

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

DR ANCA BUCUR MRCVS

DECISION OF THE DISCIPLINARY COMMITTEE ON SANCTION

1. The Committee having found that the Respondent is guilty of Disgraceful Conduct in a Professional Respect, next considered the appropriate disposal of the case in accordance with the Veterinary Surgeons Act 1966, the Royal College of Veterinary Surgeons Disciplinary Committee (Procedure and Evidence) Rules 2004 (“the Rules”) and the RCVS Disciplinary Committee Guidance (August 2020) (“the Guidance”).
2. Pursuant to Rule 18(1)(a) Ms Curtis, on behalf of the College, confirmed that the Respondent had no previous adverse regulatory findings against her. Pursuant to Rule 18(1)(b) the Respondent adduced further evidence in relation to her character and mitigation.
3. The Respondent called the following witnesses to give evidence on her behalf:
 - Dr Jonathan Hart, MRCVS
 - Dr Fabio Martinez Gomez, MRCVS
 - Dr James Bryson, MRCVS
 - Ms Lisa Bond, RVN

4. The Respondent also gave evidence before the Committee. The Respondent had previously provided her letter to the College dated 08 May 2024. The Respondent had also provided her signed witness statement in advance of the hearing and read from a further written statement at the hearing.
5. The Respondent explained that she had issued a false prescription under the name of a client she had randomly taken from the practice management system for use by her father, when he had come to the UK with the Respondent's mother for a visit. He had been suffering with severe back pain but refused to seek appropriate treatment from a doctor, after suffering side effects from medication that had previously been supplied. He had previously benefitted from taking his wife's tramadol medication, but this had not been specifically prescribed for him. The Respondent had hoped that it would not be necessary to use the prescription but could see he was in pain during a trip to Liverpool, leading to a third party attempting to redeem said prescription. She had realised her error of judgement when the pharmacist refused the prescription. Her motivation had been to assist her father, out of concern for his health.
6. The Respondent read the Committee a statement outlining how she realised her mistake and that she had imperilled her longstanding desire to be a veterinary surgeon. She offered her apology and remorse, stating that she would never repeat her mistake.
7. The Respondent's referees who attended to give live evidence all told the Committee of their positive views of and support for the Respondent, in terms of her knowledge, skill and her caring and compassionate nature.
8. Ms Curtis confirmed that the College had no positive submissions to make on the exercise of the Committee's discretion at this stage of the proceedings.
9. Mr Attenburrow, on behalf of the Respondent provided his written submissions, which he relied on in the hearing. Mr Attenburrow reminded the Committee of the relevant parts of the Guidance, and that the purpose of sanctions is not punishment of the Respondent for her conduct, but rather to impose the minimum sanction necessary to uphold the interests of animal welfare and integrity of the profession in the eyes of the public. Any sanction must be proportionate, he submitted.
10. Mr Attenburrow advanced a number of points in mitigation of the Respondent's misconduct. These were that:

- The Respondent had made early admissions
- There was no actual harm, or risk of harm caused to animals
- There had been no actual harm caused to the Respondent's father (although there had been a risk of this). The Respondent's intention had been to improve welfare
- There was no suggestion of financial gain
- It was a single incident, with no prior history
- Dr Bucur had already suffered greatly
- A finding of disgraceful conduct in a professional respect itself is punitive
- The Respondent has shown deep and genuine insight

11. He drew the Committee's attention to the eleven character witness statements (plus her father's) provided and pointed out that four of the witnesses had given oral evidence under oath or affirmation.
12. Mr Attenburrow referred the Committee to a number of other sanctions determinations, advancing them with a view to consistency in decision-making. He accepted that the Committee had to make a decision on its own reasoning on the circumstances of the Respondent's case but he submitted that a proportionate and effective disposal would be a reprimand and warning as to future conduct.
13. The Legal Assessor advised the Committee that it should have regard to the evidence, the submissions and its findings so far in the proceedings. The Committee should consider again the aggravating and mitigating factors, also now including matters of personal mitigation. Any sanction imposed had to be the minimum required restriction on the Respondent's right to practise, in order to be proportionate.
14. The Legal Assessor advised the Committee that it should consider the matter of sanction from the least restrictive measure, moving upwards. It must first consider whether it could end the case by taking No Further Action, or postponing judgement for up to two years. If neither course was appropriate, he advised, the Committee could give immediate judgement, either a Reprimand (with or without a warning), a Suspension order, or a Removal order. The Legal Assessor advised that a Removal order is regarded as a sanction of last resort, where no lesser sanction will achieve the aim of public protection.
15. The Legal Assessor advised the Committee that the Guidance dealt specifically with the matter of dishonesty and stated that it was regarded as being at the higher end of seriousness. He referred the Committee to the case of *Simawi v GMC* [2020] EWHC

2168 (Admin) in which the court reviewed cases on dishonesty. He advised that the cases showed that dishonesty is a serious matter for professionals, particularly where it is linked with professional practice. However, there is a 'spectrum' of dishonesty and the matter of insight is crucial in determining sanction. There are cases when less than the highest sanctions have been applied and in one case, exceptionally, impairment of fitness to practise not found (*GMC v Uppal* [2015] EWHC 1304). A copy of the judgment in *Walker v RCVS* PC 16 of 2007, which is referred to in the Guidance, was provided to the Committee.

16. The Committee carefully considered its findings that the Respondent was guilty of Disgraceful Conduct in a Professional Respect and the submissions made thus far in the proceedings by both parties. The Committee reminded itself of the aggravating and mitigating factors it had found applied in this case.
17. At the Sanction stage, the Committee also considered whether there were any relevant additional aggravating or mitigating factors which were matters personal to the Respondent. The Committee did not find that there were any further aggravating factors but those in the disgraceful conduct determination remained valid. Considering the suggested personal mitigating factors, the Committee took into account that the Respondent had no previous complaints or adverse matters in her career prior to this incident.
18. The Committee accepted that the Respondent had made early open and frank admissions to her conduct. She had admitted the matter first to Dr Hart on 22 April 2024. She had reported herself to the College and had made more admissions in her correspondence responding to the College's investigation. The Respondent had given an early indication of her intention to admit the facts, and had made her full, formal admissions at the start of the hearing. The Respondent had offered her fulsome and genuine apology and remorse in her witness statement and in the hearing to the Committee.
19. On the matter of efforts to avoid repetition, the Committee accepted the Respondent's evidence that she has since worked as a locum, issuing prescriptions at her employer's practices without further incident.
20. The Committee concluded from reading the Respondent's witness statement and from hearing her give evidence that she has developed full insight into her misconduct. She had referred in her evidence to her appreciation of the

inappropriateness of her actions and also to the effect on the wider profession and public confidence in it.

21. The Respondent has provided a notable number of references and testimonials, which are uniform in speaking to her positive qualities as a veterinary surgeon. The Committee found it noteworthy that both Dr Hart and Dr Bryson, for whom the Respondent has previously worked, stated that they were entirely happy to consider re-employing the Respondent, if she applied to them. Both Dr Hart (Clinical Director at Atherton Veterinary Centre (“AVC”)) and Ms Bond (Practice Nurse at AVC) offered the opinion that the Respondent is a very caring and compassionate practitioner, and they suspected that the Respondent’s compassionate nature had caused her lapse in relation to the prescription in this case.
22. The Committee accepted that the Respondent has suffered from the experience of the regulatory process. She has also now had an adverse finding of disgraceful conduct made. However, it considered that these were the ordinary consequences of the regulatory process, which the Respondent had brought upon herself. It did not find these were mitigating factors, and bore in mind that, as the court stated in *Bolton v Law Society* [1994] WLR 512 that the reputation of the profession (and so the need to impose sanctions) outweighs personal interests.
23. The Committee was able to conclude that this had been a very serious but single lapse of judgement on the Respondent’s part. There was a relevant context, in that the Respondent had clearly acted out of concern to help her father, however misguided. There was no suggestion of harm, or risk of harm, to animals.
24. The Committee concluded that the risk of the Respondent repeating her past mistake is negligible. However, the Committee could not ignore that the Respondent’s misconduct had occurred in relation to a Controlled Drug, which had not been medically prescribed for her father and which furthermore created a risk for her father’s health. The conduct also had contravened important protections designed to protect the public. The Respondent had not taken opportunities to deal with her concerns over her father’s health in other, legitimate ways.
25. The Committee considered whether it might end the case by taking No Further Action. However, it considered that this failed completely to meet the seriousness with which the Committee viewed the Respondent’s conduct. It also did not send out the necessary message to the profession as to how unacceptable the Respondent’s

conduct had been with respect to prescribing Controlled Drugs and the abuse of her professional position.

26. The Committee did not consider it appropriate to postpone judgement, since there were no further practice or insight developments that the Committee considered needed to take place over time. The Committee was of the view that it needed to act now to express its judgement on the misconduct, but did not believe that there is a real risk of repetition.

27. The Committee considered that it had the power to issue a Reprimand, possibly with a warning. It noted, however, that the Guidance states that this course is appropriate for misconduct at the 'lower end of the spectrum of seriousness'. The Committee was of the view that this did not meet the level of gravity with which it regarded the Respondent's actions.

28. The Committee noted paragraph 71 of the Guidance and this states:

"Suspension may be appropriate where some or all of the following apply:

a) The misconduct is serious, but a lesser sanction is inappropriate and the conduct in question falls short of being fundamentally incompatible with remaining on the register;

b) The respondent veterinary surgeon has insight into the seriousness of the misconduct and there is no significant risk of repeat behaviour;

c) The respondent veterinary surgeon is fit to return to practice (after the period of suspension)."

29. The Committee considered that the Respondent's misconduct had been very serious and noted that it included dishonesty. However, in light of the Respondent's development of full insight, which had been demonstrated by her early admissions and engagement at every stage with the College, the Committee concluded that this pulled the misconduct short of being fundamentally incompatible with registration. The Committee has already stated that it regards that there is no significant risk of the Respondent repeating her behaviour.

30. The Respondent's referees, including those witnesses who attended to give oral evidence, persuaded the Committee that the Respondent is otherwise a competent, caring and capable veterinary surgeon. The Committee had been provided with details of the Respondent's CPD record indicating her keeping her knowledge and skills up to date.

31. The Committee noted that disposals in some of the other cases shown to it have been different to suspension. However, the Committee took into account that each case is different in its particular details. In the Respondent's case, the Committee considered that it was particularly relevant that the conduct related to the inappropriate prescribing for a human of an addictive Controlled Drug, together with the associated dishonesty in the concealment in the record and the attempt at misleading the pharmacist. In the Committee's view this required a high-level response by sanction, in order to maintain public confidence and send a signal to the profession as to expected standards. In this case there had been a grave abuse of professional responsibility and a breach of client confidentiality in the use of client details.
32. The Committee was aware that, in the most serious cases, it may make a Removal order. However, the Committee did not consider that this was the only means of protecting animals and the public. It acknowledged that there is also a public interest in returning a practitioner to practice, once an appropriate sanction has been dealt with. Therefore, the Committee concluded, a Removal order was disproportionate.
33. The Committee balanced the effect that a suspension would have on the Respondent, by depriving her of the ability to practise for a period, with the public interest. However, it decided that, in the circumstances, the interests of protecting the public, including the wider public interest, outweighed the Respondent's interests.
34. The Committee decided that, in all the circumstances, a suspension is the appropriate and proportionate sanction.
35. The Committee considered for how long the suspension should be imposed. It considered that the suspension was not required to allow for the Respondent to gain any further insight. It is purely required to mark the Committee's disapproval of the Respondent's disgraceful conduct, as a signal to the public and to the profession. The Committee concluded that the least period required in all the circumstances is two months.
36. The Committee makes a direction to the Registrar that the Respondent's registration is to be suspended for a period of two months.

DISCIPLINARY COMMITTEE

21 MARCH 2025