

Summary of Discipline Committee Hearing



THE COLLEGE OF
VETERINARIANS
OF ONTARIO

DR. JAGDISH VERMA

AGREED STATEMENT OF FACTS

Case #1 - Oshi

- failed to provide adequate pain medication after Metacam was discontinued
- failed to maintain the standard of practice of the profession
- failed to make or retain the records required by the Regulation 1093

Case #2 - Fred

- failed to provide pain medication at the appropriate time
- failed to consider intervertebral disc disease as a possible rule out
- failed to maintain the standard of practice of the profession
- failed to make or retain the records required by the Regulation 1093

Case #3 - Griffon

- failed to maintain the standard of practice of the profession
- failed to make or retain the records required by the Regulation 1093
- an act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as dishonourable or unprofessional

BRIEF SYNOPSIS OF FACTS

Oshi:

Near the end of March, Oshi was brought to the member's clinic for a routine spay.

In spite of the fact that Oshi was emaciated and had a low body condition score, the member proceeded with the spay surgery.

No pre-anesthetic blood work was performed before the member performed the spay surgery.

Oshi's recovery from surgery was very sluggish. She was discharged to the clients later that day on Metacam.

Oshi returned to the member's clinic the next day. Oshi reportedly barely moved overnight and had a decreased appetite.

After examining Oshi, the member suggested that the Metacam be stopped but did not

recommend alternative pain medication.

Fred:

In mid-February, Fred was brought to the member's clinic with difficulty walking. The member suggested that Fred be hospitalized for sedation and x-rays. The client consented.

Later in the day the member administered a short acting sedative and took x-rays.

Another veterinarian reviewed the x-rays and suggested that the problem with Fred was back pain.

Fred was discharged on meloxicam and tramadol without a diagnosis, although the member subsequently noted a diagnosis of spondylosis in the medical records.

The next day the client called and reported that Fred was paralysed in the hind end and was dragging his legs behind him. Fred was examined at the member's clinic by his colleague who advised the client that the member did not cause Fred any paralysis.

Griffon:

In mid-April, Griffon, was brought to the member for a routine physical and blood work. Griffon had a history of hypothyroidism. The client reported that Griffon was also a little "stiff".

The member examined Griffon and told the client that he was healthy.

The next day, after the blood tests arrived, the member consulted with the company that ran the test about possible hypothyroidism. The member subsequently asked his auxiliary to order a thyroid function test to rule out hypothyroidism despite the fact that Griffon had been treated for hypothyroidism for several years.

When the member's auxiliary advised of Griffon's history of hypothyroidism, the member admitted that he did not review Griffon's chart and cancelled the test. He also called the client and indicated that the test was unnecessary.

The member subsequently deleted from Griffon's medical records reference to his consultation with the testing company, his conversation with the client in which the client authorized the test, and the need to rule out hypothyroidism, without making a note of these deletions in the chart.

DECISION

1. Finding

The member admitted the above allegations, including an admission of professional misconduct.

2. Penalty

- Reprimand
- Suspension of the member's licence for two months, one month of which to be suspended if the member completes the College's medical records webinar, a course/seminar addressing pain management in companion animals and a paper of at least 2,500 words with at least 10 references addressing diagnosing and treating intervertebral disc disease in companion animals
- The member must also provide medical records for review by a peer reviewer.

3. Costs/Publication

- The member will pay costs to the College of \$4,000
- The member will pay costs for review of the paper
- The member will pay all costs associated with the medical record review
- Pursuant to the legislation, publication of this matter will include, among other things, the member's name

PANEL'S REASONING

With respect to the finding, the Panel reviewed all materials presented.

In regards to Oshi, the Panel was satisfied the evidence supported a finding that the member failed to provide adequate pain medication after Metacam was discontinued. The member did not provide any further pain medication and his own expert stated that abdominal surgery is an invasive procedure and that the standard of care requires additional pain medication.

The member also failed to maintain proper records. Both experts agreed that although portions of the member's record are detailed and appropriate, there are other portions

PANEL'S REASONING CONT.'D

that could be more complete to avoid miscommunication and poor patient care.

In regards to Fred, after reviewing the member's medical records and the statements from the expert witnesses, the Panel was satisfied the evidence supported a finding that the member should have provided pain medication to Fred sooner. It appears the member performed an initial assessment and planned for sedation for radiographs. However, the performance of the sedation and radiographs appears to have been delayed. It would have been appropriate to administer an analgesic of some sort while waiting.

The member should have considered intervertebral disc disease as a possible rule out. Though the member's treatment of Fred with meloxicam and tramadol may have been reasonable for a case of intervertebral disc disease, the member's failure to have considered intervertebral disc disease as a possible rule out resulted in the client's being given inadequate information regarding possible disease progression and treatment options.

After reviewing the medical records and the statements from the experts, concerning Fred, the Panel was satisfied the member again failed to maintain adequate records. The College's expert found the records to be poorly detailed and sparse. Proper medical records may have provided clarity about what medications were given and when diagnostics were performed. Proper documentation of discussions with the clients would have provided more insight into the member's knowledge and thought processes.

In regards to Griffon, the member admitted he did not review the dog's chart prior to the appointment. The member also admitted he had deleted (from Griffon's medical records) a reference to a consultation with a company and also a conversation with the client in which he discussed the need for a thyroid function test to rule out hypothyroidism. The member said he did not delete the notes to deceive anyone. However, such deletions are not consistent with expected practice standards. For these reasons, the Panel agreed that the member failed to maintain the standard of practice of the profession, the member failed to make or retain the records required by the Regulation and that the member committed an act or omission relevant to the

practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as dishonourable or unprofessional.

Based on the above, the Panel found the facts, as admitted to by the member, constituted professional misconduct.

With respect to the penalty, the Panel accepted the joint submission on penalty and cost.

In considering the joint submission on penalty and costs, the Panel considered the three principles for penalty: protection of the public, general deterrence and specific deterrence and rehabilitation. The Panel found the reprimand to provide specific deterrence and rehabilitation.

The Panel found the suspension to serve all three principles by sending a message to the public, a warning to the profession and specific deterrence to the member.

The Panel felt the recordkeeping webinar, course on pain management and paper on intervertebral disk disease provided an opportunity for rehabilitation by allowing the member to increase his knowledge in areas found to be lacking in proficiency. The review of medical records also provides an opportunity for rehabilitation.

The publication of the proceedings provides general deterrence.

In its deliberations, the Panel noted that the member had no prior appearances before the College, had cooperated with the College, and had already complied with the webinar, course and written paper. The Panel also noted that the pre-hearing officer found the proposal to be reasonable.

The Panel also reviewed similar cases provided by the counsel for the College and concluded the proposed penalty fell within similar parameters.