

Summary of Discipline Committee Hearing



DR. JUDITH SENIOR

November 17, 2015

The Discipline Committee met to consider allegations of professional misconduct in the case below. The member agreed to no longer practise veterinary medicine and asked the College to suspend the proceedings indefinitely.

A Mutual Acknowledgement and Undertaking was made between the College and the member.

BRIEF SUMMARY

It was alleged the member dispensed drugs to members of the public in the absence of a valid veterinarian-client-patient relationship over a period of years, as well as related allegations regarding record-keeping, and a failure to maintain the standards of the profession in respect to the prescribing and dispensing of drugs.

I, Dr. Judith Senior, irrevocably undertake and agree as follows:

- I will not engage in the practice of veterinary medicine, or hold myself out as engaging in the practice of veterinary medicine, or use the title veterinarian or veterinary surgeon or an abbreviation or variation as an occupational or business designation, either in Ontario or elsewhere.
- I will not seek to resume the practice of veterinary medicine, seek to hold myself out as engaging in the practice of veterinary medicine, seek to use the title veterinarian or veterinary surgeon or an abbreviation or variation as an occupational or business designation or seek the return of my licence to practise veterinary medicine, in Ontario or elsewhere.
- I acknowledge and agree that my failure to adhere to any of the provisions of this Undertaking and Agreement will result in the adjournment sine die of proceedings in respect of the allegations of professional misconduct before the Discipline Committee being vacated and the matter scheduled for hearing, on notice, and that this Undertaking and Agreement and subsequent evidence may be introduced as evidence against me and shall properly form part of the material considered by the Registrar, Registration Committee, Discipline Committee or other appropriate body, in the case of this jurisdiction, or in the case of any other jurisdiction, may be considered in the

evaluation of any application for registration, membership or licensure in or for the practice of veterinary medicine.

- I acknowledge and agree that any information obtained by the College as a result of this Undertaking and Agreement may be used by the College or any committee of the College.
- I hereby consent to the College placing on the register of the College a notation of the fact that I have signed this Undertaking and Agreement. I also acknowledge and agree that the Notice of Hearing dated November 3, 2014 will be entered on the register along with a notation indicating that the College agreed not to proceed with the hearing on the basis of this Undertaking and Agreement.
- I acknowledge that I have had the opportunity to obtain independent legal advice prior to signing this Undertaking and Agreement.

SUBMISSIONS OF THE COLLEGE

Counsel for the College made a number of submissions as to why the proposal to adjourn the matter sine die was appropriate in the circumstances. As noted in the undertaking, the member has not renewed her licence, and has undertaken not to practice or hold herself out as a veterinarian in Ontario or elsewhere. Counsel also underscored that in this case, because of the member's consent to having certain information placed on the register, the public will be aware of the allegations, and that the member has effectively resigned in the face of the allegations.

Counsel also provided the panel with a Book of Authorities, which contained records of instances where similar agreements had been approved by professional discipline bodies, including one from this College. Counsel submitted that these sorts of agreements are not uncommon, particularly where the intent on the part of the member is clear, and written undertakings are obtained.

Counsel indicated that the College was seeking to adjourn the matter indefinitely, rather than proceed to a hearing of the merits, because the undertaking provides the same public protection that revocation would provide, but avoids the expense associated with a hearing into the merits. He indicated that the College would probably never seek to proceed to schedule

a hearing on the merits, except in the event that the member breaches her undertaking. While the College would also have the option in those circumstances to go to court and ask for an injunction, it is advantageous, in counsel's submission, to preserve the option of bringing the matter back before the Discipline Committee, particularly if there were a breach of the undertaking in the short term.

Finally, counsel acknowledged that unlike a hearing that leads to a finding of professional misconduct, this kind of arrangement means the College cannot seek to recoup its costs, or a fine, but noted that the costs here are not of great significance, whereas they would be if the matter proceeded to a hearing, and the College would not be seeking a fine in a case like this in any event.

DECISION

The hearing was adjourned sine die.

PANEL'S REASONING

During the hearing, the panel questioned the ability of the College to deal with a matter involving an individual who was no longer a member. The panel was satisfied that the College had presented a compelling argument for jurisdiction in this matter, referencing Section 5(4)(a) of the *Veterinarians Act* which specifically refers to continuing jurisdiction over a member whose license is terminated.

The panel also had concerns that any remedy proposed by the College would need to protect the public interest. The panel was satisfied that the undertaking proposed by the College and signed by the member was wide-ranging and provided adequate recourse should the member ever choose to violate the conditions of her undertaking.

The panel was also pleased to see that this undertaking included all jurisdictions, not just Ontario. The panel recognizes that the member has not admitted to any professional misconduct, but the panel has the expectation that the College will continue to exercise due diligence and will continue to monitor the activities of the member in light of her undertaking.