

Summary of Discipline Committee Hearing



DR. CLARE MAINE

Hearing Date: March 22, 2021

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- breached conditions and limitations imposed on her licence to practise veterinary medicine by practising dentistry
- an act or omission relevant to the practice of veterinary medicine that would be regarded by members as disgraceful, dishonourable or unprofessional

BRIEF SUMMARY

In 2006, the member's licence to practise veterinary medicine was subject to conditions and limitations that permanently prohibited her from practising dentistry and from supervising an auxiliary or anyone else performing dentistry. In 2019, in the course of performing surgery on a dog, the member performed dental surgery, including extractions.

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
- Suspension of the member's licence to practise veterinary medicine for eight months
- Prior to the end of the suspension the member must complete an assessment to evaluate her baseline knowledge on the issues that were raised in the case.
- Prior to the end of the suspension the member must complete a half-day mentorship on the issues that were raised in the case.
- The member must complete an ethics course.
- The member must complete a half-day assessment to review what the member

learned in the mentorship and to assess whether the member will change her practice as a result of the remedial activities.

- A permanent condition and limitation is placed on the member's licence requiring her to only practice veterinary medicine where another veterinarian, approved by the Registrar, monitors her practice. The monitor is not required to be at the facility at all times but must enter into a signed agreement with the Registrar.
- A condition is placed on the member's licence in the event she becomes the sole owner of any veterinary facility, that she sells all dental equipment within one month; seek an exemption from the College's Minimum Standards for Veterinary Facilities in Ontario in relation to dental equipment; and post a sign in the facility indicating the licence restriction regarding dentistry.
- The member will pay costs to the College of \$4,000

PANEL'S REASONING

The panel reviewed all materials provided. It was clear the member knowingly breached conditions and limitations imposed on her licence to practise veterinary medicine by practising dentistry on a dog. The panel also took into consideration the fact the member admitted to the misconduct.

The panel accepted the member's admission and finds she has engaged in professional misconduct by doing something she was not entitled to do by virtue of the limitations and conditions imposed on her licence. Further, the member's conduct would be regarded by other members of this profession as disgraceful, dishonourable or unprofessional.

Penalty and Costs Decision: The panel considered the accepted principles in determining the appropriateness of the joint submission. The panel understands it should

not depart from the joint submission unless the proposal is contrary to the public interest. The panel was satisfied the proposal was reasonable and in keeping with the public interest. Further, the penalty is in line with what has been ordered in previous cases.

Of primary concern was the College's responsibility to protect the public interest and enhance public confidence in the College's ability to regulate veterinarians. The penalty should serve as a general deterrent to the profession and a specific deterrent to the member, that it should express the profession's denunciation of the misconduct, be proportionate to the misconduct, and provide an opportunity for rehabilitation.

The panel was troubled that the member breached conditions and limitations imposed on her licence to practice veterinary medicine in 2006 and noted that a suspension of eight continuous months would serve not only as public protection, but also as specific and general deterrence. In this case, the duration of the member's suspension serves as a strong deterrent to future misconduct. Moreover, the public will be satisfied the College takes this matter seriously and the broader membership will understand a breach of imposed conditions and limitations will lead to more severe sanctions.

The panel judged the remedial actions imposed on the member would serve to provide rehabilitation and provide the member with opportunities for self-assessment. The panel is hopeful this remediation will prevent a similar lapse in judgement in the future.

College-directed supervision, in the form of a monitor, with regular reporting to the College, and immediate reporting of concerns will provide the public with additional assurance that the College is focused on public protection.