

**SUMMARY OF THE DISCIPLINE COMMITTEE HEARING  
SASKATCHEWAN VETERINARY MEDICAL ASSOCIATION**

**CASE # 2024-05**

**Saskatchewan Veterinary Medical Association Professional Conduct Committee**

**vs.**

**Dr. Earl Davis (Member #707)**

**On November 7, 2024** the Discipline Committee of the Saskatchewan Veterinary Medical Association (SVMA) held a hearing to inquire into discipline charges set out in a Formal Complaint dated September 16, 2024.

The Formal Complaint set out 4 charges alleging professional incompetence and/or professional misconduct. The charges are numbered 1.a., 1.b., 1.c., and 2. Dr. Davis waived formal reading of the charges and entered a not guilty plea to each charge. The charges against Dr. Davis were as follows:

THAT Dr Earl Davis is guilty of professional incompetence and/or professional misconduct in that he:

1. Failed to provide veterinary care that is appropriate and adequate, following acceptable professional procedures using current professional and scientific knowledge, or 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. On or about March 7, 2024, having performed a combined orthopedic and dental surgery at Mohawk Animal Hospital, located in the city of Melfort, Saskatchewan, on a dog named "Macy" in the absence of appropriate analgesic use, he did so in contravention of sections 12.2 (a), 12.2(g) 12.3 (a), 12.3(b), and 12.3(i) of the Bylaws of the Saskatchewan Veterinary Medical Association, and section 6(c) of the Saskatchewan Veterinary Medical Association Practice Standards.
  - b. On or about February 4, 2024, having performed a pyometra surgery at Mohawk Animal Hospital, located in the city of Melfort, Saskatchewan, on a dog named "Nola" in the absence of appropriate analgesic use, he did so in contravention of sections 12.2 (a), 12.2(g) 12.3 (a), 12.3(b), and 12.3(i) of the Bylaws of the Saskatchewan Veterinary Medical Association, and section 6(c) of the Saskatchewan Veterinary Medical Association Practice Standards.
  - c. On or about April 1, 2024, having performed a feline neuter surgery at Mohawk Animal Hospital, located in the city of Melfort, Saskatchewan, on a cat named "Prometheus" in the absence of appropriate analgesic use, he did so in contravention of sections 12.2 (a), 12.2(g) 12.3 (a), 12.3(b), and 12.3(i) of the Bylaws of the Saskatchewan Veterinary Medical Association, and section 6(c) of the Saskatchewan Veterinary Medical Association Practice Standards.
2. Failed to keep clear, accurate and detailed medical records with respect to patients "Macy" and "Nola", while attending Mohawk Animal Hospital, located in the city of Melfort, Saskatchewan, thereby contravening section 12.4 (g) of the Bylaws of the Saskatchewan Veterinary Medical Association and sections 5 (d), 5(f), 5A-b of the Saskatchewan Veterinary Medical Association Practice Standards.

Neither Dr. Davis nor counsel for the Professional Conduct Committee objected to the composition of the Discipline Committee and all parties confirmed they had adequate and appropriate notice of the hearing.

**On December 13, 2024** the Discipline Committee concluded that Dr. Davis was guilty of professional

incompetence and/or professional misconduct with respect to charge 1.a., in that he:

Failed to provide veterinary care that is appropriate and adequate, following acceptable professional procedures using current professional and scientific knowledge when on or about March 7, 2024 he performed a combined orthopedic and dental surgery at Mohawk Animal Hospital, located in the city of Melfort Saskatchewan, on a dog named “Macy” in the absence of appropriate analgesic use. The Discipline Committee finds that in doing so Dr. Davis contravened sections 12.2(a), 12.2(g), 12.3(a), 12.3(b) of the Bylaws of the Saskatchewan Veterinary Medical Association, and section 6(c) of the Saskatchewan Veterinary Medical Association Practice Standards.

The Discipline Committee dismissed charges 1.b., 1.c. and 2. In rendering its decision the Discipline Committee indicated that full written reasons for its decision would follow as part of the determination on sanctions.

The parties were presented the options of presenting oral or written (or both) submissions with respect to sanctions. Both the Professional Conduct Committee and Dr. Davis submitted written submissions which were reviewed during the Discipline Committee’s decision-making process.

#### **Decision on Misconduct**

As previously indicated to the parties, the Discipline Committee found a breach of complaint 1(a) and dismissed the balance of the complaints with reasons to follow. These are those reasons.

The Discipline Committee had no difficulty accepting that Dr. Davis is committed to providing excellent care to his clients and patients. Dr. Davis repeatedly referenced his long-standing service to his community without complaint from his clients. The Discipline Committee had no evidence or reason to contradict Dr. Davis on this account.

Macy received dental, and more importantly, orthopedic work. The Discipline Committee had no difficulty in finding that the procedure would be exceptionally painful to the patient animal. This understanding was reinforced by the evidence provided by a board certified veterinary anesthesiologist. A review of Dr. Davis records, as well as the testimony provided, informs the Discipline Committee’s decision that Dr. Davis failed to demonstrate the appropriate treatment, compassion, or respect for animal welfare when managing the patient’s pain. While Dr. Davis prefers a wait-and-see approach to applying pain medication, there are risks of stoicism on the part of the animal, as well as a professionally recognized level of pain inherent to the procedure which cannot be ignored.

In failing to appropriately address the pain in line with current understanding of pain management in such intrusive procedures, Dr. Davis unfortunately fell below the appropriate professional standards with respect to this aspect of the complaint.

#### **Dismissed Aspects of the Complaint**

The aspects of the complaint (1.b. and 1.c.) relate to less inherently painful procedures. In these cases, Dr. Davis’ approach was to observe and evaluate patients at all times to ensure they were not experiencing undue discomfort. For these procedures, the Discipline Committee was satisfied that Dr. Davis’ evaluations appropriately balanced the treatment of potential pain, against the concerns that a patient may re-injure or further injure themselves due to not being aware of their own limitations. While some of the evidence before the Discipline Committee supported the idea that Dr. Davis may not have met the “gold standard”, that did not mean he fell below the minimum professional standards in these cases.

Similarly, the Discipline Committee heard evidence and argument that Dr. Davis’ records fell short of professional expectations (complaint 2). Dr. Davis himself was candid in his testimony that he could do better with respect to record-keeping. While the PCC counsel argues that operates as an admission, the Discipline

Committee, after hearing from Dr. Davis and reviewing the records in question, felt that Dr. Davis' accountability was that of a professional recognizing an area of potential improvement rather than an admission. The Discipline Committee accepts that being able to do "better" does not mean he fell below the appropriate standards and concluded that in this case Dr. Davis met the standard with respect to his record keeping.

For the sake of completeness, the Discipline Committee feels it necessary to comment on one aspect of Dr. Davis' submissions. He indicated that he has a very busy practice and that he has not received any complaints. The Discipline Committee accepts that he is a busy and attentive veterinarian. It also accepts Dr. Davis' submissions as providing context for a long and positive career in the profession. The Discipline Committee does not believe Dr. Davis was referencing his busy practice as an excuse for not meeting the standard with respect to any part of the complaint, and the Discipline Committee would not accept that excuse even if that had been his intention. Professional standards exist with respect to every patient and every client. Being busy does not alleviate those obligations. However, for the sake of clarity, the Discipline Committee repeats this well-known principle due to its importance and accepts Dr. Davis was not attempting to make such an excuse in this case.

#### **Discipline Committee Decision on Sanctions**

The Discipline Committee considered its authority as outlined in *The Veterinarians Act, 1987*[the Act] with specific consideration to its disciplinary powers as outlined in section 23 of the Act. While the Act contemplates options such as suspension or expulsion, there was no suggestion that such was appropriate from PCC counsel, nor did the Discipline Committee consider such to be warranted in this case.

Rather the Discipline Committee focused on other potential sanctions available under the Act, as requested by the PCC counsel, or as found in other comparable decisions of misconduct.

The Discipline Committee takes note of the fact that this is the first finding of misconduct by the member in a long and distinguished career. It is sensitive to the fact that Dr. Davis has signaled a pending retirement and is sympathetic to the fact that this finding of misconduct comes late in his approximately 50 years of practice. At the same time, animal well-being is a core aspect of this profession. Responsible pain management cannot be entirely subjective, where such discretion falls below current professional standards.

There is no question that Dr. Davis firmly holds his views on pain management, nor is there any question that observing and evaluating patients remains an important part of patient care. However, in the case of Macy, the Discipline Committee is of the view that Dr. Davis' reticence to use the appropriate tools of pain management which are available to him compromised the care of the patient.

In the course of the investigation and hearing Dr. Davis remained consistent in his beliefs. While he remained respectful in the tone of his submissions, his position remained steadfast that he provided the right care with some references to the current standards being the actual problem. As part of his sanctions submissions, Dr. Davis indicates he will follow "Association rules" in the limited time he has left in the profession. There was no indication that he is prepared to re-evaluate his understanding of pain management.

Dr. Davis has every right to be proud of approximately 50 years in the profession, however he is obligated to conduct his practice in accordance with professional standards. To that end, the Discipline Committee orders as follows:

- a.** by June 15, 2025 Dr. Davis at his own expense satisfy the Registrar that he has completed an in-person or online RACE approved 3 hour (or more) course in pain management and drug use. The Discipline Committee specifically requires that any such course include a test which Dr. Davis is required to pass at the end of the course. The Registrar can extend the deadline to June 30, 2025 if Dr. Davis provides proof of registration to the Registrar and proof of having commenced the above described

course that would be completed by June 30, 2025;

- b.** Dr. Davis pay up to half of the combined investigation and hearing costs to a maximum of \$20,000 by June 1, 2025; and
- c.** to the extent that any part of this decision or its reasons is published by the SVMA, that the last names of the patient animals be redacted to protect the confidentiality of the clients/patients involved in this decision.

With respect to the above noted costs, the Discipline Committee understands those costs to be confined to invoiced costs incurred by the SVMA in the course of the investigation and hearing of this matter. For greater clarity, those would include fees associated with the investigator conducting the investigation, professional fees (including reasonable disbursements) associated with the PCC's involvement in both the investigation and hearing, professional witness fees (if any), as well as any other professional fees (including reasonable disbursements) attributable to this hearing. The Discipline Committee does not believe it is the practice of the SVMA to include any overhead or salaried employee costs, but for the sake of clarity does not include such costs in this award.

The Discipline Committee recommends that Dr. Davis be the subject of two unannounced audits into his practice within the next 12 months with a view to ensuring he is in compliance with appropriate pain management strategies and standards. The Discipline Committee recognizes that in some cases if not most cases a reprimand and/or fine could be appropriate in similar cases. However, in light of the member's long-standing service in the profession without any prior misconduct the Discipline Committee felt neither option was appropriate in this specific case.

Further, the Discipline Committee took note of Dr. Davis' request to defer sanctions until after July 31, 2025, but noted his previous indication that he would already be retired by that time. It felt that the interests of clients, patients, and the public did not allow for sanctions to be deferred until after his identified retirement date.