

RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
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PAULA T. DOW  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street - 5th Floor  
P.O. Box 45029  
Newark, New Jersey 07101

By: Joanne Leone  
Deputy Attorney General  
(973) 648-2975

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF VETERINARY MEDICAL EXAMINERS

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IN THE MATTER OF	:	
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<b>LINDA GRAU, D.V.M.</b>	:	<u>Administrative Action</u>
	:	
TO PRACTICE VETERINARY MEDICINE	:	CONSENT ORDER
IN THE STATE OF NEW JERSEY	:	
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This matter was opened to the State Board of Veterinary Medical Examiners (the "Board") following the Board's review of a consumer complaint filed by C.F. and R.L. against Linda Grau, D.V.M. ("Respondent"). The consumer complaint alleged that the Respondent engaged in negligence, misdiagnosis, and professional misconduct in the treatment of the complainants' seven (7) year old dog, "Harry," in March 2006.

Harry was presented to Fredon Animal Hospital ("Hospital") on March 13, 2006 for lethargy and vomiting. At that time, the owner advised Respondent that Harry had been bitten by a cat on his

buttocks the day before and appeared uncomfortable when sitting or laying down. The owner also advised Respondent that she had given Harry some Pepto Bismol. According to the complaint, after taking an X-ray, Respondent diagnosed colitis and a "mineralized mass" in the dog's stomach which she explained was either gravel or kitty litter, or possibly cancer. Respondent prescribed an antibiotic for the colitis and a pain reliever for the soreness and instructed the owner to continue giving Harry Pepto Bismol.

Harry was brought back to Respondent on March 16, 2006 when he failed to get better and was admitted to the Hospital for fluids and observation. On March 17, Respondent advised the owner that Harry had more of the mineralized material in his stomach, which ruled out cancer, but confirmed her opinion that Harry was eating either gravel or kitty litter. When the owner picked up Harry, she noticed a large lump on Harry's rear and was told it was the injection site for the subcutaneous fluids administered. Upon arriving home with Harry, the owner noticed that his entire back end, tail, groin area, legs, and rear paws were covered in green feces. The owner also noticed that Harry's right rear leg was swollen, dark purple in color, and bleeding. Harry was brought back to Respondent's office at 6:00 p.m. According to the complaint, Respondent apologized for Harry's condition and speculated that Harry may have been bitten by a recluse spider while he was in the Hospital. Respondent offered to admit Harry

for weekend observation, however, the owner chose to take him to another facility for treatment. Harry was treated at that facility for a lumbar region abscess which was lanced and drained, and a culture revealed *pasteurella multocida*, a type of bacteria common in cat bites. Harry remained hospitalized for five weeks with medical bills totaling over \$39,000.00.

In correspondence to the Board, Dr. Grau maintains that the allegations are unfounded. Respondent asserts that Harry was brought to her due to diarrhea, soreness, and not feeling well. Respondent examined Harry, ran a full blood panel and Lyme test, and X-rayed his stomach and spine. The radiograph revealed small particles in the gastrointestinal tract which seemed consistent with gravel or cat litter. Respondent prescribed Metronidazole for colitis and Carprofen for Harry's discomfort.

According to Respondent, Harry's blood work was unremarkable, with no elevation in the white blood count to suggest that an abscess was forming, and when the owner reported on March 14, 2006 that Harry had vomited his medications, Respondent recommended that the owner give Harry Pepto Bismol before his other medications to see if they would stay down. When Harry was brought back to the Hospital on March 16, 2006, Respondent recommended admission for the administration of fluids. At the time of admission, Harry had no fever and his hind end did not exhibit any swelling. The next morning, he still had no fever, no obvious swelling or diarrhea.

Respondent admits to being surprised and very apologetic when the owner called to complain that Harry was soiled after being picked up from the Hospital on March 17, 2006. Respondent saw Harry again at 6:00 p.m. after the office had closed for the day. On physical examination, Harry's leg was grossly edematous, hyperemic, and had a purple-black discoloration with two small punctures directly over the tarsus. There was a very small superficial slough roughly corresponding to the tract of the medial saphenous vein which in the Respondent's opinion suggested a peracute and toxic reaction. Respondent notes that Harry had been admitted to the second facility for almost twenty hours before it was determined he had an abscess. She also notes that the culture's growth of pastuerella multocida was light and not what she would expect.

The Board, following its review of the patient records and other relevant documents in this matter, has determined that, although the treatment appears appropriate, Respondent has violated its record keeping regulation due to the failure to maintain patient records as required by N.J.A.C. 13:44-4.9(a). Specifically: 1) the name and address of the treating veterinarian are missing; and 2) the records provided to the Board do not appear to have been made contemporaneously with the dates of service, rather, they appear to the Board to be records written after the complaint was filed in 2008, in that the incident dates are listed as March 13, 2006, March 14, 2008, March 16, 2008, March 17, 2008,

and March 18, 2006. This conduct constitutes a violation of N.J.S.A. 45:1-21(h), and specifically N.J.A.C. 13:44-4.9, and therefore 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 24<sup>TH</sup> DAY OF February, 2010

**ORDERED THAT**

1. The Respondent, Linda Grau, D.V.M., is hereby reprimanded for record keeping deficiencies, as described above, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9.

2. Dr. Grau shall cease and desist from any further violations of N.J.A.C. 13:44-4.9.

3. Dr. Grau shall pay a civil penalty in the aggregate amount of **\$3,500.00** for the following record keeping violations, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a): 1) **\$1,000.00** for the failure to include the name and address of the treating veterinarian; and 2) **\$2,500.00** for supplying the Board with records which do not appear to have been made contemporaneously with the dates of service, rather, they appear to the Board to be records created in response to and after the

complaint was filed in 2008. Such penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to Leslie G. Aronson, Executive Director, State Board of Veterinary Medical Examiners, 124 Halsey Street, P.O. Box 45020, Newark, New Jersey 07101, contemporaneously with the entry of this Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

4. Failure to comply with any of the provisions of this Order or to timely remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD  
MARK W. 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.

Linda Grau DVM  
LINDA GRAU, D.V.M.

DATED: