

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 SANCTION

The Committee considered whether, on the basis of Dr Mulvey's Disgraceful Conduct in a Professional Respect, it is necessary to impose a sanction.

The Legal Assessor advised the Committee that it should have in mind that the primary purpose of a sanction is not to punish but rather to protect the welfare of animals, maintain public confidence in the profession and the regulator and declare and uphold proper standards of conduct.

The Committee considered the aggravating factors as set out in its determination on Disgraceful Conduct, which it does not repeat here. The Committee took into account the previous interventions by the PIC to no avail which amount to a further aggravating feature. It noted that it could find no mitigating factors. In particular, the Committee found no evidence of insight. There is, therefore, a real risk of repetition. In addition, real harm, including death, was caused to animals in her care.

The Committee next considered what further action needed to be taken. Having regard to the seriousness of the findings in this case, the Committee considered that it would be inappropriate to take no further action. The Committee then considered the available sanctions in increasing order of severity.

Dr Mulvey agreed to undertakings in April 2018 as a condition of a 12 month postponement. She breached her undertakings and further charges were laid. Consequently, the Committee did not consider postponement to be a viable option in this case.

The Committee first considered Reprimand and/or Warning but decided that the findings in this case were serious, sustained and repeated over a period of time and required a more severe sanction in order to protect the welfare of animals and serve the public interest.

The Committee next considered whether suspension would be sufficient to achieve that objective. The Committee had regard to the Disciplinary Committee Guidance which stated that suspension may be appropriate where the misconduct is sufficiently serious to warrant more than a reprimand but not sufficiently serious to justify removal from the Register. The Committee reminded itself that Dr Mulvey has had two previous appearances before the Disciplinary Committee. There have been previous findings of disgraceful conduct. There have been previous sanctions of undertakings and suspension: in 2013 Dr Mulvey entered into undertakings following complaints made in 2011 and 2012 regarding failures to complete insurance claims; in April 2018 she was found guilty of disgraceful conduct following findings including failing to provide laboratory test results, not responding to requests from clients, and not responding to requests from the College in respect of CPD and PII. Sanction was postponed for one year, on undertakings.

In August 2018, further concerns arose in relation to failures to provide clinical histories and to respond to complaints. The decision was made not to refer the matter to Disciplinary Committee but for it to be held open for two years. Dr Mulvey was provided with formal advice by PIC. In May 2019, the Disciplinary Committee resumed the April 2018 hearing and heard new charges against Dr Mulvey which included further failure to provide clinical histories, further failure to communicate with requests for information relating to clinical histories and insurance claims, and further failures to respond to requests from the College relating to CPD and PII. The charges were found proved and Dr Mulvey was found guilty of disgraceful conduct in a professional respect. Dr Mulvey received a sanction of six months suspension.

The Committee (today) found that Dr Mulvey has demonstrated a wilful disregard for the role of her regulator and the systems that regulate the profession which are designed to ensure animal welfare. She has failed to learn from, or respond to in any meaningful way, her previous appearances before her regulator and advice given. The instant charges found proved dated back to shortly after the earlier suspension had elapsed. The Committee further noted that, if a period of suspension were to be imposed, at the end of the suspension Dr Mulvey would be entitled to resume practice without any preconditions.

This is a case involving serious malpractice. It was sustained over a period of time. It followed previous adverse findings for almost identical failures. From as long ago as 2013, Dr Mulvey was given ample opportunity and support to remedy the deficiencies in her practice, which

she squandered. Dr Mulvey's conduct had very serious consequences for animal welfare. She continued, and continues, to display a wilful disregard for her responsibilities as a veterinary surgeon under the Code of Professional Conduct. Dr Mulvey's conduct was a gross departure from the conduct expected of a veterinary surgeon.

Dr Mulvey's disgraceful conduct is so serious that removal from the Register is the only means of protecting animals and the wider public interest which includes protection of the public, the maintenance of public confidence in the profession and the upholding of standards.

Accordingly, the Committee directs the Registrar to remove Dr Mulvey's name from the Register.

Disciplinary Committee

16 May 2024