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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 2-3-16 *AT*

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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 :
: Administrative Action
KANTIBHAI K. PATEL, D.V.M. :
License No. 29V100549500 :
: CONSENT ORDER
TO PRACTICE VETERINARY MEDICINE :
IN THE STATE OF NEW JERSEY :
:

This matter was opened to the State Board of Veterinary Medical Examiners ("Board") following the Board's review of a consumer complaint filed by F.P. subsequent to his visit with his pet to Respondent Kantibhai K. Patel, D.V.M., at Rahway Animal Hospital ("Hospital"). In his complaint to the Board, F.P. alleged that Dr. Patel engaged in, among other contentions, negligence, worked with animals in unsanitary office conditions and that he failed to respond to an emergency

in his treatment of F.P.'s then three (3) year old female Black Labrador, "Maggie," in March 2013.

The Board's review of this matter revealed that Maggie was presented to the Hospital on March 26, 2013, by F.P., for spay surgery. Respondent performed the procedure on the dog and completed the procedure around 1:30 p.m. According to Dr. Patel, in his response to the Board, this spay was "atypical" to him because it was very difficult to locate and remove the right ovary as it was deeply buried in abdominal tissue. He also noted that there were many adhesions and that the surgical procedure took longer than he expected.

After the surgery, Dr. Patel advised F.P. of the surgery and his findings. When the owner arrived at the Hospital at 6:00 p.m. to take the dog home, Maggie's breathing was normal and her reflexes were intact, however, the dog remained in sternal recumbence and was unable to walk. The respondent explained to F.P. that the post-surgery complications may be attributed to an adverse reaction to anesthetic agents or a possible hemorrhage.

The respondent did not discharge the dog and continued to monitor her recovery in the Hospital. Dr. Patel took x-rays, but did not detect any fluid density and concluded that there was no internal bleeding. He noted however that he had difficulty palpating Maggie's abdomen. Dr. Patel testified, at

his investigative inquiry before the Board, that he "tapped" the dog's abdomen in order to determine whether there was internal bleeding, however he conceded that he did not document this diagnostic test in Maggie's medical records. He contacted the owner around 7:30 p.m. with an update as to the dog's condition.

At this point, Maggie's condition was worsening, according to Dr. Patel's medical records, and he provided F.P. with two options: 1) take Maggie to an emergency clinic with twenty-four (24) hour monitoring for critical care services; or 2) keep Maggie in the Hospital for supportive recovery care. He offered this option despite the fact that the dog was not improving. According to Dr. Patel, the owner elected to keep Maggie under his care. Neither the respondent nor the Hospital provided twenty-four hour care, but Dr. Patel kept Maggie on IV fluids and a heating pad and volunteered to check on her every hour until 10:00 p.m.

Respondent contacted and updated F.P. on Maggie's condition twice before the owner returned to the Hospital at 9:00PM. At this time, the dog had not improved and was still unable to walk correctly. Dr. Patel believed Maggie might have been suffering from moderate to significant internal bleeding and recommended F.P. take the dog to an emergency facility. The owner took Maggie to Red Bank Veterinary Hospital where a board

certified surgeon corrected the complications of the spay surgery.

Dr. Patel, in his appearance before the Board, testified, among other things, that he placed an IV catheter in Maggie around 5:00 p.m. and took radiographs around 5:30 p.m. He contended that did not see any fluid density in the radiographs, but testified that it was still possible that Maggie was bleeding internally. Further, the respondent contended that he tapped the dog's abdomen to determine whether internal bleeding was present, but conceded that he did not record performing this test in the dog's medical record. Dr. Patel testified that he contemplated, around 4:00 p.m. or 5:00 p.m., referring Maggie to a specialist, but instead decided to see if her condition improved. Finally, Dr. Patel conceded that he should have referred Maggie sooner after the surgery.

The Board, following its review of the relevant documents in this matter, concluded that Dr. Patel engaged in repeated acts of negligence in his care and treatment of Maggie, in violation of N.J.S.A. 45:1-21(d), in that he failed to: 1) diagnose post-surgery complications, namely, internal bleeding, by properly examining and utilizing appropriate diagnostic testing; and 2) refer the dog to a critical care facility on a timely basis, as complications from the spay surgery surfaced shortly after the procedure was completed, around 1:30 p.m., and

Maggie was not referred to a specialist until 9.00 p.m., despite the fact that her condition continued to worsen. The Board finds that Respondent's conduct, as detailed above, constitutes multiple deviations from acceptable standards of veterinary practice, and therefore constitutes repeated acts of negligence, thereby establishing 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 waiving his right to a hearing; and the Board having been satisfied that the resolution adequately protects the public health, safety and welfare, and for good cause shown,

IT IS, THEREFORE, ON THIS 31st DAY OF JANUARY 2016,

ORDERED THAT:

1. Respondent, Kantibhai K. Patel, D.V.M., is hereby reprimanded for his conduct as described above, in violation of N.J.S.A. 45:1-21(d).
2. Respondent shall cease and desist from further violations of N.J.S.A. 45:1-21(d).
3. Respondent shall take and successfully complete, and provide the Board with proof of successful completion, of a minimum of twenty (20) credit hours of Board approved courses of continuing education, in the area of Critical Care, within six (6) months of the date of this Order. 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 the Rahway Animal Hospital. Additionally, no continuing education credits completed in compliance with this Consent Order may be used to satisfy the minimum continuing education requirements for any biennial renewal period.

4. Respondent shall pay a civil penalty in the amount of \$5,000.00 for engaging in repeated acts of negligence, contrary to N.J.S.A. 45:1-21(d). The penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to Jonathan Eisenmenger, Executive Director of the Board, at 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101 contemporaneously with submission of this Order. Subsequent violations will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

In the alternative, the respondent may pay the civil penalty, totaling \$5,000.00, in equal monthly installment payments of \$208.00 for a total of twenty-three (23) months, followed by a twenty-fourth (24th) and final payment of \$216.00. The first payment shall be made simultaneously with submission of this Order with subsequent payments due on the fifteenth of each 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 penalty 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.

5. The respondent shall provide restitution to owner F.P. in the amount of \$459.00 for the cost of veterinary care. The restitution shall be made payable to F.P., by certified check or money order, and shall be made within ten (10) days of the entry of this Consent Order. Proof of said restitution shall be submitted to Mr. Eisenmenger, at the address listed in paragraph four above, within ten (10) days of the payment of the restitution to F.P.

6. Failure to comply with any of the provisions of this Order or 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.



KANTIBHAI PATEL, D.V.M.

Jan 29, 2016

DATED: