



DECISION AND SECTION 43 STATEMENT TO THE VETERINARY COUNCIL BY THE COMPLAINTS ASSESSMENT COMMITTEE: CAC16-25

Dr Echo

Complaint from Miss Tango

Introduction

1. A Complaints Assessment Committee (CAC) of the Veterinary Council of New Zealand (VCNZ) has investigated a complaint about Dr Echo. The CAC has concluded that it will be taking no further action in relation to Dr Echo for the reasons set out below.

Summary of complaint

2. Dr Echo is the senior veterinarian at his practice.
3. Miss Tango complained about the treatment she received from Dr Echo when she contacted the clinic to request that her 8-month-old puppy be euthanised. She claimed that Dr Echo verbally abused her over the phone and displayed unprofessional behaviour by not listening to her.

Background

4. Miss Tango is a dog breeder. She called Dr Echo's clinic on 3 October 2016 to arrange an appointment for a puppy to be euthanised. She wrote that she explained to the receptionist (later identified as Mrs Lima) that the pup had been *'a bit off colour'* and that *'instead of spending lots of money on her [she] was opting to put her down'*. Miss Tango wrote that she explained that there were *'underlying issues with the bitch'* and that she felt that euthanasia was *'best for all concerned including [the puppy]'*. Although she didn't explain this to Mrs Lima at the time of her request to have the dog euthanised, in her letter of complaint Miss Tango wrote that the puppy didn't have a good temperament with other dogs and so, when she stopped eating, she decided not to treat her.
5. Miss Tango wrote that Mrs Lima told her that she would need to talk to the vet and *'when [Mrs Lima] returned, she advised that Dr Echo didn't want to euthanize the puppy, rather he wanted to do a health check on her'*. She wrote that she was told that if *'he felt he could fix her'*, following the health check, Dr Echo would treat the puppy and then rehome her. Miss Tango wrote that she was *'extremely upset and angry [with his response] and trying not to take it out on the receptionist'*. She asked Mrs Lima to ask Dr Echo to call her.
6. According to Miss Tango, *'about 5 mins later'* she received a call from Dr Echo. She described his manner as *'excessively aggressive, abusive and [containing] some of the foulest language [she had] ever heard'*. She reported that he was *'screaming at her, yell[ing] abuse'* and threatening and that he told her she was negligent and mistreated her dogs. She wrote that he told her he was *'sending the SPCA around to [her] and that [she] should expect them soon and that would teach her'*

for not allowing medical treatment to [her] dog'. She wrote that he threatened this to her twice before '*rudely hanging up*'.

7. Approximately an hour after speaking with Dr Echo, Miss Tango phoned the SPCA to see if they had heard from him. She was told that they hadn't. However, 5 minutes later she received a call from the SPCA saying that Dr Echo had called them wanting to know what he could do to prevent her from euthanising the puppy. She reported that she explained the situation and was told '*it all sounded fine and was nothing to do with them*'. She reported that the SPCA called a local dog control ranger who had been involved in breeding dogs of the same breed, and was told that she (Miss Tango) would not be taking the decision to euthanise a puppy lightly.

Summary of complaint

8. Miss Tango described her concern as being about Dr Echo's inappropriate behaviour. She listed her specific concerns as follows.
 - '*Code of ethics*' (no further clarification given)
 - '*Inappropriate behaviour*
 - '*Verbal abuse via phone call*
 - '*Not listening to relevant information*'.

CAC investigation

9. Dr Echo responded to Miss Tango's complaint, including information from Mrs Lima setting out her version of events. She advised that Miss Tango had phoned the clinic stating '*I would like to book my puppy in to be euthed [sic]*' as, although she had tried a variety of diets, she couldn't '*get the weight on it*'.
10. Mrs Lima wrote that when she told Miss Tango that she would need to '*confirm the situation with Dr Echo prior to confirming the euthanasia would proceed*,' Miss Tango's '*attitude and mood changed to a more aggressive tone*' and she stated that she would go elsewhere (to have the euthanasia done). According to Mrs Lima '*there were numerous swear words*'. Mrs Lima then tried to '*re-set the conversation*' by taking Miss Tango's details. She wrote that she looked at the history from the puppy at earlier visits and couldn't see any relevant issues. She explained to Miss Tango that she would discuss the case with Dr Echo as soon as she was able and then call her back.
11. Mrs Lima discussed the case with Dr Echo who suggested that Miss Tango be asked to come in for a consultation straight after the currently fully booked consulting block and discuss the scenario with a vet (him or an associate). He also suggested that, as an alternative, if she wasn't up to doing this, she could drop the pup off, pay a euthanasia fee, sign the appropriate documentation and he would look at the puppy. If he considered it appropriate he would euthanise it and, if he felt it was salvageable, he would '*invest the clinic's own funds above the euthanasia fee to ascertain a diagnosis and treatment plan with a view to rehoming the pup*'. Dr Echo subsequently confirmed that he made the offer for the clinic to fund any treatment as he '*was under the impression that finances might be affecting her decision to euthanise*'.
12. As he was completely booked, Dr Echo asked Mrs Lima to call Miss Tango and put the suggestions outlined above to her. According to Mrs Lima, these suggestions were met with '*a barrage of threats, swearing and aggression along with threats of wide-spread slander*'. Mrs Lima wrote that '*following this initial verbal barrage, Miss Tango suggested that the pup had already*

been seen by her other vet with prior health issues (unspecified)'. Mrs Lima then suggested that the clinic obtain the relevant clinical records 'in order to ease an agreement to euthanase the pup'. Mrs Lima reported that Miss Tango refused (aggressively, using foul language) and demanded that Dr Echo call her or she was 'going on to the [local community facebook] page to slander his name or the clinic's name'.

13. When Dr Echo was in between clients he was alerted by his nurse that the situation *'had become quite heated'* and that it *'required some urgent attention'*. He spoke to Mrs Lima about what had happened and noted that she was *'obviously terribly upset and shaken'*. He said that she explained that she had sustained *'a barrage of abuse, swearing, threats and foul language'* and that Miss Tango had made *'threats of slander and defamation using social media'* against him personally and the clinic. Mrs Lima reported that she felt personally attacked and upset.
14. After talking with Mrs Lima, Dr Echo immediately phoned Miss Tango back. Mrs Lima was in the room during this call. He described his call as *'short, direct, aggressive and concise and was very much one directional'*. He wrote that he told Miss Tango that:
 - *'if she thought she would get anywhere with [him] by use of threats, that she most certainly was moving to battle with the wrong person and her attempts to manipulate what she wanted to suit her own agenda was (sic) certainly not going to fly with [him]'*
 - he certainly wasn't going to allow her to *'behave in such an aggressive, vile and threatening manner to [his] front-line staff without any consequence'*
 - *'any amount of vile behaviour and swearing would almost certainly reap what was sown'*
 - he would *'use whatever means [he] had to ensure that the welfare of the pup was met and any concerns of prior delay in appropriate duty of care ascertained'*.Dr Echo stated that at no time did he refuse to put the dog down. Rather he wanted to have a consultation before reaching any final decision but he understood that Miss Tango was not willing to do so.
15. Dr Echo confirmed that he contacted the SPCA requesting that, *'as a favour'*, they contact Miss Tango to:
 - establish that the choice of euthanasia was appropriate
 - *'try and act as an independent mediator in an attempt to explain why I required the relevant information prior to ethical agreement for myself or my clinic to euthanase this puppy'*.
16. Dr Echo reported that, in response to his request, an SPCA staff member dealt with the situation and called him back to explain that *'the dog had medical history in relation to the state it was in and that the complainant had agreed to provide the vet whom [sic] had eventually been booked to euthanase the pup with the relevant history'*. He was advised that the SPCA staff member had been made aware of the behavioural and aggression issues with the pup. Dr Echo noted that, at no stage, was he (or anyone at his clinic) given any information about the behavioural issues.
17. The CAC contacted the inspector for the SPCA for her recollection of her conversation with Dr Echo. She confirmed that Dr Echo told her that Miss Tango wanted to put her puppy down and that he did not want to perform the euthanasia. The SPCA Inspector told Dr Echo she couldn't do anything from an SPCA point of view but she could call Miss Tango and try to mediate in a personal capacity. The Inspector contacted Miss Tango who told her that *'she wanted to euthanise the puppy'* and that *'the pup had behavioural issues and she did not want to sell a dog with behavioural issues.'*

18. Miss Tango was invited to comment on Dr Echo's response. She disputed his version of events as well as that of Mrs Lima.
19. The CAC met separately with Miss Tango, Dr Echo, and Mrs Lima. Following these meetings, it shared the transcripts of each meeting with the other party and invited their comments. The comments received were largely concerned with the parties' differing views of the facts.

The Code of Professional Conduct for Veterinarians

20. The CAC referred to the requirements of the Code of Professional Conduct for Veterinarians (the Code), **Appendix 1**, and Competency Standards and Performance Indicators for Veterinarians, **Appendix 2**.

CAC considerations

21. The different accounts of what happened during the telephone conversations between Miss Tango and Mrs Lima vary so much that it is hard for the CAC to reconcile what actually happened and therefore a decision cannot be made as to what actually took place. Some areas of disagreement include whether:
 - Miss Tango was requesting an appointment for a consultation or whether she was requesting that the dog be euthanised without any questions being asked
 - Miss Tango threatened to use the local facebook page to slander Dr Echo and the clinic
 - Miss Tango threatened to *'take [Dr Echo] to his knees'*.
22. The accounts of what happened during the telephone call between Dr Echo and Miss Tango however are more in agreement. Mrs Lima described the telephone call as being *'terse, rapid and short'*. Dr Echo admitted to the CAC that *'it was a one way conversation'*. When asked if he gave Miss Tango a chance to respond he confirmed that he hadn't, adding *'neither would I do so if I had to revisit the case again'*.
23. Dr Echo objected to Miss Tango's reported behaviour towards Mrs Lima and maintained this was *'totally unacceptable'*. However it is the CAC's opinion that, in his telephone call to Miss Tango, he behaved in a similar fashion.
24. When Dr Echo phoned Miss Tango he only had Mrs Lima's version of events. The CAC considers that he had an obligation to allow Miss Tango to give her version of events before commenting.
25. During the face to face interview with the CAC, Dr Echo stated that, *'if the demands of professional integrity [as set out in the Code of Professional Conduct] demand that I enter into a two way conversation from someone who has yelled at, sworn at my staff, yelled at them down the phone, threatened me personally, tried to blackmail me into doing something that I'm not comfortable with and giving ultimatums that are totally unreasonable, then unfortunately my opinion is that the code needs to be seriously revisited if it demands me, as a professional, to enter into a two-way conversation with someone like that'*. He also stated that if similar circumstances arose in the future he would still behave in the same manner and *'that's never going to change'*.
26. To the CAC's knowledge Dr Echo does not have a history of this type of behaviour. While Dr Echo's admitted behaviour is a serious breach of the Code, the threshold for taking further action in the case of a single incident is much higher than if there is a history of similar behaviour.

Competence and health

27. The CAC found no concerns during its investigation about Dr Echo's competence or his health. There is therefore no need to make any recommendations to VCNZ in this regard.

Decision

28. Dr Echo's behaviour breached the Code of Professional Conduct for Veterinarians. However, the breach was of insufficient severity to reach the threshold to refer Dr Echo to appear before a disciplinary tribunal.
29. Based on the considerations set out above, the CAC considers that this case can be closed and no formal action needs to be taken. However, it notes that a repeat of such behaviour would likely lead to further action.

CAC suggestions

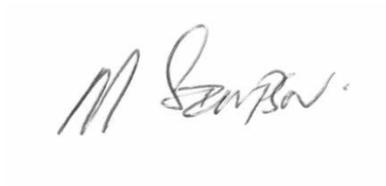
30. While the CAC has concluded that no further formal action is required, it identified some concerns about Dr Echo's admitted conduct toward Miss Tango in his phone call with her and also his demeanour when meeting with the CAC. In light of these concerns, the CAC makes the following suggestions to Dr Echo. These are aimed at preventing similar issues being raised in the future.
- That he review the Client Relationships section of the Code as well as section 7 of the Competency Standards and Performance Indicators for Veterinarians (Communicate effectively).
 - That he reflect on how he could have handled this situation differently to meet the requirements of these documents.
31. The CAC reminds Dr Echo that the Code of Professional Conduct sets out the professional conduct standards the public, the profession and VCNZ expect veterinarians to meet and to be measured against. Veterinarians have a professional responsibility to comply with the Code and the rights conferred by veterinary registration are placed at risk if these obligations are ignored or flouted.
32. The CAC suggests that Dr Echo seek some guidance with regard to effective communication strategies in stressful situations.

Learning for the Profession

This case highlights the potential for confusion over the use of terminology commonly used by veterinarians (and other health professionals). In this instance, the veterinarian referred to the client's apparent unwillingness to bring her dog for a consultation. The complainant considered this wasn't a true representation of the facts as she was willing to bring the dog for a '*consultation to have [the dog] put to sleep*'. While she was referring to an appointment for a specific purpose, the veterinarian was using the word in the usual veterinary sense – to refer to an opportunity to assess an animal's health and condition prior to making a decision about future treatment (or euthanasia).

It is a fundamental requirement, set out in the Code of Professional Conduct, that veterinarians listen to clients, respect their views, respond to their concerns and preferences and treat them with courtesy.

While veterinarians are not expected to put up with abuse to them or their staff, their response in these situations should be measured and professional. Responding with aggression is not helpful and is likely to make matters worse.



21/07/2017

Dr Mark Simpson
Chair
Complaints Assessment Committee

Date

Appendix 1: Code of Professional Conduct for Veterinarians (the Code)

Client relationships

Veterinarians must practise in a way that promotes effective communication, trust, meets confidentiality and consent requirements and recognises clients' right to choose

1. Veterinarians must interact with clients in a way that promotes effective communication and trust. This includes:
 - a. listening to clients, respecting their views, responding to their concerns and preferences and treating them with courtesy;

Understanding Section 1

b. Communication

- i. Veterinarians must be able to communicate effectively with clients. This includes:*
 - a. listening to clients and identifying their concerns*
 - b. finding out from clients what their veterinary needs and expectations are*
 - c. explaining treatment choices and options in a way clients can understand*
- ii. Most of VCNZ's expectations around the quality of veterinarians' communications with clients are set out in its [Policy Document Competency Standards and Performance Indicators for Veterinarians](#). This section of the Code focuses on the ethical aspects of communication including consent issues and the confidentiality of information.*

Appendix 2: Competency Standards and Performance Indicators for Veterinarians

Competency Standards and Indicators

The veterinarian must:

7. Communicate effectively

Indicators:

Demonstrates:

- effective oral and written communication skills
- an understanding of verbal and non verbal means of communication and cultural differences
- good listening skills
- avoidance of jargon
- effective conflict management techniques

With clients demonstrates:

- rapport, sensitivity, empathy, courtesy and respect
- clear and accurate explanations of findings, treatment options and likely outcomes in easily understood language
- client's understanding of the information provided is confirmed
- the need for sensitivity and support for grieving clients in situations of euthanasia