

BEFORE THE PROFESSIONAL CONDUCT COMMITTEE OF THE
ROYAL COLLEGE OF VETERINARY SURGEONS

RCVS

v

DR SUSAN CATHERINE MULVEY MRCVS (Respondent)

DECISION OF THE DISCIPLINARY COMMITTEE ON PROCEEDING IN ABSENCE AND
FINDING OF FACTS

At the start of the hearing the Committee was informed that Dr Mulvey was not in attendance. Miss Stephanie David (counsel on behalf of the RCVS) told the Committee that the Notice of Inquiry had been sent by email and first class post to Dr Mulvey on 8 April 2024. The notice informed her that the hearing would take place at the Chartered Institute of Arbitrators 12-14 Bloomsbury Square, London WC1A 2LP commencing Wednesday 8 May 2024 and was scheduled to run until Wednesday 22 May 2024.

The Panel was satisfied that the rules of service of Notice of Inquiry had been complied with.

Miss David applied to proceed in Dr Mulvey's absence. She supplied the Committee with a proceeding in absence bundle and detailed written submissions outlining the efforts the College had made to contact Dr Mulvey and the results of such contact as was made. In short, she said that Dr Mulvey has failed to engage in the investigation and the disciplinary proceedings in a meaningful way. In July 2023 Dr Mulvey first raised her health as being potentially relevant to her participation in these proceedings but has not provided any medical evidence in support, despite repeated requests.

The Notice of Inquiry informed Dr Mulvey, inter alia, that the Committee had the power to proceed in her absence. She was asked to respond to the Notice, to notify her intended pleas and how to apply for an adjournment. On 10 April 2024 Mr Hepper of the College personally served Dr Mulvey with the Notice and the bundles that had been prepared for the hearing. She mentioned her health to him and said that she was not well enough to travel to London.

Mr Hepper suggested that she obtain a letter from her consultant [REDACTED] to support this. She informed him that the consultant would only provide details [REDACTED]. Mr Hepper also suggested she obtain a letter from her GP. No medical evidence has been provided.

She was advised that a Case Management Conference was to take place on 17 April 2024 and told how to attend virtually and provided with the link. She did not attend.

On 8 May 2024 at 8.27am (the morning of the start of the hearing) Dr Mulvey sent the College an email which included "I have been and continue to be ill.....I am presently living with (my daughter) in Exeter.....I do wish to attend the hearing and at the moment I am unable to do so". Miss David invited the Committee to treat this email as an application for an adjournment albeit that one was not specifically requested.

At 9.49am the solicitors acting on behalf of the College, by email, offered to facilitate Dr Mulvey joining the hearing remotely and enclosed Miss David's submissions on proceeding in absence.

At 10.33am that morning a barrister acting on behalf of the College made a telephone call to Dr Mulvey's place of work (CornYard Vets) and was put through to someone who introduced herself as Jenny, who said that Dr Mulvey was not in as she had [REDACTED]

There has been no response from Dr Mulvey since her email of 8.27am

Miss David submitted that:

- Dr Mulvey had voluntarily absented herself. Dr Mulvey had been made aware of the dates of the hearing on multiple occasions. She has not asked to attend remotely (as was offered). She has failed, despite several requests, to provide any medical evidence.
- given Dr Mulvey's conduct in relation to these proceedings, it is highly unlikely that an adjournment will result in her attendance.
- the hearing is listed for 11 days. This has involved co-ordinating the diaries of seven committee members, some 16 witnesses as well as counsel, solicitors, and others. It will be very difficult to rearrange the hearing in the near future.
- some of the charges are historic and this case should be dealt with expeditiously.

- the allegations are serious and represent a pattern of conduct that has significantly impacted upon animal welfare and public trust in the profession. Dr Mulvey has repeatedly claimed she has closed the practice yet it would seem she is still seeing some clients.

The Committee heard and accepted the advice of the legal assessor.

The Committee, having considered the College's application with the utmost care and caution, determined to proceed in Dr Mulvey's absence.

The Committee took into account the judgment of Sir Brian Leveson in *GMC v Adeogba and GMC v Visvardis* 2016 EWCA Civ 162 wherein he referred to *"the potentially devastating consequences of non-engagement for registrants. The fair, economical, expeditious and efficient disposal of allegations made against practitioners is of very real importance. There is a clear burden on registrants to engage with their regulators both in relation to the investigation and the resolution of allegations made against them....Discretion about proceeding in absence must be exercised having regard to all the circumstances of which the panel is aware, with fairness to the registrant being a prime consideration, but fairness to the regulator and the interest of the public also taken into account"*.

The Committee noted:

- (i) there was a clear public interest that the hearing takes place within a reasonable time;
- (ii) Dr Mulvey has not been engaging in any meaningful way with the College;
- (iii) despite numerous requests to provide medical evidence she has failed to do so;
- (iv) there are 16 witnesses warned to give evidence over the next 11 days. It would be unfair to them to adjourn today's hearing. Some of the charges concern events in 2018 and 2019;
- (v) at 8.27am today (first day of hearing) Dr Mulvey emailed to say that she was living in Exeter, but there is no mention of a medical appointment in Oxford that same morning;

- (vi) Dr Mulvey did not attend either of the pre-listing meetings or the Case Management Conference. If the case were adjourned today it is considered unlikely that Dr Mulvey will attend on any future occasion;
- (vii) Dr Mulvey has said that she closed her practice. The phone call on the first day of hearing to “Jenny” would suggest otherwise;
- (viii) Following receipt of the 8.27am email from Dr Mulvey RCVS solicitor responded by e-mail that she was welcome to join remotely at any time.

The Committee will not hold the non-attendance against Dr Mulvey, nor will it attach any adverse inference from the same. The Committee will ensure that the decisions made at each stage will be sent to Dr Mulvey by email and she will be given an opportunity to respond.

The Committee will consider the charges as denied.

CHARGES

In relation to Millie, a Dalmatian belonging to TP:

a) between 12 May 2020 and 22 May 2020, failed to provide appropriate and adequate veterinary care to Millie, more particularly in that you:

(i) failed to take adequate steps to ensure that Millie underwent pyometra surgery as a matter of urgency; and/or

(ii) failed to offer and/or give adequate consideration to alternatives to delaying pyometra surgery, more particularly failed to:

- consider undertaking pyometra surgery before dental surgery; and/or
- make adequate attempts to secure oxygen from another source;
- go ahead with pyometra surgery without oxygen as a last resort;

(iii) failed to communicate to Ms TP the degree of urgency required for surgery and/or suggest the possibility of referral to another practice with a sufficient degree of urgency;

b) Between 13 October 2020 and 2 November 2023, failed to comply with reasonable requests from the Royal College of Veterinary Surgeons (RCVS) for comments on the concerns raised by Ms TP;

2. In relation to Penny, a cockapoo belonging to JH:

1. a) between 10 December 2018 and 31 August 2020, failed to provide adequate information to Petplan, an insurance company for the purposes of processing insurance claims for Penny; and/or
 2. b) between 6 December 2019 and 4 August 2020, failed to provide Penny's clinical records to a superseding veterinary practice (Cogges Veterinary Surgery), despite request/s for the same; and/or
 3. c) failed to respond adequately or at all to Ms JH's letter to you dated 30 December 2019 and/or her letter to you dated 13 August 2020; and/or
 4. d) between 20 October 2020 and 2 November 2023 failed to comply with reasonable requests from the RCVS for comments on the concerns raised by Ms JH; and/or
3. Between 17 June 2020 and 7 August 2020, in relation to Suki, a Fox terrier belonging to SC and SC, failed to provide SC and/or SC with results of blood tests for Suki or a reasonable explanation as to why the results were unavailable;
 4. Between 24 February 2021 and 7 July 2021, in relation to Sage, a Cockapoo belonging to AC, failed to provide Sage's clinical records to a superseding veterinary practice (Cogges Veterinary Surgery), despite requests for the same.
 5. In relation to Pepsi, a cat belonging to PM and CM:
 - a) between 17 December 2019 and 10 September 2021, failed to provide to PM and/or CM and/or Direct Line, an insurance company, adequate information relating to insurance claims for Pepsi, despite requests for the same;
 - b) between 30 March 2021 and 21 October 2021, failed to provide Pepsi's clinical records to PM and/or CM and/or a superseding veterinary practice (Eastcotts), despite requests for the same;
 6. In relation to Ruby, a Schnoodle belonging to MP and KP:
 - (a) between 4 March 2022 and 31 October 2022, failed to provide Ruby's clinical history to MP and/or KP and/or a superseding veterinary practice, despite requests for the same;
 - (b) between 7 November 2022 and 2 November 2023, failed to comply with reasonable requests from the RCVS for comments on the concerns raised by MP and/or KP;

7. In relation to Poppy, a cat belonging to SH, between 2 September 2022 and 2 November 2023, failed to comply with reasonable requests from the RCVS for comments on concerns raised by Ms SH;
8. In relation to Milo, a French Bulldog belonging to MM:
 1. (a) Between 1 October 2021 and 30 September 2022, failed to provide adequate and appropriate care to Milo, more particularly:
 1. (i) failed to take adequate steps to ensure that Milo underwent fracture- repair surgery as a matter of urgency; and/or
 2. (ii) failed to offer and/or give adequate consideration to referring Milo elsewhere for fracture-repair surgery;
 2. (b) between 14 October 2022 and 5 December 2022, failed to provide Milo's clinical history to Mr MM and/or a superseding veterinary practice, despite requests for the same;
 3. (c) between 28 October 2022 and 10 January 2024, failed to provide to Animal Friends, an insurance company, adequate information relating to insurance claims for Milo, despite requests for the same;
- (b) between 5 January 2023 and 2 November 2023, failed to comply with reasonable requests from the RCVS for comments on the concerns raised by Mr MM;
9. Between 28 January 2021 and 14 December 2023, failed to respond to reasonable requests from the RCVS in relation to details of your Professional Indemnity Insurance (PII) and/or Continuing Professional Development (CPD);

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

Background

Miss David provided the Committee with a written opening. She asked that the statements from all witnesses be read into the record as their evidence in chief.

She summarised the background to the case: Dr Susan Mulvey was first admitted as a veterinary surgeon on 7 July 1979. At the material time, she ran her own single-handed veterinary practice, CornYard Veterinary Practice, in Witney, Oxfordshire. The nine allegations against her include clinical matters and serious practice management failures, including failures to process and submit insurance claims on behalf of the owners and to provide clinical records to owners and/or superseding veterinary practices. The allegations also concern her communication with clients; and a failure to respond to reasonable requests from the College

in relation to the concerns raised against her. Notwithstanding some very limited engagement with the College, Dr Mulvey has not responded to the charges.

Dr Mulvey has appeared before the College for two earlier sets of similar charges:

In April 2018 she appeared before the Disciplinary Committee to answer a number of charges including:

in 2016/2017 failing to provide results of laboratory tests, failing to respond to communications relating to complaints, failing to respond to communications from the College, failing to have Professional Indemnity Insurance.

At the outset of that inquiry Dr Mulvey admitted all the charges and that in relation to the charges, in combination, she was guilty of disgraceful conduct in a professional respect.

On 26 April 2018 the Committee determined to postpone sanction for a period of one year on undertakings. *“It recognised that she has been subject to undertakings before and yet committed the disgraceful conduct the subject of this inquiry. But it bore in mind the context of that conduct and it observes that the undertakings previously imposed in reality address a particular aspect of her practice. This Committee hopes that when the matter is relisted before it, the Respondent will be able to demonstrate that she has finally been able to address her administrative shortcomings. If she cannot do so, she will know that the Committee that sits on her case at the resumed hearing is likely to have more restricted options for disposal of her case”.*

On 10 May 2019 Dr Mulvey appeared before the Committee for the resumed sanction hearing and further new charges relating to failures to provide clinical history, failing to communicate with clients, failing to respond to requests for information from the College concerning, complaints against you, Continuing Professional Development and indemnity insurance

Dr Mulvey admitted the new charges and that she was guilty of disgraceful conduct in a professional respect.

With regard to the undertakings given to the Disciplinary Committee in April 2018, the Committee observed that there had been only partial compliance, and that a number of undertakings had been breached.

Sanction: For all matters the Committee ordered the Registrar to suspend Dr Mulvey from the Register of Veterinary Surgeons for a period of six months.

The Committee heard closing submissions from Miss David. Dr Mulvey remained absent with no submissions made.

The Committee heard and accepted the advice of the legal assessor who reminded it, *inter alia*, of the burden and standard of proof, namely that the burden was on the College, and the standard is the criminal standard (so that it is sure).

The Committee considered the facts of each subsection of each charge individually, as follows:

Charge 1. In relation to Millie, a Dalmatian belonging to TP:

- a) *between 12 May 2020 and 22 May 2020, failed to provide appropriate and adequate veterinary care to Millie, more particularly in that you:*
 - i. *failed to take adequate steps to ensure that Millie underwent pyometra surgery as a matter of urgency; and/or*

Ms TP told the Committee that, in the days before 12 May 2020, she had noticed bleeding and discharge from Millie's vulva. Ms TP searched the internet and having done so, suspected that the condition might be pyometra. On 12 May 2020, Ms TP took Millie to CornYard Vets. Dr Shield, the expert witness called by the College, stated that pyometra is a serious and life-threatening condition, which, if left untreated, can be fatal due to the toxic effects of the pus building up in the uterus that could lead to septic shock. This same information was given to Ms TP by Dr Mulvey but she did not act on her own advice. Urgent treatment is required, ideally in the form of surgery, namely an ovariohysterectomy, which is, as Dr Shield described it, "by far the best option". The surgery should have taken place no more than a day or two after Millie's initial presentation.

Dr Mulvey told Ms TP that the surgery needed to be performed concurrently with dental surgery and that, although she had sufficient oxygen to perform the pyometra surgery, she had insufficient to perform both procedures, she needed to acquire further oxygen supplies. Dr Mulvey then said that the oxygen hadn't arrived and that there were supply issues as a result of the Covid pandemic. Ms TP asked her again to perform the pyometra surgery without the dental procedure but she declined to do so.

The surgery was first arranged for 15 May 2020 but then cancelled. Dr Mulvey said this was because she had been unable to obtain oxygen. The first delay of eight days, since the first consultation, posed a "very serious and predictable risk to Millie's life" according to Dr Shield.

On 21 May 2020 Millie was extremely unwell. Ms TP took her to Dr Mulvey. Dr Mulvey said she would perform the operation the next day and asked Ms TP to leave the dog with her overnight. In the early hours of the morning of 22 May 2020, Millie died.

The Committee accepted the evidence of Ms TP. The Committee also accepted the evidence of Dr Shield including her opinion that the overall 10-day delay was “almost certainly the cause of her death and that this outcome was predictable”.

The Committee therefore determined that Dr Mulvey failed to take adequate steps to ensure Millie underwent pyometra surgery, as a matter of urgency.

This charge is proved.

- ii. *failed to offer and/or give adequate consideration to alternatives to delaying pyometra surgery, more particularly failed to:*
 - *consider undertaking pyometra surgery before dental surgery; and/or*

The Committee accepted the evidence of Ms TP that Dr Mulvey continued to insist on the dental surgery taking place at the same time as the surgery for the pyometra. Dr Shield told the Committee that there is nothing to support Dr Mulvey’s view justifying the need for both procedures to take place at the same time. The Committee accepted the evidence of Dr Shield that dentistry would likely disturb the dental soft tissues and lead to significant quantities of bacteria entering the bloodstream. Dr Shield stated that any competent and experienced surgeon can complete pyometra surgery in 30-40 mins, at most one hour; and that insisting on the plan to perform the dental surgery at the same time as the pyometra to the extent of further delaying the pyometra surgery “contributed to Millie’s death and that this outcome was predictable”.

This charge is proved.

- *make adequate attempts to secure oxygen from another source; and/or*

Dr Shield told the Committee that oxygen is a “fundamental resource” in a veterinary practice, particularly given a critically ill patient in urgent need of surgery. There was no evidence to show that adequate or any attempts were made by Dr Mulvey to seek an alternative supply of

oxygen, for example from another local practice. The only explanation that she offered Ms TP was that supplies of oxygen were affected by delivery staff being furloughed due to Covid restrictions. The Committee accepted the evidence of Ms TP (in relation to her contact with Dr Mulvey's practice and three other veterinary practices in the area), Dr Hicks (a veterinary surgeon in another local practice) and Dr Shield, that their experience was that there were no issues with the supply of oxygen at the material time.

The Committee therefore determined that Dr Mulvey did not make adequate attempts to secure oxygen from another source.

This charge is proved.

- *go ahead with pyometra surgery without oxygen as a last resort;*

In her oral evidence, Dr Shield described this option as “*a really really bad idea*” and that it would be inadvisable for a veterinary surgeon to attempt to perform this procedure when there were other viable alternatives. This was not a case of “last resort”.

As a result, the Committee does not find this sub-charge proved.

This charge is not proved.

- iii. *failed to communicate to Ms TP the degree of urgency required for surgery and/or suggest the possibility of referral to another practice with a sufficient degree of urgency.*

Ms TP gave evidence that Dr Mulvey mentioned to her about going to another practice for surgery but said that she (Dr Mulvey) was already treating Millie and also that another practice would probably not accept payment by instalments, as had been agreed between them. The Committee accepted Ms TP's evidence that Dr Mulvey did not communicate the degree of urgency required for the surgery nor did she suggest referral to another veterinary practice with a sufficient degree of urgency. This prevented Ms TP from making a fully informed decision about taking Millie to a different practice. Dr Shield said that Dr Mulvey should have been “*emphatic that this course of action was necessary to save her life*”.

This charge is proved.

- b) *Between 13 October 2020 and 2 November 2023, failed to comply with reasonable requests from the Royal College of Veterinary Surgeons (RCVS) for comments on the concerns raised by Ms TP.*

By paragraph 5.4 of the Code, “Veterinary surgeons [...] must comply with reasonable requests from the RCVS as part of the regulation of the profession [...]”. The Committee accepted the evidence of Robert Girling, a solicitor in the College’s Professional Conduct Department, that the College contacted Dr Mulvey eight times in relation to the matters raised by Ms TP; no response was received to the concerns during the relevant period (13 October 2020 and 2 November 2023). Mr Girling told the Committee that as of 13 May 2024 Dr Mulvey had still not responded to any of the matters raised by Ms TP.

This charge is proved.

Charge 2: *In relation to Penny, a cockapoo belonging to JH:*

- a) *between 10 December 2018 and 31 August 2020, failed to provide adequate information to Petplan, an insurance company for the purposes of processing insurance claims for Penny; and/or*

Ms JH told the Committee that Penny had a skin condition which required a regular prescription of Apoquel. In December 2018 she registered Penny with CornYard Vets. Whilst registered, Ms JH completed several claim forms to be submitted to Petplan for payment. Ms JH gave evidence that she was assured by Dr Mulvey that the claims would be completed and processed. Ms Hoffman, a senior claims handler for Allianz Management Services, of which Petplan is a subsidiary company, gave evidence that Dr Mulvey submitted only one claim form to Petplan between 10 December 2018 and 31 August 2020 (for the sum of £178.40). The Committee accepted the evidence of Ms JH and noted that the remaining balance of her claim remains outstanding.

This charge is proved.

- b) *between 6 December 2019 and 4 August 2020, failed to provide Penny’s clinical records to a superseding veterinary practice (Cogges Veterinary Surgery), despite request/s for the same; and/or*

Dr Hicks, a veterinary surgeon at Cogges Vets in Witney, a practice some five minutes' drive from CornYard Vets, gave evidence that her practice requested that Penny's clinical records were sent over. Penny's records were not provided between 6 December 2019 and 4 August 2020 (and have not, to date, been provided).

This charge is proved.

c) failed to respond adequately or at all to Ms JH's letter to you dated 30 December 2019 and/or her letter to you dated 13 August 2020.

The Committee accepted the evidence of Ms JH that she has still not received responses to her complaints dated 30 December 2019 and 13 August 2020 in which she also asked Dr Mulvey for Penny's clinical records (as well as making a verbal request). The Committee also took into account the disciplinary committee proceedings in 2018 where there was an allegation in relation to Dr Mulvey's failure to respond to an owner's communications relating to her claim and decided that Dr Mulvey has demonstrated a propensity to act as alleged.

This charge is proved.

d) between 20 October 2020 and 2 November 2023 failed to comply with reasonable requests from the RCVS for comments on the concerns raised by Ms JH.

The Committee accepted the evidence of Mr Girling who provided documentary evidence showing that the College tried to contact Dr Mulvey eight times in relation to the issues raised by Ms JH. The College has not received any comments from Dr Mulvey on the concerns.

This charge is proved.

Charge 3: Between 17 June 2020 and 7 August 2020, in relation to Suki, a Fox terrier belonging to SC and SC, failed to provide SC and/or SC with results of blood tests for Suki or a reasonable explanation as to why the results were unavailable.

Mr SC gave evidence that on 17 June 2020 he took Suki to Dr Mulvey because she was unwell with lumps and loss of bladder control. A urine sample was taken, and Dr Mulvey indicated there was no cancer. (Dr Shield noted that such a sample could only potentially show a cancer of the urinary tract). Two blood samples were then taken. In relation to the first one, Dr Mulvey later informed Mr SC that it was no longer usable, and that a further sample would be required,

but gave no further explanation. Mr SC said that Dr Mulvey failed to provide the results of the blood test between 17 June 2020 and 7 August 2020, despite frequent chasing, and provided no reasonable explanation as to why the results were unavailable.

The Committee accepted the evidence of Mr SC. The Committee also took into account the evidence of Ms AC, the owner of Sage, who, while she worked as a Veterinary Care Assistant at the practice from 21 October 2020 to 19 December 2020 observed Dr Mulvey's tendency to fail to send samples off for testing.

This charge is proved.

Charge 4: Between 24 February 2021 and 7 July 2021, in relation to Sage, a Cockapoo belonging to AC, failed to provide Sage's clinical records to a superseding veterinary practice (Cogges Veterinary Surgery), despite requests for the same.

Ms AC gave evidence that she registered Sage at CornYard Vets in June 2020 and took him for various treatments at the practice. On 24 February 2021, she registered Sage with Cogges Vets. Ms AC told the Committee that, despite at least seven requests to do so, Dr Mulvey failed to provide Sage's clinical history to Cogges Vets between 24 February 2021 and 7 July 2021. The records were not provided until January/February 2022. The Committee accepted Ms AC's evidence on this matter and noted her evidence in relation to Dr Mulvey's general approach to dealing with clinical histories.

This charge is proved.

Charge 5: In relation to Pepsi, a cat belonging to PM and CM:

a) between 17 December 2019 and 10 September 2021, failed to provide to PM and/or CM and/or Direct Line, an insurance company, adequate information relating to insurance claims for Pepsi, despite requests for the same;

Ms CM gave evidence that in December 2019, Pepsi developed a urine infection so she took him to Dr Mulvey. Ms CM notified her insurer (Direct Line) of the condition on 17 December 2019. On 7 January 2021, Pepsi developed an eye condition. The Committee heard from Mr Brown (Pet Claims Handler at Direct Line) that the policy works in such a way that Mr PM and Ms CM could have made a claim for both conditions under the policy. The policy provided

cover for the first 12 months of treatment or up to £4,000. He also explained that Ms CM had properly complied with the terms of the policy.

The Committee was satisfied that the evidence of Ms CM and Mr Brown shows that Dr Mulvey failed to provide the owners and/or Direct Line with adequate information relating to the insurance claims for Pepsi between 17 December 2019 and 10 September 2021, despite repeated requests for the same. The Committee also heard that the information has still not been provided.

The Committee also determined that the failure to provide the information between 17 December 2019 and 10 September 2021 led to a delay in the first appointment with the specialist at Eastcott Vets. During the delay, and prior to treatment at Eastcott Vets, Pepsi's condition deteriorated. Direct Line closed the claim because it had not received Pepsi's medical history from Dr Mulvey. Ms CM settled Eastcott Vets' fee in the sum of £1454.22 on 1 July 2022. She did not pursue Dr Mulvey because she "*didn't see the point [...] it was too stressful.*"

This charge is proved.

b. between 30 March 2021 and 21 October 2021, failed to provide Pepsi's clinical records to PM and/or CM and/or a superseding veterinary practice (Eastcotts), despite requests for the same;

The Committee accepted the evidence of CM that between 30 March 2021 and 21 October 2021, she contacted CornYard Vets several times by both telephone and email. As far as she could recall in respect of the telephone calls on each occasion, she spoke directly to Dr Mulvey requesting the clinical records. On each occasion, Dr Mulvey said that she would provide the clinical records that day.

The Committee accepted the evidence of Dr Manchip (Eastcott Vets) that she chased Pepsi's clinical records prior to the first appointment on 30 March 2021 and that her practice then repeatedly chased CornYard Vets for the records. She explained the importance of having the pet's history from the referring vet; and how this was particularly important in Pepsi's case because she needed to know whether he had been prescribed with NSAIDs before and whether Pepsi had any history of feline herpes, in which case she might have avoided Maxitrol eye medication. Despite requests, Dr Mulvey did not provide PM and/or CM or Eastcott Vets

with the clinical records between 30 March 2021 and 21 October 2021 and they still have not been provided.

This charge is proved.

Charge 6: *In relation to Ruby, a Schnoodle belonging to MP and KP:*

(a) between 4 March 2022 and 31 October 2022, failed to provide Ruby's clinical history to MP and/or KP and/or a superseding veterinary practice, despite requests for the same;

MP gave evidence that she registered Ruby at CornYard Vets in December 2019. Ruby was seen by Dr Mulvey in relation to a bladder problem in December 2020. She was taken back to the practice in February 2021, April 2021, and June 2021. Urine samples were taken and subsequently lost. She was then registered with Vets4Pets in Witney on 4 March 2022. Mr KP and Ms MP were advised by Vets4Pets that the initial treatment would be £999.03 for bladder stone investigation and if she required a cystotomy that would cost £1347.22.

The Committee accepted the evidence that multiple requests were made to CornYard Vets for the clinical history by both Vets4Pets and Mr KP and Ms MP. The records were not provided between 4 March 2022 and 31 October 2022; and they still have not been provided.

This charge is proved.

(b) between 7 November 2022 and 2 November 2023, failed to comply with reasonable requests from the RCVS for comments on the concerns raised by MP and/or KP;

The Committee accepted the evidence of Mr Girling who provided written evidence showing that the College tried to contact Dr Mulvey between 7 November 2022 and 2 November 2023 regarding the concerns raised by Mr KP and Ms MP. The College has not received any response from Dr Mulvey on these concerns.

This charge is proved.

Charge 7: *In relation to Poppy, a cat belonging to SH, between 2 September 2022 and 2 November 2023, failed to comply with reasonable requests from the RCVS for comments on concerns raised by Ms SH.*

The Committee accepted the evidence of Mr Girling who provided written evidence showing that, during this period, the College tried to contact Dr Mulvey six times in relation to the issues raised by Ms SH. The College has not received any response from Dr Mulvey on the concerns either during the period set out in the charge or subsequently.

This charge is proved.

Charge 8: *In relation to Milo, a French Bulldog belonging to MM:*

(a) *Between 1 October 2021 and 30 September 2022, failed to provide adequate and appropriate care to Milo, more particularly:*

- (i) *failed to take adequate steps to ensure that Milo underwent fracture-repair surgery as a matter of urgency;*

The Committee accepted Mr MM's evidence that Milo (approximately 10 weeks old) sustained a fracture in an accident in early September/October 2021 and that he was taken to Vets4Pets by Mr MM's girlfriend. However, the cost of the treatment was too expensive, and Mr MM also did not want to attend a corporate veterinary practice. Mr MM made further enquiries the following morning, which led to a suggestion by the RSPCA to contact CornYard Vets. Mr MM said that the first consultation with Dr Mulvey took place either that afternoon or the next day. At that consultation, Dr Mulvey told Mr MM that it would take around 5-7 days for her to obtain the screws that she needed for the surgery. In fact, it took almost 4 weeks for her to advise that the screws were available. On Mr MM's evidence, the surgery was scheduled on two occasions and cancelled, finally taking place in the early hours on the third occasion.

Dr Shield's evidence was that it was essential that Milo's fracture, involving a joint surface in such a young puppy, be repaired "*accurately and very rapidly (within a day or so)*" otherwise there was a risk of severe arthritis and permanent disability. She told the panel in her oral evidence that even the initial delay of 5-7 days would lead to the surgery taking place "*far far too late*", noting that such a fracture "*really must be repaired quickly.*"

Dr Shield said that the subsequent delay of one month would have had "*a major adverse impact on the repair of any fracture, let alone one involving a joint surface, as well as making the surgery far more difficult than it need have been.*" Dr Shield considered that, after such a

long period without treatment post fracture, it was a reasonable option not to have operated at all. The fracture would have partially healed, there would be a build-up of a callus and she considered that the eventual outcome for Milo would have been no worse a result.

The Committee accepted the evidence of Mr MM and Dr Shield and determined that Dr Mulvey failed to take adequate steps to ensure that Milo underwent fracture-repair surgery as a matter of urgency.

This charge is proved.

- (ii) *failed to offer and/or give adequate consideration to referring Milo elsewhere for fracture-repair surgery;*

Mr MM's evidence was that Dr Mulvey only suggested that he could take Milo to another veterinary practice when he was criticising the delays in respect of the surgery. She did not suggest that he should be referred by her because of the apparent delays in getting the screws for the repair of the fracture or because she was concerned with his welfare.

Dr Shield gave evidence that because of Milo's "*extreme youth and the extension of the fracture up the humerus [...] a reasonably competent veterinary surgeon should have referred the puppy to a specialist and only proceeded with the surgery herself if Mr MM had said that he was unable to afford a specialist, fully understood the very low chance of a good result and was insistent that he wished to take the risk*". Further, Dr Shield explained in her oral evidence that if Dr Mulvey had been having difficulties securing supplies of screws, she should have insisted on making a referral. Dr Shield said that she would have been "*astonished*" if Dr Mulvey had not been able to find an appropriate specialist willing to see Milo.

The Committee accepted the evidence of Mr MM and Dr Shield and determined that Dr Mulvey failed to offer and/or give adequate consideration to referring Milo elsewhere.

This charge is proved.

- (b) *between 14 October 2022 and 5 December 2022, failed to provide Milo's clinical history to Mr MM and/or a superseding veterinary practice, despite requests for the same.*

Mr MM gave evidence that Milo was registered with Cogges Vets on 22 August 2022. Milo had a second accident in October 2022 when he fell down the stairs. He was seen on 14 October 2022 “10/10 lame on his right foreleg”. Cogges Vets submitted a claim under the insurance policy for the amputation of his leg on 24 October 2022. Mr MM had to cover the cost of the amputation surgery, which cost approximately £2,500. The Committee was satisfied that between 14 October 2022 and 5 December 2022, Dr Mulvey did not provide the clinical history for Milo. This was despite Mr MM requesting the records from CornYard Vets by the telephone, starting after Milo’s amputation in October 2022, and calling twice a week every week for 12 weeks, sometimes three times a day, as well as emailing. His girlfriend and Cogges Vets themselves also chased the records without success. Dr Mulvey provided several excuses. The records still have not been provided.

This charge is proved.

(c) between 28 October 2022 and 10 January 2024, failed to provide to Animal Friends, an insurance company, adequate information relating to insurance claims for Milo, despite requests for the same;

Animal Friends requested information relating to the claims for Milo from CornYard Vets on 28 October 2022, 18 November 2022 and on 9 December 2022. On 7 November 2022, Animal Friends notified Mr MM that, without the clinical history, they could not process the claim. The information was not provided between 28 October 2022 and 10 January 2024 (and has not to date been provided).

This charge is proved.

(d) between 5 January 2023 and 2 November 2023, failed to comply with reasonable requests from the RCVS for comments on the concerns raised by Mr MM.

The Committee accepted the evidence of Mr Girling who provided written evidence showing that, on 5 January 2023, 25 January 2023, 2 and 8 February 2023 the College tried to contact Dr Mulvey in relation to the issues raised by Mr MM. The College has not received any response from Dr Mulvey on the concerns either during the period set out in the charge or subsequently.

Charge 9: *Between 28 January 2021 and 14 December 2023, failed to respond to reasonable requests from the RCVS in relation to details of your Professional Indemnity Insurance (PII) and/or Continuing Professional Development (CPD)*

Mr Girling gave evidence and provided documentation showing that:

on 28 January 2021 the College asked Dr Mulvey to provide details of her CPD over the previous three years and evidence of her PII in relation to concerns raised by Ms TP (Millie) and Ms JH (Penny). Dr Mulvey did not respond;

on 13 July 2021(in relation to Pepsi) the College asked Dr Mulvey to provide details of her CPD over the previous three years and evidence of her PII. Dr Mulvey did not respond;

on 7 November 2023 (in relation to Ruby) the College asked Dr Mulvey to provide details of her CPD over the previous three years and evidence of her PII. She did not respond;

on 28 November 2023 (in relation to Poppy) the College asked Dr Mulvey to provide details of her CPD over the previous three years and evidence of her PII. She did not respond;

on 29 November 2023 Mr Michael Hepper, Chief Investigator at the RCVS, personally served Dr Mulvey with a letter from the College in relation to Millie, Pepsi, Penny, Ruby, Poppy and Milo advising Dr Mulvey that she needed to provide the College with details of her CPD years and evidence of her PII. She did not respond.

This charge is proved.

During the hearing, the Committee heard evidence of financial loss to a number of owners, as a result of clinical histories not being forwarded by Dr Mulvey to relevant insurance companies. Some of these companies have indicated a willingness to reconsider their decisions once the hearing is concluded.

The Committee stresses that the aspects of financial loss played no part in its determination of whether a charge was found proved, or not proved.

Disciplinary Committee

15 May 2024