

# DECISION AND SECTION 43 STATEMENT TO THE VETERINARY COUNCIL BY THE COMPLAINTS ASSESSMENT COMMITTEE: CAC16-30

Dr Victor<sup>1</sup>

## Section 39 referral

### Summary

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

### Background

2. Dr Victor is the Director of Alpha Vets. She is also a shareholder in the local after hours clinic (After Hours), which provides afterhours cover to a number of veterinary practices including Alpha Vets.
3. On 26 July 2016, Dr Golf, Director of After Hours, contacted VCNZ and raised concerns about Dr Victor. Dr Victor allegedly expressed concern to a client about the level of sedation that a dog, Whiskey, received while at After Hours. Dr Golf suggested that the way Dr Victor expressed her concerns to the client might have breached the Code of Professional Conduct for Veterinarians (the Code).
4. On 4 April 2016 Whiskey was taken to Alpha Vets by the owner of the kennels where he was staying. Whiskey's owner, Mrs Foxtrot, was overseas. Whiskey was very unwell and was suspected to have gastric dilation volvulus. Mrs Foxtrot's daughter, Ms Bravo was contacted and she gave permission for surgery, which was performed by Dr Victor.
5. After the surgery, Whiskey was transferred to After Hours. He was up and walking by the time of transfer. Whiskey remained quite unwell and Dr Victor asked that he not be over sedated at After Hours so that any change in his condition would be more easily noted. The following morning when Whiskey returned to Alpha Vets he appeared quite sedated, having been on an infusion of fentanyl, ketamine and lignocaine. Whiskey improved during the day under Dr Victor's care and he was taken off the infusion at 3:00pm.
6. Whiskey was sent back to After Hours that night. He was placed back on an infusion of fentanyl, ketamine and lignocaine because he was thought to be in pain. When he was returned to Alpha Vets in the morning, staff again found him to be quite heavily sedated.

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<sup>1</sup> Names, places and identifying features have been changed.

7. Whiskey returned to After Hours for the night of 6 April 2017 and he was discharged home the following evening.
8. Dr Golf said, and Dr Victor accepted, that Dr Victor had concerns about the level of sedation Whiskey was under at After Hours. In his discussion with Mrs Foxtrot, after this incident, Dr Golf explained to her that there were two different opinions in this case, namely:
  - that Whiskey was stressed and in pain and the medications were administered in his best interests
  - that the level of sedation was excessive and unnecessary and set Whiskey's treatment back.
9. Dr Golf said that Mrs Foxtrot felt that Dr Victor had "fed" Ms Bravo the second opinion which caused her unnecessary stress and concern.
10. Dr Golf's concerns were initially considered by VCNZ's Notification Review Group (NRG). The NRG found that it could not establish, on the material it had, what was said by Dr Victor and it noted that further investigation was beyond its scope. It therefore decided that this matter should be referred to the CAC for investigation. In its referral to the CAC, the NRG noted a previous matter involving Dr Victor where another CAC recommended that Dr Victor should reflect on her communication with, and respect for, other veterinarians.

### **Dr Victor's response**

11. Dr Victor provided a response to the NRG. She noted that Mrs Foxtrot was not in New Zealand when Whiskey was being treated and that the information Dr Golf received from her about Dr Victor's conversation with Ms Bravo was therefore second-hand.
12. Dr Victor gave a description of Whiskey's care and noted that, on return from After Hours on 5 and 6 April 2016, he had poor gastrointestinal motility as a result of the sedative medication he received at After Hours.
13. She said she did not believe she personally made any comments to Ms Bravo about Whiskey's condition but such comments may have been made by her colleagues or staff. Dr Victor recalled seeing Ms Bravo on the evening of 6 April 2016 when Ms Bravo commented that she got the impression from Dr Victor's staff that she would be happier if Whiskey did not return to After Hours. Dr Victor said she told Ms Bravo that she was happy for Whiskey to return to After Hours but would prefer it if he was not overly sedated as that was affecting his gastrointestinal motility.

### **CAC investigation**

14. Dr Victor provided Whiskey's clinical records from Alpha Vets.
15. The two veterinarian members of the CAC conducted a telephone interview with Ms Bravo. Ms Bravo was asked about any conversations with Dr Victor regarding Whiskey's level of sedation. She said that on 5 April 2016 she saw Whiskey shortly

after his return from After Hours. She understood that he had been sedated because he is quite highly strung and can have separation anxiety. Ms Bravo said that Whiskey reacted badly to the sedation and he couldn't stand up and he was not very alert. She was quite upset about this and had a conversation with Dr Victor about it. She could not recall exactly what was said but she remembered that Dr Victor was not happy about the over-sedation. Ms Bravo said she did not feel unhappy with the care provided by After Hours and she was content for Whiskey to return there but she and Dr Victor were both upset at seeing Whiskey in that state.

16. When asked, Ms Bravo said she did not feel that her conversation with Dr Victor undermined her trust or confidence in After Hours. She said she was unhappy with the situation but grateful to both After Hours and Alpha Vets and she trusted both practices. Ms Bravo noted that her parents have subsequently started using Dr Victor for Whiskey's veterinary care in light of the great job she did on this occasion.

### **Relevant standards**

17. The CAC referred to the requirements of the Code of Professional Conduct for Veterinarians (the Code). The section of the Code which is most relevant to this matter is the section on Professional Relationships and, in particular, paragraph 4 of that section:

*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.*

### **CAC considerations**

18. The CAC has noted that After Hours has implemented its own censure using its internal policy for shareholder behaviour relating to any perceived issues between Dr Victor and After Hours.
19. A constructive and informative interview was held between the CAC and the witness in this case, Ms Bravo. From this interview, Ms Bravo has firmly given the CAC the opinion that her trust in the veterinary profession has not been undermined. In addition, the CAC has satisfied itself that Ms Bravo's faith in the veterinary services provided by the After Hours has not been discredited by the conversation between herself and Dr Victor.
20. The complainant in this case, after being provided with a copy of the witness interview transcript, has elected not to comment on its contents.

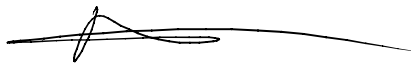
### **Decision**

21. Based on the considerations set out above, the CAC considers that this case can be closed and no further action<sup>2</sup> needs to be taken.

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<sup>2</sup> Pursuant to s43(1)(f) of the Act.

22. Although the CAC has found that there has been no breach in the Code of Professional conduct, it does note that a similar complaint has been brought against Dr Victor in the past. In this prior CAC investigation, it was recommended that Dr Victor should reflect on her communication with, and respect for, other veterinarians.
23. The CAC therefore strongly recommends that Dr Victor keeps in mind how her conversation with clients, pertaining to her fellow colleagues, can be perceived by other vets as contrary to the Professional Relationship (Paragraph 4) section of the Code.



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Dr Philip Watson  
Chair  
Complaints Assessment Committee

23 March 2017

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Date