



United States Department of Agriculture

Animal and Plant
Health Inspection
Service

4700 River Road
Riverdale, MD 20737

April 1, 2020

University of Tennessee - Memphis
Office of Animal Care and Use
910 Madison Ave., Suite 650
Memphis, TN 38163

63-R-0107
CID 841

Dear (b) (6), (b) (7)(C):

Your February 24, 2020 appeal of citations on the USDA inspection report dated February 12, 2020 was thoroughly reviewed by an Animal Care appeal panel consisting of two Supervisory Animal Care Specialists, an Assistant Director, and me. The appeal is addressed below.

Citation 2.33(a) (2) will remain as written on the inspection report. The situations cited on the inspection report were either not reported to the Attending Veterinarian/Veterinary staff by the Investigator or laboratory personnel, or the direction of the staff Veterinarian was not followed by the Investigator. By these inactions, the Attending Veterinarian and Veterinary Staff were not given the authority to ensure the provision of adequate veterinary care. It is the responsibility of the Research Facility (Administration) to ensure that the investigators and research staff are aware of the authority and follow the directions of the facility Veterinarians to assure adequate health and welfare for the animals.

All decisions made by the appeal panel are final and represent Animal Care's final determination for this appeal.

Sincerely,

Aaron Rhyner, DVM
Acting Director, Animal Welfare Operations
USDA, APHIS, Animal Care

USDA Animal Care. Ensuring humane treatment. Serving people. Doing right.



Office of the Vice Chancellor for Research
910 Madison Avenue, Suite 608
Memphis, TN 38163
T (901) 448-7125
F (901) 448-7133

Memphis
Knoxville
Chattanooga
Nashville

February 24, 2020

USDA Animal Care
2150 Centre Avenue, Building B
Mail Stop #3W11
Fort Collins, CO 80526-8117

Re: Customer ID: 841, Certificate: 63-R-0107

Dear Appeals Team:

In response to the annual inspection conducted on February 12, 2020, the University of Tennessee Health Science Center would like to file an official appeal of the report. Upon reading the report more closely and discussing it further with the IACUC Chair and Vice Chair, we have concerns with the following statements, regarding veterinary authority, particularly the parts that are underlined for emphasis:

The research facility did not assure that the attending veterinarian had appropriate authority to ensure the provision of adequate veterinary care for multiple piglets studied under Protocol 18-021.0 Version 4.

The research facility shall assure that the attending veterinarian has authority to ensure the provision of adequate veterinary care for animals in the protocol in order to minimize pain and distress and to improve health for the research animals

As currently stated above, the submitted report suggested that the Attending Veterinarian at UTHSC did not have the authority to provide adequate veterinary care (i.e., euthanasia in this case). This, indeed, is not the situation. As outlined in both our PHS Assurance and AAALAC program description the Attending Veterinarian, as well as all other veterinarians within the Laboratory Animal Care Unit, have the programmatic and regulatory authority to treat and/or euthanize any animal, as they deem medically necessary. Rather, what occurred in the Buddington case is that the principal investigator did not follow (b) (6), (b) (7)(C) request to euthanize a piglet. In this regard, (b) (6), (b) (7)(C) should have insisted upon her request or euthanized the animal herself (under her authority to do so), immediately. As such, we suggest that the event surrounding the Buddington noncompliance case did not reflect a lack of veterinary authority (as noted in the report), but rather a failure of one of our veterinarians to exercise their authority. We take full responsibility for this failure and have corrected the problem.

Therefore, given the above, we would like to appeal the existing report and request that the amended language more accurately reflect the actual deficiency, namely, a failure to exercise veterinary authority.

Sincerely, (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Copied:

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



Inspection Report

University Of Tennessee - Memphis
Office Of Animal Care And Use
910 Madison Avenue Suite 650
Memphis, TN 38163

Customer ID: **841**

Certificate: **63-R-0107**

Site: 001

UNIVERSITY OF TENNESSEE - MEMPHIS

Type: ROUTINE INSPECTION

Date: 12-FEB-2020

2.33(a)(2) CRITICAL

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE.

The research facility did not assure that the attending veterinarian had appropriate authority to ensure the provision of adequate veterinary care for multiple piglets studied under Protocol 18-021.0 Version 4. The following procedures were performed by the investigators on piglets experiencing health issues without consultation, approval, or oversight of the attending veterinarian or designee:

Gas anesthesia was used to replace feeding tubes on 03/27/19 for piglet 1-3 and piglet 1-4.

Piglet 1-10 underwent gas anesthesia for replacement of a feeding tube on 03/25/19, 03/27/19, and 03/28/19.

Piglet 2-5 was given a blood transfusion on 04/15/19. This piglet died 1 hour later.

In addition, during a conversation with the attending veterinarian the attending veterinarian stated that one of the clinical veterinarians observed one of the piglets in distress during her rounds. The clinical veterinarian directed the investigators to euthanize the piglet immediately due to its poor condition and suffering. The investigator argued with the clinical veterinarian and did not euthanize the piglet as directed.

Multiple instances occurred under Protocol 18-021.0 Version 4 involving piglets in which information on problems of animal health were not communicated in a timely manner to the attending veterinarian or designee. The following piglets exhibited acute health issues. A veterinarian was not contacted in any of these instances. In each case the piglet died despite interventions initiated by the laboratory staff without veterinary input.

13 piglets were involved in Cohort 1, which began on 03/22/19. On 03/26/19, piglet 1-8 was observed to be weak and lethargic. The piglet clinically deteriorated and died 3 hours later. On the evening of 03/23/19, piglet 1-13 was observed to have poor circulation. The piglet died one hour later. On the evening of 03/23/19, piglet 1-7 was observed to have poor circulation and weakness. The piglet died one hour later.

13 piglets were involved in Cohort 2, which began on 04/12/19. On the morning of 04/15/2019, piglet 2-5 was noted

Prepared By:

(b) (6), (b) (7)(C) USDA, APHIS, Animal Care

Date:
13-FEB-2020

Title: (b) (6), (b) (7)(C)

Received By:

Title:
20-0288

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

Date:
13-FEB-2020



Inspection Report

to be lethargic and pale. The piglet was observed to have died 3 hours later. On the morning of 04/14/2019, piglet 2-10 was noted to have respiratory difficulty. In the mid-afternoon the piglet was observed to have severe difficulty breathing. The animal died that evening. On the morning of 04/13/2019, piglet 2-8 was noted to have a weak pulse and respiration. The animal died 30 minutes later. On the evening of 04/13/2019, piglet 2-13 was observed to have labored breathing. The animal was observed to be paddling and was discolored. The animal died 3 hours later.

The research facility shall assure that the attending veterinarian has authority to ensure the provision of adequate veterinary care for animals in the protocol in order to minimize pain and distress and to improve health for the research animals. The attending veterinarian has knowledge and expertise in the care and treatment of animals, and must have the authority to recommend and require treatments as necessary to improve animal health and prevent, address, and alleviate animal suffering.

This issue was identified and corrected prior to today's inspection. The protocol is no longer active.

This inspection and exit interview were conducted with the attending veterinarian and facility representatives.

Additional Inspectors

Jernigan Courtney, Veterinary Medical Officer

Prepared By:

(b) (6), (b) (7)(C) USDA, APHIS, Animal Care

Date:
13-FEB-2020

Title: (b) (6), (b) (7)(C)

Received By:

(b) (6), (b) (7)(C) Obtained by Rise for Animals. Uploaded 07/08/2020
Title: (b) (6), (b) (7)(C)
20-02886_000005 Date: 13-FEB-2020



Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
841	63-R-0107	001	UNIVERSITY OF TENNESSEE - MEMPHIS	12-FEB-20

Count	Scientific Name	Common Name
000016	<i>Mesocricetus auratus</i>	SYRIAN / GOLDEN HAMSTER (COMMON PET/RESEARCH TYPE)
000014	<i>Peromyscus maniculatus</i>	DEER MOUSE
000004	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000034	Total	