

Summary of Discipline Committee Hearing



DR. RICHARD BRYSON

Hearing Date: January 20, 2022

BRIEF SUMMARY

The member examined a horse with an injured right hind leg. The member assessed a lateral deviation of the fetlock of almost 45 degrees. The member advised the horse had fractured or dislocated her leg and said x-rays were unnecessary as the treatment would be the same either way. He applied a bootcast to try to keep the leg straight. The member placed the mare on three nonsteroidal anti-inflammatory medications (NSAIDs), all to be given daily: Previcox (firocoxib), Bute (phenylbutazone) and Banamine (flunixin).

Shortly after the member left, the owner contacted him as the boot was crooked. The member advised her to straighten the boot, which she did but it slipped again. The member advised her to keep it as straight as possible. Despite straightening the boot several times a day, it continued to shift.

The owner had daily contact with the member by phone. Although the boot did not remain in place, the horse was doing reasonably well. In a couple days, a wound developed on the joint where the boot was rubbing. She wrapped the leg with bandages to keep the wound clean.

On the day of the in-person check up, the member texted to say he could not attend. The owner called and said she was anxious for an assessment of the boot, the injury, and the wound. The member cancelled another appointment a couple days later.

The owner contacted another veterinarian who noted the horse was non-weight bearing and, upon removal of the boot, observed the distal right hind limb was medially displaced by about 30 degrees, increasing to 45 degrees when the toe contacted the ground. The veterinarian diagnosed suspected disarticulation of the right hind fetlock with possible joint contamination secondary to a wound on the lateral right hind fetlock. Another veterinarian assisted in radiographing the area. Based on examination and radiographs, that veterinarian diagnosed right hind metatarsophalangeal joint lateral luxation, with compromise of the skin on the dorsolateral surface due to pressure from the bone in an improper location. The luxation was reduced and a cast was applied. Radiographs were taken again after casting, to confirm continued reduction of the joint. Instructions were given to the owner to continue systemic antibiotics and anti-inflammatories and keep the horse on stall rest.

Approximately 10 days later, the cast was removed for evaluation. The horse had been laying down more than usual and was not using the leg. Upon

removal of the cast, it was noted that the right hind fetlock was still in alignment, but the fetlock joint was open and infected due to severe damage to the surrounding tissues. Treatment options and prognosis were discussed, and the decision was made to euthanize the horse.

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- failed to recommend or arrange for x-rays
- suggested a fracture would be treated the same as a dislocation and that it was unnecessary to determine whether the horse suffered one or the other
- arranged/placed a “bootcast” on the horse
- failed to follow up with the owner on a timely basis, either in person or on the phone
- recommended excessive NSAIDs
- failed to create proper records.
- failed to maintain the standards 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 disgraceful, dishonourable or unprofessional

DECISION

The member pleaded and was found guilty of professional misconduct with respect to the allegations.

PENALTY

- Reprimand
- Suspension of the member's licence for two months or until the member completes a half-day assessment; a two-day mentorship regarding the issues raised in the case; and a half-day post-remediation assessment
- Successful completion of the College's online learning module on medical records for food producing animals, equine and poultry.
- Following suspension, the member's records will be the subject of four peer reviews.
- The member will pay costs to the College of \$5,000

PANEL'S REASONING

The Panel considered the submissions of counsel and reviewed the evidence provided,

including copies of the medical records and the expert witness report. Although the member attended to the horse in a timely manner, he failed to identify the injury as being potentially life-threatening, failed to recommend and provide the appropriate diagnostics and mismanaged a therapeutic course of action consistent with the current standards of practice. The member failed to recommend radiographs to achieve a presumptive diagnosis and then failed to provide adequate follow-up communication and care. This contributed to complications that resulted in euthanasia.

The member's medical records failed to confer a comprehensive assessment and subsequent management of this patient's injury. An expert report substantiates the claim that standards of care were not met.

The Panel found members of the veterinary profession would view the member's treatment of the horse as unprofessional. Given the evidence, the Panel found the member committed professional misconduct which was limited to unprofessional conduct as there was no evidence of deceit or abuse that would lead to a finding of dishonourable or disgraceful conduct.

The Panel was satisfied the Joint Submission was neither unreasonable nor inconsistent with other comparable matters. The Panel acknowledges joint submissions should be accepted unless to do so would bring the administration of the tribunal into disrepute or be otherwise contrary to the public interest. The Joint Submission did not meet that threshold for rejection and it was accepted accordingly.

The Panel considered the parties' submissions as well as the authorities provided and determined that the proposed penalty was appropriate and in keeping with similar cases. The penalty of a two-month suspension serves to protect the public and serves the purposes of deterrence. Further, the required mentorship, completion of the College's medical records module, and subsequent peer review of medical records, provide the member with the opportunity for remediation to return to practice better prepared to meet the expectations of the profession.

The Panel found that costs, in the amount of \$5,000, were appropriate in this uncontested matter where the case proceeded by way of agreed facts and the Joint Submission.