

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**V**

**MR MARK DOUGLAS HINDS MRCVS**

**DECISION**

1. Mr Mark Hinds appeared before the Disciplinary Committee on the 10 and 11 September 2007 to answer the following charge:

*'That being registered in the Register of Veterinary Surgeons and whilst in practice at Severnside Veterinary Centre, Lydney, Gloucestershire:*

*Between October 2005 and July 2006, you supplied a prescription only medicine, namely Remedeine Forte, to Wendy Hinds, in breach of section 58 of the Medicines Act 1968*

*And that in relation to the facts alleged you have been guilty of disgraceful conduct in a professional respect.'*

2. Mr Hinds admitted that he had supplied a prescription only medicine, Remedeine Forte between the alleged dates to his wife, Wendy Hinds, but denied that he had been guilty of disgraceful conduct in a professional respect.
3. Section 58(2) of the Medicines Act 1968 prohibits the sale of or supply of restricted medicines. Section 58(3) provides an exemption for the sale and supply of medicines by veterinary surgeons for administration to an animal or herd under his care. Section 67 makes it a criminal offence to sell or supply restricted medicines in contravention of section 58. The *RCVS Guide to Professional Conduct* states that veterinary surgeons should be sufficiently familiar with and comply with relevant legislation including the Medicines Act and associated legislation as it applies to the use, prescription, sale and supply of veterinary medicinal and related products. The *Guide* warns that failure to observe these requirements could result in the removal of the exemption for the supply of medicines by veterinary surgeons.
4. Mr Hinds qualified as a veterinary surgeon in 1988 and joined the Severnside Practice, Lydney, Gloucestershire in 1990 becoming a partner in 1993. His partner, Mr Roper, retired following the outbreak of foot and mouth disease in 2002 and his wife, who is not a veterinary surgeon, became a partner in the practice. Mrs Hinds had been involved in a serious car accident in 1999 and undergone spinal surgery on several subsequent occasions. She has remained in constant pain. Between October 2005 and April 2006 Mr Hinds employed a former veterinary nurse, Mrs Carol Hyde, at the practice. She had previously worked for the practice between 2001 and 2002.

5. The College's case is that Mrs Hyde observed in or about November 2005 that six boxes of a prescription only medicine, Remedeine Forte, had been ordered from the practice's drug supplier, Centaur, which had apparently not been ordered for a particular client. On making enquiries of other members of the staff she discovered that the medicine had been ordered for Mrs Hinds who required them as painkillers. On that occasion she observed Mr Hinds take the six boxes away with him when he left the surgery. On a subsequent occasion, whilst unpacking an order, she saw a further batch of eight boxes of the same medicine which she put to one side, and on other occasions she was aware that when Mr and Mrs Hinds went away on holiday there were deliveries of greater quantities of the medicine which were put to one side for the use of Mrs Hinds. Shortly before she left the employment she had a conversation with Mrs Hinds in which she admitted that she was taking the Remedeine ordered from Centaur.
6. Following receipt of a letter from the Professional Conduct Department of the RCVS dated 7 December 2006, notifying him of Mrs Hyde's complaint and an anonymous letter to the police, Mr Hinds replied to the College by letter on 10 January 2007 admitting that he had supplied Remedeine Forte to his wife and expressing his regret. In that letter, and in the oral evidence he gave before this Committee, he explained that his wife has suffered spinal injuries in a serious car accident in 1999. Subsequently, she underwent surgery on repeated occasions to stabilise the spine and, later, to remove the metalwork from her spine after she developed MRSA. Since that time she has suffered what he described in his letter as unremitting pain. He explained in oral evidence that he gave no thought to the provisions of section 58 of the Medicines Act 1968 when he started to supply the prescription only medicine to his wife. He said that the medicine in question, Remedeine Forte, had previously been prescribed, amongst other painkillers, by his wife's General Practitioner. He said that he had discussed the supply of the medicine with his wife's doctor and that she had also discussed it with him. He had not considered that he was taking over the care of his wife as he had been providing the medicine which she had previously been prescribed. He did so because it was more convenient than obtaining the medicine from the General Practitioner's dispensing practice.
7. The Committee has given detailed consideration to all the evidence in this case, submissions of Counsel and has taken account of the advice of the Legal Assessor before reaching its decision. The fact that Mr Hinds had supplied the prescription only medicine to his wife between the alleged dates was admitted. The Committee was invited to consider whether the admitted facts as contained in the College's opening and the witness statement from Mrs Hyde was disgraceful conduct in a professional respect. The Committee was reminded by the Legal Assessor that disgraceful conduct in a professional respect is conduct which falls far short of that to be expected in the profession. The Committee was directed by the Legal Assessor that personal mitigation should not be taken into account in reaching its decision; although, it is entitled to take account of the circumstances giving rise to that conduct.
8. Whilst the Committee accepts the explanation put forward by Mr Hinds as to the circumstances which led to his supply of the medicine to his wife, it has concluded that Mr Hinds conduct in supplying a prescription only medicine to his wife between the alleged dates in contravention of section 58 of the Medicines Act 1968 is disgraceful conduct in a professional respect. The statutory provisions explained above, supported by the *RCVS Guide to Professional Conduct*, are clear that the only circumstances in which veterinary surgeons can sell or supply prescription only medicines are for administration to an animal or herd under his care, to do so otherwise is to commit a criminal offence. The Committee has concluded that the repeated supply of it over a

period of at least six months is disgraceful conduct which falls far short of the conduct to be expected of a member of the profession.

9. The Committee has heard further evidence from Mr Hinds in mitigation about his dedication to his mixed practice in a rural community. The Committee has also heard oral evidence from two veterinary surgeons, Mr Roper, his former partner, Mr Saunby, a former assistant, and Mr Osborne, a farming client of the practice, as to the personal and professional qualities of Mr Hinds and his commitment to the farming community in the Forest of Dean. There were in addition over 40 written testimonials from a substantial number of distinguished veterinary surgeons, including past and present members of staff, and clients who speak highly of his skills as a veterinary surgeon and his commitment to the welfare of animals. The Committee has considered carefully the circumstances of Mr Hinds' conduct, in particular that he was supplying a medicine which had previously been supplied and with the knowledge of his wife's General Practitioner. It has taken into account that he was not seeking to take over the treatment of his wife or indeed make any financial gain from the supply. It has been impressed by his early admission of his conduct and the regret that he has subsequently shown. The oral and written testimonials that he has received indicate that he is highly regarded as a veterinary surgeon in the area in which he practises. The Committee has concluded that the appropriate course that it should take is to reprimand Mr Hinds.
10. The Committee considers that veterinary surgeons should be reminded of the importance of the provisions of the Medicines Act 1968 which permit them to sell or supply prescription only medicines for administration to an animal or herd under their care and that a criminal offence is committed if medicines are sold or supplied in other circumstances.

**DISCIPLINARY COMMITTEE**  
**11 SEPTEMBER 2007**