

STATE OF CONNECTICUT
BOARD OF VETERINARY REGISTRATION AND EXAMINATION

In the Matter of:

MILAD LAWENDY, D.V.M.

MEMORANDUM OF DECISION

The Department of Health Services presented the Connecticut Board of Veterinary Registration and Examination with a Statement of Charges, dated May 31, 1985, brought against Milad Lawendy, D.V.M., the Respondent. The Statement of Charges alleged in one count violations of § 20-202(2) of the Connecticut General Statutes committed by the Respondent on or about April 2, 1979, June 26, 1982 and November 23, 1984.

A Notice of Hearing, dated June 14, 1985, was issued to the Respondent by the Connecticut Board of Veterinary Registration and Examination. The Department's Statement of Charges was attached to the Notice. The hearing was held on July 26, 1985, at the State of Connecticut Department of Health Services, 150 Washington Street, Hartford, Connecticut. The parties at the hearing were The Department of Health Services and the Respondent.

The Respondent appeared pro so and had full opportunity to present evidence and cross-examine witnesses.

All members of the Board involved in this decision either attended the hearing or read the record of the proceedings. The decision is based entirely on the record presented and the technical competence, experience and specialized professional knowledge of the Board members in evaluating the evidence.

FINDINGS OF FACT

1. Respondent, Milad Lawendy, D.V.M., was at all pertinent times licensed to practice veterinary medicine by the State of Connecticut Department of Health Services.

2. Pursuant to 4-182(c) of the Connecticut General Statutes, Respondent was provided a full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license.

3. On April 2, 1979, an ovariohysterectomy (spay) was performed on the dog of Eleanor Michaud by Harold G. Linder, D.V.M., at the Bridgeport Spay and Outpatient Clinic (Bridgeport Veterinary Hospital).

4. Respondent assumed ownership of and started practicing at the Bridgeport Veterinary Hospital on June 2, 1980.

5. On June 26, 1982, the Michaud dog (Sheba) was brought to the hospital for the treatment of injuries sustained when she was struck by an automobile.

6. Respondent treated Sheba for multiple lacerations and hypovolumic shock. She was kept overnight.

7. At this time, the dog had not been vaccinated against distemper, and this fact was known to the Respondent.

8. On November 23, 1984, Sheba was brought to Respondent's Hospital for treatment of an itch. Respondent diagnosed flea, whipworm and hookworm infestation. He treated her with steroids and kept her overnight. At this time, the dog still had not been vaccinated against distemper.

9. Sheba's health deteriorated after her November 24, 1984 discharge. She was returned to Respondent's Hospital on December 7th at which time she was vaccinated against distemper.

10. The dog's condition continued to deteriorate. At a December 26th appointment, Respondent advised Ms. Michaud that the dog had the symptoms of distemper.

11. Sheba was subsequently taken to another veterinarian who diagnosed distemper. Consequently, she was destroyed.

DISCUSSION AND CONCLUSIONS

The Respondent has been charged with violating the provisions of Conn. Gen. Stat. § 20-202(2) by hospitalizing or boarding the dog Sheba at the Bridgeport Veterinary Hospital on three occasions (April 2, 1979, June 26th, 1982 and November 23, 1984), though aware that the dog had not been vaccinated for distemper.

As to the April 2, 1979 incident, the Board concludes that no violation has been proven based upon its finding that the Respondent was not practicing at the hospital at the time.

With respect to the June 26, 1982 incident, the Board notes that the hospitalizing or boarding of a dog known not to have been vaccinated against distemper violates the accepted standard of care in veterinary practice in Connecticut under normal circumstances.

The Board recognizes, however, that circumstances may exist which call for a departure from the general rule. After reviewing all the evidence, the Board finds that Respondent acted

within acceptable standards of care when he hospitalized or boarded the Michaud dog on or about June 26, 1982, knowing she was not vaccinated against distemper. Respondent's decision to treat the dog after she was struck by an automobile was within the parameters of discretion allowed in such circumstances. The Board finds that Respondent was not, at this time, acting in an unskillful, cruel or grossly negligent manner and was not in violation of Conn. Gen. Stat. § 20-202(2).

Nevertheless, after reviewing all the evidence, the Board finds that the Respondent did act below the standard of care when he hospitalized or boarded the Michaud dog on November 23-24, 1984 knowing she had not been vaccinated against distemper. Respondent was aware of the fact that the dog was not vaccinated: he acknowledges that the decision not to vaccinate at this time was deliberate. His records, though shoddy, do not indicate any previous vaccination. Neither the dog's treatment nor her condition, at the time, precluded the vaccination. Although Respondent's steroid treatment may have diminished the effectiveness of the vaccine, vaccination would have provided some immunity and lessened the possibility of disease. If he thought it necessary, Respondent could have then re-vaccinated

the dog at a later date. Accordingly, the Board finds that Respondent acted in an unskillful manner, thus violating Con. Gen. Stat. Sec 20-202(2) as described in the first count.

ORDER

Pursuant to its authority under Conn. Gen. Stat. Sec. 19a-17, the Board of Veterinary Medicine hereby orders that:

the Respondent, Milad Lawendy, D.V.M., be ~~penalized~~ for the offense found above.

April 29, 1987



David B. Bender, D.V.M.
Acting Chairman
Connecticut State Board of Veterinary
Medicine