

MANITOBA VETERINARY MEDICAL ASSOCIATION

INQUIRY PANEL

IN THE MATTER OF a hearing pursuant to sub-section 32(1) of the *Veterinary Medical Act*, CCSM  
c. v30

AND IN THE MATTER OF a complaint against Dr. Wenchao Zheng

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ORDER OF INQUIRY PANEL

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**ORDER OF INQUIRY PANEL**

Inquiry Panel Members:

██████████, Chair of the Inquiry Panel

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Counsel for the Inquiry Panel: Hafeez Khan

Counsel for the Appeals Committee: Robert D.J. Dawson and Shawn Eisler, Student-at-Law

Counsel for the Member: David Girard

Member: Dr. Wenchao Zheng

WHEREAS the Peer Review Appeals Committee of the Manitoba Veterinary Medical Association (the "Association") referred a complaint against Dr. Wenchao Zheng (the "Member") to this Inquiry Panel, on January 4, 2021;

AND WHEREAS this matter was heard before this Inquiry Panel on April 19, 20, 21, and 28, 2021 pursuant to section 32(1) of *The Veterinary Medical Act* (the “Act”);

AND WHEREAS the Member was charged with:

- a) Engaging in conduct that constitutes professional misconduct and displays a lack of knowledge of, or lack of skill or judgement in, the practice of veterinary medicine;
- b) Breaching Rule 4-6-3 of General By-Law No. 1 of the Association in failing to make a note of any professional advice given regarding the animal as required by Section 2.13.1.12 of the Association’s Practice Inspection and Practice Standards Guidelines;
- c) Breaching paragraph A.2 of the Code of Ethics of the Association in failing to be competent to perform the veterinary services that he undertook on behalf of his client; namely,
  - i. administering ampicillin, a short-acting antibiotic injection, to an out-patient dog with a chronic condition, despite likely bacterial resistance in skin infections;
  - ii. administering gentamicin, a short-acting injection, to an out-patient dog with a chronic condition without pre-treatment testing or client counselling;
  - iii. administering dexamethasone, a short-acting steroid injection, while also administering Cytopoint to an out-patient dog with a chronic condition; and,
  - iv. failing to prefer oral medications over injections in light of the client’s financial concerns and the patient’s chronic condition.
- d) Breaching Rule 4-6-2(a) of General By-Law No. 1 of the Association by failing to obtain the agreement of the client to follow the Member’s instructions, which is essential to the existence of the Veterinarian-Client-Patient relationship.

- e) Breaching Section A.1 of the Code of Ethics of the Association, or, in the alternative, breaching Rule 4-4-3 of General By-Law No. 1 of the Association, by failing to practise the art of veterinary medicine with integrity when he retained without refunding a duplicate payment of fees and charges for his veterinary services; and
- f) Breaching Rule 4-6-5 of the General By-Law no. 1 of the Association in failing, when requested by a client, to provide to that client a prescription instead of dispensing the prescription product.

AND WHEREAS the Member appeared at the Inquiry represented by counsel and pleaded not guilty to the charges against him;

AND WHEREAS this Inquiry Panel has made the following findings against the Member:

- a) That the Member contravened section 40(e) of the *Act* in engaging in conduct that displays a lack of knowledge of, or lack of skill or judgement in, the practice of veterinary medicine;
- b) That the Member breached section 2.13.1.12 of the Association's Practice Inspection and Practice Standards Guidelines and Rule 4-6-3 of General By-Law No. 1 of the Association, in failing to make a note of any professional advice given regarding the animal, and thereby contravened section 40(c) of the *Act*;
- c) That the Member breached section A.2 of the Code of Ethics of the Association in failing to be competent to perform the veterinary services that he undertook on behalf of his client, by:
  - i. administering ampicillin, a short-acting antibiotic injection, to an outpatient dog with a medical condition, despite likely bacterial resistance in skin infections;

- ii. administering gentamicin, an antibiotic injection, to an out-patient dog with a medical condition without pre-treatment testing or client counselling; and
- iii. failing to prefer oral medications over injections in light of the client's financial concerns and the patient's chronic condition;

and thereby contravened section 40(c) of the *Act*;

- d) That the Member breached Rule 4-6-2(a) of General By-Law No. 1 of the Association in failing to obtain the agreement of the client to follow the Member's instructions, and thereby contravened section 40(c) of the *Act*;
- e) That the Member breached section A.1 of the Code of Ethics of the Association in failing to practise the art of veterinary medicine with integrity when he retained without refunding a duplicate payment of fees and charges for his veterinary services, and thereby contravened section 40(c) of the *Act*; and
- f) That the Member breached Rule 4-6-5 of the General By-Law No. 1 of the Association in failing, when requested by a client, to provide to that client a prescription instead of dispensing the prescription product, and thereby contravened section 40(c) of the *Act*.

**THIS INQUIRY PANEL HEREBY ORDERS THAT:**

1. Pursuant to section 41(1)(e)(vii) of the *Act*, the Member complete eight (8) hours of continuing education, for a total of thirty-two (32) hours, in each of the following topics:
  - a) pharmacology and antimicrobial stewardship, or rationale use of antimicrobials;
  - b) appropriate drug use in the treatment of allergic skin disease;
  - c) medical record keeping; and

- d) veterinary client communication.
2. The Member complete eight (8) hours of continuing education in each of the four (4) above-described topics, subject to the following conditions:
- a) Any continuing education that the Member intends to take to comply with this Order must be pre-approved by the Association's Registrar.
  - b) The continuing education courses taken by the Member to comply with this Order must be taken through a program that allows the Association's Registrar to track and confirm that such continuing education was completed and comprehended by the Member.
  - c) The combined 32 hours of continuing education ordered must be completed within 6 months of the Order being served on the Member. Any costs associated with completing this continuing education are at the expense of the Member.
  - d) The combined 32 hours of continuing education ordered must be acquired in addition to the yearly continuing education hours that all veterinarians in Manitoba are otherwise required to complete.
3. Pursuant to section 41(1)(e)(ii) of the *Act*, if the Member practices veterinary medicine, he may only do so if under the direct supervision of a veterinarian, for a period of two (2) years, subject to the following conditions:
- a) The Member shall have 60 days from the date this Order is served on him, to obtain a supervisor. After this 60-day period, the Member cannot continue or resume the practice of veterinary medicine unless practicing under direct supervision, as defined at Rule 1-2 of the General By-Law No. 1 of the Association, for a period of two years before he can engage in sole practice or resume the practice of veterinary medicine in any other capacity.

- b) The proposed supervisor must be approved by the Association's Registrar prior to the commencement of the two-year (2) period of direct supervision.
  - c) The supervising veterinarian must meet the following criteria:
    - i. They are a member with a current general license to practice veterinary medicine in Manitoba as defined at Rule 1-1 of the General By-Law No. 1 of the Association and by section 15 of the *Act*; and
    - ii. They have been actively practicing as a veterinarian with the equivalent of a general license to practice veterinary medicine, in North America, for at least eight (8) years.
  - d) The supervising veterinarian must agree with the Association's Registrar, in advance of beginning their work term, to provide both verbal and written reports to the Association's Registrar every three (3) months; including any concerns for lack of proficiency in practicing clinical veterinary medicine, medical record keeping, and client communication.
  - e) The Member shall be responsible and pay for all fees or costs associated with securing a supervising veterinarian to meet the requirements above.
4. Pursuant to section 41(1)(e)(v) of the *Act*, the Member's medical record keeping be subject to random Practice Inspection and Practice Standards ("PIPS") audits no less than every three (3) months, for the following three (3) years after this Order is filed, and subsequently every six (6) months for the following two (2) years. The PIPS inspector is to review notations of patient assessments, diagnostic and treatment plans, including rationale for such, communications with owners about an animal's medical condition and treatment options, whether the clients agreed to or declined treatment and why, financial estimates and informed consent to treatment. The Member shall be responsible and pay for all costs associated with the periodic PIPS audits under this Order.

5. Pursuant to section 41(1)(f) of the *Act*, the Member pay \$321.36 to [REDACTED]
6. Pursuant to section 42(1) of the *Act*, the Member pay a fine of \$2,000.00, payable to the Association.
7. Pursuant to sections 42(1) and 42(2) of the *Act*, the Member pay, within 180 days of the Order being served upon him, \$50,000.00 to the Association, as a contribution to part of the costs of the investigation and hearing of this matter.

**THIS INQUIRY PANEL FURTHER RECOMEMENDS THAT:**

1. Pursuant to section 44 of the *Act*, the Association publish the Member's name and this Order, in such a way that is readily accessible to Manitoba's veterinary community.

Dated this 14<sup>th</sup> day of July, 2021.

[REDACTED]

[REDACTED]

Chair of the Inquiry Panel