COPY

STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:	*	
DUANE S. MANGINI, V.M.D.	*	DOCKET NO. 03-055
LICENSE NO. 2088	*	

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CONSENT AGREEMENT

This Agreement, dated this 16th day of June, 2004, is between the State Board of Veterinary Medical Examiners ("Board") and Duane S. Mangini, V.M.D., License No. 2088 ("Dr. Mangini"). The Agreement concerns the charges that the Board filed against Dr. Mangini, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to the veterinary care he provided Tiny, a two-year old female cat owned by Ms. Mary Lepkowski.

Under the Veterinary Practice Act, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board ... regulations after receiving a license" (Md. Code Ann., Agric. Art., §2-310(8)); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty of not more than $5,000 (Md. Code Ann., Agric. Art., §2-310.1).

More specifically, in this matter, the Board charged that the care Dr. Mangini provided Tiny was substandard, a violation of Agriculture Article, §2-310(8), and COMAR 15.14.01.04.

FINDINGS OF FACT

Dr. Mangini, by entering into and signing this document, stipulates to, and acknowledges that the Board, by a preponderance of the evidence, could prove the following Findings of Fact:

1. At all times relevant to the charges, Dr. Mangini was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland; and was the owner of the Parkville Animal Hospital ("Hospital"), located at 8600-C Harford Road, Baltimore, Maryland 21234.

2. On or about February 23, 2001, Mary Lepkowski presented her two year-old female Bluemoon Ragdoll feline, Tiny, to the Hospital for a flea dip and grooming purposes. Because the Hospital no longer provided flea dips, Ms. Lepkowski was informed that Tiny would receive a pill and a regular shampoo. Tiny was clipped and given a Capstar. At the start of her bath, Tiny became frightened, and tried to escape. The bath was quickly finished. When Tiny was put in a cage to be dried, the groomer noticed she was experiencing labored breathing.

3. Dr. Mangini checked Tiny's temperature and it was found to be subnormal, to wit: 98.4°F (an indicator that the cat's condition may be critical). He examined the cat by auscultation, and heard abnormal sounds. He performed a CBC, which showed an elevated white blood cell count.

4. Dr. Mangini took one lateral radiograph of the cat's thorax (normal radiographic technique, however, is to take two views of the body system being evaluated, to wit: a lateral view and a VD or DV view). Dr. Mangini diagnosed "probable pneumonia," but the radiographic evidence is compatible with an occult congenital disease; this disease would not necessarily result in congestive heart failure or edema, but would appear radiographically as cardiac enlargement, or cardiomyopathy, that could result in congestive heart failure and pulmonary edema (the lateral radiograph reveals generalized cardiomegaly and a perihilar alveolar infiltrate or pattern).

5. Suspecting Tiny was suffering from bacterial pneumonia, Dr. Mangini administered Baytril and aminophylline. He also placed Tiny in an oxygen cage.

6. Additional therapy was warranted to treat the patient, but it was not provided because Dr. Mangini failed to make the proper diagnosis. Intravenous or intramuscular administration of a rapidly acting diuretic, such as furosemide, would have been appropriate to treat the pulmonary edema. Multiple doses of diuretics are usually required during the acute phase of management of congestive heart failure patients. Additional therapy for the congestive heart failure could have included topical nitroglycerin therapy (*e.g.*, a vasodilator) or a calcium channel blocker for treatment of cardiomyopathy.

7. Given the radiographic evidence (to wit: the lateral thoracic radiograph revealing generalized cardiomegaly or pulmonary edema), and the cat's subnormal temperature (to wit: 98.4°F), both indicators that the cat's condition was critical, Tiny warranted intensive monitoring. Tiny, however, was kept overnight at the Hospital without any monitoring. Contrary to Dr. Mangini's statement that he had recommended to Ms. Lepkowski that Tiny be taken to an "emergency clinic for overnight treatment and monitoring," Ms. Lepkowski states that Dr. Mangini made no such recommendation.

8. When Dr. Mangini returned the following morning, he discovered that Tiny had died. After speaking with Ms. Lepkowski that morning, he performed an autopsy. Dr. Mangini noted that Tiny's "chest was filled with a clear fluid and the lungs were collapsed and dark in appearance .... the heart looked like it might be enlarged." A more complete necropsy of the cat, however, was warranted, which could have revealed a definitive diagnosis for the cat's medical problem (*e.g.*, the necropsy should have included gross and histopathologic examination of the heart, and the fluid present in the thoracic cavity).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law with respect to Dr. Mangini's treatment of Tiny:

1. Given the lateral radiograph taken of the cat's thorax, which shows generalized cardiomegaly and a perihilar alveolar infiltrate or pattern, in failing to include cardiomyopathy or pulmonary edema as a part of his differential diagnoses, Dr. Mangini's treatment of Tiny failed to conform to the minimal standards of care expected of a veterinarian in this State, a violation of COMAR 15.14.01.07.

2. Given the radiographic evidence (to wit: the lateral thoracic radiograph revealing generalized cardiomegaly or pulmonary edema), and the cat's subnormal temperature (to wit: 98.4°F), both indicators that the cat's condition was critical, in failing to monitor the cat overnight or recommend that the cat be taken to an emergency hospital for monitoring, Dr. Mangini's treatment of Tiny failed to conform to the minimal standards of care expected of a veterinarian in this State, a violation of COMAR 15.14.01.07.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Duane S. Mangini, V.M.D., License No. 2088, violated COMAR 15.14.01.07, it is this 16 day of June, 2004, by the State Board of Veterinary Medical Examiners,

ORDERED: That Dr. Mangini pay a civil penalty in the amount of Three Hundred Dollars ($300) within 30 days of receiving a fully executed original for his records.

June 16, 2004
Date

John P. O'Mara, D.V.M., President
State Board of Veterinary
Medical Examiners

CONSENT

I, Duane S. Mangini, V.M.D., acknowledge that I had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge that the Board, by a preponderance of the evidence, could prove the Findings of Fact and Conclusions of Law contained herein. Accordingly, in order to

resolve these matters, I agree to accept and submit to the foregoing Consent Agreement, consisting of 4 pages.

I acknowledge the validity of this Consent Agreement as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland. I also affirm that I am waiving my right to appeal from this Consent Agreement.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Agreement.

I sign this Consent Agreement without reservation as my voluntary act and deed after having an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

6/8/04
Date

Duane S. Mangini, V.M.D.,
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

RICHARD F. FORSTNER NOTARY PUBLIC MY COMMISSION EXPIRES 7/01/05 BALTIMORE COUNTY, MD

I HEREBY CERTIFY that on this 8 day of June, 2004, before me, a Notary Public of the State and City/County aforesaid, personally appeared Duane S. Mangini, V.M.D., and made oath in due form of law that the foregoing Consent Agreement was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission expires: 7/1/05