

DECISION AND SECTION 43 STATEMENT TO THE VETERINARY COUNCIL BY THE COMPLAINTS ASSESSMENT COMMITTEE: CAC16-20

Dr Alfa¹

Complaint from Dr Bravo, Dr Charlie and Dr Delta

Summary

1. A Complaints Assessment Committee (CAC) of the Veterinary Council of New Zealand (VCNZ) has investigated a complaint about Dr Alfa. The CAC has concluded that it will be taking no further action in relation to Dr Alfa for the reasons set out below. The CAC has, however, made a number of recommendations for Dr Alfa's future practice.

Background

2. Dr Alfa is the veterinary director of Echo Vets. Drs Bravo, Charlie and Delta (the complainants) were, at various times, employees of Echo Vets. Following their departures from Echo Vets, the complainants raised a complaint with VCNZ. The complaint covers a number of areas as set out below (using the headings listed in the letter of complaint).

Lack of support for new graduates

3. The complainants all started work at Echo Vets as recently qualified veterinarians and they felt that they did not receive adequate training, supervision and support from Dr Alfa. The complaint indicated that it was inappropriate for Dr Alfa to hire recent graduates if she was not willing or able to support them appropriately.
4. Dr Charlie said that he was told at the time he was recruited that there would be structured training but that this did not eventuate. Dr Bravo said she was promised that Dr Alfa would be readily available to support her but that this did not happen and she received all of her support from Dr Charlie and a locum veterinarian. Dr Delta said that she received "*little to no*" training from Dr Alfa.
5. All three complainants raised concerns about being placed on-call for afterhours work when they were new to Echo Vets. Dr Charlie and Dr Bravo both said that they were placed on-call at an earlier stage than they had been told they would during the recruitment process.
6. The complainants also raised concerns about Dr Alfa not always being available to them on-call when they needed support. They said that, when Dr Alfa did respond to them, they were often made to feel like they were bothering her by asking for help.
7. The complainants referred to a meeting on 7 January 2016 between the staff veterinarians and Dr Alfa, who was unwell and not working at the time. The complainants felt that Dr Alfa was hostile and disparaging and that she was particularly hostile towards Dr Charlie. Dr Charlie felt that he was bullied by Dr Alfa at this meeting.

¹ All names, places, and identifying features have been changed.

Unethical behaviour

8. The complainants referred to several incidents where they alleged that Dr Alfa had disparaged other veterinarians, namely that she:
 - commented to a client that a former employee had been qualified for five years and still couldn't remove an orthopaedic pin, implying that the vet was not competent
 - said to the owners of a dog called Foxtrot that staff at another practice were incompetent because they had not noticed that Foxtrot had been kicked by a cow
 - made another local clinic out to be incompetent to the owners of a dog when that clinic missed a triceps avulsion fracture.
9. The complainants felt that Dr Alfa bullied them on several occasions. They referred to incidents where she reprimanded Dr Delta for not getting enough work done; told Drs Bravo and Delta that they should be making three times their salary in revenue; and asked staff to inform her if they were asked to provide a personal reference for Dr Charlie.
10. An incident was raised where Dr Alfa put a note on Dr Bravo's personnel file without telling her, verbally or in writing, that it existed.

Professional conduct concerns

11. The complainants raised concerns about Dr Alfa telling them she was on opioids. They said she sent a text message to Dr Bravo stating that she did not do well on antihistamines and opioids; and told staff members that she needed to be "*watched*" around opioids. The complaint suggested that Dr Alfa might not be fit to practise due to medication use.
12. The complaint noted that Dr Delta worked for three and a half weeks at Echo Vets before she was registered. When Dr Delta found out that this was not appropriate, she raised it with Dr Alfa who, she says, told her that it had "*slipped [her] mind*".
13. The complaint included a copy of an email Dr Alfa sent where she described herself as a senior orthopaedic surgeon, which the complainants suggested was a misleading representation of her qualifications.
14. The complaint also included a number of items from the Echo Vets Facebook page which the complainants considered was misleading advertising. The posts showed photographs of patients and text indicating that they had been treated with an Echo Vets' natural product. The complainants said that sometimes the animals had not been treated with those products or, if they had, they were also treated with conventional medicines.
15. The complainants raised concerns over the heat in the clinic during January and February 2016, which they said was detrimental to the animals and staff. While the complainants said that Dr Alfa promised to get an air conditioner, they said that this did not eventuate and that the other options suggested by Dr Alfa (opening doors and using a fan) were not adequate.

Professional judgement

16. The complainants raised concerns about Dr Alfa's professional judgment and suggested that she rarely carried out a physical examination before advising on

treatment for animals. They referred to a number of specific cases where they had concerns. These included:

- Foxtrot, a dog whose tooth Dr Alfa allegedly removed without pain-relief
- Oscar, a cat that the complainants said Dr Alfa handled inappropriately; told the owner and staff that a blood test was carried out when it wasn't; and charged for the blood test
- a dog which Dr Alfa told Dr Delta to treat with a natural remedy, when Dr Delta did not feel this was appropriate.

Dr Alfa' response

17. Dr Alfa provided a lengthy response to the complaint including her comments on the complaint; statements from current Echo Vets staff; copies of Echo Vets policies and procedures; clinical notes for the animals mentioned in the complaint; references from a large number of colleagues and other members of the community; positive comments about Echo Vets from clients and students who saw practice at Echo Vets; and numerous emails and other documents relating to the matters raised in the complaint. Dr Alfa also provided a selection of her personal health records including the use of prescription medication.
18. Dr Alfa did not agree that there was a lack of support for recently qualified veterinarians. She described the support and training that was given to the complainants. Dr Alfa pointed out that shortly after Dr Bravo started at Echo Vets, Dr Alfa was injured and unable to work. She also set out the difficulties she had with managing Drs Charlie and Bravo in particular and said that they became a "toxic team" in January 2016.
19. Dr Alfa denied making disparaging comments about other veterinarians and provided explanations for the three cases raised by the complainants. She did not agree that she bullied the complainants.
20. In relation to the concerns raised about her medication usage, Dr Alfa denied being unfit to practise. She explained that Dr Bravo contacted her shortly after she left hospital; she was "rather short" in her reply to Dr Bravo; and the text message was sent after that phone call. Dr Alfa provided her personal medical records which did not suggest any medication misuse.
21. Dr Alfa said that Dr Delta saw practice as a student at Echo Vets for three weeks and that she was not employed until Dr Alfa saw her registration. She said that she was unaware that Dr Delta should not have seen practice prior to registration.
22. Dr Alfa denied any intent to mislead anyone about her qualifications. In relation to the advertisements on Echo Vets' Facebook page, Dr Alfa did not agree that these were in any way misleading.
23. Dr Alfa commented on the specific cases raised by the complainants, setting out her perspective on what happened. She also supplied the clinical records for these.

CAC investigation

24. As well as inviting her response and requesting clinical records, the CAC asked Dr Alfa to provide details of Echo Vets' current staffing arrangements. Dr Alfa provided these and the CAC was satisfied that the current staffing levels do not raise any concerns about the level of support available to junior staff members.

25. The CAC shared Dr Alfa's response with the complainants and invited their comments. They provided detailed commentary but, in summary, they did not agree with Dr Alfa's response and stood by their original complaint.
26. Dr Golf, a recent graduate who now works at Echo Vets, was asked to comment on the support she received in order to determine whether there are any ongoing concerns about support at Echo Vets. Dr Golf responded that she felt that she received adequate support from Dr Alfa. She noted that Dr Alfa could be demanding and put her in situations where she wasn't always comfortable but she knew Dr Alfa was available if she needed her.
27. After considering Dr Alfa's response and the complainants' comments, the CAC considered that the issue of whether Dr Alfa did actually carry out blood testing on Oscar remained unresolved and Oscar's history did not record any specific blood test results on the day in question. The CAC therefore asked Dr Alfa to provide evidence of the blood testing carried out, namely, a machine printout of the results. Dr Alfa responded that she used an Azostix strip, not a machine, so she could not provide this.

Relevant standards

28. The CAC referred to the requirements of the Code of Professional Conduct for Veterinarians (the Code). The sections of the Code which are relevant to this complaint are attached as **Appendix 1**.

CAC considerations

29. The CAC has invested considerable time in examining the several hundred pages of material received.
30. The CAC considers that a number of the matters raised in this case, by both the complainants and Dr Alfa, relate to:
 - an employment dispute that is better dealt with in other forums (matters in this category include hours of work; remuneration; workplace conditions; and the contents of staff personal records)
 - comments on the character of all parties, which fall outside the remit of the CAC.
31. However, a number of allegations did warrant investigation by the CAC. These were:
 - a lack of support for new graduates
 - disparaging other veterinarians
 - unethical practice
 - compromising animal welfare
 - bullying and manipulation.

Each of these allegations are considered below.

Lack of support for new graduates

32. An interview with a recent graduate currently employed by Dr Alfa satisfied the CAC that adequate support and mentoring was in place at the time of this investigation. There was however no written framework for how this mentoring would occur.

33. Testimonials from current non-veterinarian staff (nurses, administration) and students seeing practice with Dr Alfa lead the CAC to conclude that there is no willful lack of support for recent graduates.

Disparaging other veterinarians

34. The CAC did not find sufficient evidence to support this allegation.
35. The CAC recognises that there are differing opinions on how best to practise veterinary science within the profession. It has not found evidence to support the view that any alleged criticism by Dr Alfa of others' work has undermined public trust in, or brought discredit to, the profession.

Unethical practice and professional conduct

36. In its investigation, the CAC did not find sufficient evidence to raise a case to answer that Dr Alfa practised unethically.
37. On the allegation that Dr Alfa overstated her qualifications, the CAC is of the opinion that the title "Senior Orthopaedic Surgeon" does not formally overstate Dr Alfa's qualification. It notes that the only qualification used in the email quoted in evidence was BVSc.
38. In reviewing the personal health records supplied by Dr Alfa, the CAC is satisfied that there is no evidence to suggest that there has been any misuse of prescription medication and no evidence that suggests that Dr Alfa was not fit to practise on any medical grounds. Due to the personal nature of these records, they have not been supplied to the complainants for comment.

Compromising animal welfare

39. On the balance of evidence reviewed by the CAC, it does not find a case to answer for any animal welfare compromise by Dr Alfa. The CAC has taken into consideration the allegations made and testimonials in support of Dr Alfa and has found no case that exceeds the threshold for further action.
40. The CAC acknowledges that there can be perceived differences between how a case is ideally managed (to a "gold standard" level as expected by a recent graduate) and what can reasonably be performed in general practice. The CAC is comfortable in its assessment that any differences in expectations highlighted in this investigation do not reach the threshold for further formal action.

Bullying and manipulation

41. The CAC is of the opinion that, on the evidence reviewed, there is nothing to suggest a serious breach of the Code of Professional Conduct for Veterinarians. Any workplace grievances held by the complainants would be better heard in the employment disputes arena.

General comments

42. The CAC wishes to extend its sympathy to the complainants in this case for their negative experiences as recent veterinary graduates. In saying this, the CAC does not believe that, on the body of evidence reviewed, any of the allegations reach the threshold for disciplinary action.

43. In reviewing the large number of testimonials and comments provided by both parties, the CAC considered that conflicts have negatively impacted on the professional lives of both the complainants and Dr Alfa.
44. Although the personal conflicts experienced by both parties are far from ideal, they are an aspect of many work places.
45. The CAC recognises that the formative first few working years of a member of the veterinary profession are vitally important in the development of their confidence and technical abilities. The CAC is encouraged that the complainants in this case have now found employment within the profession that more closely aligns with their individual needs and personal expectations.

Decision

46. The CAC considers that this case can be closed and no further action² needs to be taken.

CAC suggestion/recommendations

47. While the CAC considers that no further formal action is needed, it has identified areas where Dr Alfa's practice could be improved. In particular, the CAC suggests that Dr Alfa refresh her understanding of the Code of Professional Conduct, in particular the section on Professional Relationships and specifically paragraph 5 of that section which covers support for newly registered or inexperienced veterinarians.
48. The CAC strongly recommends that, as part of the recruitment process of employing a recent graduate, Dr Alfa documents the level of support to be provided, what training will be provided, and the expected experience required for a recent graduates' commencement of on-call duties. Dr Alfa is encouraged to consider the perception of recent graduates about what constitutes adequate support during the early stages of their career and how this may differ from her own. This document should be provided to recent graduates for signing so that there is a shared understanding of expectations, with a copy provided to VCNZ.

Learnings for the profession

49. It is a fundamental requirement that those who employ newly qualified veterinarians must give them adequate support and training to develop their competence and ensure they practise safely. Where veterinarians plan to employ new or recent graduates, they should make sure that both parties' expectations around support and training are clear and it is strongly recommended that this be recorded in writing for both parties' future reference.



Dr Philip Watson
Chair
Complaints Assessment Committee

19 April 2017

Date

² Under s43(1)(f) of the Act

Appendix 1 – Extracts³ from the Code of Professional Conduct for Veterinarians

Professional Relationships

Veterinarians must interact with colleagues honestly, with respect and in a way that fosters good relationships and communication

4. Veterinarians must treat colleagues with professionalism and respect; not making malicious or unfounded criticisms that may undermine the public's trust or bring discredit to the profession
5. Veterinarians must ensure that veterinary colleagues within the practice are appropriately supported, particularly those who are newly registered or inexperienced.

Professional Integrity

Veterinarians must act in a manner that promotes the public's trust and confidence in the profession.

1. Veterinarians must display high standards of integrity and accountability and must not engage in fraud, misrepresentation or deception.
9. When promoting services and products:
 - a. Veterinarians must act fairly representing their capability and competence accurately;
 - b. Veterinarians must not exaggerate any claim or comparison of the service or product over another or overstate their skills and knowledge by using misleading descriptors.

Veterinary Services

Veterinarians must strive to provide a high standard of veterinary practice.

2. Veterinarians must recognise when either their competence or the resources available to them place limits on their ability to perform to an acceptable standard. All reasonable steps must be taken to avoid exceeding those limits.
3. All veterinarians must take reasonable care to ensure that the practice that they are working in is operated to the standard expected in this Code.

³ See the Code of Professional Conduct at <http://www.vetcouncil.org.nz/CPC/index.php> for explanatory notes for each of these sections.