

Summary of Discipline Committee Hearing



DR. KENT CHARLTON

Hearing Date: January 10, 2019

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- prescribed, administered or dispensed a drug, Cerenia, without examining and/or properly assessing the dog
- failed to obtain the client's consent to treatment
- failed to make adequate arrangements to either properly assess the dog or arrange for the referral to another veterinarian
- failed to maintain the standards of practice of the profession
- an act or omission relevant to the practice of veterinary medicine that would be regarded as unprofessional
- contravening a law if, i. the purpose of the law is to protect or promote the health or welfare of animals or to protect or promote public health, or ii. the contravention is relevant to the member's suitability to practise veterinary medicine of subsection 17(1) of Ontario Regulation 1093 under the Veterinarians Act

BRIEF SUMMARY

The member examined a two-year-old dog with a history of vomiting over the previous two days. A piece of a dryer sheet was found in some of the vomit. The member administered an injection of Cerenia (maropitant citrate) but did not examine the dog, arrange for blood work, take an x-ray or perform an ultrasound either before or after administering Cerenia.

Over the next three days, the dog continued to vomit small amounts of bile and was inappetent. The client made a follow-up appointment for four days later but called prior to the appointment and reported to another veterinarian at the clinic that the dog had begun eating and was brighter. As a result of this discussion, the dog was not taken to the clinic.

The next day, the dog ate two meals and seemed to be somewhat back to normal. But later that evening he began to vomit again. The next morning the dog was found deceased.

The client later arranged for a post mortem which revealed the dog had suffered from an intestinal obstruction and subsequent perforation, and acute fatal sepsis due to the ingestion of a foreign object, possibly a dog toy.

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. The member is required to complete a half day assessment to evaluate the members' knowledge of

issues of assessment, informed consent and professionalism. This will be followed by a two-day mentorship on all aspects of veterinary practice including assessment, informed consent and professionalism. The mentorship must be completed prior to the end of the suspension. This will be followed by a half day assessment to review what the member learned in the mentorship.

- A peer review of up to eight medical records. If necessary, two additional reviews of medical records will be conducted to evaluate the quality of the records and the results of the reviews may be reported to the Executive Committee for possible action.
- The member will pay costs to the College of \$2,500
- Pursuant to legislation, this matter is published including the member's name

PANEL'S REASONING

Reasons for Decision: During its deliberations, the Panel reviewed the Agreed Statement of Facts and considered the nature of the professional misconduct that the member had admitted to. The Panel agreed the member's failure to properly examine his patient before prescribing medication, his failure to obtain owner consent to treatment, and his failure to arrange adequate referral constituted professional misconduct as alleged.

Reasons for Penalty and Costs Decision: In listening to arguments presented by College counsel, the panel was aware that it would be very unusual for a Discipline panel to reject all or part of an agreed submission on penalty and costs without exceptional and compelling reasons. The panel found no such reasons.

College counsel presented five similar cases which all included a reprimand, a period of licence suspension ranging from one month to one year, some form of remedial educational measures, and publication of the member's name. The panel found the proposed penalty and assessment of costs to be within the acceptable range for this type of professional misconduct.

The panel found the proposed penalty to be protective of the public interest because the period of suspension will allow time for the member to seek remediation, rehabilitation, and to reflect on alternative actions that he could have taken that might have changed the outcome of this case. The panel agreed that the proposed remediation plan appropriately targeted the shortcomings the member admitted to in the Agreed Statement of Facts.

The function of the College is to protect the public interest and the panel was of the opinion that the conditions of the joint submission fulfilled that mandate. General deterrence was provided by publication of the facts of the case (including publication of the member's name) and by the licence and financial penalties

imposed. Specific deterrence was provided by the reprimand that served to impress upon the member the seriousness of his misconduct and the dishonour that it brought to the profession. The public reprimand and publication of the case provide transparency for the proceedings and provides an opportunity for other members to learn from this case.

Reprimand: Immediately after the hearing and after the member's waiving of the right of appeal, a verbal reprimand was delivered by the Panel chair.

The Panel was disappointed to observe that the member's response to the reprimand was not to show remorse or apologize for his actions, but to criticize the length of the suspension. However, the member did not seek to resile from the joint submission, and the Panel remained satisfied the member had agreed to the joint submission voluntarily.