

Summary of Discipline Committee Hearing



DR. WARREN STAPLES

Hearing Date: February 25, 2015

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- failed to discuss with the client the likely causes of the blood loss, how to diagnose the problem and how best to support the dog until a diagnosis was reached
- failed to attempt to reach the client when the complication arose
- failed to keep proper records
- failed to speak with the client when he arrived to pick up the dog
- 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

BRIEF SUMMARY

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

The client presented the dog to the member for a spay. The client was told to pick the dog up later that day. When the client returned, the member told him the dog had a blood disorder and the surgery had taken two and a half hours. The member said the dog almost died twice on the operating table.

The member also told the client he had to perform a blood transfusion that was an additional cost of \$250 which had to be paid before the dog could go to an emergency animal hospital for further treatment.

The member also advised the client that given dog's blood disorder, the client might want to consider euthanasia as the dog would never fully recover.

The client asked why no one from clinic had called him to let him know what happened and to tell him he would need to pay an additional \$250. The client said he was not prepared to pay extra money. The member yelled at the client and slammed a door. The member said the client had one hour to decide whether to euthanize dog or take her with him.

After further discussion with the client and the dog's breeder, the member allowed the dog to remain at the clinic overnight. The member again yelled at client when he raised concern about additional charges.

The next morning, the client went to the hospital and was advised the dog was alive and had eaten some food. The dog was discharged.

The client asked the hospital for the test results that indicated the dog had a blood disorder and was advised blood tests had not been performed.

When the dog's bandage was removed as instructed, she was bleeding profusely so she was taken to another veterinarian for further treatment.

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 practise veterinary medicine for two months, one month to be remitted if the member completes a one-day mentorship
- The member will pay costs to the College of \$3,500
- Pursuant to legislation, this matter is published including the member's name

PANEL'S REASONING

The panel reviewed the Agreed Statements of Facts and considered the nature of the professional misconduct. With regard to the member's failure to keep proper records, the panel agreed this action fell below the standard of practice of the profession.

The panel found the member engaged in professional misconduct in failing to maintain the standard of practice of the profession, failing to make or retain the records required by the regulation and an act or omission relevant to the practice of veterinary medicine that, having

regard to the circumstances, would be regarded by members as unprofessional. In particular:

- failing to document a list of differential diagnoses for the patient's blood loss;
- failing to discuss with the client the likely causes of the blood loss, how to proceed with diagnostic testing and how best to support the patient until a diagnosis was reached;
- failing to document attempts to reach the client once the complication arose; and
- failing to meet current standards in client communication.

Reasons for Penalty and Costs Decision

The Panel considered the following mitigating factors in this case:

- There was an admission of professional misconduct by the member;
- The member was cooperative with the College;
- The member's guilty plea spared the College the time and expense that is associated with a contested hearing;
- The member, as part of the process, had already arranged for the mentor to attend his practice to observe. The mentor prepared a report on the session, which was provided to the Registrar in advance of the hearing. While the member was not required to have taken this step in advance of the hearing, his willingness to do so revealed an earnest desire to cooperate and to improve his practice management.
- The Panel reviewed the prior cases presented by the College and found, that while none of the cases were identical to the member's case, there were aspects that were similar and were satisfied the penalty was within the range of what is reasonable and appropriate.