

# Summary of Discipline Committee Hearing



## DR. SURINDER GANDHARA

Hearing Date: November 17, 2015

### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- recommending a nine-week-old puppy be fasted from 8 p.m. the evening prior to surgery;
- using medetomidine or dexmedetomidine as part of his anesthesia protocol for the surgery;
- requiring the client withdraw his complaint to the College before he would discuss the case with him or settle a claim against him
- failing to direct or supervise, or inadequately directing or supervising, an auxiliary
- conduct unbecoming a veterinarian
- 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 SUMMARY

The client attended the animal hospital to inquire about having his puppy's tail amputated and dewclaws removed. A veterinary technician, the member's auxiliary, indicated the surgery could be performed the next day and the puppy should be fasted from 8 p.m. that evening.

The client dropped the puppy off at the animal hospital the next day and the member advised him that he could pick up the puppy later that day.

The member used a combination of medetomidine and ketamine to anesthetize the puppy for the surgery. The client was called and advised the puppy had been without vital signs for 5-7 minutes. The client was asked to go to the hospital as soon as possible.

The client arrived at the hospital and was taken to the operating room to see the puppy who appeared lifeless. The client was advised that post-operatively the puppy was found to have stopped breathing, and his heart stopped. He was subsequently resuscitated but remained unconscious. Subsequently, the puppy spontaneously started barking and howling, which continued for a few hours but the puppy never regained consciousness. The client agreed to have the puppy euthanized.

The client made a complaint to the College concerning the member's management of the case. The member asked the client to withdraw his complaint to the College before he would either discuss the case or settle a possible claim.

### PLEA AND 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. The College was seeking to withdraw one of the allegations concerning maintenance of adequate records.

### PENALTY

- Reprimand
- Suspension of the member's licence to practise veterinary medicine for three months, two months of which shall be suspended if the member completes an ethics course and also a paper addressing proper supervision of auxiliaries and record-keeping requirements
- 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

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. The panel found no such reasons.

College counsel presented three similar cases with similar penalties. The panel found the proposed penalty and assessment of costs to be within the acceptable range for this type of professional misconduct.

The function of the College is to protect the public interest and the panel was of the opinion that the conditions of the joint submission fulfilled that mandate. General deterrence was provided by publication of the facts of the case and by the licence and financial penalties imposed. Specific deterrence was provided by the reprimand

that served to impress upon the member the seriousness of his misconduct and the dishonour that it brought to the profession.

The panel was pleased to learn the member had already completed some aspects of the remedial portion of the penalty before the this hearing. The member had also sought additional training and education in the area of anesthetic protocols, a subject that was pertinent to this case but was not included in the agreed penalty. The panel agreed that ongoing competence is an expectation of quality practice and there is an obligation for all veterinarians to continuously and proactively seek continuing education to ensure protection of the public interest.

#### *Withdrawal of allegation*

The withdrawn allegation dealt with a potential failure to maintain adequate medical records. College counsel indicated to the panel that this was the least important of the list of allegations and the College was seeking to withdraw it in the interest of reaching an agreement with the member that would avoid a lengthy and expensive contested hearing. The College's expert witness was critical of the member's records but the panel noted that these criticisms were limited to the use of a drug acronym in the records rather than recording the name of the drug in full. The panel agreed that this criticism was minor and the request to withdraw the allegation was reasonable.