



USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT			
Complaint No. AC19-223	Date Entered: 4-May-19	Processed By: ERF	
Referred To: Program Support		Reply Due: 5-Jun-19	
Facility or Person Complaint Filed Against			
Name: University of Nebraska Medical Center		Customer No.: 1551	License No.: 47-R-0018
Address: 985810 Nebraska Medical Center		Email Address:	
City: Omaha	State: NE	Phone No.: (402) 559-4034s	
Complainant Information			
Name: (b) (6), (b) (7)(C), (b) (7)(D)		Organization: (b) (6), (b) (7)(C), (b) (7)(D)	
Address: (b) (6), (b) (7)(C), (b) (7)(D)		Email Address: (b) (6), (b) (7)(C), (b) (7)(D)	
City: (b) (6), (b) (7)(C), (b) (7)(D)	State: (b) (6), (b) (7)(C), (b) (7)(D)	Phone No.: (b) (6), (b) (7)(C), (b) (7)(D)	
How was the Complaint received? Email			
Details of Complaint: SEE ATTACHED			
<p>Results:</p> <p>This complaint refers to citations on a prior inspection report.</p> <p>Animal Care inspectors conduct unannounced inspections for all USDA registered and licensed facilities. Our authority is to ensure that they meet the standards required by Federal regulations. We also perform inspections in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with Federal law.</p> <p>When non-compliant items are found, these noncompliances are cited on the inspection report under the most accurate regulation based on the circumstances of the issue. Multiple noncompliances for the same issue are only cited when appropriate. With the exception of focused inspections, our inspectors evaluate the facility for compliance with all applicable regulations. Although all regulatory requirements are assessed, only noncompliant items are listed on the inspection report.</p> <p>We will continue to inspect this facility to make sure that past noncompliances are corrected and that AWA-regulated animals are protected to the fullest extent of Federal law.</p>			
Application Kit Provided: Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
Inspector: Program Support		Date: 4-May-19	
Reviewed By: Dr. Petervary		Date: 4-May-19	



Animal and Plant
Health Inspection
Service

May 4, 2019

Animal Care
4700 River Road
Riverdale, MD 20737

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

Dear Complainant,

Thank you for your correspondence dated 14-Apr-19. We are reviewing your concerns and assigned tracking number AC19-223. Please allow us enough time (30 to 60 days) to thoroughly look into your concerns. You may submit a request to the Animal and Plant Health Inspection Service (APHIS) Freedom of Information Act (FOIA) office to obtain any publically available information regarding our review.

FOIA Requests can be submitted three ways:

1. Web Request Form: <https://efoia-pal.usda.gov/App/Home.aspx>
2. Fax: 301-734-5941
3. US Mail:
USDA- APHIS- FOIA
4700 River Road, Unit 50
Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form **please contact the APHIS FOIA office at 301-851-4102.**

Animal Care is a program within the U.S. Department of Agriculture (USDA) that directs activities to ensure compliance with and enforcement of the Animal Welfare Act and the Horse Protection Act. Animal Care establishes standards of humane treatment for regulated animals and monitors and achieves compliance through inspections, enforcement, education, and cooperative efforts under the Acts.

Please be assured that we will look into your concern(s) and take appropriate action(s).

Thank you for your interest into the humane treatment of these animals.

Sincerely,

Betty Goldentyer
Associate Deputy Administrator
Animal Care

Fausch, Emily R - APHIS

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Sunday, April 14, 2019 11:52 AM
To: Gibbens, Robert - APHIS
Cc: AC West
Subject: Official Complaint University of Nebraska

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

Dr. Robert Gibbens

4/15/19

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 an Official Complaint against University of Nebraska (47-R-0018), for clear violations of the Animal Welfare Act.

University of Nebraska Correspondence dated 11/13/18 states:

"One of four rhesus macaques that underwent a protocol-approved anesthesia to administer medication via nasogastric intubation by a veterinarian, developed unexpected respiratory symptoms after apparent normal recovery from anesthesia. The medication administered was a formulation approved for use in humans for use in humans. Veterinarians immediately administered extensive rescue procedures but were unable to resuscitate the animal"

It is worth noting that, according to this same correspondence the post mortem examination of this animal found "... **acute pulmonary inflammation and hemorrhage in peripheral lungs, of unknown origin.**"

This botched medical procedure clearly violates the federal Animal Welfare Act in several ways. Due to the botched procedure which clearly killed this animal, this may violate Sec. 2.38 Miscellaneous (f)(1) animal handling because the staff of the University of Nebraska clearly did not **"handle animals in a manner that did not cause trauma or physical harm."** Also, because this medical procedure was botched, it may indicate insufficiently trained or qualified staff, which would violated Sec. 2.32 Personnel Qualifications, and it may also violate Sec. 2.31 Institutional Animal Care and Use Committee, because this procedure was not performed properly in keeping with an approved experimental protocol.

It is worth noting that in a June, 2016, USDA inspection of the University of Nebraska was cited for the death of another animal in connection to a botched surgical procedure.

Since University of Nebraska negligence has now resulted in the performance of a botched surgical procedure which killed at least one animal, I must insist that you **take the most severe action allowable under the Animal Welfare Act and immediately launch a full investigation of this facility, and at the culmination of this investigation, issue the maximum fine allowable against University of Nebraska -- \$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)

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

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

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



OFFICE OF THE VICE CHANCELLOR FOR RESEARCH

November 13, 2018

Axel V. Wolff, M.S., D.V.M., Director
 Division of Compliance Oversight
 Office of Laboratory Animal Welfare
 National Institutes of Health
 Rockledge 1, Suite 360, MSC 7982
 6705 Rockledge Drive
 Bethesda, MD 20892-7982

RE: IACUC Case #2018-07 Final Report

Dear Dr. Wolff:

I am submitting this report in accordance with the requirements of the PHS Policy at IV.F.3. The IACUC has reviewed this incident described in this report determined it was reportable to OLAW.

1. Animal Welfare Assurance Number: A3294-01
2. Grant or Contract Number: NIH 5R01AI124965
3. Species: Nonhuman primates
4. Effects on Programmatic or Physical Areas: N/A
5. Explanation of the Situation:
 - a. One of four rhesus macaques that underwent a protocol-approved anesthesia to administer medication via nasogastric intubation by a veterinarian, developed unexpected respiratory symptoms after apparent normal recovery from anesthesia. The medication administered was a formulation approved for use in humans. Veterinarians immediately administered extensive rescue procedures but were unable to resuscitate the animal.
 - b. Post mortem evaluation of tissues (gross and histopathologic) found acute pulmonary inflammation and hemorrhage in peripheral lungs, of unknown cause.
 - c. As the cause of this adverse event is unknown, we will continue to be careful, and extend the period of intensive post-procedural monitoring for future animals undergoing this protocol, as well as employ routine ultrasound-guided intubation.
6. Actions Taken by the IACUC:
 - a. The IACUC Subcommittee reviewed this adverse event on October 5, 2018 and determined this to be a reportable incident.
7. Implementation Schedule:
 - a. Complete.

987878 Nebraska Medical Center / Omaha, NE 68198-7878
 402-559-8490 / FAX 402-559-8445 / www.unmc.edu/research/



Inspection Report

University Of Nebraska Medical Center
985810 Nebraska Medical Center
Omaha, NE 68198

Customer ID: 1551

Certificate: 47-R-0018

Site: 001

NEBRASKA MEDICAL CENTER

Type: ROUTINE INSPECTION

Date: Jun-14-2016

2.33 (b) (4)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE.

There was an incident identified by the number 2015-11 which took place during the month of December 2015. The attending veterinarian (AV) inspected a rabbit for a post surgical procedure in which the skin edges were not apposed. The attending veterinarian gave specific written instructions to treat it as an open wound and let it heal by 2nd intention.

Research personnel decided to anesthetize the animal, debride the wound, and close the open wound without consulting the AV.

The next day the rabbit was found dead and there was no peri-operative monitoring documentation indicating that the rabbit had recovered from anesthesia.

Each research facility shall establish and maintain programs of adequate veterinary care that include guidance to research personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia, etc.

The facility has corrected this issue by providing operative and recovery documentation training and provided a copy of the IACUC policy for veterinary medical care and best practices.

3.75 (c) (1)

HOUSING FACILITIES, GENERAL.

Some plastic toys/objects provided to NHP for enrichment were noticeable worn and with chewed edges.

The surfaces of housing facilities—including furniture-type fixtures or objects within the facility—must be made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn.

In order to avoid animals from ingesting plastic particles and to properly clean and sanitize toys/object, these should be replaced when worn.

To be corrected by 6-30-2016.

An exit interview was conducted with facility representatives.

Prepared By:

LUIS NAVARRO, D V M

LUIS A NAVARRO, D V M

USDA, APHIS, Animal Care

Date:

Title:

VETERINARY MEDICAL OFFICER Inspector 6025

Jun-14-2016

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Jun-14-2016