



CHRIS CHRISTIE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Veterinary Medical Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



JOHN J. HOFFMAN
Acting Attorney General

BY CERTIFIED AND REGULAR MAIL

KIM GUADAGNO
Lt. Governor

April 1, 2015

STEVE C. LEE
Acting Director

Mahmoud S. Hussein, D.V.M.
Howell Animal Hospital
2354 Highway 9 South
Howell, New Jersey 07731

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 4-21-15 DA

Mailing Address:
P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

Re: I/M/O MAHMOUD S. HUSSEIN, D.V.M.
Complaint Number: 96441
OFFER OF SETTLEMENT IN LIEU OF
DISCIPLINARY PROCEEDING

Dear Dr. Hussein:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") has had an opportunity to review a complaint it received concerning the professional services you rendered to "Diamond" Longo, then a nine (9) year old female Pit bull, at Howell Animal Hospital ("Hospital"), Howell, New Jersey, beginning in August 2013.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. An email complaint filed by M.A.L. with the Board in or about 2013; as well as any and all attachments and exhibits;
2. A correspondence, stamped received by the Board on January 14, 2013, from Mahmoud S. Hussein, D.V.M., as well as any and all attachments and exhibits; and
3. Medical records of "Diamond."

Upon review of all available information, the Board has found that probable cause exists to support a finding that you violated, as well as failed to comply with, the statutes governing the practice of veterinary medicine and the accompanying regulations, in violation of N.J.S.A. 45:1-21(h), in that you failed to maintain adequate medical records, contrary to N.J.A.C. 13:44-4.9.

The Board's review into this matter revealed that you performed surgery on Diamond on July 15, 2013, to repair a torn ACL in her right hind leg. You inserted an implant and bandaged the dog's leg. The owner returned Diamond to the Hospital on July 25, 2013 because the

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bandage had detached from the leg. Four days later, M.A.L. brought the dog back to you for suture removal. You maintained, in your undated letter to the Board, that Diamond was "ambulating very well" at that time.

Four months later, on November 20, 2013, the owner called you and reported that Diamond was still limping and that her knee was swollen. On November 26, 2013, Diamond was examined by another veterinarian who took x-rays and diagnosed a severe infection. Diamond underwent additional surgery to repair the ACL and the implant you inserted was removed. M.A.L. contended that you, among other allegations, were negligent in his treatment and care of Diamond. You maintained that the continued limping and external infection were the result of licking or biting of the surgical area by the dog, and not as a result of the surgery.

The Board has concluded, following its review of the complaint and other submitted documentation, that there is insufficient evidence to initiate any formal disciplinary action against you relative to the veterinary care rendered to Diamond. However, the Board, in its review of the matter, had the opportunity to review the patient records you submitted in this matter. The Board concluded, in its review of Diamond's records, that your patient records failed to contain important and required information relative to the veterinary services provided to the dog.

Specifically, the Board finds that the records did not contain: 1) the name of the facility on every page of the record; 2) the name, initials or other identifying information to indicate the identity of the licensee or agent making the entry in the patient record; 3) all pertinent symptoms and signs observed, such as adequate physical examination results; and 4) the treatment or treatment plan prescribed, namely, no surgical report was included in the records. The Board has concluded that your failure to maintain adequate records as required constitutes a violation of N.J.A.C. 13:44-4.9.

At this juncture, the Board has determined that the above violation is sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from violating the mandates of N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:44-4.9, by maintaining records of your patients that contain information required by the applicable regulation;
2. Pay a penalty in the amount of \$1,000.00, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for your violation of N.J.S.A. 45:1-21(h) and the record keeping regulation, N.J.A.C. 13:44-4.9(a).

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

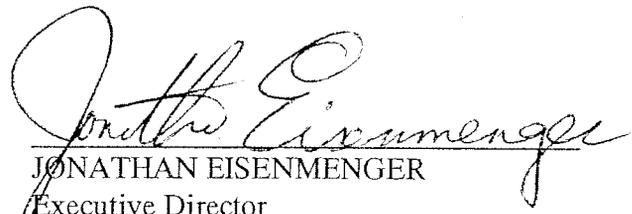
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In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of the appropriate disciplinary action.

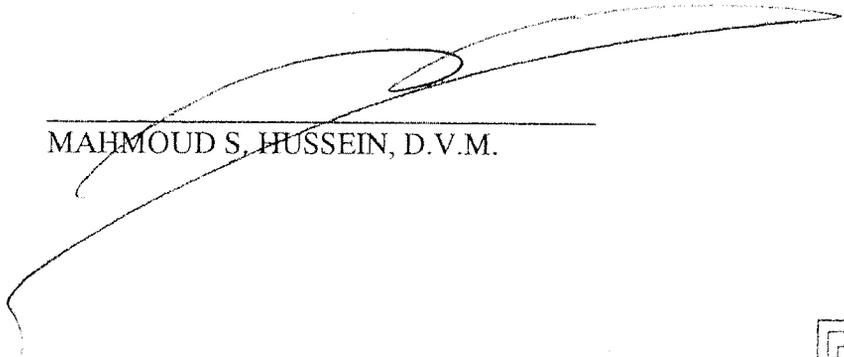
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By:

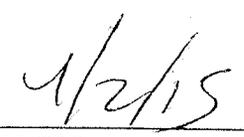

JONATHAN EISENMENGER
Executive Director

cc: Deputy Attorney General Olga E. Bradford

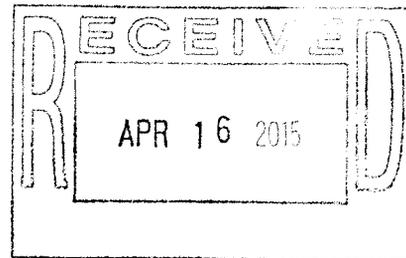
ACKNOWLEDGMENT: I, MAHMOUD S. HUSSEIN, D.V.M., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct that has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the total amount of \$1,000.00. I also agree to adhere to the other provisions enumerated in this settlement letter.



MAHMOUD S. HUSSEIN, D.V.M.



DATED



Mahmoud Hussein