

Summary of Discipline Committee Hearing



DR. KATHLEEN FULOP

Hearing Date: December 1, 2014

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- accidentally excised the dog's urinary bladder during the spay surgery
- failed to consider an adequate differential diagnosis post-operatively
- failed to maintain the standard of practice of the profession

BRIEF SUMMARY

The panel and the member revised the allegations and accepted the following Agreed Statement of Facts.

The member performed a Caesarian section and a spay on a five-year-old Yorkshire Terrier. The member performed the Caesarian section uneventfully.

Following the Caesarian section, the member noted multiple adhesions from the uterus to the small intestine and to the right abdominal wall. The member had her staff call in another veterinarian who removed the adhesions so the member could continue with the spay surgery.

During the spay surgery, the member accidentally excised the dog's urinary bladder, although she did not recognize that she did so at the time. The member completed the surgery, and the dog was subsequently discharged without any pain medication.

Not long after surgery, the dog started to deteriorate. Among other things, she was vomiting and could not urinate.

Over the course of the next two days, the dog

was brought in to be seen by the member several times. While the member conducted a number of assessments and provided various treatments, she failed to identify that the dog's bladder had been accidentally excised.

The dog continued to deteriorate and was euthanized by another veterinarian following a diagnosis of acute renal disease.

DECISION

The member pleaded and was found guilty with respect to the allegations. The College and the member had negotiated an Agreed Statement of Facts, including an admission of professional misconduct.

PENALTY

- Reprimand
- Suspension of the member's licence to practise veterinary medicine for one month, which will be remitted if the member completes a research paper addressing pathophysiology, diagnosis and management of anuria, urinary blockage and acute renal failure in companion animals.
- A condition and limitation is imposed on the member's licence to practise veterinary medicine prohibiting the member from performing Caesarian sections indefinitely, or until such time as the Discipline Committee orders otherwise.
- The member will pay costs to the College of \$5,000
- Pursuant to legislation, this matter is published including the member's name

PANEL'S REASONING

During its deliberations, the panel reviewed the Agreed Statement of Facts and considered the member's admission of professional misconduct.

With regard to the member's excision of the urinary bladder during the spay surgery, the panel agreed that this action, although accidental, certainly fell below the standard of practice of the profession and qualified as professional misconduct.

The member's consideration of possible differential diagnoses post-operatively also fell below the standard of practice of the profession and qualified as professional misconduct.

In cases where a joint submission for penalty has been made by counsel, the panel's role is to ensure the suggested penalty is reasonable and falls within an acceptable range for similar cases.

The panel agreed the proposed penalties were reasonable and consistent with previous decisions. The panel was pleased to see the proposed penalties included not only punitive and deterrent measures, but also provided an opportunity for rehabilitation and education.

The panel was of the opinion that the proposed penalties adequately addressed the role of the College in the protection of the public interest.