

DR. BERNARD MALOVEC

Hearing Date: May 7, 2015

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- failed to maintain the standard of practice of the profession
- an act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as unprofessional
- Failed to provide any type of appropriate pain relief for the procedures performed
- Inappropriately utilized a splint as part of the primary stabilization of this type of fracture
- Failed to recommend and provide appropriate maintenance and care of the splint in the form of regular splint changes and regular evaluation of the healing fracture site beneath the splint

BRIEF SUMMARY

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

The member repaired a fracture to the radius on a small dog by using a single intramedullary (IM) pin and a splint. The member saw the dog post-operatively several times, but did not change the splint or suggest that the splint be changed.

A month later, the dog developed a fever and was brought to the hospital. The member removed the splint to see the dog's paw was swollen and macerated.

The dog was admitted to be monitored.

The next day, the dog's paw was showing signs of necrosis. The member performed various surgeries on the dog, including multiple debridements of necrotic tissue and various resections of the paw.

The client obtained a second opinion, and it was determined the fracture failed to heal as a result of the placement of the IM pin and the injury to the paw resulted from the compression from the splint and improper care. The dog's leg was amputated.

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 practice veterinary medicine for two months, one month of which to be suspended if the member completes a course on orthopaedic surgery in small breed dogs and also completes a research paper on the treatment of fractures in small breed dogs
- The member will pay costs to the College of \$2,000

PANEL'S REASONING

The panel considered the member's plea and the Agreed Statement of Facts, which contained copies of the member's medical records, an expert's opinion and surgeon's report.

The medical records indicated the member made no recommendations to change the splint regularly. The expert and surgeon reports stated using an IM pin to repair this type of fracture fell below the standards of practice and the compression from the splint could have caused pressure necrosis of the paw and leg, which eventually led to amputation.

The panel was concerned the member failed to recognize the degree of pain involved in the dog's condition and provide appropriate pain relief.

The panel accepted the Joint Submission on Penalty and Costs.

The panel consulted previous decisions by the College and concluded that the suspension imposed on the member was acceptable.

The panel noted the course on orthopaedic surgery in small animals, as well as the research paper on treatment of fractures and appropriate pain management, will support the rehabilitation of the member.

The panel also noted the member pleaded guilty to the facts, therefore avoiding a lengthy and costly hearing.