



USDA-APHIS-Animal Care



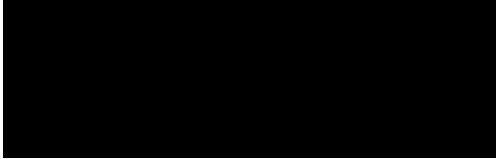
ANIMAL WELFARE COMPLAINT		
Complaint No. AC19-086	Date Entered: 31-Jan-19	Processed By: JJF
Referred To: Hallberg/McKinnie		Reply Due: 4-Mar-19
Facility or Person Complaint Filed Against		
Name: OREGON STATE UNIVERSITY	Customer No.: 503605	License No.: 92-R-0041
Address: LARC/VTH, 30TH & Wash Way)(RAIL, 53 & Campus Way) ALS: E of 30th & Campus Way LPSC: 30th & Campus Way		Email Address:
City: CORVALLIS	State: OR	Phone No.: (541) 737-8556
Complainant Information		
Name: (b) (6), (b) (7)(C), (b) (7)(D)	Organization: (b) (6), (b) (7)(C), (b) (7)(D)	
Address:		Email Address: (b) (6), (b) (7)(C), (b) (7)(D)
City:	State:	Phone No.:
How was the Complaint received? Email		
Details of Complaint: SEE ATTACHED		
Results: Reviewed the complaint on 1/31/2019; it covers previously cited items and situations that triggered a SACS courtesy visit. Please close for no new information.		
Application Kit Provided: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>		
Inspector: Gwynn Hallberg VMO		Date: 1-Feb-19
Reviewed By: Carolyn McKinnie, DVM, SVMO		Date: 1-Feb-19

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Sunday, January 6, 2019 6:50 PM
To: Gibbens, Robert - APHIS
Cc: AC West
Subject: Official Complaint -- Oregon State University

Follow Up Flag: Follow up
Flag Status: Flagged

Regular Complaint: 92-R-0041, #503605

(b) (6), (b) (7)(C), (b) (7)(D)



Dr. Robert Gibbens

1/7/19

Director, Western Region, USDA/APHIS/AC,
2150 Center Ave.
Building B, Mailstop 3W11
Fort Collins, CO 80526-8117

Dr. Gibbens,

I am writing to you today to file a Official Complaint against the Oregon State University (OSU - 92-R-0041), for clear violations of the Animal Welfare Act. Documents in our possession describe conditions serious enough that the OSU IACUC has prohibited one of their SFMs (surgeon faculty member) from the ability to ***"oversee or participate in any part of live animal surgery, anesthesia, perioperative care or DEA-regulated drug use for a minimum period of one year."*** Clearly, the incidents involved in this situation have been taken very seriously by OSU administration, and therefore should result in a serious response from the USDA since these occurrences involve the performance of unapproved, and therefore illegal, surgeries on sheep.

The incidents are described in OSU correspondence dated 8/15/18:

"An IACUC protocol describing survival surgeries approved for reproductive and fetal tissue collection in ewes expired on 11/3/17. No renewal protocol was submitted, as the principal investigator on the protocol was discontinuing involvement in the research program. Another faculty member with a DVM performed surgeries on three ewes, using a student as the anesthetist, just prior to the protocol expiration date. Neither the surgeon faculty member (SFM) nor the student anesthetist were on the IACUC protocol. Post-surgical treatments and recovery monitoring continued past the protocol expiration date, and medical/surgical/anesthesia records were either incomplete or unavailable.

In addition, the SFM acquired and used DEA-controlled drugs for these procedures noncompliantly, per the approved IACUC protocol, home department procedures, and contrary to communications with the

Veterinary Teaching Hospital (VTH) Pharmacy Director. The SFM asked another faculty member with VTH privileges to provide the drugs needed to perform surgeries because they could not be ordered and received according to approved procedures before the surgeries needed to be performed. The VTH faculty member who provided the SFM with the requested drugs did so against VTH Pharmacy policy. Further, DEA drug use logs for these bottles were not completed at the time of use."

Appropriately, the IACUC took action against the SFM:

"The IACUC reviewed the incident information and voted to withhold approval of the SFM's protocol under review, and suspend the SFM's ability to perform surgery on any Animal Care and Use Program animals at the institution . . ."

The suspension was lifted at an IACUC meeting on March 15, 2016
However, additional issues were discovered:

"On March 20, 2018, the IACUC learned that two additional ewe surgeries were performed by the same people under the same protocol, after the protocol expired on 11/3/2017. Both surgeries were completed on 11/9/17 and had not been previously disclosed to the IACUC, despite an email from the IACUC to the SFM send on the same day (11/9/2017) requesting copies of animal anesthesia and surgery records for all procedures performed or directed over the past 30 days."

Again, appropriately, the IACUC took significant action:

"The IACUC voted to suspend the SFM's ability to oversee or participate in any part of live animal surgery, anesthesia, perioperative care or DEA-regulated drug use for a minimum period of one year."

In essence, not only did the SFM and other staff perform procedures on an expired protocol, they also engaged in an attempted cover-up, trying to prevent OSU administration from learning of additional surgeries on the expired protocol.

Additionally, these staff did not obtain/handle DEA regulated drugs appropriately, and did not maintain veterinary records appropriately.

Collectively, these incidents violated various USDA regulations, including but not limited to:

- Sec. 2.31 Institutional Animal Care and Use Committee (IACUC) ;
- Sec. 2.32 Personnel qualifications ;
- Sec. 2.33 Attending veterinarian and adequate veterinary care

As you know, this situation was not the first serious issue at Oregon State University. A USDA inspection dated 4/11/18 had also identified serious violations in areas of inadequate veterinary care and inadequate facilities. The veterinary care issues were serious enough to require a rare DIRECT citation.

Therefore, I hereby file an Official Complaint against the Oregon State University relevant to the performance of multiple surgical procedures on an expired protocol, inadequate veterinary records, and improper handling of DEA regulated drugs. I must insist that your office institute an immediate investigation.

I know that your office considers major violations of the Animal Welfare Act to be very serious in nature. Since Oregon State University has demonstrated a history of animal abuse and serious violations, I must insist that you take the most severe action allowable under the Animal Welfare Act and immediately begin the process of

issuing the maximum fine allowable against the Oregon State University at the completion of your investigation -- \$10,000 per infraction, per animal.

I look forward to hearing from you in the near future about the fate of this facility.

Sincerely,

(b) (6), (b) (7)(C), (b) (7)(D)

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