

DR. ALIASGHAR TORABI

Hearing Date: May 5, 2016

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- failed to take proper x-rays
- failed to properly interpret the radiograph
- failed to make or maintain proper records
- made alterations to his records after-the-fact, and submitted the altered records to the College of Veterinarians of Ontario without advising the College that he had done so
- an act or omission inconsistent with the Act or the Regulation
- failed to maintain the standards of practice
- falsified a record regarding professional services
- provided false or misleading information to the College
- disgraceful, dishonourable or unprofessional conduct
- conduct unbecoming of a veterinarian

BRIEF SUMMARY

In late December, a client brought her dog to the member's clinic as the dog had been vomiting for several hours, had blood-tinged nasal discharge, was lethargic and had labored breathing. The member examined the dog and advised the client of muffled sounds on the right side of the dog's chest, suggestive of fluids in the lungs.

The member arranged for a single right lateral x-ray of the dog's chest. After reviewing the x-ray, the member advised the client the x-ray showed no sign of fluid in the dog's lungs.

The member recommended a complete blood count and a biochemistry report which the client declined. The member dispensed Metronidazole, Clavaseptin and Cerenia.

The client, dissatisfied with the member's care and treatment, took the dog to an emergency clinic where the dog was quickly diagnosed with, and treated for, aspiration pneumonia over the next number of days.

After receiving copies of records from the emergency clinic indicating what was wrong with the dog, the member made additions to his records to suggest that the client advised him the dog had no access to human food and to suggest that the x-ray showed lung edema and pleural effusion.

PLEA AND 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 for three months, one month to be suspended if the member completes the ProBE course, a paper of a minimum of 1,500 words with at least five appropriate references reviewing what the member learned as a result of taking a radiology course, and the College's Medical Records Webinar.
- The member must also provide his medical records for up to eight patients which will be reviewed by a peer reviewer to ensure standards are met.
- The member will pay costs to the College of \$5,500.
- Pursuant to legislation, this matter is published including the member's name.

PANEL'S REASONING

The Panel reviewed medical records from both clinics, as well as a statement from one of the veterinarians who later attended the dog. The Panel also reviewed the report of a College expert. Also taken into consideration was the fact that the Member admitted to the allegations.

The Panel found the member erred in taking proper radiographs and erred in their accurate interpretation. The Panel relied on the expert report which stated the member had failed to meet the minimum standards of practice.

The Panel was concerned the member's medical records had been modified after-the-fact without appropriate time stamping for example. Therefore, the Panel finds the facts constitute professional misconduct. The member failed to maintain the standards of practice, and provided false or misleading information to the College. Furthermore, the Panel finds the member conducted himself in a manner unbecoming a veterinarian.

During the hearing, the Panel sought clarification

from Independent legal counsel as to the legal definition of disgraceful, dishonourable, or unprofessional. Following input from all parties who agreed that there was some ethical component involved, the Panel ruled the member's actions were dishonourable.

In making a decision on penalty and costs, the Panel reviewed five cases with some similarities and some differences.

The Panel agreed that the actions of the member must be denounced in terms of reprimand and penalty, and yet rehabilitation of the member is critical. The Panel was pleased to learn that the member had completed the ProBE course and the College's Medical Records webinar prior to the Hearing. This action was seen by the Panel as a positive sign of accepted rehabilitation.

The Panel took into consideration a number of mitigating factors, including the Member's admission that his skills concerning radiography were "not up to speed" and he had completed a radiograph course prior to being made aware of the allegations brought forth in the hearing.

The Panel is satisfied that specific and general deterrents have been agreed to, and that options for rehabilitation have been provided. Of much importance to the Panel, is the fact that public trust in the profession, and the disciplinary process of the College of Veterinarians has been maintained.