

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.

PENALTY

- Reprimand
- Suspension of the member's licence to practise veterinary medicine for four months or until he completes the Peer Review of Medical Records.
- Following the suspension, a condition and limitation is placed on the member's licence requiring that he respond to all correspondence from the College within the time specified or within 15 days.
- Completion of an assessment to evaluate the member's baseline understanding of the issues that arose in this case.
- Successful completion of the ProBE ethics course, followed by a meeting with the assessor to discuss learnings.
- The member will pay costs to the College of \$21,000
- Pursuant to legislation, this matter is published including the member's name

PANEL'S REASONING

Reasons for Decision: Following deliberation the Panel agreed the member was guilty of professional misconduct. His disdain for the process was captured by his failure to reply to many attempts to contact him, by a variety of means including mail, courier, telephone and email.

Because of this behaviour, the member had failed to allow the inspection of medical records and failed to reply appropriately within a timely manner. Although the member ought to have known his conduct was inappropriate and quite deliberate, it did not involve dishonesty or deceit. Thus his actions were deemed to be unprofessional as the member showed a consistent disregard for his professional obligations. Furthermore, the member's behaviour was unbecoming of a veterinarian and his lack of compliance brought into question his ability to protect or promote the health or welfare of animals and his suitability to practise.

Reasons for Penalty and Costs Decision: The panel considered all submissions that were provided to them, understanding the four principles of public protection, specific deterrence, general deterrence and rehabilitation must be provided for in this decision.

The panel agreed that specific and general deterrence would be provided by the public reprimand, and suspension, whereas rehabilitation would be assisted by the peer review of medical records and the need to respond in a timely manner. Amongst others, public protection would be assisted by the suspension.

The panel agreed the member's conduct was inappropriate and spoke to the core of the member's governability. The professional members of the panel were appalled by the members apparent lack of respect for the

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 suitability to practice. The panel understood that it was able to order a penalty of its own development, and discussed the possible revocation of the member's licence.

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 panel deemed 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.