



## College of Veterinarians of British Columbia

### *Hearing Outcome*

Published April 30, 2014

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**Registrant:** Dr. Dave Ruish

**Hearing File Number:** H13-01

**Decision:** CVBC Discipline Committee - April 30, 2014 (Decision on Verdict) / October 15, 2014 (Decision on Penalty & Costs) Dr. Ruish did not attend the hearing in this matter or provide a written submission although he was given the opportunity to do so.

Dr. Ruish was suspended by Council on October 25, 2012 for non-payment of the 2012 Complaints and Discipline Levy. His suspension is unrelated to Hearing File 13-01.

**Findings:** This case involved a canine that presented with an oozing wound on his snout and sores on the inside of his ears and leg. In relation to the canine, the Discipline Committee found that Dr. Ruish failed to comply with the Veterinarian's Act, a regulation, or the Code of Ethics on each of the following five counts:

1. Dr. Ruish failed to obtain informed consent as to this services and treatment to be provided to the canine by not providing the canine's owner with sufficient information and advice reasonably required to enable the owner to make informed choices regarding the healthcare for the canine, contrary to section 36 of the *Code of Ethics*. In this case, before alternative or homeopathic treatment was provided to the canine, the owner was not provided with information about the differences between traditional and alternative forms of treatment and was not asked to sign an "Alternative Therapy Consent Form" or the clinics specific "Holistic Treatment Consent Form", which would indicate that the alternatives had been discussed with her;
2. Dr. Ruish failed to provide the level of care, skill, and knowledge expected of a competent practitioner in the care an management of a skin lesion, contrary to section 31 of the *Code of Ethics*. The Discipline Committee found no evidence that the canine's owner was told that there was a proven conventional therapy available to treat the canine. As a result, the Discipline Committee found that the prescription of an alternative therapy to the exclusion of a proven conventional therapy was a breach of section 2 of the *Guidelines for the Responsible Use of Alternative Therapies*;
3. Dr. Ruish delegated procedures or treatment to an employee or person, Julie Ann Lee, for which she was not demonstrably competent, contrary to section 64(2) of the *Code of Ethics*. Ms. Lee was not trained or registered with the CVBC and was the subject of a 2003 BC Supreme Court order prohibiting her from practising or offering to practise

veterinary medicine. Under the court order, Ms. Lee could work as a service provider in a veterinary practice under the proper delegation and supervision of a veterinarian. In this case, the evidence established that once Ms. Lee had been introduced to the canine's owner by Dr. Ruish, he absented himself from the canine's treatment, and either by commission or omission, improperly delegated the care and treatment of the canine to Ms. Lee.

4. Dr. Ruish, aided, abetted or acquiesced in the unauthorized practice of veterinary medicine by delegating the diagnosis and treatment of the canine to Ms. Lee, a non-veterinarian, contrary to section 61 of the *Code of Ethics*. The evidence and clinic records establish that Ms. Lee was the primary care provider to the canine and that she prescribed some or all of the canine's treatment;
5. Dr. Ruish failed to inform the client in clear terms of the nature of and reasons for the services recommended prior to obtaining consent to perform services. In addition, Dr. Ruish did not provide a cost estimate of the services provided to the canine's owner, contrary to section 38 of the *Code of Ethics*.

**Disposition:** *Due to the serious issues raised by the conduct of Dr. Ruish, the Discipline Committee ordered him to pay to the College of Veterinarians of British Columbia ("CVBC"): a) a fine of \$10,000 on or before December 31, 2014; and, b) the costs of the investigation and discipline hearing in the amount of \$12,750 on or before February 14, 2015.* In imposing this significant penalty, the Discipline Committee noted that the protection of the public interest is paramount. The Discipline Committee concluded that deterrence of other veterinarians is also of high importance. In this regard, the Discipline Committee made it clear that the CVBC will not tolerate delegation of the care and treatment of animals by a veterinarian to a non-veterinarian or to someone engaged in unauthorized veterinary medicine practice. In determining the disposition of this case, the Discipline Committee also considered:

1. the effect of improper delegation by a veterinarian of the care and treatment of an animal to a non-veterinarian, which can include (i) depriving the animal and its owner of a veterinarian's knowledge and skill and (ii) unnecessary suffering by an animal;
2. the importance of a veterinarian providing sufficient information and advice to animal owners to enable them to make informed decisions about care and treatment options; and,
3. the obligation of a veterinarian to prescribe a traditional treatment for a condition for which there is a proven traditional treatment in accordance with the Guidelines for the Responsible Use of Alternative Therapies, found in the Bylaws at section 14 of Appendix B [http://www.cvbc.ca/temp/2014113012177/Appendix B - Facility Practice Standards.pdf](http://www.cvbc.ca/temp/2014113012177/Appendix_B_-_Facility_Practice_Standards.pdf).