

ROYAL COLLEGE OF VETERINARY SURGEONS

V

MR LYNDON ARTHUR BASHA

FINAL DECISION OF THE DISCIPLINARY COMMITTEE ON SANCTION

- 1) On 20 September 2006, Mr Lyndon Arthur Basha was found guilty of numerous charges of disgraceful conduct in a professional respect. Full details of these charges are set out in the written findings of the Committee on that date, and will not be repeated in this decision. All charges, with one exception, related to clinical failings in respect of the diagnosis and treatment of various cats and dogs, and of inadequate clinical notes ("the Clinical Charges"). The one exception was a charge of instructing a veterinary nurse to complete an insurance form with false details, namely that treatment had been given to a named insured cat, when in fact treatment had been given to another uninsured cat ("the Insurance Certification Charge"). On 21 September 2006, the Committee adjourned the case to 10 November 2006, when it would consider whether to give its judgment forthwith or whether it would agree to postpone judgment for a period not exceeding two years. In the meantime, the College was to initiate a RCVS Tier 2 full practice inspection of Animal Ark Veterinary Practice in Goodmayes, Essex, and report back to the Committee, and Mr Basha was to prepare and submit to the Committee a detailed plan to address his clinical, medical, surgical and diagnostic shortcomings ("the Plan"). The Plan was dated 18 October 2006, and submitted to the Committee on that date.
- 2) On 10 November 2006, the Committee took an exceptional course, and decided to postpone judgment for two years on certain conditions agreed to by Mr Basha, as follows:
 - a) continue to work in a practice accredited under the RCVS Practice Standards Scheme
 - b) comply with the detailed plan provided to the Committee by Mr Basha on 18 October 2006
 - c) produce independent verification of his attendance at the planned CPD courses following the completion of each course to the Chairman of this Committee to be copied to the College
 - d) provide progress reports to the Chairman at quarterly intervals, to be copied to the College. Annexed to the report to be any reports prepared by his mentor as provided for in his detailed plan.
- 3) One of the components of the Plan was that Mr Basha agreed to engage the services of Mr Colin Ellis BVetMed MRCVS in the capacity of a Veterinary Consultant to mentor his work over the period of the postponement on a regular basis.
- 4) The Committee reconvened today to consider whether the question of final sanction in this case should be further postponed, or whether final judgment should be given. This hearing has in fact taken place shortly before the expiry of the two year period of postponement,

but both the College and Mr Basha have agreed that the matter should be considered by the Committee now.

- 5) A considerable body of evidence was submitted to the Committee on behalf of the College and on behalf of Mr Basha, including transcripts of the evidence of the initial hearings, which lasted 15 days. As required by the conditions imposed on 10 November 2006, Mr Basha provided quarterly progress reports to the Chairman of the Committee and to the College during the intervening period, which included reports from Mr Ellis. Mr Basha submitted a final report dated 19 September 2008, which included a final report from Mr Ellis, and from Ilse Pedler MRCVS, of Mercer and Hughes, an external practice visited regularly by Mr Basha during the period of postponement.
- 6) The evidence now submitted to the Committee clearly shows that Mr Basha has complied completely with the conditions agreed to by the Committee in November 2006 as detailed above (2a-d).
- 7) He has continued to work in a practice accredited under the RCVS Practice Standards Scheme (Animal Ark Veterinary Centre is a RCVS Tier 2 small animal accredited practice, current registration until 2 October 2010).
- 8) He has successfully completed 219.25 hours of CPD training, in fact slightly less than the estimated 232 hours set out in his original plan. The reason for the difference is that some modules of the Improve CPD General Practitioner Certificate in Small Animal Medicine were not as lengthy as originally estimated.
- 9) Rather than the 22 visits which were proposed, Mr Ellis has carried out 56 visits to mentor the professional conduct of Mr Basha at Animal Ark Veterinary Centre, and has obtained a detailed impression and insight into Mr Basha's steadily improving competence as a veterinary surgeon, and his relationship with his patients, clients and staff. Generally each visit was from 7.45 am until 7.30pm.
- 10) Mr Basha visited the external practice of Ilse Pedler MRCVS (Mercer and Hughes, Saffron Walden) on 13 occasions.
- 11) From November 2006 Animal Ark Veterinary Centre has employed Sarah Harman VN as an insurance claim processor.
- 12) Periodic internal reviews of all veterinary surgeons' clinical notes have been carried out by Colin Ellis and the Practice Manager.
- 13) Since October 2006 Mr Basha has taken regular annual leave.
- 14) Mr Basha has produced independent verification of his attendance at the planned CPD courses. He has provided progress reports to the Chairman at quarterly intervals which have been copied and circulated to Committee Members.
- 15) The Committee heard evidence from Mr Basha himself, and from Mr Ellis. Having considered all the evidence, the Committee is satisfied that Mr Basha has complied with all the conditions agreed to. Further the Committee wishes to say:
 - a) Mr Basha's openness to staff and clients that he is under postponed judgment is impressive.

- b) It is a positive sign that Mr Ellis will continue as consultant.
 - c) It is also encouraging that Mr Basha acknowledges the seriousness of his convictions and has demonstrated the commitment to mending his ways.
 - d) He has done all in his power to address his shortcomings.
 - e) He appreciates the trust given to him by the Committee and has not abused it.
 - f) He has had a good report from his mentor who was initially apprehensive of the task, having seen the seriousness of the convictions.
 - g) In addition, he has had a good report from Ilse Pedler whilst on his external visits to her.
- 16) Regarding the Insurance Certification Charge, the Committee recognises that the false certification occurred while Mr Basha was a junior vet in previous employment, and no similar incidents have been reported since he has been working at Animal Ark Veterinary Centre. The Committee is impressed that Animal Ark has adopted different procedures and has now employed a Veterinary Nurse with sole responsibility for all insurance claims. Mr Ellis regularly reviewed insurance claims on his visits there and had no concerns. Therefore, this issue should not arise again.
- 17) In respect of the Clinical Charges, the Committee is satisfied that Mr Basha is now a competent veterinary surgeon and has decided to take no further action against him. However, the Committee takes the issue of false certification very seriously and therefore has decided to issue a reprimand to Mr Basha in respect of his conviction of the Insurance Certification Charge.

DISCIPLINARY COMMITTEE
2 OCTOBER 2008