

ROYAL COLLEGE OF VETERINARY SURGEONS

V

MR MPHONG DONALD LESOLLE MRCVS

FINDINGS

Mr Lesolle appears before the Disciplinary Committee to answer the following charge:

That being registered in the Register of Veterinary Surgeons:

On a day unknown between September 2004 and March 2005, while in practice at Swinfen Veterinary Centre, Old London Road, Swinfen, Lichfield and having prescribed and supplied Soloxine, the active ingredient of which is thyroxine, for your patient Past Experience, a racing greyhound:

You advised Mr Paul Meek, the National Greyhound Racing Club (NGRC) licensed trainer of Past Experience, that he could race Past Experience when under treatment with Soloxine (a substance prohibited by Rule 217 of the NGRC Rules as being a substance that could affect a greyhound's performance or wellbeing) when you knew or ought to have known that to race Past Experience in those circumstances would result in a breach of the NGRC Rules of Racing;

Past Experience was raced contrary to the Rules of Racing and following a NGRC stewards inquiry, you were severely reprimanded and fined £750 (as a licensed NGRC Track Veterinary Surgeon) and Mr Meek was reprimanded and fined £300 (as a NGRC licensed trainer).

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

Mr Lesolle is the principal of the Swinfen Veterinary Centre, Lichfield. He was also the track veterinary surgeon for Nottingham Greyhound Stadium, and in that capacity he was licensed by the National Greyhound Racing Club (NGRC), and therefore, subject to the rules of the NGRC.

One of his clients was Mr Paul Meek, an NGRC registered trainer, who had a small greyhound kennel which had 6-10 dogs in training. It is not in dispute that Mr Lesolle

diagnosed a bitch, Past Experience, with hypothyroidism for which he prescribed Soloxine in February 2005. Mr Meek's treatment book records that Mr Lesolle had previously prescribed Soloxine for the same dog in October 2004. Mr Lesolle has no recollection of that occasion. It is accepted by Mr Lesolle that in early 2005 he had a discussion with Mr Meek when he advised him that he could continue to race greyhounds whilst they were being treated for hypothyroidism with Soloxine. Soloxine is a prescription only drug.

Rule 217 of the NGRC Rules of Racing states:

A Greyhound, when taking part in a race or trial, must at that time, be free of medicines, tonics or substances that could affect its performance or wellbeing, the origin of which could not be traced to normal, or ordinary feeding. The only permitted exceptions to this rule are

- (i) medicinal products which have been authorised by the Veterinary Medicines Directorate for the suppression of a bitches season, prescribed by a veterinary surgeon*
- (ii) medicinal products which have been authorised by the Veterinary Medicines Directorate as anti-parasitic drugs (for internal/external) parasites or as vaccines*

The Committee heard that Mr Meek ran Past Experience in a 660m flat race at Perry Barr Greyhound Track on 26 February 2005. Past Experience won the race and had "found time", namely that her running time was greatly improved. As a result of this an inquiry was instigated under NGRC rules leading to a full Stewards Inquiry in November 2005. The inquiry found that both Mr Meek and Mr Lesolle had acted in breach of their rules: Mr Meek was reprimanded and fined £300, and Mr Lesolle was severely reprimanded and fined £750.

The College submits it is incumbent on any veterinary surgeon involved in the treatment of greyhounds, particularly a veterinary surgeon licensed by the NGRC, to uphold the rules of the sport and Mr Lesolle knew or ought to have been aware that there were strict controls on any substance being given to greyhounds whilst they are racing.

The Committee heard evidence from Mr Alistair McLean and Mr Noel Thompson (Chief Executive and Security Coordinator of the NGRC) relating to the inquiries and administration of the NGRC. They produced the rule book together with statements and a transcript of the Stewards Inquiry which took place on the 17th November 2005. Mr Meek was in attendance; Mr Lesolle was unable to attend, and had notified the Inquiry of his inability to attend due to a hospital appointment.

The Committee also heard evidence from Mr Robinson, Area Stipendiary Steward for the NGRC, who inspected Mr Meek's kennels about 2 weeks after the race when he noted that Mr Meek had correctly recorded that Past Experience had been treated for hypothyroidism with Soloxine. He stated that this was the first case of a dog being raced whilst under treatment with Soloxine that had come to his attention during the 13 years that he had been in his present post.

The Committee also heard evidence from Mrs Jeanne Jones, the track veterinary surgeon at Perry Bar, who confirmed that following the race on 26th February 2005 she was asked to examine "Past Experience" because it had found time. She gave it a thorough examination and took a blood sample for testing. The laboratory report was negative.

The Committee heard expert evidence from Dr Maddison and Dr Mooney who both agreed it was difficult to confirm a diagnosis of hypothyroidism in greyhounds, and that Soloxine was the appropriate medication for a greyhound suffering from hypothyroidism. They agreed that it was inappropriate to withdraw Soloxine from a greyhound which was suffering from hypothyroidism. They also agreed that a greyhound being treated with Soloxine should not race as this would contravene rule 217. Both expert witnesses were aware that greyhounds were raced whilst under treatment with Soloxine.

Mr Lesolle told the Committee that he had been working in his own practice since 1999. He had also worked as an assistant to Mrs Jones practice, with a short period between when he had acted as a locum. He has a mixed practice with two assistants, of large and small animals, and had several hundred greyhounds under his care which amounted to about one third of his practice. He had been a NGRC track veterinary surgeon since 1998. Mr Meek had been his client for a number of years including when he was working for Mrs Jones. He considered his first duty of care as a veterinary surgeon was to the welfare of the animals, and had experience of a number of greyhounds which he had diagnosed as being hypothyroid. He firmly believed that in prescribing Soloxine he was replacing a deficiency in the dog's metabolism which resulted in its return to a normal state. It was his opinion at the time that this did not contravene the NGRC rules. He conceded that his interpretation of Rule 217, upon reflection, was wrong and that he ought to have known it did contravene the rules. He accepted that he had advised Mr Meek that he could race his greyhounds whilst under treatment with Soloxine.

The Committee was provided with a considerable amount of documentary evidence in support of the submissions including a transcript of the NGRC enquiry. Among these documents were copies of the NGRC calendar, published fortnightly, volume 34 number 21, where there is a summary of a report which had been commissioned by the NGRC specifically addressing the situation regarding thyroid disease in grey hounds. The summary was preceded by an introductory note explaining that the paper had been required because of the apparently high rates of diagnosis and treatment of hypothyroidism. The note's concluding sentence reads "the entire paper should be read to obtain the complete picture". The Committee notes that the article does not state in unequivocal terms that dogs should not be raced whilst being treated for hypothyroidism with Soloxine.

Having heard all the evidence in this case, the Committee is satisfied that Mr Lesolle did not know that the advice that he gave Mr Meek was wrong, namely that he could continue to race his greyhounds whilst they were being treated with Soloxine. It accepts his explanation that he mistakenly believed that the prohibition only related to performance enhancing drugs. However, Mr Lesolle has accepted that he ought to have known that the advice was wrong. Accordingly, it finds the facts set out in the charge proved.

The Committee has given careful consideration as to whether the facts admitted and found proved amount to disgraceful conduct in a professional respect. It has reminded itself that

the RCVS Guide to Professional Conduct (GTPC) requires that veterinary surgeons must ensure that medicines are used responsibly.

It considers that Mr Lesolle, by virtue of his appointment as a veterinary surgeon licensed by the NGRC had undertaken to abide by the rules of that organisation in addition to his responsibilities as a veterinary surgeon under the RCVS GTPC. It has concluded that Mr Lesolle's knowledge of these matters could reasonably be expected to be greater than that of a veterinary surgeon in practice who was not an NGRC licence holder.

It has considered NGRC Rule 217 and whether this could be open to misinterpretation. The rule is unequivocal that at the time of racing a greyhound must be free of medicines, tonics or substance that could affect its performance or well-being, the only permitted exceptions being for oestrus control, parasiticides and vaccines. The Committee wishes to make it clear that affect does not merely mean enhance.

The Committee accepts that Mr Lesolle mistakenly believed that the use of Soloxine in a hypothyroid dog was acceptable because he believed that it was not a performance enhancing drug. However, it has concluded that his failure to familiarise himself with the rules of the NGRC, in his capacity as a licensed track veterinary surgeon, fell far below the standard to be expected of a veterinary surgeon in his position. Therefore, it concludes that the charge of disgraceful conduct in a professional respect has been proved.

The Committee wishes to make it clear to all veterinary surgeons that Rule 217 applies to any medication that affects the performance or wellbeing of a dog. Clearly the administration of Soloxine to a hypothyroid dog affects its wellbeing and is capable of affecting its performance. The Committee would view with concern any practice of withdrawing Soloxine from a dog being treated for hypothyroidism for seven days prior to racing to enable the dog to be raced under the NGRC rules where expert opinion is that a truly hypothyroid dog once diagnosed should remain on daily medication.

DISCIPLINARY COMMITTEE
14 MARCH 2007