

# Summary of Discipline Committee Hearing



THE COLLEGE OF  
VETERINARIANS  
OF ONTARIO

## DR. GOPAL ARORA

### AGREED STATEMENTS OF FACTS

The member engaged in professional misconduct in that he:

- delegated tasks to his auxiliaries that should be performed by a veterinarian
- delegated tasks to his auxiliaries without adequate supervision
- directed or permitted his auxiliaries to attempt to gain intravenous access without proper supervision
- failed to obtain his clients' informed consent to treatment
- failed to attend the clients' residence after the auxiliary encountered difficulties placing the catheter
- failed to communicate with his clients adequately before the dog was euthanized
- elected to commence surgery on another animal in light of the dog's status
- permitted his auxiliaries to administer sedation without proper supervision
- failed to confirm the dog's death on a timely basis
- failed to maintain the standard of practice of the profession
- failed to fulfil the terms of an agreement with a client
- failed to make or retain the records required by regulation
- permitting, counselling or assisting any person, other than a member, to practise, or to attempt to practise, veterinary medicine
- permitting, advising or assisting any person, other than a member, to perform any act or function which should properly be performed by a member
- an act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as unprofessional

### BRIEF SYNOPSIS OF FACTS

Arrangements were made for the member to perform an at home euthanasia of a dog that

had been diagnosed with osteosarcoma in his left forelimb. The procedure was to take place between noon and 2 p.m. on the specified day.

It was planned that the member's auxiliary (RH) would go to the client's home early to prepare, including obtaining informed consent and placing an intravenous catheter. The member would then go to perform the euthanasia. RH was unable to insert an intravenous catheter. While the member was on his way to the residence, he learned RH was unable to place the catheter and returned to the clinic to perform surgery on another patient. RH returned to the clinic and brought another auxiliary (TM) to assist. After further attempts, neither was able to insert the catheter.

RH advised the member they could not obtain intravenous access. The member asked the auxiliaries to prepare the dog for an intracardiac injection. RH explained to the clients the recommendation to proceed by way of intracardiac injection. The clients agreed and the auxiliaries returned to the clinic for additional sedation.

The member advised the auxiliary what sedatives and in what quantities, although he had not examined the dog that day. RH and TM returned to the clients' residence and advised the clients the member was on his way. RH attempted to sedate the dog but the dog became agitated, lost bowel control, foamed at the mouth and vomited. Further attempts were required before the dog was finally sedated.

Once the dog was sedated, RH contacted the member so he could administer the euthanyl. However, the member said he had to stay at the clinic to care for another patient. He instructed RH to perform the procedure. RH proceeded to euthanize the dog, although it took RH two attempts before the procedure was successfully completed. Two hours later, the member attended the clients' residence and confirmed the dog was deceased.

### DECISION

#### 1. Finding

The Member admitted the allegations as set out in the Agreed Statement of Facts. The panel conducted a plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

### 2. Penalty

- reprimand
- completion of the ProBE ethics course
- three consecutive days of mentorship and coaching focused on auxiliary supervision and delegation and euthanasia procedures,
- completion of the College's recordkeeping webinar,
- three months after completing the remedial activities, the member is to provide medical records for review

### 3. Costs

- The member shall pay costs to the College in the amount of \$18,000.

### PANEL'S REASONING

The Panel was advised by independent legal counsel that it should generally accept the admissions of professional misconduct set out in the Agreed Statement of Facts as presented by the parties, unless they felt strongly the facts did not constitute professional misconduct. Following discussion, the Panel gave leave to the College to withdraw the requested allegations from the Notice of Hearing, Statement of Allegations.

The Panel reviewed all materials presented to it including the medical records and the report of the College's expert witness. The Panel also took into consideration the fact the member admitted to the allegations.

The Panel found the admissions in the Agreed Statement of Facts were supported by fact, relying heavily on the report by the expert witness, with many of the allegations centred on the inappropriate supervision of an auxiliary. The Panel finds that the facts, as admitted to by the member, constitute professional misconduct as alleged.

### Reasons for Penalty & Cost Decision

This Panel had agreed to the member's guilt and must within a set of guideline parameters exercise its discretionary obligation to tailor penalty to the allegations. The panel is mandated to protect the public interest.

Suspensions have an important purpose in

disciplinary orders and the panel considered the submissions in coming to its decision. Counsel for the College stated that an imposed penalty needs to “reflect the principles, most importantly public protection”, and the Panel completely agrees that where a situation warrants, such an order would be most appropriate. Independent legal counsel reminded the panel as to the primary principles of what a penalty order entails, protection of the public interest, specific and general deterrence, remediation and rehabilitation.

The Panel felt its decision not to impose a suspension met these criteria for the following reasons.

- It was noted by the Panel that in each of the 20 letters of support provided, the authors had been informed the member:
  - a. had been charged by the College for allegations of professional misconduct
  - b. had plead guilty to these charges
  - c. had violated the College’s policy on home euthanasia, whereby he directed a staff member to euthanize a dog while he worked at his clinic
- The letters the Panel reviewed were generated in a short period of time, and were from a diverse group of contributors – from a homeless military veteran the member had helped, to restaurateurs where he had purchased food for the disadvantaged, clients, the two staff members involved in the euthanasia process, and veterinary colleagues. All spoke to his high level of dedication, professionalism, honesty, compassion, integrity and empathy.
- Since these letters had been admitted into evidence, the Panel was able to utilize them in the decision process, and were considered strong mitigating factors.
- The member had cooperated with the investigation, and had never been in front of a Panel previously. It was quite apparent that a series of poor judgements continued to compound into serious errors. The Panel at no time felt the member was a threat to the public, as he had plead guilty and had taken responsibility. The Panel must balance what is right for the public, the profession, and the member.
- Although uncommon, not ordering a suspension for members where allegations have either been proven or agreed to, is not unprecedented. The Panel did not find a suspension to be

appropriate for the member.

- The member’s complete remorseful acceptance of guilt and responsibility, when coupled with the extenuating mitigating circumstances provided an opportunity for rehabilitation. In an attempt to balance the agreement on penalty, between the College and the Member, the Panel orders the completion of the ProBE course, the College’s recordkeeping webinar and the review of medical records. The Panel added three consecutive full days of mentorship/ coaching focused on the issues at the core of this hearing.
- The Panel understands the need to protect the public interest and provide a unique penalty order. Should there not be an agreement on penalty generated by the parties, panels may choose to exercise their discretionary privilege in crafting such orders. Based on the evidence presented in this hearing, an order was made that centred on rehabilitation, rather than more punitive measures.

#### Costs

The Panel was advised that cost awards compensate the College for incurred costs. The Panel agreed that given the particulars of this case, a cost award was appropriate.

The Panel agreed the findings against the Member are serious. Although none of the findings were labelled as disgraceful or dishonourable, they were unprofessional, which by general definition is construed as showing a serious or persistent disregard for one’s professional obligations. The actions of the Member were examples of serious misconduct.

The Panel also considered the nature, quality and conduct of the member during the process. No agreement as to penalty or costs was reached, necessitating essentially a contested portion within a non-contested hearing. It was not until the morning of the hearing that the member agreed to all elements of the penalty other than a suspension. At no time was the Panel presented with any evidence that there were extenuating circumstances causing delays.

The Panel fully understands the member’s right to defend himself. However, there was ample time to have negotiated outcomes before the hearing. College Counsel was obligated to be fully prepared for any outcome concerning penalty and costs at the hearing. Furthermore, it is the Panel’s understanding that much work had been completed when an Agreed

Statement of Facts was finalized and signed by the member. College Counsel is bound to argue the facts as seen by the College, and it would have been a tremendous disservice to the public and the profession to have been inadequately prepared.

The Panel recognizes both parties coming to an agreement concerning the allegations of professional conduct prior to the hearing date did alleviate the potential for substantial costs. However, in fairness to both parties the costs need to be shared.

The member failed to comply with College requirements. The Panel can only derive a decision based on factual evidence that has been provided. Although the agreed to allegations may not reflect the member’s practice, the fact that he agreed to a number of breaches of professional misconduct is factual evidence that he failed to comply with College requirements.

Having concluded this case was indeed appropriate for a cost award, the Panel discussed an award in the range of \$5,000 to \$27,000. The College elected to only recover its legal costs and the membership at large should not be responsible for all costs incurred. The member must pay his fair share. Following discussion, an award of \$18,000 was deemed to be fitting and fair.