

# Summary of Discipline Committee Hearing



## DR. DEVENDRAKUMAR PATEL DR. NAROTTAM PATEL

Hearing Date: January 16, 2020

### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

#### Mitts

- failed to properly examine or assess the cat
- failed to recommend or perform appropriate diagnostic tests
- failed to assess and misinterpreted test results
- failed to make or document appropriate definitive or differential diagnoses
- failed to create appropriate treatment plans
- failed to properly treat the cat
- administered and prescribed inappropriate medication
- failed to provide appropriate veterinary medical advice to the client
- failed to maintain proper records
- failed to maintain the standard of practice of the profession
- 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

#### Roly, Charlotte, Annie & Ben

- failed to properly examine or assess the cats
- failed to recommend or perform appropriate diagnostic tests
- failed to make or document appropriate definitive or differential diagnoses
- failed to create appropriate treatment plans
- failed to properly treat the cats
- failed to provide appropriate veterinary medical advice to the client
- failed to maintain proper records.
- failed to maintain the standard of practice of the profession
- 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

### BRIEF SUMMARY

#### Mitts

The cat was treated at the members' clinic for approximately eight years. The cat had a history of weight loss. In 2014, Dr. N. Patel examined the cat for bad breath, drooling, and weight loss. The examination included blood work and the cat was sedated for an oral examination. Two upper canine teeth were extracted and Dr. N. Patel noted the cat had inflammation and proliferation of gingiva and oral ulceration. In 2016 and 2017, the cat was examined by both members for concerns about a sore mouth, drooling, sneezing and eye discharge. The cat had lost weight. The cat was treated with three different antibiotics, non-steroidal anti-inflammatories and a long lasting steroid injection. Blood tests were also performed. Neither member addressed the cat's ongoing dental disease.

In 2017, the cat was taken to another veterinarian who removed multiple teeth. Eventually all of the cat's teeth were removed and he recovered well.

The cat's medical records were deficient, largely illegible, failed to specify drugs and dosages and did not indicate which veterinarian provided services.

#### Roly, Charlotte, Annie & Ben

The four cats received veterinary services from the members' clinic for approximately seven years. The cats' owner also owned Mitts.

Despite examining the cats several times, neither member properly assessed or treated their dental issues. The cats' medical records were deficient, including the fact that they are illegible, did not specify drugs and dosages and did not indicate which veterinarian provided services.

### DECISION

The members each pleaded and were found guilty with respect to the allegations. The College and the members had negotiated an Agreed Statement of Facts, including an admission of professional misconduct.

### PENALTY

- Reprimand
- Suspension of Dr. D. Patel's licence to practise veterinary medicine for two months
- Suspension of Dr. N. Patel's licence to practise veterinary medicine for two months
- Prior to the end of the suspensions both members must complete an assessment of his baseline understanding of the issues presented in the case.
- Prior to the end of the the suspension both members must complete the record keeping module "Foundations for Medical Record Keeping: Companion Animal" and two communications modules "Building Trust with Clients" and "Breaking the Silence: Discussing Medical Errors with Clients."
- Prior to the end of the suspension both members must complete a one-to-two day mentorship regarding the issues that arose in the case.
- Prior to the end of the suspension both members must complete a one-day course or mentorship with a Board-certified veterinary dentist regarding dentistry in companion animals.
- Prior to the end of the suspension both members must complete a follow-up assessment to review what was learned in courses and mentorship and how it will impact the practices.
- Both members will complete three record reviews.
- The members will each pay costs to the College of \$2,500

### PANEL'S REASONING

The panel agreed that the facts fit the categories of professional misconduct to which the members have admitted. Specifically, the panel agreed the members: failed to properly diagnose and treat patients, failed to provide appropriate follow-up care as well as communication with the client. Further, the members failed to maintain the standard of practice of the profession; failed to properly record history, clinical findings and treatment plans and clearly identify patients; and failed to make or retain records as required by

the Regulation. Finally, the panel agreed that the finding of professional misconduct be limited to "unprofessional" as there was no evidence of deceit or abuse that would lead to a finding of "dishonourable" or "disgraceful" in this case.

#### Reasons for Penalty and Costs Decision

The members' professional misconduct has involved severe deficiencies in properly addressing the health concerns of patients; specifically, repeated examinations without properly investigating and diagnosing severe health concerns, visits occurring over a prolonged time period, failing to maintain proper medical records, and failing to correctly treat those concerns.

The penalties are intended to be rehabilitative and punitive. It is critical to the rehabilitative process that both members understand the deficiencies in patient care in this case.

The medical record is a critical component of acceptable care of a patient - in terms of properly recording history both of the patient and the client as relevant to the patient, clinical findings, test results, working as well as definitive diagnoses, treatment plans and response to those treatment plans. But it is also a critical component of proper and timely communication with the client. The medical record informs and educates the veterinarian and his/her staff and is a keystone to the practice of high quality veterinary medicine. For these reasons, the penalties include both mandatory education on how to maintain a suitable medical record and require the members to complete a peer review of medical records to allow for identification of both strengths and deficiencies in those records, thus ensuring that the members have learned and have put what they have learned into practice. This will be supported by the medical record keeping modules and the record review.

As the veterinarian managing the care of a client's animal, members have a duty to inform the client of all aspects of that patient's care and to obtain consent before making changes to treatment plans, performing or ordering additional diagnostic tests - and they must inform the client when the diagnosis has changed, or if the veterinarian has made an error or omission in diagnosis and/or patient care. For these reasons, the panel included the requirement to complete the communications modules.

We often learn best when we can learn from others who can provide immediate and supportive feedback. A mentor can provide personal context to the members on how to approach cases, communicate with clients and keep medical records. For this reason, the panel included the mentorship in the penalty.

Because this case involves mishandling of feline dentistry - again as part of the rehabilitative component to the penalties, the panel felt that the members would benefit from additional education in this aspect of veterinary medicine.

Given that this is an uncontested discipline case, and the members have admitted to professional misconduct and had a willingness to accept the penalties as described, the panel believes the costs are fair and reasonable.