

## **Decision of the Charter Case Committee in respect of Dr Michael Julian Davies MRCVS**

The Charter Case Committee met remotely on 15 August 2024 to consider the following allegation against Dr Michael Julian Davies MRCVS:

*That on 17th April 2024, Dr Davies admitted making, and knowingly making, false entries on clinical records, and his written response, and admitted professional misconduct for which the Veterinary Practice Board of Western Australia board fined him \$10,000 and suspended his registration for 8 months.*

### **Background:**

1. Dr Davies (the Respondent) is a registered veterinary surgeon.
2. On 22 April 2024, the College received an email from Dr Davies in which he disclosed that professional proceedings had been brought against him by the Veterinary Practice Board of Western Australia (VPBWA), and that as a result he had been suspended from practising as a veterinary surgeon for a period of eight months commencing from 20 May 2024.
3. On 26 April 2024 the College received an email from VPBWA confirming that Dr Davies had been found guilty of professional misconduct and given an 8-month suspension. A copy of the regulatory order was attached.
4. The order confirmed that the circumstances leading to the sanction were in summary as follows:
  - a) Dr Davies had been a partner in a veterinary practice in West Swan, Australia.
  - b) On 4 February 2023 Dr Davies' partner had carried out surgery on a male Great Dane, known as Kudo. Following surgery, Kudo was placed in a recovery kennel at the practice. Dr Davies' partner then went home, and, unknown to Kudo's owner, Kudo was left alone until later that evening when Dr Davies arrived. At around 9.41pm. Dr Davies found Kudo deceased.
  - c) At some point Dr Davies made 2 entries into the clinical records for Kudo for 4 February 2023. These entries, written as if made at 9.15pm and 9.40 pm, recorded a number of clinical findings including Kudo's temperature, pulse/heart rate and the colour of his mucous membranes as well as details of fluids and medications alleged to have been administered.
  - d) Subsequently Dr Davies wrote to Kudo's owner on 7 April 2023 confirming that he had supervised Kudo for about an hour at the practice on the evening of 4 February 2023 and described steps which he said had been taken by his partner to assist Kudo before Kudo died.

- e) Following a complaint to the VPBWA, Dr Davies provided a statement on or around 7 August 2023 setting out a summary of the events at the practice on the evening of 4 February 2023. In his statement he confirmed that he had taken over from his partner at the practice at around 8.00pm and had been there for about an hour before handing back to his colleague. In a further statement dated 23 October he confirmed these facts.
- f) However, Dr Davies subsequently admitted to VPBWA that neither he or his partner had been at the practice after Kudo was placed in the recovery kennel and that the information he had given to Kudo's owner and to the VPBWA was false. He also admitted that the entries made for 9.15pm and 9.40pm on the 4 February 2023 were false.
- g) The VPBWA found that Dr Davies had knowingly made false entries into the clinical records and made false statements to both the owner and to the regulator. It concluded that his conduct "*substantially falls short of the standard of competence, diligence and safety that a member of the public is entitled to expect of a reasonably competent veterinarian and constitutes professional misconduct within the meaning of section 79(a) of the Act*". It acknowledged that Dr Davies had made early admissions and that he had shown insight and remorse for his actions and had since undertaken CPD in Ethics and Medical Record Keeping for Veterinarians. [REDACTED]  
[REDACTED]  
[REDACTED] It determined that Dr Davies should pay a fine of \$10,000, pay costs of \$3500, and be suspended for 8 months commencing on 20 May 2024.
5. In response to a request for information from the College, Dr Davies provided a copy of the decision of the VPBWA, his reflections on what had happened [REDACTED]  
[REDACTED] and details of his CPD since the event.
6. At a meeting of the Preliminary Investigation Committee on 19 June 2024 the Preliminary Committee considered all the evidence before it and concluded that there was a realistic prospect of the concerns being proved, and of them amounting to serious professional misconduct. It proposed referring the matter to the Charter Case Committee to which Dr Davies agreed on 27 June 2024.

## Decision

7. The Charter Case Committee (the Committee) noted that in this case there was a recent finding against Dr Davies by the VPBWA which had found Dr Davies to be guilty of professional misconduct. Dr Davies had accepted the finding, and the Committee did not seek to go behind this. On that basis the committee was satisfied that there was a realistic prospect of finding the allegations proved based on Dr Davies' own admissions and the finding of the VPBWA.

8. The Committee then considered whether it would be appropriate to conclude this matter by issuing Dr Davies with a warning, either public or confidential, without the need for a referral to the Disciplinary Committee for a hearing.
9. It bore in mind that the overarching remit of the RCVS was to protect animal welfare and to act in the public interest which included protecting the public, maintaining proper standards within the profession and maintaining public confidence in the profession. The Committee therefore considered whether a Warning would meet these criteria.
10. The Committee was satisfied that the allegations against Dr Davies were serious in that he had falsely claimed that Kudo had not been left unattended on the evening of 4 February 2023 and that he (Dr Davies) had been at the practice for approximately an hour that evening attending on Kudo. This was not true, as Dr Davies now admitted, but he had maintained his misrepresentations to both Kudo's owner and to the regulator on several occasions. In addition, he had also made two false entries into the clinical records for that evening to suggest he had been present when this was not the case.
11. The Committee considered that, in lying to Kudo's owner, Dr Davies had undermined the trust that a client was entitled to place in his veterinarian and that it also had the potential to undermine public confidence in the profession. Further by making false entries into the clinical records, Dr Davies was potentially putting animal welfare at risk as well as undermining the integrity of the clinical records system. This had been compounded by the false representations made to Dr Davies' regulator.
12. It noted however that Dr Davies had not been involved in Kudo's clinical care prior to the dog's death on 4 February 2023 and that the concerns in this case related to Dr Davies' conduct after Kudo's death. For that reason, the Committee considered his actions to be at the lower end of the spectrum of seriousness as there was no direct harm caused by his actions to any animal or person.
13. The Committee also took into account a number of mitigating factors namely that:
  - Dr Davies had voluntarily made admissions to the VPBWA in late 2023. Dr Davies had also voluntarily self-reported this matter to the College as soon as the sanction of the VPBWA had been made known.
  - [REDACTED]

- Dr Davies had not been present when the owner was first told that Kudo had not been left unattended, but he acknowledged that he had subsequently “gone along” with the deception which he now regretted.
  - Dr Davies had, in June 2024, sent a written apology to Kudo’s owner and made an offer of a financial compensation to them. He had also agreed to undertake 200 hours “community service” comprising pro bono work for animal charities or remote communities in Western Australia once his suspension has ended. Dr Davies had also completed relevant CPD in relation to these events.
14. The Committee considered that while the original conduct was serious, Dr Davies had since shown insight into his actions and had acknowledged the damage that his actions had caused to the client and their family, to the reputation of the veterinary profession and to the wider community and their trust in the profession.
  15. Further by offering remediation that went beyond that required by the VPBWA the Committee considered that Dr Davies had demonstrated genuine remorse for his conduct and was actively seeking to put right the harm caused by his actions.
  16. In addition, Dr Davies had undertaken further targeted CPD in the area of animal ethics and medical record keeping. Taking all of this into account the Committee considered that the likelihood of repetition of any similar event was very low and that, for the same reason, there seemed to be little risk of any harm being caused by Dr Davies to animals or the public going forward.
  17. The Committee determined that Dr Davies’ conduct in this matter was serious but noted that he had since demonstrated significant insight and remorse and consequently, he posed no future risk to animals or the public. In the circumstances the Committee was satisfied that it was reasonable and proportionate and in the public interest to conclude this matter by issuing Dr Davies with a Warning as to his future conduct, as set out below.
  18. The Warning will remain on Dr Davies’ record for a period of 4 months from the date of issue. The committee considered that this was proportionate bearing in mind the seriousness of the offences and taking into account the duration of the existing suspension imposed by the VPBWA, which it understood was due to end in January 2025. The Committee considered that it was appropriate for this Warning to remain in place while that suspension remained active.
  19. The Committee then considered whether the Warning should be confidential or public. It reminded itself that the purpose of a Warning was both to warn the registrant as to his future conduct but also to inform members of the public and members of the profession. Transparency

and accountability were therefore important, and the general principle was that such matters should be publicly available. It saw no information to warrant making this Warning confidential in this case and noted that Dr Davies had not made any representations to this effect.

20. **The Committee therefore requested the Registrar to conclude this case by issuing the registrant, Dr Michael Julian Davies MRCVS, with a Warning as to his conduct in respect of the matters set out in the charge and to note that this Warning will be taken into account by any future Committee which has to consider imposing a sanction. The Warning will remain on his record for a period of 4 months from the date of issue.**