

## DR. MAHAVIR REKHI

Hearing Date: July 21, 2016

### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- improperly handled, restrained, mistreated, struck or abused animals in his care
- failed to maintain the standards 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 disgraceful, dishonourable and unprofessional
- conduct unbecoming a veterinarian

### BRIEF SUMMARY

In March and April 2015, the member was the subject of a series of reports by clinic staff and former staff members alleging he improperly handled or restrained and/or mistreated, struck or abused animals in his care.

Video recordings demonstrated the member's conduct with nine different animals on nine different dates between April and August of 2013.

According to statements received, in October of 2013, the member grabbed a small dog by the throat and punched the dog multiple times in the face. As well, in April of 2015, the member grabbed a dog's muzzle and hit the dog in the face.

In June 2014, the member hit an anesthetized dog in the face. Further, in the summer of 2014, the member hit a small dog several times. In another incident on or about March or April 2015, the member picked up a dog by the scruff of its neck and slammed it on the table. That dog was muzzled for examination and x-rays.

### PLEA AND DECISION

The member admitted the allegations, except for one which was withdrawn, as outlined in the Agreed Statement of Facts, including an admission of professional misconduct.

### PENALTY

- Reprimand
- Suspension of the member's licence for 10 months, four months of which will be remitted if the member completes two mentorship sessions on animal restraint and behaviour modification techniques; one session on academic and

scientific bases for animal restraint and behaviour modification techniques; an online certificate program in proper animal restraint and behaviour modification; a seminar on low stress handling of animals which address animal restraint and behaviour modification practices in a veterinary clinic; a one day session to witness application of animal restraint and behaviour modification techniques in a clinic setting. The member and all mentors are to report to the Registrar on the findings of the remediation programs.

- The member is subject to three unannounced inspections each year for two years following the end of the suspension. The member will pay the costs of these inspections.
- The member will pay costs to the College of \$10,000.
- Pursuant to legislation, this matter is published including the member's name.

### PANEL'S REASONING

The panel spent some time viewing the videos provided. They clearly showed evidence of the member's improper handling or restraining, in addition to mistreatment and striking animals in his care.

The panel considered the written evidence provided, which included interviews carried out by the College investigator. These provided further confirmation of the member's acts of mistreatment and/or unnecessary physical force in working with patients.

The panel accepts the conclusions of the expert witness which state the series of cases demonstrate consistent behaviours which are not in keeping with standards expected of veterinarians in Ontario. These behaviours include striking animals with open and closed hands, suspending an animal by the neck or legs, choking animals and striking animals with instruments. These actions/behaviours, in the expert's opinion, document multiple occurrences of professional misconduct and conduct unbecoming a veterinarian in Ontario.

With the facts, written evidence and the agreed statement of facts, the panel finds the member engaged in professional misconduct, 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 and unprofessional, and conduct unbecoming of a veterinarian.

The panel granted the College leave to withdraw the allegation of serious neglect.

#### Reasons for Penalty and Costs Decision

The panel was satisfied with the joint proposal on penalty and costs for the following reasons:

- This penalty is appropriate for the serious nature of the member's actions.
- This penalty sets out not only as a deterrent, but makes a major statement on having the member rehabilitate himself with further training in animal behaviour and restraint techniques.
- This penalty signals to other veterinarians that lack of humane considerations for their patients will be met with serious consequences.
- This penalty includes sanctions to permit follow-up visits to the member to try and ensure compliance with his re-education.
- Evidence presented by the defence states that veterinary experts in the field of animal behaviour and restraint believe the member can be successfully mentored in this area.
- An experienced pre-hearing officer reported the parties provided a joint submission on penalty which was seen to be within a range of reasonable penalties and adequately addresses the concerns for public protection and public confidence in the College's self-regulatory process.
- The member had already completed two programs as suggested by the mentors on low stress handling and animal restraint and behaviour modification.
- The panel believes that in his admission to the charges, the member understands the issues that are the concern and has shown willingness to make the necessary changes.
- The panel took careful note of the information presented by both counsels and the only reason to overturn a joint submission would be if it was presented in such a manner as to bring the workings of justice into disrepute.