

STATE OF NEVADA



BOARD OF VETERINARY MEDICAL EXAMINERS

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PUBLIC LETTER OF REPRIMAND REGARDING:

BRIAN McALLISTER, D.V.M.

License #1564-A

Case #01-2017DVM-02

The Nevada Board of Veterinary Medical Examiners received a complaint against Brian McAllister, D.V.M. (Licensee) regarding Dr. McAllister's treatment of a 6-month-old male Ragamuffin cat named Figaro. After due investigation and consideration, the following facts regarding the complaint were discovered:

1) On October 29, 2016, the owners of a 6-month-old male Ragamuffin cat, Figaro, to 'A Cat Hospital' in Henderson, Nevada for a neutering operation and laser declawing of all four paws. Dr. McAllister saw Figaro and determined that Figaro's testicles had not descended. Dr. McAllister informed Figaro's owners of the undescended testicles, and the owner opted to wait for another month to allow for the Figaro's testicles to descend before Figaro was to undergo a neutering procedure.

2) On January 6, 2017, the owners brought Figaro back to 'A Cat Hospital' where Dr. McAllister performed the requested procedures. In the course of the surgery, Dr. McAllister found a right-sided cryptorchid with the right testicle sitting just below the skin. Dr. McAllister performed the surgery, removing the descended left testicle and making an skin incision to remove the not completely descended right testicle, which was in the inguinal canal.

3) At some time after surgery and during recovery, Figaro stopped breathing and was found dead in his cage. At the time that Figaro's status was discovered, no attempts were made to revive Figaro.

4) In the course of the investigation, the owner claimed that no pre-anesthetic blood work was offered or discussed, nor was an insertion of an IV catheter discussed or offered presurgically. The owner did sign an anesthesia release that acknowledged the risks of anesthesia, but the release did not inform the owners or seek their consent for pre-anesthetic bloodwork or the placement of an IV catheter. Additionally, the investigation determined that Dr. McAllister did not discuss with the owner the location of the retained right testicle or that he had performed surgery to remove a not fully descended testicle from the right inguinal canal. Finally, the investigation determined that Figaro had not been intubated, that there was no documentation regarding the route of administration of

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the Isoflurane used, that there was inadequate post-anesthetic monitoring of Figaro, and no CPR or other life-saving techniques were performed by Dr. McAllister or employees even though there was no way of knowing how long Figaro had not been breathing due to the inadequate post-anesthetic monitoring.

The Nevada Board of Veterinary Medical Examiners finds this conduct to be in violation of applicable Nevada law. In particular, the Board finds that the above-described acts violated Nevada Revised Statutes (NRS) 638.140(6) (Negligence) and Nevada Administrative Code (NAC) 638.045(2) (Negligence) in that (a) neither Dr. McAllister nor any member of his staff observed Figaro post-surgically until Figaro attained a sternal position, resulting in Figaro not being observed for as much as 20 minutes during which, at some point, Figaro stopped breathing; and (b) Dr. McAllister did not perform any life-saving measures after discovering that Figaro was not breathing even though Dr. McAllister had no way of knowing how long Figaro had not been breathing because of the inadequate post-anesthetic monitoring.

Additionally, the Board finds that the above-described acts violated NRS 638.140(1) (Violation of Board Regulations) and (NAC) 638.046(1) (Violation of Principles of Veterinary Medical Ethics) and Principles of Veterinary Medical Ethics of the American Veterinary Medical Association Section II(E) (Communication After VCPR) in that: (a) Dr. McAllister failed to inform or discuss pre-anesthetic bloodwork or the insertion of an IV catheter with Figaro's owner presurgically; (b) Dr. McAllister's anesthesia release form did not contain any information regarding pre-anesthetic bloodwork or IV catheterization to which the owner could or could not consent; and (c) Dr. McAllister did not inform the owner either before, during, or after surgery that although the not completely descended right testicle was not in the scrotal sac, it was in the inguinal canal and could be removed without entering into the abdominal cavity.

Should the Letter of Reprimand be rejected by the Board it is agreed that presentation to and consideration by the Board of such proposed Letter of Reprimand or other documents or matters pertaining to the consideration of this Letter of Reprimand, shall not unfairly or illegally prejudice the Board, or any of its members, from further participation, consideration, adjudication, or resolution of these proceedings, and that no Board member shall be disqualified or challenged for bias. If it is accepted by the Board, the Letter of Reprimand becomes a public document and will be reported to the National Veterinary Disciplinary Database of the American Association of Veterinary State Boards (AAVSB).

Through the signature of Licensee below, the Licensee agrees this conduct is a violation of the statutes and regulations detailed above. As a result of this admitted violation and by a majority vote of the members of the Board at its July 2017 meeting, this Public Letter of Reprimand is to be placed in the Licensee's licensing file. As a result of the above

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stated violation, the Licensee agrees to the following:

1) Dr. McAllister will pay attorney fees, investigative costs, and Board costs of \$837.00 by check or money order made payable to "Nevada State Board of Veterinary Medical Examiners" which must be received by the Board's office within 30 days of the date of the Board's approval of this Letter of Reprimand.

2) Dr. McAllister will provide to the Board's office written evidence of successful completion of 2 hours of continuing education in post-surgical monitoring and care and two hours of continuing education in veterinary ethics and proper client communications within 60 days of the date of the Board's approval of this Letter of Reprimand. The four hours of continuing education in this paragraph may not be counted toward Dr. McAllister's continuing education requirements for renewal of his license.

4) Failure by Dr. McAllister to comply with any term or condition of this Letter of Reprimand shall result in additional disciplinary action, up to and potentially including suspension or revocation of Dr. McAllister's license. Failure by Dr. McAllister to comply with any term or condition of this Letter of Reprimand could also allow the Board's staff not to renew Dr. McAllister's license until he complies with the term or condition of this Letter.

Dated this 7<sup>th</sup> day of July, 2017.

  
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Brian McAllister, D.V.M.

Dated this 24<sup>th</sup> day of August, 2017.

Nevada State Board of Veterinary Medical Examiners

  
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William Taylor, D.V.M., President

