

Summary of Discipline Committee Hearing

DR. MANAVDEEP KHAKH

Hearing Date: August 31, 2016



THE COLLEGE OF
VETERINARIANS
OF ONTARIO

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Allegations focused on practice issues:

- failed to adequately perform pre-anesthetic examinations or assessments
- failed to recommend or obtain informed consent with respect to the need for pre-anesthetic blood screening
- failed to administer, recommend or obtain informed consent with respect to the need for intravenous fluid therapy
- failed to administer, recommend or obtain informed consent with respect to the need for pre-anesthetic medication, or pre-medication
- failed to provide adequate pain management
- failed to properly assess the selection and application of endotracheal tubes or failed to intubate and manage oxygen
- failed to adequately monitor patients during and after surgery
- failed to properly manage and administer vaccines
- failed to ensure auxiliaries were properly qualified to assist with radiology resulting in improperly labelled films, staff not wearing proper protection and staff x-raying themselves
- failed to comply with the *Occupational Health and Safety Act*
- failing to maintain the standards of practice
- unprofessional conduct

Allegations focused on records issues:

- routinely created records and/or recorded veterinary medical information in records four to eight weeks after the events in question
- failed to include sufficient information in the records
- improperly altered records
- failed to properly or adequately supervise auxiliaries with respect to record keeping

- failed to maintain proper drug logs
- failed to audit controlled drug logs
- failed to adequately document physical examinations, assessments, diagnoses and treatment plans
- used improper abbreviations
- failed to record immunization locations and routes of administration
- failed to record drug dispensing
- failed to keep surgical monitoring records
- breached the *Controlled Drugs and Substances Act*
- an act or omission inconsistent with the Act or the Regulation
- failed to maintain the standards of practice
- failed to make or retain records required by Regulation
- failed to adequately direct or supervise an auxiliary
- 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 three months, two months of which is to be remitted if the member completes the College's medical records webinar, a session with a peer advisor reviewing anesthetic protocols and pain management, surgical sterility, record keeping, vaccines, and x-ray use. The member shall develop protocols with respect to anesthetic use and pain management, surgical sterility and x-ray practices) which the peer advisor will review.
- The member must also provide 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

The Panel reviewed all materials presented and submissions of counsel. Written documentation included patient records from various clinics, investigation reports, narcotic and controlled drug and surgery logs, and evidence from the College's expert witness.

The panel relied on the report of the College's expert witness to summarize the evidence. The member failed to maintain the standards of practice regarding proper medical records, anesthetic protocols, analgesia, drug logs, radiograph safety and the proper use of vaccines. The member's poorly managed hiring strategies, and lack of oversight as a practice owner, put both patients and staff at unnecessary health risks, and the member in potential legal liability with Health Canada through the *Occupational Health and Safety Act*, as well as the *Controlled Drugs and Substances Act*.

The College's expert witness also mentioned the member doesn't understand that any altering of records is a breach of professional conduct and does not meet the standards of practice.

The College's expert witness wrote that appropriate pain management, in keeping with current, species-specific standards of care and knowledge, should be delivered as a requisite therapeutic component. There were many instances where attention to all aspects of pain control were ignored.

The Panel found the facts, as admitted to by the member, constituted professional misconduct.

Before reaching a decision on accepting the Joint Submission as to Penalty and Costs, the panel acknowledged the limits on its role when evaluating such submissions. The panel was advised that it should generally

PANEL'S REASONING CONT.'D

accept a Joint Submission unless it was so outside the acceptable range.

Counsel for the College shared eight cases with the panel which shared some similarities and differences. These penalties incorporated general principles of specific and general deterrence, opportunities for rehabilitation of the member, and protection of the public.

The panel accepted the proposed Joint Submission as to Penalty and Costs, deeming it to be fair and reasonable. Since the member had voluntarily admitted to multiple allegations, and had cooperatively entered into an agreement with the College, this was considered to be a mitigating factor.

Properly written and maintained medical records are the cornerstone to sound veterinary practice. If another member should be required to assume the care of any given patient, the information contained in that record should allow that veterinarian to take over seamlessly as patient information, test results, a prudent assessment and treatment plan are readily available. These must be kept in meticulous order, and be of high quality. The development and maintenance of surgery logs, controlled drug logs, and surgical monitoring records for example, must all be guided by the same unbending principles.

The failure to perform pre-anesthetic examinations and associated testing, institute sound anesthetic protocols, provide peri- and post-anesthetic monitoring, and provide appropriate pain relief is blatantly irresponsible, and far below the standard of expected care.

The failure to properly manage and administer vaccinations places veterinary patients at risk.

The inappropriate hiring of non-qualified auxiliaries (exacerbated by failing to properly supervise them), puts employees at risk.

This discipline panel is mandated to protect the public interest. The public has the right to receive exactly what was expected when a patient is presented to a member. Failure to obtain informed consent, perform physical examinations, monitor, assess and control pain for example, and appropriately record all findings in a reasonable time frame is inexcusable. The public also needs to be reassured all auxiliary staff are properly hired, trained, equipped and supervised. Furthermore, the public needs to be comfortable understanding the member respects their employees and their contributions, by knowing they adhere to all guidelines such as the *Occupational Health and Safety Act*.

The panel is concerned with the breach of many standards of practice, and the disregard for appropriate patient care, and

the intentional altering of a medical record. Such conduct by any member will not be tolerated.

As mandated to protect the public interest, the panel would need to be satisfied the member possessed the skill set to care for all patients, at all times respecting the standards of practice. Since the panel can only formulate a decision on the materials provided to it, it is not so convinced. However, the public should be somewhat satisfied that there are multiple opportunities to review the member's medical records, and that the recommendations of the peer reviewer and peer advisor must be implemented by the member. As well, the results of the reviews may be reported to the Executive Committee for possible further action.

It is important the public is reassured that any breach of the *Controlled Drug and Substance Act* is considered serious in nature, and will not be tolerated in any form.

The panel denounces the member's actions in the strongest of terms. The professional misconduct exemplified by the member has placed the entire profession in disrepute, and the panel must provide direction that such behaviour will again not be tolerated. A request by the member to postpone the start date for the suspension by one month, was deemed not to be in the public interest, and hence was denied.