying the Conofite topically. Finally, following her examination of the dog, the owners were advised to stop giving Otto the Cephalexin and to administer only the Ketoconazole pills orally and the Conofite topically.

On October 22nd, the owners reportedly gave the dog the medication and he had the same reaction of not eating and vomiting. Mr. Jones came to the Pet Hospital on October 28, 2003 for an outpatient visit and, according to Dr. Ozuzu, reported that Otto was doing better and that hair was growing back on the affected area. He received a refill of the prescribed antibiotic. The Joneses continued the medication, and Otto's symptoms of vomiting continued, according to the owners, until October 30th when the owners stopped the medication. Otto was found dead by the Joneses the following day.

On June 23, 2004, Dr. Ozuzu appeared with counsel, Ashlie C. Gibbons, Esquire, at an investigative inquiry held by the Board. During the course of her testimony, the respondent testified that she followed the Banfield computerized protocol relative to Otto's initial diagnosis of malassezia. She further explained that, in her practice, she has had no reports of animals suffering from vomiting or nausea as a result of the use of Ketoconazole.

However, the respondent indicated that she knew the use of this drug could cause renal failure and/or liver disease, but she failed to monitor Otto for these potential side effects. Moreover, she testified that she believed the dosage of 1200mg a day of Ketoconazole was appropriate for Otto who was weighed approximately 75 pounds upon examination.

Having reviewed the entire record in this matter, including the patient records and the testimony of the respondent with counsel at the investigative inquiry on June 23, 2004, the Board has concluded that Dr. Ozuzu may have engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety of Otto, in violation of N.J.S.A. 45:1-21(c), in that she administered two (2) different systemic drugs, an antifungal agent and an antibiotic each with possible side effects, for a single lesion on one foot without any type of definitive diagnosis. The Board finds that Otto's condition was not critical or urgent enough that medication could not await the fungal culture results. Additionally, the Board concludes that the respondent may have again engaged in gross negligence, gross malpractice or gross incompetence, contrary to N.J.S.A. 45:1-21(c), in that the dosage of Ketoconazole she prescribed for the dog was excessive. These facts establish a basis for disciplinary action by the Board against Dr. Ozuzu.

SECOND COMPLAINT

In the second complaint, the Zains maintain that Dr. Ozuzu engaged in gross negligence in the treatment and care she provided to "Tobie," their two and one-half (2 ½) year old Chihuahua. The owners brought Tobie to the Pet Hospital for a distemper and heartworm combination vaccination at approximately 3:00 p.m. on January 13, 2004. The respondent administered the vaccination to the dog. Later on the same day, at approximately 5:50 p.m., Tobie was returned to the Pet Hospital for an apparent postvaccinal reaction that included swelling around the eyes and mouth.¹

Dr. Ozuzu's records indicate that Tobie, a Chihuahua who weighed 12 pounds on January 13th, was hospitalized in the Pet Hospital and treated with .5 cc epinephrine intravenous ("IV"), 20 mg dexamethasone IV and 2 mg dexamethasone intramuscular ("IM") at approximately 5:50 p.m. At approximately 6:11 p.m., Tobie was administered .5 cc epinephrine IV. At 6:35, an additional .5 cc of epinephrine was administered IM to the dog. Treatments of .1 cc diphenhydramine diluted IV, 2 cc dexamethasone IM and 2 cc of dexamethasone IV were given to Tobie around 7:09p.m. Finally, at 7:28p.m., when reduced eyelid swelling was noted in the records,

¹ Subsequent to the filing of this complaint, Dr. Ozuzu's appearance before the Board and the Board's determination in this matter, the U.S. Food and Drug Administration requested the manufacturers of an injectable heartworm product, named ProHeart 6, to voluntarily recall this product following reported cases that linked the use of the medication to adverse reactions in dogs.

the dog was administered 2 cc of dexamethasone IM in each hind leg.

Sometime thereafter Tobie was released to her owners with an IV catheter in place, but this was not noted in the medical records. According to the Zains, she began to bleed from the nose at approximately 11:45 p.m. and was taken to Central Jersey Veterinary Emergency Service. The presumptive diagnosis was epinephrine overdose. Despite treatment, Tobie died at 1:45 a.m. on January 14, 2004.

Dr. Ozuzu testified that, when Tobie returned to her hospital at approximately 5:35 on January 13th, she believed the dog was experiencing a moderate to severe reaction to the vaccination and was in anaphylactic shock. She maintained that she does not distinguish between a reaction to a vaccine and anaphylactic shock. Dr. Ozuzu defended her conclusion that Tobie was in anaphylactic shock even though she testified that the dog had no breathing problems and a steady heart rate. Finally, Dr. Ozuzu testified that she administered the Pet Hospital's protocol for animals experiencing moderate to severe reactions and did not factor in the weight of the dog in the dosage amount. Specifically, she testified that she would have administered the same dosage to a Great Dane, suffering from a moderate to severe vaccine reaction, as she gave to Tobie.

Following its review of the entire record in this matter, the Board has concluded that Dr. Ozuzu may have engaged in gross

negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety of Otto, in violation of N.J.S.A. 45:1-21(c), in that she administered epinephrine in a case where the medical history did not warrant said drug and that she repeatedly administered excessive doses of said drug. The Board finds that the respondent's use of epinephrine for facial swelling that began an hour or so after a vaccination constituted gross malpractice since the acceptable standard of practice would be to administer an antihistamine and/or corticosteroid either IV or IM. The Board concludes that this action is a substantial deviation from standard practice.

Additionally, the Board finds that the excessive dosages of epinephrine administered to Tobie constitutes a very substantial deviation from accepted New Jersey veterinary practice standards. The initial dose provided to the dog was 0.5cc, or 0.5mg, which is approximately five (5) times the maximum recommendation and over sixteen (16) times the lower recommended dosage. To further compound this matter, the respondent administered two (2) more injections at this extremely high dosage, one IV and one IM in a period of about 35-35 minutes. The Board finally concludes that the dosage of dexamethasone given to Tobie was also administered in an excessive dose which constitutes a substantial deviation of practice even though the potential for harm was not as great as it was for that of epinephrine.

THIRD COMPLAINT

Finally, in the third complaint, Ms. White alleges that the respondent as well engaged in negligence, professional misconduct and misdiagnosed her nine (9) year old dog "Puff." Puff was presented to the Pet Hospital on March 23, 2004, for vaccinations. The medical records in this matter indicate that the dog had been vomiting both food and water for four (4) days prior. Additionally, the records noted there was a lack of appetite on the dog. Even though the dog had been vomiting food and water for several days, Dr. Ozuzu believed Puff was healthy enough and administered the vaccinations.

Following her examination of the dog, Dr. Ozuzu concluded that he suffered from chronic gastritis and prescribed ranitidine also known as (Zantac) and febendazole (known as Panacur). She requested that the owner present Puff for a recheck in 2 to 3 weeks. The Pet Hospital nursing notes indicate that the owner advised the dog may have swallowed a foreign object. However, Dr. Ozuzu did not suggest radiographs or refer the owner to another facility in order to have x-rays taken.

Subsequent to the March 23rd visit, Puff died on March 25, 2004. Ms. White advised the Board that she notified the Pet Hospital of Puff's death, however, this information is not reflected in the medical records.

During her appearance before the Board, Dr. Ozuzu admitted that she believed her judgment had been impaired on the day she saw Puff. Specifically, she testified that she was under the influence of Ultraset, a drug prescribed to her by her physician following a diagnosis of a herniated disc, that impaired and/or affected her medical judgment. Therefore, she maintained that she could not offer any explanation for her medical decisions on the date in question. Dr. Ozuzu further advised the Board that she was presently taking Vioxx for her medical condition, receiving physical therapy and has reduced her working hours.

The Board, following its review of the patient records and other relevant documents in this matter, has concluded that Dr. Ozuzu's treatment of Puff constitutes gross malpractice and a substantial deviation from standard practice, in violation of N.J.S.A. 45:1-21(c), in that she prescribed ranitidine and febendazole orally for a dog with a history of four days of vomiting food and water. At the very least, Puff was dehydrated and in need of fluid therapy. Dr. Ozuzu's diagnosis of chronic gastritis does not agree with the clinical history and her medical records fail to contain any information to support such a finding. In summary, the Board concludes that the medical history in Puff's case should have alerted Dr. Ozuzu to the need for further diagnostics and fluid therapy. Instead, the dog was sent home with

a dewormer and stomach acid inhibitor. This conduct is not within the standards of good veterinary practice.

The Board's review of all three cases indicate the improper use of medications by Dr. Ozuzu in that some drugs were not indicated and others were given in excessive dosages. The Board has concluded that this conduct constitutes gross negligence, gross malpractice or gross incompetence in violation of N.J.S.A. 45:1-21(c). Additionally, the Board determined that the respondent has violated or failed to comply with the provisions of the Veterinary Practice Act and the Board's accompanying regulations, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a), in that her medical records in this cases failed to contain thorough and complete relevant facts especially in regard to conversations and telephone calls with owners where medically necessary information was shared or disclosed. The conduct detailed above establishes a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

IT IS, THEREFORE, ON THIS 19TH DAY OF NOVEMBER 2004,

ORDERED THAT:

1. The respondent, Eunice Ozuzu, D.V.M., is hereby reprimanded for her conduct as described above, in violation of N.J.S.A. 45:1-21(c) and (h) and N.J.A.C. 13:44-4.9(a).

2. Dr. Ozuzu shall cease and desist from further violations of N.J.S.A. 45:1-21(c) and (h).

3. The license of the respondent, Eunice Ozuzu, D.V.M., to practice veterinary medicine in the State of New Jersey shall be and hereby is suspended for a period of thirty-six (36) months, or three (3) years, effective thirty (30) days after the entry of this Order, of which three (3) months shall be an active suspension. The remaining thirty-three (33) months would serve as a probationary period so long as the respondent is in compliance with all other terms and conditions of the within Order. During the three (3) months active portion of the suspension:

4. Dr. Ozuzu shall take and successfully pass the National Board of Veterinary Medical Examiners' ("NBVME") Species Specific Examination for Small Animals within ninety (90) days following the entry of this Order, which shall be reasonably extended by the Board in the event of administrative delays encountered in the Board's ordering and obtaining of the test materials.

5. Should Dr. Ozuzu fail to take and/or successfully pass the NBVME examination within the ninety (90) day period for other than the aforementioned administrative delays, the active suspension of her veterinary license shall be extended past the

initial three months until such time as Dr. Ozuzu successfully passes the NBVME examination. A passing grade for the NBVME Species Specific Examination for Small Animals shall consist of correctly answering at least seventy (70) percent of the questions.

6. Dr. Ozuzu shall take and successfully complete a minimum of 100 hours of Board approved continuing education courses, at least twenty-five (25) hours in the area of internal medicine and at least twenty-five (25) hours in the area of pharmacology. All continuing education courses taken by the respondent to fulfill this requirement shall be RACE approved and have no affiliation with or be sponsored by Banfield Pet Hospital and Health Center, Incorporated.

7. The respondent shall provide restitution to the consumers in the following amounts; the Jones family, in the amount of \$263.61 and the sum of \$153.53 to Zains. The record in this matter indicates that restitution in the amount of \$186.62 has already been made to Ms. White. The restitution to the Joneses and Zains shall be paid, by certified checks or money orders, to the respective consumers and proof of said restitution shall be submitted to the State Board of Veterinary Medical Examiners at 124 Halsey Street, Post Office Box 45020, Newark, New Jersey 07101, within thirty (30) days of the entry of this Order.

8. Dr. Ozuzu shall pay a civil penalty in the amount of \$7,500.00 for the violations found herein. Such penalty shall be

paid by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Veterinary Medical Examiners at 124 Halsey Street, Post Office Box 45020, Newark, New Jersey 07101, within thirty (30) days of the entry of this Order.

9. Dr. Ozuzu shall pay the Board's investigative costs in this matter in the amount of \$2,893.50. Such costs shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Veterinary Medical Examiners at 124 Halsey Street, Post Office Box 45020, Newark, New Jersey 07101, within thirty (30) days of the entry of this Order.

In the alternative, the respondent may pay the civil penalty and the investigative costs, the aggregate totaling \$10,393.50, in equal installments payments of \$433.10 for a total of twenty-four (24) months. The first payment shall be due on the fifteenth of each month beginning December 15, 2004 and every month thereafter until the total amount is paid in full.

Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice. Further, failure to pay the civil penalty and the costs within the time period allotted above will result in the filing of a certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules, and may result in subsequent

disciplinary proceedings before the Board for failure to comply with an Order of the Board.

10. Failure to comply with any of the terms of this Consent Order shall constitute a violation of the Order proof of which would constitute grounds for the activation of the probationary period into an active suspension. Similarly, any allegations of misconduct and/or violations of the Veterinary Medicine Practice Act and/or its accompanying regulations on the part of the respondent during her probationary period, which are substantiated by the Board, shall also serve as grounds for the activation of the entire probationary period outlined in the Consent Order or any other appropriate disciplinary action as the Board may determine.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD
MARK LOGAN, V.M.D.
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Eunice Ozuzu
EUNICE OZUZU, D.V.M.

DATED: November 4, 2004

I consent to the form of this Order.

Ashlie Gibbons
ASHLIE GIBBONS, ESQUIRE

DATED: November 5, 2004