

Summary of Discipline Committee Hearing

DR. GOPAL ARORA

Hearing Date: November 1, 2021



BRIEF SUMMARY

In 2018, the member examined an eight-year-old Saint Bernard with a lump growing in her mouth on the lower left gum line. The member recommended removing the growth for assessment. The treatment plan included an anesthetic procedure to remove the mass and perform a scaling and polishing of the dog's teeth. The client agreed to have the growth biopsied for a histopathological examination and assessment.

The member provided a quote for the biopsy, including a teeth cleaning and the dog's vaccinations. The day before the procedure, the client was provided pre-operative instructions and the treatment plan was confirmed. When the client brought the dog in, they advised a staff member they didn't want to have the dog's teeth scaled and polished.

The member removed the dog's mass, which was sent for assessment by a histopathologist. In the afternoon, the client was advised the dog was doing well and could be picked up later that day. The client was told the results of the biopsy would be available the following week.

A few days later, the auxiliary called the client to schedule a time for an appointment to discuss future treatment plans, including x-rays. The client did not respond to the telephone call. The member was absent and replaced by a supervising veterinarian for a day. The auxiliary again called the client and left a voicemail about the histopathology results.

The client called back and, in response to the client's requests, the auxiliary said the tests showed the mass was cancerous and indicated the prognosis was terminal. The auxiliary said there were potential treatment options and further testing could be done. The supervising veterinarian was present throughout this call.

The client was sent the histopathology report by e-mail and called the auxiliary for clarification. This conversation was not recorded by the auxiliary in the patient record. The auxiliary subsequently phoned the member to clarify the histopathology results provided no definite answer. The member recommended the client consult a specialist. The auxiliary contacted the client again indicating they wanted to correct the information provided. The auxiliary then said the mass was not definitively cancerous and it was likely benign. This correction was not recorded in the patient record. The supervising veterinarian was present throughout this call.

When the member returned to the clinic, they contacted the client to discuss the histopathology results. The client expressed concern the member had not contacted them previously. The member apologized and discussed the results. The member admitted there was a mix up in the information provided to the client and said the mass may be benign. The member offered to get a second opinion and consulted with a specialist.

Following the consultation, the member spoke to the client about the advice received from the specialist. The member explained the results of the biopsy did not show that the mass was definitively cancerous, although it did look suspicious. The client ended their relationship with the member and the clinic.

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- directed or permitted an auxiliary to discuss the histopathology report with the client including a possible diagnosis and prognosis
- failed to appropriately supervise the auxiliary when the auxiliary provided inaccurate information to a client and by not ensuring the auxiliary properly recorded all conversations with the client
- failed to keep proper records by failing to record the name of the person entering information, failed to ensure the record was accurate, failed to record a conversation with the client and an auxiliary, and failed to record the error in the auxiliary's initial conversation with the client
- failed to maintain the standards of practice of the profession
- permitting, advising or assisting someone other than a member to perform an act or function which should properly be performed by a member
- an act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as unprofessional

DECISION

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

PENALTY

- Reprimand
- A half day assessment to evaluate the member's baseline knowledge of the issues in this case, particularly supervision of auxiliaries, client communication and record-keeping.
- Successful completion of remediation on proper supervision of auxiliaries, client communications and record-keeping. The remediation will include at least three mentoring sessions and/or courses that are acceptable to the Registrar and completed within four months of the order.
- The member must complete a PROBE ethics course.
- The member will meet with a mentor for 12 months regarding the issues raised in the case with the mentor providing a report to the Registrar. The member will be expected to implement any recommendations identified by the mentor.

- Up to four unannounced records reviews.
- A half-day assessment to evaluate the member's baseline knowledge of the issues in this case following completion of the remediation activities.
- The member will pay costs to the College of \$5,000

PANEL'S REASONING

The member pleaded and was found guilty on the allegations and acknowledged his actions amounted to professional misconduct.

The member failed to live up to the standards of the profession and his conduct would reasonably be regarded by other members as unprofessional. The member did not supervise his auxiliary which resulted in a non-veterinarian providing a diagnosis and prognosis. The information provided was disturbing for the client and found to be inaccurate. This resulted in unnecessary stress and confusion for the client. Furthermore, the conversations between the auxiliary and the client were not documented in the records. The member ought to have ensured that discussions between his staff and clients are properly documented in the records.

The panel did not find the member's conduct could be considered "dishonourable" or "disgraceful" as there was no dishonesty, deceit, or moral failing to his actions.

The panel found the joint submission as to penalty and costs was reasonable. The penalty will serve to protect the public, rehabilitate the member and general act in the interest of the public.

With respect to the issue of suspension, the panel considered the submissions of the parties carefully. The panel was satisfied the member took full responsibility for their role in the misconduct and has begun to make positive changes to their practice. The member demonstrated remorse and indicated they will implement further changes following the remedial steps.

While the member has previously appeared before a discipline panel, the panel concluded the previous matter was not substantially the same as the current matter. As such, the panel concluded the member's conduct and the question of suspension needed to be considered independent of his prior history.

The panel concluded a suspension of the member's licence to practice veterinary medicine was not warranted and that in all of the circumstances such a penalty would be too harsh for this case.