

# CASE STUDIES

## Summary of Recent Discipline Committee Hearing

### Discipline Hearings

The *Veterinarians Act*, section 31.-(1) states that, “Where the Discipline Committee finds a member or former member of the College guilty of professional misconduct or serious neglect, the registrar shall publish the finding....” The name of the member who is subject of the hearing may, or may not, be included depending on the decision of the Discipline Committee panel. Information revealing the names of the witnesses and clients is always removed.

Decisions may be obtained, in full, by contacting Ms. Rose Robinson, Manager, Complaints and Discipline, at extension 2227 or email [robinson@cvo.org](mailto:robinson@cvo.org).

### Decision One

#### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Failing to supervise an auxiliary
- Failing to maintain proper records
- Failing to address all of the patient’s oral health issues

#### BRIEF SYNOPSIS OF FACTS

- A dog, who was a patient of the Member, was presented to the Member’s facility for dental care. The dog was treated by one of the Member’s auxiliaries.
- Neither the Member nor any other veterinarian examined the dog before, during or after the dental treatment.
- Therefore, the procedures and treatment undertaken at the facility were performed without an assessment or examination, or without an adequate assessment or examination, and without any discussion of the proposed treatment with the owner; treatment was given in the absence of the owner’s informed consent.
- The owner was not advised of the results or of the need for appropriate follow up care, by either the Member or the auxiliary.
- During the course of treatment of the dog, the auxiliary extracted thirteen teeth—a surgical procedure which should properly be performed by a veterinarian.

- Records of the procedure suggest that it took approximately twenty minutes, which is an insufficient period of time to anaesthetize the patient, clean the teeth and perform the extractions.
- No dental radiographs were offered or discussed with the owner.
- The Member failed to supervise his auxiliary when she administered anaesthetic to the patient.
- The Member failed to maintain proper records as required by O.Reg. 1093 under the *Veterinarians Act*.

#### DECISION

##### 1. Finding

The Member pleaded guilty to professional misconduct and the Committee accepted the plea.

##### 2. Penalty

- Reprimand
- Suspension of the Member’s licence to practice veterinary medicine for a period of four weeks, two weeks of the suspension is itself to be suspended if the Member complies with the provisions of the conditions and limitations imposed on the Member’s licence.
- Imposition of a condition and limitation on the Member’s licence to practice that the Member successfully completes, to the satisfaction of the Registrar, a one-day educational session on Jurisprudence with an emphasis on the proper

supervision of auxiliaries. The Member will pay costs of the session.

- Imposition of a condition and limitation on the Member's licence to practice that, at the Member's expense, the Member be monitored without notice for one day every two months for a period of two years. The monitor will provide a report following each session to the Registrar, who will provide a copy of each report to the Member. If the Registrar is of the view that any reports are unsatisfactory for any reason, the Registrar may provide such reports to the Executive Committee for its consideration and possible further action.
- The Member will pay the College's costs in the amount of \$5,000.00.
- Pursuant to the legislation, this matter is published, including the Member's name.

### 3. Panel's Reasoning

- Information was provided to the Panel on two previous findings of professional misconduct and penalties imposed on the Member. The length of license suspension in the cases assisted the Panel in acceptance of the four week suspension jointly recommended by the College and the Member.
- The Panel agreed that a one-day session of Jurisprudence with an emphasis on the proper supervision of auxiliaries was important for [REDACTED] and remedial to his professional behavior and interactions with staff. The reduction of two weeks in [REDACTED] suspension is a result of his participation in the session.
- The Panel felt that the most important condition involved the monitoring, without notice, of [REDACTED] for one day every two (2) months for a period of two (2) years. The report supplied to the Registrar following each session and provided to [REDACTED] will give [REDACTED] valuable support in proper maintenance of his veterinary practice. The Panel believes this approach will provide valuable information to [REDACTED] to assist in education and

training of auxiliaries and production of proper record keeping, and at the same time supporting the public and their animals.

- The Panel felt that the Joint Submission as to penalty was appropriate as it reflected the general penalty principles of specific and general deterrence and protection of public interest. The penalty was also within the range of acceptable penalties based on precedent.
- The reprimand and suspension will achieve a specific deterrence to permitting non-veterinary employees to perform procedures that require the presence and supervision of a licensed member.
- The case showed how very astute one needs to be in training and supervising employees, and answering to the public. The way [REDACTED] practice was administered was a problem. It is important to know what is occurring and to emphasize that one cannot delegate without supervision.
- The case also demonstrated the importance of good and comprehensive record keeping, of examinations and diagnostic testing, and follow-up communication.
- The Panel noted that the Member was remorseful, accepted responsibility for the allegations and had already introduced changes to the practice as a result of the issues involved in the Hearing. The Member recognized that he fell below acceptable standards in this case.