

# Summary of Discipline Committee Hearing

## DR. KEVIN BROWN

Hearing Date: May 22, 2020



### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- falsified medical records in relation to an appointment
- provided falsified records to the College
- created records for other appointments long after the appointment dates
- advised the client that a veterinarian was a Board-certified surgeon when he was not
- failed to maintain adequate records in that radiographs lacked proper labelling and the records did not set out drug doses or quantities.
- failed to maintain the standard of practice of the profession
- made a misrepresentation to a client or prospective client
- 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

### BRIEF SUMMARY

The member examined a small dog for a second opinion following treatment for hind limb lameness and pain by another veterinarian. The member examined the dog and took radiographs. The dog was diagnosed with chronic polyarthritis, with severe arthritis of the left coxofemoral (hip) joint and was discharged with pain medication.

A couple months later, the dog returned to the clinic due to progression of left hind limb lameness and pain. The member re-evaluated the dog and recommended a consultation with another veterinarian who was performing surgeries at the clinic. The member advised the client this veterinarian was a Board-certified veterinary surgeon. However, he was a general practitioner with a special interest in surgery.

This veterinarian reviewed the dog's history, assessed the dog and recommended a femoral head osteotomy (FHO) be performed on the dog's left hind limb. The client agreed to proceed with surgery.

The veterinarian performed the FHO surgery and the dog was discharged with antibiotics and analgesics. A couple weeks later, the member examined the dog and noted pain over the right hip. He took radiographs and advised the client the surgery site was healing well.

Approximately a month later, the member examined the dog for a post-operative recheck including radiographs of the surgery site, again advising the client the dog's surgery site was healing well.

Six weeks later, the dog was examined by the veterinarian who performed the surgery and was advised the dog was doing well. The client requested a copy of the dog's medical records and the member provided a copy of a two-page report of his assessment from the second examination.

During the course of the investigation, the College asked the member to provide medical records in relation to the dog. The member provided a materially different version of the second visit than the one he provided to the client. He also produced copies of other records for visits he did not provide to the client who had requested them.

### 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
- The member's licence to practice veterinary medicine is suspended for two months or longer until the member complies with the remediation components of the order
- completion of a one-day assessment to evaluate the member's knowledge of issues raised in this case
- completion of a one-day mentoring session that focuses on record keeping and communication with clients
- completion of an ethics course
- completion of the College's online learning modules - *Foundation for Medical Record Keeping: Companion Animal* and *Building Trust with Clients*
- three record reviews
- a follow-up assessment to review what the member learned in the mentorship, programs and modules
- The member will pay costs to the College of \$2,500

### PANEL'S REASONING

The Panel deliberated the categories of professional misconduct and found the member's failure to create and maintain adequate records, falsification of records as well as an inability to accurately communicate information to the client showed serious disregard for his professional obligations and demonstrated an element of moral failing.

Subsequently, the Panel determined it was appropriate to find the member engaged

in behaviour that was unprofessional and dishonourable. In regards to the designation of disgraceful, the Panel did not feel the case illustrated a severe element of moral failing which would cast doubt on the member's moral fitness nor did it demonstrate the member had knowledge of wrongfulness at the time of the conduct. The Panel agreed the element of moral failing was adequately encompassed within the finding of dishonourable.

#### *Reasons for penalty and costs decision*

When coming to a decision on penalty, the Panel considered all documentation presented and accepted the Joint Submission as to Penalty and Costs, as sufficient to meet the guiding principles of public protection, general deterrence, specific deterrence and rehabilitation for the member.

The Panel noted this was the first time the member had come before a Panel. Further, the member was cooperative during the discipline process and acknowledged professional misconduct thereby saving the College the expense of a contested hearing.

The Book of Authorities presented by College Counsel provided relevant cases to inform the panel that the penalties were in keeping with similar cases.

The educational requirements set out as penalty were extensive and encompassed the key areas of the case where the member was found to be deficient (records, communication, ethics). The learning opportunities adequately support rehabilitation of the member and protection of the public.

The member received an oral reprimand which allowed the Panel to express its disapproval of the member's conduct. The reprimand acted as incentive for the member to avoid such unprofessional actions in the future which in turn works to uphold the public interest.

The member was eager to complete the requirements of the order and had already scheduled the timing of his licence suspension, demonstrating an interest in rehabilitation.

The Panel found no aggravating or mitigating factors which would cause them to refuse the Joint Submission as to Penalty and Costs therefore, the Panel accepted the proposed Joint Submission as to Penalty and Costs, regarding it to be fair and reasonable given the actions of the member.