

Summary of Discipline Committee Hearing



DR. JAMES HOLMES

Hearing Date: January 16, 2020

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- failed to communicate the seriousness of the blood test results and the need for further treatment in a timely manner
- failed to advise the owners of the potential risks to the dog and others
- recorded the results of the dog's stool sample in the chart of another animal
- failed to make or 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 unprofessional

BRIEF SUMMARY

The member examined a 15-year-old dog that had not been well. Both blood and stool samples were taken and the member advised the clients the blood results could take up to two days but might be back earlier. The member prescribed Flagyl and Florentero for the dog. The clients called the member's office several times for the next two days and were advised the results were expected soon and only the member could discuss the results.

The results were available early on the second day after the appointment and revealed severe renal disease. The member was off that day and contacted the clients the next day. The dog's condition had deteriorated and he had died the day before. The clients subsequently learned the member had recorded the dog's results in the record of their other dog.

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 two months
- Prior to the end of the suspension an assessment of the member's baseline understanding of the issues that arose in the case (communication, follow-up with clients on results, and record keeping) will be conducted.
- Prior to the end of the suspension the member must complete the College's record keeping modules.
- Prior to the end of the suspension the member must complete a one-day mentorship regarding the issues that arose in the case.
- Prior to the end of the suspension the member must complete a follow-up assessment to review what was learned in courses and mentorship and how it will impact his practice.
- The member will pay costs to the College of \$3,500

PANEL'S REASONING

The panel agreed failure to communicate laboratory results in a timely manner as promised and the seriousness of the condition led to improper care of the patient which is failing to maintain the standard of practice of the profession. And further, failure to enter laboratory results in the proper record and to record client communications was unprofessional. Finally, the panel agreed the finding of professional misconduct of 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 be limited to "unprofessional"

as there was no evidence in this case of deceit or abuse that would lead to a finding of "dishonourable" or "disgraceful".

Reasons for penalty and costs decision

The penalties are intended to be rehabilitative and punitive. The 60-day suspension of the member's licence to practice veterinary medicine is to be viewed as punitive but will allow for a period of reflection as well as an opportunity to complete other penalties.

It is critical to the rehabilitative process that the member understands the deficiencies in communication, record keeping and patient care in this case. Understanding and accepting is an important step towards preventing further deficiencies.

The medical record is a critical component of acceptable patient care - in terms of properly recording history, clinical findings, test results, working and definitive diagnoses, treatment plans and response to those treatment plans. It is also a critical component of proper and timely communication with the client. The medical record informs and educates the veterinarian and their staff and is a keystone to the practice of quality veterinary medicine. For these reasons, the panel included mandatory education on how to maintain a suitable medical record.

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 member on how to approach cases, communicate with clients and keep medical records. For this reason, the panel included mentorship in the penalty.

Given that this is an uncontested discipline case, and the member admitted to professional misconduct and willingness to accept the penalties the panel is of the opinion that costs terms are fair and reasonable.