

ROYAL COLLEGE OF VETERINARY SURGEONS

- v -

Dr JACQUELINE BOHNEN MRCVS

**DECISION ON DISGRACEFUL CONDUCT
AND SANCTION**

DISGRACEFUL CONDUCT IN A PROFESSIONAL RESPECT

1. The Committee now has to decide whether the facts found proved in relation to Charge 1(i) and Charge 2 amount to disgraceful conduct in a professional respect. The Committee accepts the advice of the Legal Assessor that disgraceful conduct in a professional respect means conduct which falls far short of that to be expected of a member of the veterinary profession, or amounts to serious professional misconduct. This is a matter for the professional judgement of the Committee. The Committee considered all the submissions made by counsel for the College.
2. Counsel for the College reminded the Committee that the facts found proved involved breaches of the Code of Professional Conduct for Veterinary Surgeons as follows:
 - 1.1 Veterinary surgeons must make animal health and welfare their first consideration when attending to animals.
 - 2.1 Veterinary surgeons must be open and honest with clients and respect their needs and requirements.
 - 2.5 Veterinary surgeons must keep clear, accurate and detailed clinical and client records.
 - 6.5 Veterinary surgeons must not engage in any activity or behaviour that would be likely to bring the profession into disrepute or undermine public confidence in the profession.

Charge 1

3. In relation to Charge 1, the Committee considered that aggravating factors included the risk of injury or harm to an animal, as a result of the inadequate care, especially having regard to the finding that the dog was known to require assistance to urinate, as described in the evidence. This would have been well known to the Respondent, because she had been responsible for looking after the dog on several occasions during the preceding week.
4. In relation to mitigation, this was a single incident of lack of proper clinical care. Dr Bohnen had discharged her responsibilities for care of the dog adequately during preceding evenings of the week in question. The Committee notes that on occasions during the previous week the dog had been left overnight for periods of up to 11 hours. The Respondent's explanation for the dog being left for 15 hours was that she had overslept, having been on overnight call on various occasions in the previous week, and in attendance at the practice until after midnight on the preceding Friday night. There is no evidence to disprove this explanation.
5. The Committee considers that the lack of proper clinical care in this case fell below the standard to be expected of a reasonably competent veterinary surgeon, especially having regard to the fact that the Respondent was well aware of the dog's problems with urinating unaided. However, in the judgement of the Committee, the Respondent's conduct, as a single isolated incident, did not fall far below the standard to be expected of a reasonably competent member of the veterinary profession.
6. Accordingly, the Committee concludes that the Respondent's conduct in relation to Charge 1 did not amount to disgraceful conduct in a professional respect.

Charge 2

7. The Committee considers that the Respondent's dishonesty was the prime aggravating factor in this case. Although overall it could be regarded as a single incident, the Committee has found that it involved the fabrication of a number of notes and clinical records in the immediate aftermath of the death of the dog, but, thereafter, the Respondent continued to deny the falsity of the fabricated records that she had created up to and until the conclusion of her interview by the practice on 30 March 2017. During that time, the Respondent had contacted the alarm company responsible for the security of the premises of the practice, to enquire whether the security system would record the times of the alarm being switched on and off. This indicated that the Respondent's dishonesty continued over a significant period of time, and that her persistence in sticking to her story became premeditated. In other words, the Respondent's conduct over this time indicated a clear attempt to deceive.
8. In the judgement of the Committee, the Respondent's conduct in relation to Charge 2 was disgraceful and the Committee is in no doubt that it fell far short of that to be expected of a member of the veterinary profession. It involved serious breaches of paragraphs 2.1, 2.5 and 6.5 of the Code of Conduct.

SANCTION

9. The Committee considered the principle aggravating factors in this case is that it involves serious dishonesty as set out above, and involves the falsification of clinical

records intended to mislead and deceive colleagues within the practice, and involved the Respondent lying to the owners of the dog as to the extent of the care that she had provided. Her actions involved clear breaches of the Code of Conduct as set out above.

10. By way of mitigation, the Committee notes that the Respondent is of previous good character, with no professional findings against her. She has demonstrated some insight into her behaviour, in that she accepted in her letter to the College dated September 2017 that she had acted in a way that was misleading and dishonest. The Respondent has sent to the Committee five references or testimonials, which the Committee has taken into account.
11. Dr Bohnen has said that she has suffered from an anxiety disorder (SAD) from childhood, and maintains that a panic attack was triggered by the fact that Mr Gardner shouted at her when visiting the practice following the death of the dog. This is a matter in dispute, because it is strenuously denied by Mr Gardner. However, the Committee is not persuaded that, even if this had occurred, the anxiety disorder would explain the protracted acts of dishonesty persisted in by the Respondent over a period of at least 10 days.
12. The Legal Assessor has advised the Committee that it should have in mind that the primary purpose of sanctions is not to punish but to protect the welfare of animals, maintain public confidence in the profession and declare and uphold proper standards of conduct. The sanction which the Committee applies, must be proportionate to the nature and extent of the conduct and the Committee must weigh the public interest with the interests of the Respondent. The Committee must consider sanctions in ascending order of severity, and it is only if the Committee determines that it is not sufficient to protect the welfare of animals and serve the public interest to impose a sanction at a lower level that it should go on to consider the next level.
13. Because of the seriousness of this case, the Committee did not consider that it was appropriate to postpone judgement, take no further action, or to administer a reprimand and warning as to future conduct. The Committee considered that the Respondent's conduct involving significant and admitted dishonesty over a period of time required a significant penalty, in order to protect the welfare of animals and to serve the public interest.
14. Accordingly, the Committee has decided to direct that the Respondent's registration be suspended for a period of nine months.

Disciplinary Committee

23 January 2019