

Summary of Discipline Committee Hearing

DR. SARTAJ WAZIR

Hearing Date: October 16, 2020



ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- should not have provided an estimate without establishing a veterinarian-client-patient relationship
- failed to monitor the dog's core body temperature
- failed to provide adequate pain management post-operatively
- failed to update the client during the surgery, given the surgery was much longer than anticipated
- should not have left the dog unattended overnight
- failed to submit the excised tissues for histopathology
- failed to recognize the dog's wounds were not healing properly
- failed to recommend a referral to a Board-certified surgeon
- failed to make or maintain proper records
- failed to maintain the standard of practice of the profession
- failed to fulfill the terms of an agreement with a 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

BRIEF SUMMARY

The member provided an estimate for surgery to remove lumps from a dog's ventral abdomen. The member was the client's parents' veterinarian.

The member provided a verbal estimate of between \$1,200 and \$1,300 for a radical mastectomy and suggested that the recovery time would be approximately 10 days. The client understood pre-operative blood work, x-rays and a post-operative histopathological study were included in the estimate. Based on this discussion, the client decided to have the member perform the procedure.

Prior to surgery, the client met with one of the member's auxiliaries and signed a consent form, which indicated the fees for the pre-surgical examination, radiographs and histopathology would be waived.

The dog's pre-operative blood work and radiographs were unremarkable. The member proceeded with the surgery which he estimated would take about an hour. The client called the clinic several times for information on the progress of the surgery. Each time, the client was only told the dog was still in surgery. The client later learned the surgery had taken over four hours.

When the client went to the clinic later that day, the dog was in recovery and just waking up. The client was advised that Fentanyl patches had been placed on the dog post-operatively.

The client was concerned her dog may be cold and asked that additional efforts be made to warm her during recovery. The client also noted the dog's feet were swollen. The member said the dog's feet were tied down during surgery.

The client wanted to take the dog home but the member suggested she remain at the hospital overnight despite the fact that she would not be monitored. The client agreed to leave the dog overnight.

The next morning, the client went to the clinic and discovered the dog had removed her e-collar and pulled off her bandage. There was urine and feces in and around the operative site.

The client asked about the histopathology results and the member said he had not sent the masses for histopathology but rather he had discarded them.

The client took the dog home and returned her to see the member for regular checkups and bandage changes over the next few days.

About 10 days later, the dog was brought to the hospital by the dog sitter. It was noted over six inches of the incision had opened and purulent discharge was draining from the site. Black coloured tissue was also observed in the open wound. The member advised this was not a concern as long as the wounds were kept clean and padded pressure bandages were applied. The dog was taken to another veterinarian for follow-up care.

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
- completion of a half-day assessment to evaluate the member's knowledge of issues raised in this case
- completion of a two-day mentoring session addressing the issues raised in the case

- completion of the College's medical records modules for companion animals
- eight medical record reviews
- The member will pay costs to the College of \$10,000

PANEL'S REASONING

The member pleaded and was found guilty with respect to the allegations. The Panel found the member's conduct to be unprofessional, in that he failed to live up to the standards of the profession.

The member did fail to practise according to the accepted standards of the profession by failing to submit the excised tissues for histopathology or alternatively, failing to clarify whether the client wanted to have them submitted, by failing to recognize the dog's wounds were not healing properly and by failing to make or maintain proper records. For these reasons the panel found the member's conduct in this case would be regarded as unprofessional.

Reasons for penalty and costs decision

The Panel accepts the limits on its role when evaluating a joint submission on penalty and an agreement on costs. A joint submission should be accepted unless it would bring the administration of justice into disrepute or otherwise be contrary to the public interest. An agreement on costs should be accepted unless it is clearly unreasonable.

Counsel for the College summarized the four general principles relevant to penalty: protection of the public, general deterrence, specific deterrence, and rehabilitation.

The penalty reinforces the necessity of the veterinarian-client-patient relationship in the profession. The penalty also emphasizes that the standard of care for the patient involves clear communication with the client and appropriate treatment of the animal in question.

As the member has no history with discipline panels and has shown remorse and a willingness to improve and change his practice, the Panel believes the reprimand, suspension of his licence and remedial activities are likely to provide specific deterrence and rehabilitation as well as general deterrence and public protection.

With respect to costs, the Panel agrees that \$10,000 is fair and reasonable in the circumstances, having regard to costs awards found in similar cases and the current costs incurred by the College and its members in this case.