

Summary of Discipline Committee Hearing

DR. GORDON YATES

Hearing Date: January 16, 2020

The College, with the consent of the member, moved to adjourn the allegations “sine die”. The panel granted the adjournment.

BRIEF SUMMARY

The member examined a rescued dog that was owned by a rescue organization and cared for in a foster home. The member diagnosed the dog with a heart murmur, severe periodontal disease and a mass on the hip. Routine vaccinations and deworming were performed by the member who recommended addressing the dog’s periodontal disease and removing the mass on the dog’s hip.

The member discussed the dog’s management with the foster caregiver and a representative from the rescue organization.

The rescue organization called the hospital requesting an estimate and asked the mass be sent for analysis. The member said that was unnecessary as he would know if it was cancerous, if it had spread, or if the dog was in pain. The rescue organization requested pre-operative bloodwork which the member said was unnecessary as the dog had received his vaccines and his fecal test was normal.

Before surgery, the foster caregiver was advised not to give the dog anything, including water, for 12 hours pre-operatively and 24 hours post-operatively. Under anesthetic, the member extracted several teeth and removed the mass.

Prior to the dog’s discharge, the rescue organization was advised the dog was doing well. They were advised the mass was not a lipoma, but the member could not confirm whether it was cancer. When the rescue organization again asked the sample be sent off to be tested they were advised it wasn’t logical given the dog’s age. The rescue organization was advised pain medication was unnecessary. The dog was discharged with antibiotics. No histopathologic investigation of the mass was performed.

The rescue organization later called the hospital and asked that the sample be tested. They were advised it had been discarded. The rescue organization requested tramadol to ease the dog’s discomfort but they were told the dog did not need it. Shortly after this conversation the dog’s care was transferred to another veterinarian.

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- failed to properly record ownership in the medical record
- failed to discuss the possible impact of the dog’s heart murmur on the anesthetic risks and the need for additional investigations, and/or document any such discussions

- failed to discuss or suggest bloodwork to assess the dog’s kidney and liver functioning having regard to the dog’s age, and/or document such a discussion
- failed to conduct a pre-anesthetic assessment
- administered only atropine as a premedication
- failed to record the oxygen flow or the percentage of isoflurane in the anesthetic record
- failed to respond appropriately to the dog’s dropping heart rate and respiratory rate during surgery
- failed to administer fluids
- instructed the dog’s foster caregiver not to rehydrate the dog orally for an unacceptable amount of time
- failed to discuss the risks of dehydration, hypotension, and hypotensive end organ compromise
- failed to offer pain medication in the premedicant, anesthetic agent, or post-operatively
- failed to discuss with the rescue organization or document any discussion with the foster caregiver concerning the possibility of administering Metacam they had for another pet
- failed to obtain informed consent to administer Metacam which had been prescribed to another pet and without knowing the renal risks of doing so
- failed to maintain an anesthetic log
- failed to properly assess the mass either pre-operatively or post-operatively and/or document such assessments
- disposed of the surgically removed mass
- failed to recommend a histopathology assessment of the mass that was excised
- failed to perform a histopathology assessment of the mass that was excised despite the rescue organization’s request
- failed to maintain the standard of practice of the profession
- failed to make or retain the records required
- failed to direct or supervise, or inadequately directing or supervising, an auxiliary
- 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

DECISION

The panel made an order adjourning this matter “sine die”, as the member had irrevocably resigned their licence effective December 20, 2019.

College counsel advised the complainant was aware the College would be proceeding in this way and they did not object to this outcome. If the member were to re-apply for licensure, the College could revive the allegations. The mere existence of the allegations, however, would likely have an impact on whether they can be relicensed in the future.

The panel inquired what would happen if the indefinite adjournment was granted and the member sought licensure in another province, given there would be no finding on these allegations. The panel received advice from independent legal counsel that it would depend on the regime in the other province, but it is a typical requirement for registration with any professional regulator in Canada that the applicant declare whether there are any outstanding allegations of professional misconduct against them with any other regulator.

PANEL’S REASONING

The Panel agreed that adjourning the matter indefinitely is in the public interest. There are notable allegations of professional misconduct in this case, which would usually necessitate a hearing to determine if they were proven, and if findings were made, the assignment of penalties. Because the member has resigned his license, there is no further need to proceed with a hearing to determine the merit of the allegations, and if necessary, assign penalties as there is no longer risk to the public. If the member seeks to reactivate his license, then this case would be revived.