

# Summary of Discipline Committee Hearing

## DR. NORMAN HARNACK

Hearing Date: January 7, 2015



### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- failed to comply with the terms of an undertaking
- failed to maintain the standard of practice of the profession
- failed to reply appropriately or within a reasonable time to a written inquiry received from the College

### BRIEF SUMMARY

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

The member entered into a Mutual Acknowledgement and Undertaking with the College as a result of a complaint. The member undertook to attend a Communications Workshop and a Medical Records Workshop. The member also undertook to submit medical records for six consecutive months following the workshop.

The complainant asked Health Professions Appeal and Review Board to review the decision. In light of the complainant's request for a review, the College did not immediately enforce the Undertaking. The complainant withdrew the request. The Board confirmed the decision would stand and the College confirmed its intention to implement the decision and require the member to fulfill the requirements in the Undertaking.

The member did not respond and the College wrote to him and again set out his obligations and indicated the deadline for compliance was fast approaching. The College provided

advice to assist the member in complying. The College again wrote to the member and provided particulars for an upcoming workshop.

The Registrar wrote to the member and confirmed he had breached his Undertaking, and indicated the matter would be brought to the attention of the Executive Committee. The Registrar again wrote to the member and invited him to respond by a specific date in the event that he wished to make submissions to the Executive Committee before it took action.

The member wrote to the Registrar and indicated he was completing the College's online Medical Records Workshop. The member said he was waiting for a Communications Workshop to take place closer to his practice.

### 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 two months, six weeks of which shall be suspended if the member attends a meeting with the Registrar to discuss professional self-regulation, accountability and the need for practitioners to comply with their obligation to the College and the public and also completes a research paper addressing the same issues. The member's licence shall be

suspended for two weeks. If the remaining six weeks of the suspension must be served, it shall be served in its entirety commencing on a date to be fixed by the Registrar.

- Requiring the member to participate in a chart review by a College-appointed reviewer, at his own expense, although such costs not to exceed \$500 per review.
- Imposing a fine on the member in the amount of \$5,000.
- The member will pay costs to the College of \$3,000
- Pursuant to legislation, this matter is published including the member's name

### PANEL'S REASONING

At the hearing, College counsel confirmed the parties had reached an agreement, and the hearing proceeded on the basis of an Agreed Statement of Facts.

In its deliberations, the panel agreed there was evidence that the member breached his undertaking with the College, despite having ample opportunities to fulfill it. The panel also considered the fact that the member admitted to the allegations.

Failing to reply within a reasonable time to a written inquiry received from the College is a serious matter, and constitutes professional misconduct. As a self-regulated profession, it is incumbent upon its members to fulfill the obligations that come with such privileges.

The law stipulates the panel's role is to be satisfied the joint submission falls within an acceptable