

DR. AMARJEET SAINI

Hearing Date: July 13, 2016

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Allegations focused on practice issues:

- failed to properly prepare patients for surgery
- failed to employ proper sterility practices with respect to surgical packs
- failed to wear surgical caps or gowns and broke sterility during surgery
- failed to provide proper anesthetics, analgesic, and antibiotic management
- failed to properly monitor patients before, during and after surgery
- failed to ensure that his auxiliaries were properly qualified to assist with radiology
- failed to comply with the Occupational Health and Safety Act
- failed to properly manage and administer vaccines
- failed to maintain the standards of practice
- failed to direct or supervise, or inadequately directing or supervising an auxiliary
- unprofessional conduct

Allegations focused on records issues:

- failed to include sufficient information in the medical records
- failed to record information appropriately
- failed to properly document histories, general or physical examination findings, assessments, diagnoses and treatment plans
- failed to maintain surgical sheets
- failed to record immunization locations and routes of administration
- failed to record drug dispensing, use or route of administration
- failed to keep surgical or anesthetic monitoring records
- failed to properly supervise auxiliaries with respect to record keeping
- failed to maintain proper controlled drug logs
- failed to audit controlled drug logs
- breached the Controlled Drugs and Substances Act
- an act or omission inconsistent with the Act or the Regulation
- failed to maintain standards of practice

- failed to make or retain records required by Regulation
- unprofessional conduct

PLEA AND DECISION

The member admitted the allegations as outlined in the Agreed Statement of Facts, including an admission of professional misconduct.

PENALTY

- Reprimand
- Suspension of the member's licence for two months, one month of which is to be suspended if the member completes the College's interactive record keeping webinar, a session with a peer advisor of at least two days or 14 hours in length where the peer advisor shall review issues related to anesthetic protocols and pain management, surgical sterility, record keeping, vaccines, and x-ray use. Based on what is discussed in the sessions previously referenced, the member shall develop protocols as necessary which the peer advisor shall review.
- The member must also provide his medical records for up to eight patients which will be reviewed by a peer reviewer.
- The member will pay costs to the College of \$5,000.

PANEL'S REASONING

In making its decision, the panel relied on the evidence of the College's expert witness, witness statements gathered by the College's investigator, patient records and drug logs.

The evidence included the fact that the member had been practising veterinary medicine and that the member understood, and had voluntarily admitted to the allegations that were not withdrawn.

Furthermore, the member had entered into an agreement with the College.

In the report, the expert witness for the College was extremely critical of the lack of adherence to practice standards by the member.

In reference to medical records, the expert witness stated that the list of deficiencies included: no physical examination findings (GPE), no current weight documented, no abnormalities

detected on GPE, no reasoning given for prescribing drugs, no comments on the blood tests provided, no estimates or diagnostic plans discussed with owners, and no surgical sheets. In essence the medical records failed to meet the standards of practice. The expert witness cited a drug protocol that was used for an extensive, in part orthopedic surgical procedure on a patient as insufficient for intra and post-operative analgesia, thus causing unnecessary pain and suffering.

Concerning controlled drugs, the expert witness wrote that the records provided did not include an inventory count or drug audit performed. It appeared that there had never been a physical count of any of the controlled drugs at the practice.

Concerning radiographs, the expert witness was critical of the lack of proper labelling and unprotected human hands exposed to radiation, the failure of the member to mandate that auxiliaries use safety equipment, and the lack of adherence to clear codes of conduct that are issued by the Radiation Division of the Ontario Ministry of Labour.

Using all materials provided in its deliberations, the panel found the member engaged in many counts of professional misconduct.

The panel was aware that it would be unusual for a panel to reject all or part of an Agreed Submission on Penalty and Costs without exceptional and compelling reasons, such as bringing the legal process into disrepute or being contrary to the absolute need to protect the interest of the public.

The member voluntarily admitted to multiple allegations, and he willingly entered into an agreement with the College. This collaborative approach was considered a mitigating factor.

The panel found that the agreed to penalty and costs were within an acceptable range, and deemed to be appropriate and fair.

The public have the absolute right to receive what was expected when a patient is presented to the member. They need to be reassured that surgeries are completed in a proper fashion respecting the tenants of sterility and good practices. They need to know that all patients are appropriately examined, monitored, and treated during their stay at the veterinary facility, records are meticulously kept, pain scores are recorded, and analgesics

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PANEL'S REASONING CONT'D

and other pharmaceuticals and biologicals are appropriately prescribed and administered where indicated, on a case by case basis. The public and other members of the veterinary profession, need to be absolutely convinced that the member, as reflected in the medical records, deeply cares, and has the skill set to care for all animals that are considered his patients, at all times respecting the standards of practice. The public also needs to be reassured that all auxiliary staff are properly trained, equipped and supervised in all aspects of their employ. Furthermore, the public needs to be fully comfortable understanding that the member respects his employees and their contributions, by knowing they strenuously adhere to all guidelines such as the Occupational Health and Safety Act, in order to keep them safe.

Of vast importance is the need for the veterinary profession and the public, to be reassured that any breach of the Controlled Drug and Substances Act is considered to be of a most serious nature, and will not be tolerated in any form.

The panel found that the member's conduct was unacceptable to fellow veterinarians and the public. Of special concern to the panel was the fact that the professional misconduct in which the member engaged involved putting the entire profession in disrepute. The panel must deter the member and other members of the profession from engaging in this kind of activity. The panel must, upon finding the member guilty of the allegations, send a very strong message to the member and the profession as a whole that such behaviour is not, and will not be tolerated.

The panel recognized the member's willingness to work with the College and this provides some reassurance to the panel that the member recognizes the seriousness of his conduct.