

**REPORT OF THE DISCIPLINE COMMITTEE
SASKATCHEWAN VETERINARY MEDICAL ASSOCIATION**

CASE# 2024-03

**Saskatchewan Veterinary Medical Association
Professional Conduct Committee vs. Dr. Doug Bienia (Member #896)**

May 7, 2025 - Hearing by Zoom

Present:

Dr Katherine Ball (Chair of the Discipline Committee)

Dr. Kim Tryon (Member of the Discipline Committee)

Mr. Leon Lueke (Member of the Discipline Committee)

Dr. Greg Parks (Registrar)

Dr. Doug Bienia (Member)

Sarah Roesler (Counsel for the Member)

Lynsey Gaudin and Allison Graham (Counsel for the Professional Conduct Committee)

Robert Affleck (Independent Counsel to the Discipline Committee)

INTRODUCTION

On May 7, 2025, the Discipline Committee of the Saskatchewan Veterinary Medical Association (SVMA) held a hearing to inquire into discipline charges set out in a Formal Complaint against Dr. Bienia dated March 3, 2025.

The Professional Conduct Committee(PCC) and Dr. Bienia were each represented by counsel.

The Formal Complaint sets out four charges alleging professional incompetence and/or professional misconduct. The charges are numbered 1.a., b., and c., and 2. Dr. Bienia waived formal reading for the charges and entered a plea of guilty to each charge.

Neither Dr. Bienia nor counsel for the PCC took objection to the composition of the Discipline Committee hearing panel.

THE HEARING

The charges set out in the Formal Complaint are as follows:

It is alleged that Dr. Doug Bienia is guilty of professional incompetence as defined in s. 24 of *[The Veterinarians Act, 1987 - the “**Act**”]* and/or professional misconduct as defined in s. 24.1 of the *Act* in that:

1. Dr. Bienia failed to provide veterinary care that is appropriate and adequate, to follow acceptable professional procedures using current professional and scientific knowledge, and/or to uphold the integrity of the veterinary profession and maintain the trust of clients and society through exemplary standards of clinical practice by one or more of the following:
 - a. Having examined an 8-month-old Corgi puppy on or about July 8 - 9, 2022, and identifying the presence of a fractured tibia, Dr. Bienia failed to apply an appropriate external splint to the correct limb, thereby contravening sections 12.2 (a), 12.2 (f), 12.3 (b), 12.3 (d), 12.3 (e), and 12.4 (j) of the Bylaws.
 - b. Having examined and treated a 7-year-old cat for a suspected urinary tract infection and/or bladder stone on or about November 11, 2022, Dr. Bienia prescribed a dose of a non-steroidal anti-inflammatory medication (meloxicam) that was inappropriate for the species, and failed to diagnosis [sic] the presence of a pyometra which later required surgery, he did so in contravention of sections 12.2 (a), 12.2 (f), 12.3 (b), 12.3 (d), 12.3 (e), and 12.4 (j) of the Bylaws.
 - c. While undertaking an equine field castration on or about August 17, 2023, Dr. Bienia failed to ensure adequate patient anesthesia and performance of the surgery in a competent manner, resulting in the patient requiring referral to the Veterinary Medical Centre at the Western College of Veterinary Medicine, thereby contravening sections 12.2 (a), 12.2 (f), 12.3 (b), 12.3 (d), 12.3 (e), and 12.4 (j) of the Bylaws.
2. Dr. Bienia failed to keep clear, accurate and detailed medical records thereby contravening section 12.4 (g) of the Bylaws and sections 5 (d), 5 (f) and 5A-b of the Saskatchewan Veterinary Medical Association Practice Standard.

By the consent of the parties, the Discipline Committee received a joint Agreed Statement of Facts complete with Tabs 1-17, as well as Joint Submissions As to Penalty and Costs. With the consent of both parties, the two documents were exhibited as follows:

J1 - Agreed Statement of Facts and Documents; and

J2 - Joint Submissions As to Penalty and Costs.

Upon receiving the above noted documents, the Discipline Committee adjourned the proceeding to review the documents and joint submissions prior to hearing from counsel. The full Agreed Statement of Facts and accompanying documents have not been reproduced in this decision, however the Discipline Committee found it to be detailed, robust, and unequivocally confirms that Dr. Bienia was guilty of professional incompetence and professional misconduct.

Professional Conduct Committee Submissions

Counsel for the PCC sought to highlight aspects of the agreed facts prior to addressing the joint submissions. She drew the Discipline Committee's attention to each of the charges in the Formal Complaint, the associated documents in evidence, and the relevant passages of the Agreed Statement of Facts. In particular, she noted that at paragraph 51 Dr. Bienia specifically

pled guilty to both professional incompetence (s. 24 of the *Act*) and professional misconduct (s. 24.1 of the *Act*).

The joint submissions on sanctions included the following:

1. Pursuant to section 23(1)(d) of *The Veterinarians Act, 1987* ["Act"], Dr. Bienia shall receive a letter of reprimand in standard form.
2. Pursuant to section 23(1)(e) of the *Act*, Dr. Bienia shall complete a minimum of 10 hours continuing education in veterinary medical record through completion of the course, VetMedTeam - Providing Educational Pathways to Great Careers (linked) (the "**Records Course**"), within 6 months of the effective date of the Order of the Discipline Committee. Dr. Bienia shall bear the full costs of completing this course and must provide proof of completion to the Registrar or designate. A failure to successfully complete this course within 6 months of the effective date of the Order of the Discipline Committee shall result in a suspension of Dr. Bienia's member license until such time that this course is completed.
3. In the event the Records Course is unavailable, Dr. Bienia shall propose a course of the same duration and content to the Registrar for approval. Should the Registrar approve the alternative course, Dr. Bienia shall comply with all other terms of paragraph 2.
4. Pursuant to section 23(1)(c) of the *Act*, Dr. Bienia shall be prohibited from practicing equine veterinary medicine until such time as:
 - a. he completes 15 hours of RACE or SVMA approved professional continuing education in equine medicine, which must include at least 5 hours on the topic of equine field anesthesia;
 - b. he provides proof of completion of a. to the Registrar; and
 - c. the Registrar reviews the proof of completion, determines that Dr. Bienia has satisfied the condition in a., and confirms Dr. Bienia's satisfaction of a. in writing.
5. Pursuant to section 23(1)(c) of the *Act*, Dr. Bienia shall be prohibited from performing equine castrations until such time as:
 - a. Dr. Bienia satisfies the conditions in paragraphs 4a. - c;
 - b. Dr. Bienia performs a minimum of 3 castrations under the immediate supervision of a veterinarian licensed with the SVMA who is in good standing and experienced in equine medicine and surgery (the "**Supervisor**");
 - c. the Supervisor provides a final report to the Registrar attesting to Dr. Bienia's competency in the equine castration procedure;
 - d. Dr. Bienia provides the complete medical records (as defined by the SVMA Practice Standards and Guidelines) for each patient on which Dr. Bienia has performed an equine castration under the Supervisor's immediate supervision

to the Registrar, which the complete medical records signed by both Dr. Bienia and the Supervisor; and

- e. the Registrar reviews the final report in c. and the complete medical records in d., determines that Dr. Bienia has satisfied the conditions in a. - d. and confirms Dr. Bienia's satisfaction of a. - d. in writing.
6. Pursuant to section 23(1)(c) of the *Act*, Dr. Bienia shall be prohibited from practicing companion animal veterinary medicine (canine and feline) until such time as:
- a. he completes 15 hours of RACE or SVMA approved professional continuing education in companion animal medicine, which must include:
 - i. at least 5 hours dedicated to the treatment and management of orthopedic injury and fracture management in cats and dogs;
 - ii. at least 5 hours dedicated to the topic of feline medicine, 2 hours of which must be dedicated to the topic of pharmacology and prescribing with a focus on pain management; and
 - b. he provides proof of completion of a. to the Registrar; and
 - c. the Registrar reviews the proof of completion, determines that Dr. Bienia has satisfied the condition in a., and confirms Dr. Bienia's satisfaction of a. in writing.
7. For clarity, for each of paragraphs 4, 5 and 6:
- a. Dr. Bienia shall bear the full costs of completing all continuing education courses; and
 - b. Dr. Bienia may choose the continuing education courses but whether those courses satisfy the requirements in paragraphs 4, 5 or 6 is at the discretion of the Registrar. Dr. Bienia may seek the Registrar's approval of a continuing education course for any of paragraphs 4, 5 or 6 in advance of completing any such course.
8. Pursuant to section 23(2)(a)(ii) of the *Act*, Dr. Bienia shall pay the costs of the investigation and hearing, with these costs fixed in the amount of \$12,500.00.
9. Pursuant to section 23(2)(a) and (b) of the *Act*, Dr. Bienia shall have six months from the date of the Discipline Committee's order to pay the fixed costs pursuant to paragraph 8. Failure to pay these costs within six months shall result in the immediate suspension of Dr. Bienia's member license and his right to practice veterinary medicine in the Province of Saskatchewan until such as payment is made; and in the event he is not then licensed, he will be denied the right to membership in the Saskatchewan Veterinary Medical Association.

Counsel for the PCC cautioned against disrupting joint submissions on sanctions, drawing from *Rault v Law Society of Saskatchewan*, 2009 SKCA 81. As a part of that caution, counsel for the

PCC indicated that there is a high threshold with respect to overturning joint submissions, and that it should only occur where the proposed sanctions are unfit, unreasonable, or contrary to the public interest.

With respect to sanctions, counsel for the PCC indicated that the proposed sanctions were informed by the well-established principles in *Camgoz v College of Physicians and Surgeons of Saskatchewan*, 1993 CanLII 8952 (SK QB). She emphasized, among other things, factors such as specific and general deterrence, protecting the public and ensuring public confidence, and acknowledging both aggravating and mitigating factors. The PCC noted that the breaches in this case are very serious. At the same time, the PCC drew the Discipline Committee's attention to Dr. Bienia's long career without any previous misconduct and specifically reinforced that Dr. Bienia was very cooperative throughout the investigation, as well as in the creation of the agreed statement of facts and joint submissions. Further, the proposed sanctions focus on an educational component which simultaneously offers a rehabilitative opportunity to Dr. Bienia, while protecting the public by limiting his practice until he completes the necessary education.

Regarding costs, PCC counsel took guidance from *Abrametz v Law Society of Saskatchewan*, 2018 SKCA 37. She submitted that cost awards are a balancing exercise. They are not to be punitive and should not operate as a full-indemnity. Such awards should not make it prohibitive for a member to dispute an allegation, while recognizing that it is a privilege to be a member of a professional organization.

Counsel for Dr. Bienia made submissions about Dr. Bienia's long career in the veterinary profession, as well as his contributions to the profession. She reinforced that Dr. Bienia acknowledged and admitted the breaches and that his passion for the practice of veterinary medicine extends to the continuing education aspects of the joint submissions. Dr. Bienia is committed to providing excellent care to his patients and has no prior history of discipline.

After hearing from the parties the Discipline Committee clarified one aspect of the joint submissions. The joint submissions reference the "Records Course" but in the copy provided to the Discipline Committee the hyperlink did not work and the specific name of the course was not included. Both parties confirmed and agreed that the name of the course is "Veterinary Medicine: Medical Records the Roadmap to Quality Care".

Decision

The Discipline Committee deliberated *in camera*. After reviewing the entirety of the materials and hearing from counsel the Discipline Committee unanimously accepts that Dr. Bienia is guilty of professional incompetence and professional misconduct with respect to each of the charges in the Formal Complaint. With respect to sanctions, the Discipline Committee agrees that the charges are very serious and warrant sanction. However, the Discipline Committee takes note of Dr. Bienia's accountability and cooperation throughout this process, including the furnishing of an agreed statement of facts and joint submissions on sanctions. Further, the Discipline Committee finds that the joint submissions are reasonable, appropriate given all circumstances, and pay due attention to protecting the public. As such, the Discipline Committee accepts the joint submissions with the modest modification of clarifying the Records Course.

The Discipline Committee will issue an order in accordance with these reasons. It wishes to thank counsel for Dr. Bienia and the PCC, as well as Dr. Bienia himself, for their respective efforts in agreeing to and providing an agreed statement of facts and joint submissions on sanctions.

IN THE MATTER OF *THE VETERINARIANS ACT, 1987* OF THE PROVINCE OF SASKATCHEWAN:

IN THE MATTER OF A HEARING OF THE DISCIPLINE COMMITTEE OF SASKATCHEWAN VETERINARY MEDICAL ASSOCIATION PURSUANT TO SECTION 23 OF *THE VETERINARIANS ACT*, CONCERNING COMPLAINTS AGAINST DOUG BIENIA, A MEMBER OF SASKATCHEWAN VETERINARY MEDICAL ASSOCIATION:

ORDER

1. Pursuant to section 23(1)(d) of The Veterinarians Act, 1987 ("**Act**"), Dr. Bienia shall receive a letter of reprimand in standard form.
2. Pursuant to section 23(1)(e) of the Act, Dr. Bienia shall complete a minimum of 10 hours continuing education in veterinary medical record through completion of the course, VetMedTeam - Veterinary Medicine: Medical Records the Roadmap to Quality Care (the "**Records Course**"), within 6 months of the effective date of the Order of the Discipline Committee. Dr. Bienia shall bear the full costs of completing this course and must provide proof of completion to the Registrar or designate. A failure to successfully complete this course within 6 months of the effective date of the Order of the Discipline Committee shall result *in* a suspension of Dr. Bienia's member license until such time that this course is completed.
3. In the event the Records Course is unavailable, Dr. Bienia shall propose a course of the same duration and content to the Registrar for approval. Should the Registrar approve the alternative course, Dr. Bienia shall comply with all other terms of paragraph 2.
4. Pursuant to section 23(1)(c) of the Act, Dr. Bienia shall be prohibited from practicing equine veterinary medicine until such time as:
 - a. he completes 15 hours of RACE or SVMA approved professional continuing education in equine medicine, which must include at least 5 hours on the topic of equine field anesthesia;
 - b. he provides proof of completion of a. to the Registrar; and
 - c. the Registrar reviews the proof of completion, determines that Dr. Bienia has satisfied the condition in a., and confirms Dr. Bienia's satisfaction of a. in writing.
5. Pursuant to section 23(1)(c) of the Act, Dr. Bienia shall be prohibited from performing equine castrations until such time as:
 - a. Dr. Bienia satisfies the conditions in paragraphs 4a. - c.;
 - b. Dr. Bienia performs a minimum of 3 castrations under the immediate supervision of a veterinarian licensed with the SVMA who is in good standing and experienced in equine medicine and surgery (the "**Supervisor**");
 - c. the Supervisor provides a final report to the Registrar attesting to Dr. Bienia's

- competency in the equine castration procedure;
- d. Dr. Bienia provides the complete medical records (as defined by the SVMA Practice Standards and Guidelines) for each patient on which Dr. Bienia has performed an equine castration under the Supervisor's immediate supervision to the Registrar, which the complete medical records signed by both Dr. Bienia and the Supervisor; and
 - e. the Registrar reviews the final report in c. and the complete medical records in d., determines that Dr. Bienia has satisfied the conditions in a. - d. and confirms Dr. Bienia's satisfaction of a. - d. in writing.
6. Pursuant to section 23(1)(c) of the Act, Dr. Bienia shall be prohibited from practicing companion animal veterinary medicine (canine and feline) until such time as:
- a. he completes 15 hours of RACE or SVMA approved professional continuing education in companion animal medicine, which must include:
 - i. at least 5 hours dedicated to the treatment and management of orthopedic injury and fracture management in cats and dogs;
 - ii. at least 5 hours dedicated to the topic of feline medicine, 2 hours of which must be dedicated to the topic of pharmacology and prescribing with a focus on pain management; and
 - b. he provides proof of completion of a. to the Registrar; and
 - c. the Registrar reviews the proof of completion, determines that Dr. Bienia has satisfied the condition in a., and confirms Dr. Bienia's satisfaction of a. in writing.
7. For clarity, for each of paragraphs 4, 5 and 6:
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 - b. Dr. Bienia may choose the continuing education courses but whether those courses satisfy the requirements in paragraphs 4, 5 or 6 is at the discretion of the Registrar. Dr. Bienia may seek the Registrar's approval of a continuing education course for any of paragraphs 4, 5 or 6 in advance of completing any such course.
8. Pursuant to section 23(2)(a)(ii) of the Act, Dr. Bienia shall pay the costs of the investigation and hearing, with these costs fixed in the amount of \$12,500.00.
9. Pursuant to section 23(2)(a) and (b) of the Act, Dr. Bienia shall have six months from the date of the Discipline Committee's order to pay the fixed costs pursuant to paragraph 8. Failure to pay these costs within six months shall result in the immediate suspension of Dr. Bienia's member license and his right to practice veterinary medicine in the Province of Saskatchewan until such as payment is made; and in the event he is not then licensed, he will be denied the right to membership in the Saskatchewan Veterinary Medical Association.