

**THE ROYAL COLLEGE OF VETERINARY SURGEONS**

**V**

**JUDITH LESLEY KAY**

**DECISION ON APPLICATION FOR RESTORATION**

1. The Application before the Committee is Ms Kay's adjourned second Application for Restoration to the Register of the Royal College of Veterinary Surgeons. It is her Application and therefore the burden of satisfying the Committee that she should be restored to the Register lies with her. These being civil proceedings, the standard she has to meet is to satisfy the Committee on the balance of probabilities that she is a fit and proper person to be restored to the Register.
2. The history of events which bring the Applicant before the Committee on this occasion are a matter of public record and, therefore, will not be repeated here. It is sufficient to state that this Hearing was an adjourned hearing which commenced on 16<sup>th</sup> July 2009 with the Applicant's request for restoration of her name to the Register.
3. At the conclusion of the July Hearing the Committee was of the opinion that Ms Kay could not then be considered to be a fit and proper person to have her name restored to the Register. It was also of the view that there remained a realistic prospect that, subject to her fulfilling suitable undertakings, she could, in a relatively short period of time, satisfy the fit and proper person test.
4. In reaching its July decision, the Committee considered that:
  - (1) The Applicant had accepted the findings of the Committee at the original enquiry hearing.
  - (2) Ms Kay had by then appreciated the seriousness of the original findings.
  - (3) The lack of evidence of having undertaken any significant CPD in that period rendered Ms Kay unfit to return to practice at that time.
  - (4) The Committee was also concerned that she had not made sufficient effort to provide evidence which might persuade the Committee that she was a fit and proper person to be restored to the Register, in the form of random blood tests, evidence of discussing her alcohol addiction with her GP and continuing attendance at Alcoholics Anonymous (AA) support meetings. However, the Committee recognised and commended her commitment to the Veterinary Surgeons Health Support Programme (VSHSP) and was encouraged by the considerable progress she had made in addressing her addiction.

- (5) The Committee recognised the significant impact which removal from the Register had had on Ms Kay but considered that the onus remained on her to demonstrate to the Committee that her name should be restored to the Register and, in its judgement, she had not yet done so.
5. It was the view of the Committee that the Applicant needed to be able to satisfy it that she was continuing to attend Alcoholics Anonymous meetings; that blood tests taken at random intervals by her GP confirmed that she had not been resorting to alcohol; that she had maintained regular contact with the VSHSP organisers for an extended period; that she had undertaken suitable CPD courses and programmes; that she had chosen an appropriate CPD programme for her future; and that she had witnessed another veterinary surgeon in another practice during consultations and surgery sessions. Finally, the Committee considered that all of these measures required to be corroborated by way of regular reports from third parties.
6. In the light of the above findings and conclusions, the Committee decided that judgment should be adjourned for a period of six months, during which time Ms Kay should comply with undertakings designed to ensure progress towards rehabilitation. Evidence of complying with these undertakings would provide the Committee with the basis for judgement of her fitness to practise and whether restoration was a realistic possibility.
7. In particular the Committee was of the opinion that Ms Kay needed to be able to show that she had obtained advice from an experienced veterinary surgeon who was in current practice about the requirements of operating and managing a practice in the present market, and the difficulties and problems she might face when she was ready to recommence practising and the solutions to those difficulties and problems.
8. The record of that Hearing confirms that Ms Kay agreed to comply with a series of undertakings which she gave to the Committee. It was the provision of these undertakings which persuaded the Committee to allow her Application for Restoration to the Register to be adjourned for a period of six months.
9. The reasons given by the Committee for its decision to adjourn Ms Kay's Application indicate that it was of the view that there were reasons to believe that the Applicant could show a return to fitness to practise if a properly conceived plan of action was implemented. That plan of action was evidenced by the terms of the Undertakings she agreed to comply with during the period of adjournment. The Evidence given at today's Hearing has therefore concentrated on the question of whether or not those undertakings had been complied with.
10. The Undertakings which Ms Kay gave were in the following terms:
- (i) The Applicant shall attend AA meetings on a regular basis, such attendances to be at intervals of no less than 1x per week. Evidence confirming all of the Applicant's attendances shall be provided in writing by the representative in charge of each meeting attended. Such confirmatory evidence shall be provided to the Chair of this Committee no less frequently than every 3 months.

(ii) The Applicant will notify her General Practitioner of the fact that her name has been removed from the Register of the Royal College of Veterinary Surgeons and the reasons for such removal. She will submit herself to a programme of random blood testing by him/her and/or supervised by him/her, which tests shall be taken at intervals of not less than 1x per month on dates of the General Practitioner's choosing. The General Practitioner shall send the results of such blood tests to the Chair of this Committee at intervals of not more than 3 months.

(iii) The Applicant shall maintain regular contact, such contact to include face to face meetings, with the National Co-ordinator of the VSHSP, or such other person nominated by him, and shall request in writing that the Coordinator will provide to the Chair of the Committee a report on the Applicant's progress at intervals of 3 months.

(iv) The Applicant will provide evidence of her Continuing Professional Development (CPD) training as follows: (1) She will obtain a copy of the CPD record card issued by the Royal College of Veterinary Surgeons and enter on it all courses/programmes completed by her and/or training events attended by her with relevant evidence to confirm her attendance thereon, such completed CPD record card and evidence of attendance to be provided to the Chair of the Committee at intervals of not more than 3 months. (2) She will complete and forward to the Chair of the Committee 3 months from today's date a like CPD record card setting out her plan for the following 3 months of educational/ training courses or programmes she intends to attend/complete. (3) She will observe current practice (to include both consultations and surgery sessions) at some other veterinary surgery/surgeries and provide written confirmation from a responsible person in that surgery/those surgeries of the nature and extent of the veterinary procedures witnessed by the Applicant, such written confirmation to be provided to the Chair of the Committee at intervals of not more than 3 months.

(v) The Applicant shall use her best endeavours to secure the regional carer of the VSHSP or some similar person to mentor her during the next 6 months, such mentor to report in writing to the Chair of the Committee at intervals of no more than three months, on the steps undertaken by him/her with the Applicant to ensure that she has become equipped with sufficient up-to-date knowledge to return to practice as a veterinary surgeon and that she has a proper understanding of the requirements and demands of managing a veterinary practice in current market conditions.

11. The evidence adduced before the Committee today came from Ms Kay herself, from Mr Roy Owens and from Mr O'Connor, the National Co-ordinator of the Veterinary Surgeons' Health Support Programme. In addition there was documentary evidence in the form of (a) a report from Ms Bowen, the VSHSP Regional Carer, who was assigned to assist Ms Kay during this 6 month period of adjournment; (b) a letter from her General Practitioner together with blood test results taken on 11 November 2009; (c) diary entries confirming the procedures she had witnessed whilst observing Ms Baker, a local veterinary surgeon, during the course of practice; (d) a CPD record card setting out the manner in which the Applicant had sought to bring herself up-to-date with the requirements of modern practice; (e) diary entries to confirm the extent to which the Applicant had attended AA; (f) a Business Plan for her proposed new practice were her Application for Restoration to prove successful (this was further supported by

12. The Committee was much assisted by the evidence given by Mr Owens and by Mr O'Connor in reaching its decision in this matter. Mr Owens struck the Committee as a forthright and honest witness whose evidence was of particular value as he was himself a reformed alcoholic who had already travelled much of the road that Ms Kay will still have to travel. He presented as someone with entirely realistic views of the nature of the problem of alcohol addiction and what is required of a person who is seeking to conquer that addiction. He had obviously provided support, encouragement and advice to Ms Kay and expressed a willingness to continue to assist her as best he could. He stated that she was making a good recovery and was working hard at that recovery. He was supportive of her Application for Restoration.
13. Mr O'Connor's evidence was also of considerable assistance to the Committee. He has clearly committed a good deal of time and effort in assisting Ms Kay to appreciate what is and will continue to be required of her if she is to continue to abstain from alcohol. His evidence of his random contacts with Ms Kay, which were designed to ensure that he could be satisfied that she was remaining free of alcohol, was of great value. His interventions with her GP, whilst not entirely productive of the number of blood tests which the Committee had wanted to see, were helpful in ensuring that at least one set was provided. These tests confirmed that at the beginning of November 2009 Ms Kay was abstaining from alcohol.
14. Most important of all, Mr O'Connor was able to confirm his assessment that Ms Kay was making good progress and attaining the milestones that he would have anticipated from someone committed to a course of recovery from alcohol abuse. He too was supportive of her Application for Restoration.
15. As regards the evidence given by Ms Kay herself, while the Committee was slightly concerned that Ms Kay did not appear to have attended any AA meetings since the beginning of December, up until that period she had attended with acceptable frequency and had had several phone conversations with Mr O'Connor and others after this time. Mr O'Connor expressed no concerns about this brief lapse at the current time as both he and others of Ms Kay's support network had been in contact with her regularly during that period.
16. Ms Kay explained that she had had difficulties in securing the cooperation of her GP in respect of random blood testing, a matter in which Mr O'Connor had attempted to intervene. The single blood sample which had been analysed since the last Hearing was within normal limits. Given all of the above, the Committee was willing to overlook the fact that she had not fulfilled the medical undertakings as thoroughly as might have been desirable.
17. The Committee is satisfied that regular contact has been maintained with Mr O'Connor. He confirmed that, regardless of the decision of the Committee today, he would stay in touch with Ms Kay and provide support for the next three to five years

18. The Committee was very encouraged to note Ms Kay's positive attitude to CPD and her realisation that she needed to make genuine efforts to experience modern practice before attempting to work alone. Her intention to work initially as a locum in a multi-vet practice strikes the Committee as being a very sensible course of action.
19. Ms Kay confirmed that she had had regular contact with the VSHSP Regional Carer, Laura Bowen, whom she regarded as a friend and mentor. Ms Bowen had given considerable assistance in the preparation of Ms Kay's business plan.
20. In considering whether Ms Kay was now fit to resume practising as a veterinary surgeon, the Committee took into account her acceptance of the findings of the original enquiry Hearing and the seriousness of those findings. It also considered the protection of the public, future animal welfare should Ms Kay name be restored to the Register, the length of time which she had been off the Register, her conduct since her removal, her efforts to keep her knowledge up to date, the impact on her of having her name removed and the public support for her restoration. The Committee would like to commend Ms Kay on the efforts she has made and the considerable progress that she has achieved since the adjournment.
21. In respect of each of the above considerations the Committee is satisfied, on the balance of probabilities, that Ms Kay is now a fit person to have her name restored to the Register of veterinary surgeons. The Committee now directs the Registrar so to do.

**DISCIPLINARY COMMITTEE**

**5 JANUARY 2010**