

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Sarah Wachman, Agency Clerk

By: Brandon M. Nichols

PROFESSION: VETERINARY MEDICINE

CASE NUMBER: 2001-04216

COMPLAINT MADE BY: TED BARTSCH
1271 S.W. 114th Way
Ft. Lauderdale, FL 33325

DATE COMPLAINT RECEIVED: June 1, 2001

COMPLAINT MADE AGAINST: MUSTAFA SALEH
Extra Care Animal
Hospital
950 S. Flamingo Rd.
Davie, FL 33325

LICENSE NUMBER: VM 0002759

INVESTIGATED BY: Michael Green

REVIEWED BY: Drew F. Winters/jpm

STAFF RECOMMENDATION: R-41: Nolle Pros

CLOSING ORDER

THE COMPLAINT: Subject is alleged to be in violation of Section 474.214(1)(r), Florida Statutes, which states: "Being guilty of incompetence or negligence by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances" is grounds for disciplinary action. Subject is also alleged to be in violation of Section 474.214(1)(ee), Florida Statutes, which states: "Failing to keep contemporaneously written medical records as requires by a rule of the board" constitutes grounds for disciplinary action.

THE FACTS: This investigation is predicated on receipt of a complaint submitted by Complainant, which alleged that Subject was negligent in his care of Complainant's cat.

The Complainant alleges that he took his cat to Subject because it was not eating and drinking excessive amounts of water. Complaint states that the cat's teeth, gums, cheek and jawbone were badly injured when he came to pick the cat up. Complainant returned the cat to Subject and found that the cat subsequently died of a heart attack while in Subject's care.

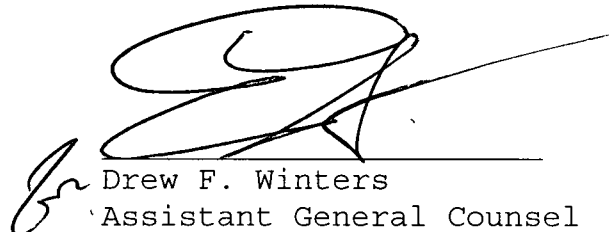
Subject responds that Complainant's cat was in dire need of an ultrasonic dental cleaning and scaling. Blood work performed showed that the cat was suffering from chronic renal failure, severe anemia, and some liver damage. Heavy blood traces were found in the urine and a fecal sample indicated a severe intestinal parasite infection. Subject states that Complainant's cat was in an aggressive state when brought back into the clinic and died of a heat attack later that day.

Based on the Subject's response and the evidence at hand, further prosecution of this matter is inappropriate. Therefore, the case is closed without further action.

THE LAW: Based on the foregoing, while initial evidence was sufficient for a finding of probable cause, the amount of time that has passed since this case was opened and the fact that Subject has not had any previous or subsequent violations has led Department officials to cease further prosecution of this matter.

It is, therefore ORDERED that this case should be and thereby is CLOSED, without prejudice to reopen if the Department receives additional evidence or determines, upon further review, that the determination to close was in error.

DONE and ORDERED this 15th day of May, 2008.


Drew F. Winters
Assistant General Counsel
Case No. 2001-04216

DFW/jpm
April 1, 2008

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF VETERINARY MEDICINE

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2001-04216

MUSTAFA SALEH, D.V.M.

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION ("Petitioner"), files this Administrative Complaint before the Board of Veterinary Medicine against MUSTAFA SALEH ("Respondent"), and alleges:

1. Petitioner is the state agency charged with regulating the practice of veterinary medicine, pursuant to Section 20.165, *Florida Statutes*, and Chapters 455 and 474, *Florida Statutes*.
2. At all times material hereto, Respondent was licensed in the State of Florida as a veterinarian, license number VM 0002759.
3. Respondent's address of record is 950 South Flamingo Road, Davie, Florida 33325.
4. Respondent examined a 15 year old cat at Extra Care Animal Hospital on April 30, 2001.
5. Tests performed on the cat revealed elevations in BUN, creatinine, and glucose.
6. The cat's urine's specific gravity was approximately 1.049-1.050.
7. The above-referenced test results are contradictory.
8. Based on the test results, Respondent should have examined the cat more closely.

9. Respondent did not administer any medication for the cat's problem with black, tarry stool.
10. There is a discrepancy in Respondent's record keeping regarding when the in house blood tests were performed.
11. The April 30, 2001 medical record entry contains no provisional diagnosis for the cat.
12. There is a discrepancy between the date on the lab report from Antech and the date on the cat's medical record.
13. On May 2, 2001, Respondent entered a diagnosis of "diabetic" into the cat's medical record.
14. No insulin was administered to the cat, nor was the cat otherwise treated for diabetes.
15. In house blood testing and the cat's symptoms supported a diagnosis of kidney failure.
16. Respondent failed to mention kidney failure in the cat's medical records.
17. Respondent gave the cat 500cc of fluids intravenously.
18. Respondent gave the cat 1 ml of Torbugesic.
19. The cat weighed 9.3 lbs.
20. The 500cc of fluids and 1 ml of Torbugesic are large doses for a cat weighing 9.3lbs.

COUNT I

21. Petitioner realleges and incorporates paragraphs one through twenty as though fully set forth herein.
22. Section 474.214(1)(r), *Florida Statutes*, states that being guilty of incompetence or negligence by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances constitutes grounds for disciplinary action.
23. Based on the foregoing, Respondent has violated Section 474.214(1)(r), *Florida Statutes*.

COUNT II

24. Petitioner realleges and incorporates paragraphs one through twenty as though fully set forth herein.

25. Section 474.214(1)(ee), *Florida Statutes*, states that failing to keep contemporaneously written medical records as required by rule of the board constitutes grounds for disciplinary action.

26. Rule 61G18-18.002(3), *Florida Administrative Code*, states that medical records shall be contemporaneously written and include the date of each service performed. Medical records shall contain a provisional diagnosis or health status determination.

27. Rule 61G18-18.002(4), *Florida Administrative Code*, states that medical records shall contain clinical laboratory reports if these services are provided or occur during the examination or treatment of an animal.

28. Based on the foregoing, Respondent has violated Section 474.214(1)(ee), *Florida Statutes* by failing to comply with Rule 61G18-18.002(3) and Rule 61G18-18.002(4).

WHEREFORE, Petitioner respectfully requests the Board of Veterinary Medicine enter an order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine not to exceed \$5,000 per violation, issuance of a reprimand, placement of the Respondent on probation, assessment of costs association with the investigation, imposition of any or all penalties delineated within Section 455.227(2), *Florida Statutes*, and/or any other relief that the Board is authorized to impose pursuant to Chapters 455 and/or 474, *Florida Statutes*, and/or the rules promulgated thereunder.

Signed this 15th day of April, 2002.

FILED

Department of Business and Professional Regulation
DEPUTY CLERK

CLERK

Brandon M. Nichols

DATE

5-2-2002

Gail Scott-Hill
Gail Scott-Hill
Lead Professions Attorney

Counsel for the Department:
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