

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

DR ANCA BUCUR MRCVS

**DECISION OF THE DISCIPLINARY COMMITTEE ON FACTS
AND DISGRACEFUL CONDUCT IN A PROFESSIONAL RESPECT**

1. Dr Bucur is a veterinary surgeon registered with the Royal College of Veterinary Surgeons ("the College") and who qualified in 2020.

The Allegation

2. The formal charges against Dr Bucur were particularised as follows:

THAT, being registered in the Register of Veterinary Surgeons and whilst in practice at Atherton Veterinary Centre, 124 Bolton Road, Atherton, Manchester, M46 9JZ:

1. On or about 17 April 2024, you wrote a prescription for 60 tablets of tramadol 50mg (a Prescription Only Medicine and a Controlled Drug of Class C Schedule 3) indicating that the prescribed medicine was for the treatment of an animal, when it was in fact intended for the treatment of a human;
2. Between 17 April 2024 and 22 April 2024, you allowed the said prescription to be presented at a pharmacy and/or failed to prevent the same being so presented;
3. Your conduct in relation to 1 and/or 2 above:
 - a. was dishonest; and/or
 - b. was misleading; and/or

c. took place in circumstances where you were not professionally qualified to write a prescription for a human;

AND that in relation to the matters set out above, whether individually or in any combination, you are guilty of disgraceful conduct in a professional respect.

Background

3. At the relevant time, Dr Bucur (“the Respondent”) was working at the Atherton Veterinary Centre, 124 Bolton Road, Atherton, Manchester (“AVC”). She had worked there since December 2022.
4. The College alleged that on Wednesday 17 April 2024, the Respondent had been on duty when she had accessed the clinical record of a dog named Murphy belonging to a Mr H. It was alleged that the Respondent had added details to the clinical records, prescribing tramadol, including the strength (50mg), the number of tablets (60), the dose (two tablets, twice daily), the route of administration (oral) and the fact that the prescription was valid for one repeat after the initial dispensing. The College alleged that the Respondent had printed the prescription so that it could be presented at a pharmacy.
5. The College’s case was that the Respondent had not seen Murphy, who did not require tramadol, and the Respondent intended the created prescription for human rather than animal use. It was alleged that, having printed the prescription, the Respondent had deleted all reference to it from Murphy’s clinical record on the practice management system, then stamped the prescription with AVC’s official practice stamp, and signed it as the prescribing veterinary surgeon.
6. It was further alleged that the prescription had been taken to Liverpool and presented at a pharmacy by the Respondent’s partner. On Saturday 20 April 2024, the partner had presented the prescription at the pharmacy counter. However, the pharmacist became suspicious because the Respondent’s partner appeared to be in a rush and had given a different name of a dog to that which appeared on the prescription. The pharmacist declined to dispense the tramadol and retained the prescription.
7. On Monday 22 April 2024, at around 10.00am, the pharmacist contacted AVC and forwarded a copy of the prescription to AVC. The Clinical Director of AVC (“JH”) reviewed the copy of the prescription, saw the Respondent’s name on it and recognised her signature. He checked Murphy’s clinical records and found no reference to the tramadol prescription. JH sent a message to the pharmacist via a

practice nurse telling them that the prescription appeared fraudulent, not to dispense it and to contact the police if appropriate.

8. JH made further checks of AVC's practice management system within an appropriate date range but could find no reference to tramadol or similar having been prescribed. He made enquiries with staff present, but without result. He then asked for the Respondent (who was on leave) to be contacted, asking her whether she recalled such a prescription.
9. The Respondent responded, asking whether she could attend the practice to speak to JH. The Respondent arrived at AVC around 16.00 and spoke with JH. He reported that she appeared very distressed and agitated. The Respondent told JH that she had written the prescription for tramadol for her father. The Respondent's father had visited the UK, arriving on 18 April 2024, it was said. It was alleged that the Respondent had told JH that her father had quite severe back pain and at times could barely walk. JH said that the Respondent was very apologetic and kept saying *"What have I done?"*.
10. The College alleged that JH made a report to AVC's owners, IVC Evidensia. The Respondent was suspended from work on her return from annual leave on 26 April 2024. A formal disciplinary meeting was conducted on 02 May 2024 and on 03 May 2024, the Respondent was dismissed from her employment at AVC.

Charges

11. The Charges brought by the College reflected the above allegations. Charge 1 alleged that the Respondent had written the prescription with the intention that the tramadol was for human use, although the prescription had indicated animal use. Charge 2 alleged the Respondent's involvement in the presentation of the prescription at a pharmacy.
12. Charge 3 alleged that the Respondent's conduct in relation to the creation and attempted use of the prescription had been dishonest, misleading and had occurred when the Respondent had not been professionally qualified to write a prescription for a human.
13. The Committee received a hearing bundle from the College, containing the College's evidence, which included witness statements, exhibits and other relevant documents. The College relied on the evidence of the following persons:
 - Dr Jonathan Hart MRCVS, Clinical Director at AVC
 - Mr Jonathan Lees MRCVS, Regional Veterinary Director, IVC Evidensia

In light of the Respondent's indicated response to the Charges and with her prior agreement, the above were not required to attend to give their evidence. The Committee read their witness statements and took them into account.

14. The College was represented by Ms Nicole Curtis, of counsel. The Respondent represented herself, with the assistance of Mr Peter Attenburrow, of the Veterinary Defence Society.
15. At the outset of the hearing, on the charges being put to her, the Respondent admitted the factual charges 1, 2, 3(a), 3(b) and 3(c).

Committees Findings on the Facts

16. The Respondent having admitted the factual charges, there were no submissions in relation to the finding of facts.
17. The Legal Assessor advised the Committee of Rule 23(5) of the Royal College of Veterinary Surgeons Disciplinary Committee (Procedure and Evidence) Rules 2004 ("the Rules"). He advised the Committee that it was entitled to accept the Respondent's admissions and dispense with further proof of the facts.
18. The Legal Assessor advised the Committee, in respect of charge 3(a) and the issue of dishonesty, that the courts had laid down a test of dishonesty in *Ivey v Genting Casinos* [2017] UK SC 67. He reminded the Committee that the Respondent had admitted this charge. However, the Respondent was not legally represented and where dishonesty is in issue the test required a finding as to the Respondent's state of knowledge or belief and a decision whether ordinary, decent people would regard the conduct as dishonest by their standards. Therefore, he advised the Committee that it would be helpful, in any event, to express a view concerning the alleged dishonesty.
19. The Committee accepted the Respondent's admissions to charges 1, 2, 3(a), 3(b) and 3(c) and dispensed with further proof of them, in accordance with Rule 23(5).
20. In relation to charge 3(a) and dishonest conduct in relation to charges 1 and 2, the Committee found that it was clear from the evidence provided by the College and the Respondent's own witness statement that the Respondent had been aware that what she had done was wrong. The Respondent had been aware that she should not have written the prescription, should not have indicated that it was for an animal, should not have deleted the prescription from the clinical record on the practice management system, and should not have allowed or failed to prevent the prescription being presented for dispensing.

21. The Committee was in no doubt that ordinary, decent people would regard the Respondent's conduct to have been dishonest by their standards, in relation to each of the actions described in charges 1 and 2.

22. The Committee found charges 1, 2, 3(a), 3(b) and 3(c) proved.

Disgraceful conduct in a professional respect

23. The Committee next considered whether the facts found proved also amounted to disgraceful conduct in a professional respect.

24. Ms Curtis, on behalf of the College, provided written submissions upon which she expanded in the hearing. Ms Curtis submitted that the Respondent had directly breached a number of the most important principles of the profession, namely the promotion of human health, the responsible use of medicines and acting with honesty and integrity.

25. Ms Curtis submitted that the irresponsible approach to a Controlled Drug caused a risk to human health and was an abuse of the Respondent's position as a veterinary surgeon and a breach of her employer's trust. It had also contravened important legal provisions designed to safeguard human health.

26. It was submitted that veterinary surgeons are entrusted with access to a range of medications, including Controlled Drugs. Therefore, it is of fundamental importance that the public and the Respondent's colleagues could rely on registered veterinary surgeons to not abuse that trust. Ms Curtis made submissions on the sections of the College's Code of Conduct for Veterinary Surgeons ("the Code of Conduct") which she submitted were engaged by the Respondent's conduct.

27. Ms Curtis also submitted that it is a key principle of veterinary practice that veterinary surgeons must act with honesty and integrity. She reminded the Committee of the Disciplinary Committee's Procedure Guidance (26 August 2020) ("the DC Guidance"), which states that dishonesty has been held to come at the 'top end' of the spectrum of gravity of disgraceful conduct in a professional respect. Ms Curtis submitted that the dishonesty was aggravated in that it related directly to the Respondent's professional life. It was further submitted that the conduct was of concern in terms of the reputation of the profession and upholding proper standards for the profession of veterinary surgeons.

28. Ms Curtis invited the Committee also to consider any features of the case which aggravated or were non-personal mitigation of the Respondent's conduct, advancing some factors from those listed in the DC Guidance.

29. The Respondent made no submissions on the issue of Disgraceful Conduct in a Professional Respect. The Committee took into account the content of the Respondent's letter to the College dated 08 May 2024, her witness statement provided in advance of the hearing and the additional statement provided at the hearing.
30. The Legal Assessor advised the Committee that the decision whether the conduct found proved amounted to disgraceful conduct in a professional respect is a matter for the judgement of the Committee. It has been defined as conduct which falls 'far short' of the conduct expected of a veterinary surgeon. It has been equated with the concept of serious professional misconduct and might consist of conduct which be considered reprehensible in anyone, but more so for a professional person, as tending to bring disgrace on the profession. Disgraceful Conduct in a Professional Respect is not limited to matters in the College's Code of Professional Conduct, but the Code was obviously relevant.
31. The Legal Assessor referred to cases considering serious professional misconduct, including *Roylance v GMC (no. 2)* [1991] AC 311 and *Nandi v GMC* [2004] EWHC 2317 (Admin). He also referred to *Macleod v RCVS*, PC 88 of 2005, as mentioned in the DC Guidance.
32. The Committee took into account the submissions on behalf of the College and the documentation provided by the Respondent. It heard and accepted the advice of the Legal Assessor.
33. The Committee carefully considered the DC Guidance and the Code of Conduct. Although Disgraceful Conduct in a Professional Respect is not limited to matters in the Code, the standards in it were clearly relevant matters.
34. The Committee considered the suggested list of Aggravating and Mitigating factors which are set out as non-exclusive lists of factors in the DC Guidance. In terms of aggravating factors, the Committee considered that the Respondent's conduct had given rise to a risk of injury, since she had not been professionally qualified or sufficiently informed to issue a prescription for tramadol to her father.
35. The Committee found that the Respondent had acted recklessly with regard to the potential effects of a controlled, addictive drug, in the absence of proper professional qualification or full clinical information about her father's medical history. The Committee considered that the Respondent's misconduct had been premeditated, the prescription having been issued on 17 April 2024 and presented at the pharmacy several days later, on 20 April 2024. The Committee accepted the submission that

there was an abuse of the Respondent's professional position as a registered veterinary surgeon, because this had allowed her to issue the prescription.

36. The Committee also found that the Respondent's conduct was aggravated by her involvement of other persons in her misconduct, namely her partner, in an attempt to have the prescription dispensed. The Committee noted that the charges involved findings of dishonesty, which is regarded as at the high end in terms of the spectrum of gravity of misconduct.
37. The Committee also considered the mitigation factors suggested in the DC Guidance. It took into account that the facts found proved related to a single incident of the issuing and attempted use of a prescription. It did not find that any of the other suggested mitigating factors in the DC Guidance applied in this case.
38. The Committee also considered whether its findings amounted to breaches of the terms of the Code of Conduct. The Committee considered that the Respondent's conduct in relation to charge 1 breached paragraph 1.5 of the Code, which states:
- "1.5 Veterinary surgeons who supply and administer medicines must do so responsibly"*
39. The Committee had found that the Respondent had acted dishonestly in issuing the prescription, had attempted concealment, by removing a record of prescription from the practice management system and had been reckless as to the appropriateness of the medication. The Committee also accepted the submissions regarding part 6 of the Code of Conduct, and that the following were engaged:
- "6.1 Veterinary surgeons must seek to ensure the protection of public health and animal health and welfare, and must consider the impact of their actions on the environment.*
- 6.4 Veterinary surgeons must comply with legislation relevant to the provision of veterinary services*
- 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."*
40. The Committee was of the view that the Respondent's conduct had failed to promote protection of public health and had breached the legislation around access to Controlled Drugs. Even though this was a single incident the Committee considered that members of the public, if aware of the facts, would be alarmed and concerned at

the Respondent's actions. As a result, the profession was brought into disrepute and public confidence in the profession was undermined.

41. The Committee had in mind the judgment of the Privy Council in *Macleod v RCVS*, PC 88 of 2005, which is referred to in the DC Guidance and states:

"At its hearing the [RCVS] Disciplinary Committee was advised by its legal assessor that disgraceful conduct in a professional respect is conduct which falls far short of that which is expected of the profession. Their Lordships consider that that was an appropriate definition and that the Committee was correctly advised."

42. The Committee was in no doubt that the Respondent's conduct had fallen far below the standards expected of registered veterinary surgeons. It considered that the Respondent's conduct in relation to charges 1, 2 and 3(a), 3(b) and 3(c) whether regarded individually, or as a course of conduct, was conduct that the Respondent's fellow professionals would regard as deplorable. The Committee found that the Respondent is guilty of Disgraceful Conduct in a Professional Respect.

DISCIPLINARY COMMITTEE

20 MARCH 2025