Summary of Discipline Committee Hearing

DR. ANDREW WHITE

Hearing Date: February 13, 2019

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

• an act or omission inconsistent with regulation 1093
• failing to reply appropriately to a written inquiry received from the College or failing to reply to the inquiry within the time specified in the inquiry or, if no time is specified, within 25 days after the day the inquiry was received by the member
• an act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as disgraceful, dishonourable or unprofessional
• conduct unbecoming a veterinarian
• contravening a law if, i. the purpose of the law is to protect or promote the health or welfare of animals or to protect or promote public health, or ii. the contravention is relevant to the member’s suitability to practise veterinary medicine

BRIEF SUMMARY

The member was randomly selected to participate in a Peer Review of Medical Records. Despite several attempts to contact the member, no response was received and the matter was referred to the Registrar and the Executive Committee for action. The matter was then referred to the Discipline Committee.

The member and the College developed an agreed statement of facts concerning the allegations, penalty and costs. On the morning of the scheduled hearing, the member informed the College that severe weather and road closures may pre-empt his attendance. Several attempts to contact the member throughout the morning were unsuccessful. At about noon, the member was located and agreed to proceed by telephone.

The panel accepted the agreed statement of facts concerning the allegations and made findings accordingly. During the presentation on the joint submission on penalty and costs, the member said he had misunderstood the suspension portion of the penalty, which required another hearing date to hear submissions. The member confirmed his attendance for a new hearing date.

The member did not attend the hearing, nor did a representative appear on his behalf. The member did not advise the College he would not attend. The panel proceeded with penalty and costs.

DECISION

The member pleaded and was found guilty with respect to the allegations. The member had supplied a written plea and he confirmed orally, via telephone, at the hearing that he adopted his written answers. The panel was satisfied that the Member’s plea was voluntary, informed and unequivocal.

College given his repeated failure to comply with his professional obligations, and in conjunction with the public member a profound concern arose that protection of the public interest must definitely be provided.

The member’s conduct was unbecoming of a veterinarian, and placed into question his professional obligations.

The panel agreed that nothing as egregious as professional misconduct culminating in the death of a patient had occurred, however this matter was equally serious as the member failed to comply with repeated attempts to engage with the College, respect due process and in essence ignored their professional obligations.

At no time did the member provide any explanation for his conduct or accept any responsibility. The panel was baffled why such a simple request to participate in a routine peer review of medical records had escalated into a serious discussion with serious penalty outcomes. Even after admitting to his professional misconduct, the member did not modify his behaviour and continued to fail to comply with College policy, by not attending the penalty and costs portion of the hearing.

Because of the serious nature of the findings against the member, the penalty must be weighted heavily towards rehabilitation. Therefore, to complement the penalty proposed by the College, upon reinstatement of his licence, the member must complete and pass the ProBE course addressing the issues of his failure to comply with College regulations. Furthermore, in order to verify that the member understood and was willing to apply what he had learned, an assessor would evaluate his understanding prior to the course and after its completion.

With regard to the decision on costs, the panel was in full agreement the member took many unnecessary steps to prolong the matter resulting in a sizeable expenditure of resources, time and expense.