

Summary of Discipline Committee Hearing



DR. CHARLES HENRY WHITE

Hearing Date: March 11, 2022

BRIEF SUMMARY

At the beginning of the hearing, College counsel advised they did not expect the member to attend, as he had not communicated with the College for over two years. The panel was satisfied the College had taken all appropriate steps to notify the member of the hearing and it was appropriate to proceed.

In the fall of 2019, the member suddenly, and without notice, closed his hospital. A voicemail and out-of-office email indicated the member had a family emergency and closed the hospital. The College received many calls from the member's clients who were concerned about obtaining veterinary care, accessing their medical records and accessing pet ashes or drugs they had already purchased. A couple weeks after the closure, the member contacted the College and indicated the clinic would re-open later that month.

The member's associate contacted the College and indicated she had returned from a trip, was unaware the hospital was closed and was unable to contact the member. She also indicated equipment such as an x-ray machine, surgical table, prep table and an autoclave were missing from the hospital. Wages were also owing to the associate.

The College sent a letter to the member indicating the member must contact the College to arrange an inspection before re-opening the practice. The member did not respond and the practice did not re-open.

The College's inspector and Principal of Accreditation went to the facility. They noted controlled drugs were in the treatment room locked in a metal cabinet. The key was located in an unlocked cupboard in a treatment room where some non-controlled drugs were stored. All controlled drugs and drugs that could be hazardous were photographed, inventoried and seized. The drugs were seized due to the inability to properly secure all the inventoried drugs in the locked cabinet because of its small size.

As well, patient files were removed from a computer. Paper records including invoices, vaccination records and other documents with client names on them were seized. The controlled drug logs and x-ray logs were also seized. The surgical/anesthetic log could not be located. The backup server was seized to preserve the records.

The College investigator contacted the member about drug disposal and client requests but the member did not respond. The member resigned his licence in December 2019. The College reminded the member he was obliged to cooperate with the investigation. The member did not respond to communications from the College.

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- abandoned his veterinary practice and failed to properly dispose of drugs (including controlled drugs), environmental waste and medical records and information
- failed to provide purchased medications to his clients

- failed to reply to College communications appropriately and/or respond to a College investigation
- failed to meet the standards of practice of the profession
- failed to fulfil the terms of an agreement with a client
- failed to continue to provide professional services to an animal until the services are no longer required or until the client has had a reasonable opportunity to arrange for the services of another member
- failed to provide within a reasonable time and without cause any certificate or report requested by a client or his or her agent in respect to an examination or treatment performed by the member
- charged a fee for an unperformed service, except a fee for an appointment missed without at least 24 hours' notice
- failed to reply appropriately to a written inquiry received from the College or failed to reply to the inquiry within the time specified in the inquiry or, if no time is specified, within 25 days after the day the inquiry was received by the member
- 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
- engaged in conduct unbecoming a veterinarian

DECISION

Due to the member's absence, the Panel recorded a plea of not guilty to all of the allegations. The Panel found the member engaged in professional misconduct.

PENALTY

- Licence is revoked
- Reprimand to be issued
- Required to pay a fine of \$1,000 to the Treasurer of Ontario
- Must pay costs to the College in the amount of \$28,178.77

PANEL'S REASONING

The College provided a documented timeline showing the member abandoned his practice to the detriment of his staff, clients and patients. The College witnesses provided evidence of the member's deliberate abandonment of his practice and his lack of transparency. It was clear the member had no intention of re-opening his clinic despite informing the College and others it would re-open. The associate said the facility's phone was ringing constantly, the answering machine was full and there were pages of unanswered client emails all confirming the clients were left without a means to obtain medications or to access medical records.

This irresponsible behaviour put the member's patients at risk. The member's conduct toward his staff and associate constituted a betrayal of trust and showed a total disregard towards them. Given the member's absence from this tribunal

and the lack of any representation on his behalf, the Panel heard no explanation for this conduct. The Panel found the member was in breach of his obligations to his patients and acted in a manner that was disgraceful, dishonourable, and unprofessional and was unbecoming to a member of this profession.

The member did not respond to the majority of requests made by the College and failed to cooperate with the College's investigation when he had a statutory obligation to do so. His failure was clear and amounted to professional misconduct.

The Panel chose to revoke the member's licence despite the fact he had already resigned. Without an order of revocation, the member could seek to reinstate his licence through the regular application process. However, an application for reinstatement, where there is an order revoking the licence, would be referred back to the Discipline Committee for a hearing. This will give the College more oversight in regards to the member who was considered by the Panel to be ungovernable and who appears to have left the jurisdiction. Revocation is appropriate as it provides deterrence to the member and the profession, and upholds the public interest and trust in self-regulation.

The costs were reasonable as the College spent much time and resources to mitigate the member's abandoned practice. The College was obligated to investigate the matter and obtain entry to the facility to seize controlled drugs, prescription drugs, paper medical records and the clinic's back-up server. The College also had to arrange for the disposal of drugs and field the large volume of phone calls from clients.

The panel stresses the member's unwillingness to cooperate with the College displayed a serious disregard for his patients' well-being and his responsibilities as a regulated professional. This behaviour resulted in the panel deciding the member engaged in conduct unbecoming to a veterinarian and was an ungovernable member of the profession. The result being the revocation of his licence to practice veterinary medicine in Ontario.

The panel also imposed a penalty of \$1,000 to emphasize the seriousness and special circumstances surrounding this matter. The member not only abandoned his practice, but tried to remove himself from any repercussion or penalty by resigning his licence and apparently leaving Canada. The Panel concluded that every avenue must be taken to provide specific deterrence to the member as well as to provide a general deterrent to the membership of the College as well as ensuring the public that we took the member's conduct seriously.

As part of our order, the member is required to appear before the Panel to be reprimanded. This reprimand will serve as a deterrent to the member, the general membership of the College and to assure the public the member's professional misconduct and conduct unbecoming to a veterinarian was taken seriously by this Panel.