

Summary of Discipline Committee Hearing



THE COLLEGE OF
VETERINARIANS
OF ONTARIO

DR. FRITS VERZIJLENBERG

AGREED STATEMENT OF FACTS

- failed to properly assess or treat the dog's teeth
- failed to refer to a veterinarian with sufficient knowledge and experience to properly treat the dog
- misled the clients on the nature of the treatment provided
- failed to obtain informed consent
- failed to offer or administer pain medication
- failed to take pre-operative, intra-operative or post-operative radiographs
- failed to adequately follow-up with the clients
- failed to create or maintain adequate records
- offered to provide a refund to the clients if they took no action
- failed to maintain the standard of practice of the profession
- made a misrepresentation to a client or prospective client
- falsified a record regarding professional services
- an act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as unprofessional
- conduct unbecoming a veterinarian

BRIEF SYNOPSIS OF FACTS

The member performed dental work on a dog. The member's records indicate, among other things, he performed two root canals on the 4th premolar in the right maxilla (108) and one root canal on the 4th premolar in the left maxilla (208).

The member advised the client he performed root canals on the dog's teeth. There were no x-rays before, during or after the procedure.

The dog was subsequently assessed by another veterinarian who noted that x-rays showed significant and atypical radiolucency around the roots of two teeth (108 and 208)

indicating periodontal disease. There was also a radiopaque compound in both teeth that was placed superficially for what was to have been a root canal. The second veterinarian found none of the roots of the teeth were properly filled in a manner consistent with a proper root canal procedure.

When the client told the member it did not appear he performed root canals, the member said he cleaned out the root canal tops and applied amalgam fillings.

The member offered to provide a refund if the client agreed not to take any action. At the time of this offer, the member was aware the client was considering initiating a complaint with the College of Veterinarians of Ontario. The member did not follow through with the offer.

DECISION

1. Finding

The member admitted the allegations as outlined in the Agreed Statement of Facts, including an admission of professional misconduct.

2. Penalty

- Reprimand
- Suspension of the member's licence for two months. One month will not be served if the member completes a one day mentorship on treating fractured teeth and informed consent for dental procedures and complete a learning paper based on the mentorship.
- Completion of the ProBE ethics course.
- When the suspension is complete, the member shall provide medical records for review by a peer reviewer.
- The Member shall pay all costs of the peer review.

3. Costs/Publication

- The member will pay costs to the College of \$3,500
- Pursuant to the legislation, publication of this matter will include, among other things, the member's name

PANEL'S REASONING

The member failed to maintain the standard

of practice of the profession when he failed to perform a proper preliminary assessment on the dog's teeth. The medical records contain no mention of the date the damage could have occurred, and no reference to the tooth, or teeth, affected nor whether there was pulp exposure.

The client should have been offered a referral to a veterinarian who was knowledgeable of the proper technique to possibly save the teeth, as well as in possession of the tools required to perform the procedure. There is no evidence a referral was offered.

The report of the expert retained by the College states a referral should have been discussed as the member did not have x-ray equipment to perform a complete assessment. The client's response should have been documented.

The member failed to maintain the standard of practice in treating the dog's teeth. In the records, the member indicated two roots of the upper right fourth premolar were exposed and one root on the upper left premolar was exposed. His treatment for the three exposed roots was two root canals on the fourth premolar in the right maxilla and one root canal on the fourth premolar in the left maxilla. The expert report states the standard of practice for traumatized teeth with pulp exposure is either extraction or endodontic treatment. The member performed a superficial filling on three roots.

According to the expert, the presence of filling in the teeth implies some kind of pulp therapy. The member's records do not indicate if the affected teeth had vital pulp cavities prior to treatment, a key component in the decision-making process according to the expert.

The decision regarding the type of pulp therapy to apply would be based on several factors, including duration of pulp exposure and vitality of the pulp exposed. The member's medical records contain no indication of the type of procedure performed or the steps undertaken to perform the appropriate procedure.

The expert opinion outlined the indices for

case selection for endodontic treatment, proper steps in performing endodontic treatment, as well as expected success rates depending on the age of the dog and duration of pulp exposure – none of which was documented to have been considered or discussed with the client prior to the dental procedure. The panel agrees the member failed to properly treat the dog's teeth.

Contained within the failure to properly treat the dog's teeth is the lack of pre-operative, intra-operative, or post-operative radiographs. The member should have known appropriate treatment selection could not have been made without the benefit of intra-oral radiographs.

There is no reference to pre-surgical, intra-operative nor post-surgical pain management in the records. The surgery/anesthetic log is blank. It is the standard of practice that a healthy patient receive some form of pre-anesthetic containing pain medication. The member noted in his surgery/pre-anesthetic log that the dog's pre-anesthetic condition was C-1, indicating a normal and healthy patient, so there would have been no reason to avoid including pain medication. Dental procedures require intra-operative regional anesthetic block where the pulp is vital to desensitize local nerves during and after the procedure. Given the treatment selection by the member, he would have had to assume a vital pulp and he should have performed regional anesthetic blocks before beginning work on the teeth.

There is no indication in the medical records the dog received the necessary analgesia and this, as well as the failure to address pain, does not meet the standard of practice of veterinary medicine.

There is no mention of follow-up to reassess the dog's mouth. A client needs to commit to follow-up intra-oral radiography after endodontic therapy to ensure treatment success or manage treatment failure.

With respect to the panel's finding that the member made a misrepresentation to a client, the member did not perform root canals on the affected teeth.

When the member had the clients sign a consent form for a dental procedure, he engaged in professional misconduct by failing to make or retain the records required by the regulation.

By signing the consent form as presented, the clients were not informed as to the nature

of treatment the dog would be receiving. There is no record of a conversation on the benefits, common side effects and serious risks with respect to a root canal. The member failed to keep medical records on the day of the dental procedure.

The member cleaned out the root canal tops and capped them with an amalgam filling. By documenting root canals that had not been performed, the member falsified his records regarding professional services. This constitutes professional misconduct.

The panel finds 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 unprofessional when he performed a dental procedure inappropriately without proper client consent, demonstrated no consideration of pain management for his patient and failed to keep adequate medical records for any or all of the patient visits.

In offering to provide a refund to the client if he agreed not to take any action, the member engaged in conduct unbecoming a veterinarian. The panel finds that the member's actions in attempting to sway his client away from initiating a complaint to the College brings discredit upon the profession.

PENALTY REASONING

The panel understands the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate veterinarians. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The panel also considered the penalty in light of the principle that joint submissions should be accepted unless doing so would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.

The panel concluded that the proposed penalty is reasonable and in the public interest. The Member has co-operated with the College and, by agreeing to the facts and a proposed penalty, has accepted responsibility. The panel finds that the penalty satisfies the principles of specific and general deterrence, rehabilitation and remediation, and public protection.

The panel agreed the public reprimand provided specific deterrence to the member by allowing the panel to impress upon him

the serious nature of his misconduct and the discredit that his actions have brought to the profession.

Suspensions serve not only as public protection but also as specific and general deterrence. The member's suspension serves as a strong deterrent to future misconduct. Moreover, the public will be satisfied the College takes unacceptable behaviour seriously and the broader membership will understand that professional misconduct will lead to sanctions.

By imposing conditions and limitations to the member's licence to practice veterinary medicine, the goals of both specific deterrence and rehabilitation are supported. The panel notes the member completed a medical record-keeping course offered through the College in 2012.

The panel was also satisfied that publication of this matter as well as the member's name in the College's public register, website and newsletter satisfies the goals of specific and general deterrence.

In totality, the penalty is in line with what has been ordered in previous cases.

In its consideration of the proposed costs, the panel reviewed five previous cases. The panel was satisfied that the amount of costs to which the parties had agreed in the Joint Submission fell within what was ordered in these cases.