

Summary of Discipline Committee Hearing



THE COLLEGE OF
VETERINARIANS
OF ONTARIO

DR. MANMOHAN MULTANI

AGREED STATEMENT OF FACTS

- failed to supervise an auxiliary
 - failed to maintain surgical/anesthetic logs and controlled drug logs and other records
 - permitting, counselling or assisting any person, other than a member, to practise, or to attempt to practise, veterinary medicine
 - permitting, advising or assisting any person, other than a member, to perform any act or function which should properly be performed by a member
 - failed to maintain the standard of practice of the profession
 - failing to make or retain the records required by the Regulation
 - an act or omission inconsistent with the Act or the Regulation
 - an act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as disgraceful, dishonourable or unprofessional
 - conduct unbecoming a veterinarian
- Participation in a one day mentorship; and one day being supervised and critiqued by the mentor regarding supervision and record keeping related to auxiliaries.
 - Completion of protocols on auxiliary supervision and record keeping with respect to auxiliaries and employees, and completion of a learnings paper.
 - Completion of the ProBE ethics course.
 - When the suspension is complete, the member shall provide medical records for review by a peer reviewer.
 - The Member shall pay all costs of the mentorship and peer review.

3. Costs/Publication

- The member will pay costs to the College of \$5,000
- Pursuant to the legislation, publication of this matter will include, among other things, the member's name

PANEL'S REASONING

The panel carefully reviewed the Agreed Statement of Facts which included the members admission of professional misconduct.

The Agreed Statement of Facts lists several occasions where the member was not present for veterinary procedures performed by Auxiliary A. These procedures were performed on numerous animals over six months. On those occasions, the member was not at the clinic and not available for intervention if required. The member either knew or ought to have known that the auxiliary was performing veterinary procedures, and failed to properly supervise him/her.

As outlined in the Agreed Statement of Facts, the member knew or ought to have known the auxiliary performed physical exams, vaccinations, microchipping and other veterinary medical procedures on at least five animals. Veterinarians are required to have a valid veterinarian-client-patient relationship prior to providing treatment. The client interviews indicate the clients did not interact with the member. Specifically,

Auxiliary A administered rabies vaccinations and forged the member's signature on these vaccination records. Rabies vaccinations are required by law to be administered by a licensed veterinarian. These actions are considered professional misconduct as they fall below the standard of practice.

The panel found that the member failed to supervise Auxiliary A by being absent for multiple physical exams and procedures performed by the auxiliary.

The member admitted he knew or ought to have known Auxiliary A was performing veterinary medical procedures without supervision. The member's auxiliary was collecting fees for veterinary services rendered and the calendar showed appointments when the member was not present. Medical records indicated administration of vaccinations and physical exams by the member, although the witness statements indicate the individual who performed the treatments as fitting the profile of the member's auxiliary, not the member. The medical records were signed in the member's name by someone else. The signature was similar to the penmanship of the auxiliary's handwriting sample. Procedures, such as vaccinations, can have serious side effects and should only be administered by a veterinarian following a complete physical exam and history.

Permitting an auxiliary to perform veterinary medical procedures without supervision would be regarded by other members of the profession as unprofessional conduct. The member's conduct shows serious disregard for a veterinarian's professional obligations. The administration of vaccinations by the auxiliary could have had life-threatening side effects. The panel considers the member's conduct in this regard to be dishonourable. The member ought to have known his conduct fell below the standard of the profession. It is unclear whether clients thought the auxiliary was a veterinarian, although this was suggested by Auxiliary A when he/she signed the vaccine certificates using the member's name. These actions are deceitful and disgraceful and they cast doubt on the moral fitness of the members of the profession in the public's view.

BRIEF SYNOPSIS OF FACTS

The member employed Auxiliary A at the clinic.

The member knew or ought to have known that Auxiliary A performed physical exams, vaccinations, microchipping and other veterinary medical procedures on numerous animals, without any or adequate supervision.

The member did not maintain surgical/ anesthetic logs, controlled drug logs or adequate records relating to auxiliaries and other employees at the clinic.

DECISION

1. Finding

The member admitted the allegations as outlined in the Agreed Statement of Facts, including an admission of professional misconduct.

2. Penalty

- Reprimand
- Suspension of the member's licence for three months.

Permitting an auxiliary to perform veterinary procedures reflects poorly on the profession. Veterinarians are trusted members of society and should be truthful and honest. By failing to supervise the auxiliary who was acting as a veterinarian, the public might question this veterinary professional's moral judgement, which is detrimental to the profession.

The Agreed Statement of Facts includes incomplete medical records and a calendar with some handwritten appointment information, but also blank pages. The statement also contains surgery/anesthetic records for only three months and inconsistently entered values for controlled drug logs, exemplifying the member's failure to maintain records as required by the regulation. These examples of insufficient record keeping fall below the standard expected by the veterinary community and fail to meet the requirements for documentation of controlled substances.

The medical records are inadequate. The vaccination records lacked dates, names and weights, and showed incomplete physical examination findings. Some records were also falsely signed using the member's name. The surgery and anesthetic logs were only maintained for three months. The drug logs lacked in content. There was minimal documentation of drug use and no details regarding disposal of controlled drugs.

Disregarding professional obligations is professional misconduct. These obligations include creating complete medical records, documenting controlled drug use and disposal and maintaining detailed surgery and anesthetic logs.

A veterinary professional should know how important it is to perform and document thorough physical exams before performing medical procedures. Maintaining records, including those for surgery, anesthesia and controlled drugs, is an important legal part of the profession.

Failing to maintain proper medical records and having inadequate surgery, anesthetic and drug logs discredits the profession by creating gaps in information that should be readily available for every patient undergoing care and treatment. Failure to document a complete physical exam implies one was not performed and could lead to harm when procedures are subsequently performed. The alleged forgery of a veterinarian's signature on legal documents (particularly a Rabies vaccination certificate required

for international travel) discredits the public perception of the profession's members.

PENALTY REASONING

The penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate veterinarians. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The panel also considered the penalty in light of the principle that joint submissions should be accepted unless doing so would bring the Discipline Committee process into disrepute or would otherwise be contrary to the public interest.

The panel concluded that the proposed penalty is reasonable and in the public interest. The member has co-operated with the College and, by agreeing to the facts and a proposed penalty, has accepted responsibility.

The panel accepted the proposed penalty after weighing both mitigating and aggravating circumstances.

An aggravating factor in this case was the potential for harm to the public arising from the member's conduct. Veterinary procedures were performed and biological products were administered to patients outside of a veterinarian-client-patient relationship and a proper physical exam was not performed by a veterinarian. These actions have potentially serious side effects. Incomplete documentation of controlled substances also raised concern for harm to the public as these drugs could have been misplaced, stolen or abused and were not reported or documented.

The mitigating factors included the member's cooperation with the College. This is also the member's first hearing before the Discipline Committee. The member's admission demonstrates their acceptance of responsibility for their actions.

The panel considered how the penalty would serve the principles of specific and general deterrence, how it would serve the public interest and how it would be rehabilitative.

Specific deterrence was achieved through the oral reprimand, which stressed the seriousness of the member's misconduct and the dishonour it brought to the profession. The suspension and publication of this case, with the inclusion of the

member's name, also serve as individual deterrence.

The suspension and publication of the facts of the case provides general deterrence by showing all members of the veterinary profession the potential consequences should they fail to adequately supervise their auxiliaries or maintain adequate records.

Completion of the ProBE course and writing a paper on auxiliary supervision and record keeping would serve to provide rehabilitation. The record review, record keeping webinar and mentorship outlined in the penalty would provide remediation and hopefully prevent a similar lapse in judgement in the future.

The Joint Submission as to penalty as a whole serves to protect public interest by showing how serious the College considers the member's professional misconduct.

Counsel for the College gave the panel four similar cases that each included a reprimand, a period of licence suspension and remedial education.