

Summary of Discipline Committee Hearing



DR. AHMAD BADRI

Hearing Date: May 28, 2019

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Case A:

- failed to sufficiently explain to the client what a glucose curve is and what it involves
- failed to explain the risks associated with administering insulin
- failed to obtain informed consent
- failed to properly monitor the cat after administering insulin
- failed to refer the cat to a 24-hour facility or emergency clinic overnight, or send the cat home with the necessary information, so the cat could be properly monitored during the glucose curve
- commenced a glucose curve too late in the day
- failed to make or maintain proper records
- failed to maintain the standards of practice of the profession
- an act or omission that would be regarded by members as unprofessional

Case B:

- failed to assess the cat's anesthetic depth and vital signs when the SpO2 level dropped to 97%
- flushed oxygen when the SpO2 level dropped to 97% when 95% or lower is the generally recognized SpO2 level for flushing
- failed to ensure that the oxygen line was correctly connected
- offered to compensate the owners and/or make a donation with the result that the owners felt pressured not to file a complaint with the College
- made a donation in the cat's name which resulted in the clients receiving a letter from the Ontario Veterinary College at the University of Guelph Pet Trust when the clients said they wanted no part in any donation;
- failed to record the cat's respiratory rate or blood pressure in the anesthetic record.
- failed to maintain the standards of practice of the profession
- failed to make or maintain proper records
- an act or omission that would be regarded by members as unprofessional

BRIEF SUMMARY

Case A:

The member examined a cat for inappropriate urination and a return of itchy dermatitis. Due to high blood glucose readings, the cat was admitted to the clinic for further testing, that being a glucose curve. Following the administration of insulin, the cat was left unattended overnight. The next morning

she was found to be unconscious and non-responsive. She was euthanized later that day.

Case B:

The member examined a cat that was not eating well and had pain on the left side of her mouth. The cat was admitted for a dental examination and possible tooth extraction. The oxygen machine that administered the anesthetic, however, had its tubes crossed. The cat died under anesthesia.

Both cases were heard together.

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 three months.
- Prior to the suspension the member must complete an evaluation of his baseline knowledge and practices regarding the issues that arose in these two cases. The assessor will observe three surgeries conducted by the member.
- Prior to the end of the suspension the member must complete a one or two-day mentorship addressing all aspects of veterinary practice and focused on the issues that arose in these cases.
- Completion of the College's medical record modules on the College website.
- Following the suspension the member must complete a peer review of medical records. If necessary, potentially two additional reviews of medical records will be conducted.
- In the six months following the suspension the member's practice will be assessed on two separate days with a report provided to the Registrar.
- The member will pay costs to the College of \$8,000
- Pursuant to legislation, this matter is published including the member's name

PANEL'S REASONING

The Panel accepts the limits on its role when evaluating a joint submission on penalty and an agreement on costs. A joint submission should be accepted unless it would be bring the administration of justice into disrepute or otherwise be contrary to the public interest. An agreement on costs should be accepted unless it is clearly unreasonable.

Bearing this in mind, the Panel considered the College's submissions on penalty and costs. Counsel for the College summarized the four general principles relevant to penalty:

protection of the public, general deterrence, specific deterrence, and rehabilitation. Counsel for the College also referred to the totality principle: an appropriate penalty should not be arrived at by simply adding up the penalties for each allegation as if they occurred in isolation, but to ensure that the cumulative penalty is not excessive or unusual in light of the member's responsibility.

The Panel considered six other relevant cases. Recognizing that no two cases are exactly alike, and that the penalty and costs should reflect the particular circumstances of the case, the Panel found these cases helpful in setting out the range of reasonable penalties and cost awards for similar misconduct.

The Panel also considered a number of mitigating and aggravating factors. The member had been a veterinarian for more than 40 years, and had provided veterinary services to a variety of animal organizations and served on various committees. Furthermore, the member fully co-operated with the College, thus obviating the need for a lengthy and costly hearing and sparing the witnesses from having to testify. The member had also taken remedial measures by replacing the anesthetic machine involved in the treatment.

On the other side of the ledger, the Panel considered the fact the member had a disciplinary history. In May 2016, the member was found to have committed professional misconduct and received a reprimand and three month suspension, among other sanctions.

Having considered all of these principles, authorities, and factors, the Panel accepts that the joint submission on penalty falls within the range of what is reasonable and appropriate and is consistent with the College's mandate to protect the public interest. In particular, the reprimand and suspension provide specific and general deterrence, and the conditions on the member's practice (mentoring, completion of modules on the College's website, and peer review) will be useful in rehabilitating the member.

With respect to costs, the Panel agrees that \$8,000 is fair and reasonable in the circumstances, considering that two separate matters were heard together and having regard to the costs awards found in the similar cases.