

Summary of Discipline Committee Hearing



THE COLLEGE OF
VETERINARIANS
OF ONTARIO

DR. WARREN STAPLES

BRIEF SYNOPSIS OF FACTS

This matter came before a panel of the Discipline Committee in spring 2017. The member had provided an Undertaking to the College, not to practice. As a result, the College sought to withdraw allegations against the member.

The member was not in attendance at the hearing, and was not represented by legal counsel. College counsel advised the panel that the member was aware the Discipline Committee would be holding a hearing to consider the withdrawal of the allegations, on the basis of the Undertaking. The panel was satisfied that it was appropriate to proceed in the absence of the member.

ALLEGATIONS

Allegations included a number of deficiencies in the members' surgical practices, including but not limited to medical records, surgical equipment, anesthetic protocols, pre and post-surgical patient care, monitoring of auxiliaries and emergency preparedness.

THE ACKNOWLEDGMENT AND UNDERTAKING

The Member signed and provided to the College an Acknowledgment and Undertaking. The Acknowledgement and Undertaking reads as follows:

I, DR. WARREN STAPLES, hereby acknowledge and undertake as follows:

1. I acknowledge that allegations of professional misconduct, as yet unproven, were referred to the Discipline Committee of the College of Veterinarians of Ontario (the "College") as set out in a Notice of Hearing dated Dec. 11, 2015.
2. I acknowledge that it is in everyone's interest to resolve this matter without the need for a discipline hearing.
3. I undertake to resign my membership in and licence with the College, such resignation to take effect on October 31, 2016.
4. I hereby undertake never to reapply for membership, registration, licensure or similar status with the College as a veterinarian, either in Ontario or elsewhere.
5. I acknowledge that if I ever apply for membership, registration, licensure or similar status in Ontario or elsewhere in the future, the College or such other registration or licensing agency will be entitled to rely upon this Acknowledgement and Undertaking ("Undertaking") in any registration or other similar proceeding as reason to deny my application.
6. I further acknowledge that if I ever apply for membership, registration, licensure or similar status in Ontario or elsewhere in the future, the College will be entitled to prosecute me on the original allegations against me as well as for the breach of this Undertaking and that the College will be entitled to rely upon this Undertaking for that purpose.
7. I acknowledge that once my resignation is tendered, I will not be entitled to practise veterinary medicine except in accordance with the provisions of the Veterinarians Act. I also acknowledge that I will not be entitled to use the title "veterinarian", "vétérinaire", or "veterinary surgeon", "chirurgien vétérinaire" or an abbreviation or variation thereof as an occupational or business designation, or use a term, title or description that will lead to the belief that I may engage in the practice of veterinary medicine. [In handwriting, the following words had been added and initialled by Dr. Staples: "However, I may still sign my name with 'D.V.M.' or be called Dr. Staples".]
8. I acknowledge that the College will include the fact of my resignation and this Undertaking in the College register and will publish the fact of the Undertaking on the College website.
9. I acknowledge that the College will withdraw the allegations contained in the Notice of Hearing dated Dec. 11, 2015 at a hearing before the Discipline Committee to take place at a time convenient to the Discipline Committee after Oct. 31, 2016. I further understand that the said allegations may be reinstated in the event that the College is of the view that I have breached this Undertaking.
10. I acknowledge that I further understand, acknowledge and agree that:
 - a. I fully understand the terms of this Undertaking;
 - b. I am signing this Undertaking voluntarily and without compulsion or duress;
 - c. I have been strongly advised by the College to obtain independent legal advice prior to signing this Undertaking and that I have either done so or I have had an adequate opportunity to do so; and
 - d. A breach of any of the terms of this undertaking may constitute professional misconduct on my part for which the College may take action against me and this undertaking is admissible in any such proceeding.

The College regarded this matter to be for administration and process purposes rather than for adjudication of allegations by a panel as the member had already resigned his licence as well as signed and returned the Undertaking.

The College submitted that the public interest would be served by the withdrawal of the allegations on the basis of the Undertaking that includes the resignation of the member. Any breach of the Undertaking, including but not limited to the member reapplying to practice veterinary medicine, would result in a reinstatement of the allegations; this serves as a specific deterrent for the member. Furthermore, a general deterrence is achieved by publishing the fact of the resignation and Undertaking in the College public register and website.

The protection of the public interest was determined by the panel to be important considering the current allegations and the finding of guilt by the member at previous hearings. In arriving at its decision, the panel carefully reviewed the Undertaking and found it to thoroughly protect the public's interest. The panel agreed to set aside the current allegations knowing that if the member did not comply with the Undertaking the allegations would be brought forward to a hearing before the Discipline Committee in the future.