

NOTICE OF DECISION AND REASONS

IN THE MATTER OF: *THE VETERINARY MEDICAL ACT*, S.M. 1999, c.32
(the “Act”)

AND IN THE MATTER OF: Dr. JENNIFER NYHOF, A SUSPENDED MEMBER OF THE
MANITOBA VETERINARY MEDICAL ASSOCIATION
(“MVMA”).

AND IN THE MATTER OF: A HEARING BEFORE AN INQUIRY PANEL OF THE
PEER REVIEW COMMITTEE OF THE MVMA.

TO: Dr. Jennifer Nyhof

TO: Registrar

1. This matter came before an Inquiry Panel of the Peer Review Committee of the Manitoba Veterinary Medical Association (the “MVMA”) (the “Panel”) constituted pursuant to s. 30(1) of *The Veterinary Medical Act* (the “Act”).¹
2. The hearing was notified to the respondent, Dr. Jennifer Nyhof (“Nyhof”), a suspended member of the MVMA, by an Amended Notice of Hearing issued on 25 September 2023 (the “Notice”). The Panel heard evidence that Nyhof was served with the Amended Notice of Hearing and the Panel was satisfied that service was effective, not least because the Panel was advised by counsel for the MVMA that Nyhof was in attendance at the hearing immediately before it convened.
3. Nyhof did not appear before the Panel or make submissions in these proceedings in any form.

¹ S.M. 1999, c. 32

4. The allegations against Nyhof are enumerated and described in the Notice. Nyhof is alleged to have engaged in professional misconduct or contravened the Act, the Bylaws of the MVMA, and/or the Code of Ethics, and/or displayed a lack of skill or judgment in the practice of veterinary medicine which might constitute a danger to the public, particularized generally as follows:
 - a. That, on a series of occasions from February 2021 to September 2022, the Registrar or an investigator appointed by the MVMA made a number of attempts, including the obtaining of a court order, to compel Nyhof to provide information requested by the MVMA, such information including various business records and drug logs. Nyhof is alleged to have failed to respond to the requests of the Registrar and the investigator substantively, and not to have provided the information requested.
 - b. That, on or about 13 February 2021, Nyhof's clinic, on inspection by an inspector appointed by the MVMA, was determined to have deficient medical records. The inspector also raised a concern with respect to the dispensing of hydrocodone, a drug.
 - c. That, on two occasions, on or about 21 August 2020 and or on or about 6 October 2020, Nyhof undertook surgical procedures on patients while exhibiting physical symptoms including fatigue, swollen eyes, impaired vision, and erratic behaviour.
5. The Notice set out several other allegations related to the alleged conduct of Nyhof contained in paragraphs 19 to 23, 31, and 32 of the Notice. As a preliminary matter, counsel for the MVMA sought to amend the Notice to include reference to an additional patient of Nyhof in respect of the allegations set out in some of these paragraphs. The amendment was granted.
6. Counsel for the MVMA further indicated that the allegations set out at paragraphs 19 to 23, 31, and 32 of the Notice would not be the subject of evidence introduced by the MVMA in the hearing. Counsel for the MVMA characterized the MVMA's position as entering a "stay of proceedings" with respect to the allegations set out in such paragraphs. Counsel for the MVMA invited the Panel to dismiss these allegations on the basis that no evidence would be heard in support of them. For the purposes of these reasons, the allegations at paragraphs 19 to 23, 31, and 32 are referred to as the "Additional Allegations."

7. As a final preliminary matter, the Panel was asked by counsel for the MVMA, prior to the introduction of evidence, to consider whether the hearing should be subject to a publication ban. The request for a publication ban was denied, with oral reasons provided in the course of the hearing.
8. The Panel heard evidence from Corey Wilson, the Registrar of the MVMA (“Wilson”). The Registrar’s responsibilities include the oversight of the registration of veterinarians and veterinary technologists and the administration of the practice inspection process. In his capacity as Registrar, Wilson receives complaint letters from practitioners and members of the public about registrants.
9. Wilson’s evidence was that he received a telephone call from one Courtney Carswell (“Carswell”) on a date prior to 21 January 2021. Wilson sent an email to Carswell on that date reflecting on their earlier telephone call. Wilson described Courtney as the practice manager at the Thompson Veterinary Clinic in Thompson, being the clinic where Nyhof was then in practice. Carswell’s complaint was that she and others at the practice had concerns about “potential drug issues” in the clinic. Wilson’s email informed Carswell that, should she seek to make a complaint, the policy of the MVMA required such a complaint to be in writing.
10. Carswell provided a written complaint to Wilson by letter dated 28 January 2021.
11. Enclosed with Carswell’s letter of 28 January 2021 was another complaint in the form of a letter from Chelsea Lillbeck (“Lillbeck”). Lillbeck was a chiropractic doctor. Wilson, in his evidence, characterized Lillbeck’s complaint as being “similar in nature” to Carswell’s complaint. A further letter of a similar nature also accompanied the Carswell letter from Serena Hrabliuk (“Hrabliuk”).
12. Wilson also informed the panel of a conversation by telephone he had with Dr. Keri Hudson Reykdal (“Reykdal”). Reykdal was a licensed veterinarian. Reykdal indicated in the telephone conversation with Wilson that she had heard of issues at the Thompson Veterinary Clinic, and that it was her intention to travel to Thompson and supervise Nyhof if she could.
13. The complaints of Carswell, Lillbeck, Hrabliuk, and Reykdal were passed to a complaints committee of the MVMA and, as part of that process, an investigation was commenced by Wilson. Wilson’s first step in the investigation, given the

perceived seriousness and risk expressed in the complaints, occasioned the MVMA to issue Procedural Order No. 1, which required that Nyhof must be supervised by another registered veterinarian, with certain exceptions. Procedural Order No. 1, with a letter from Wilson dated 1 February 2021 was sent to Nyhof, requesting information in respect of the subject-matter of the complaints, specifically copies of Nyhof's drug logs and records for prescription purposes. This information was requested as the complaints made various references to the improper use of pharmaceuticals by Nyhof.

14. Wilson's evidence is that Nyhof had not at any point in time prior to the hearing, or specifically in response to Wilson's letter, provided the drug logs and prescription records to the MVMA.
15. On 1 February 2021, Wilson had a telephone conversation with Dr. Melanie Youngs, a veterinarian licensed to practice in Manitoba ("Youngs"). Wilson informed the Panel that Youngs had been in practice in Thompson on two occasions within the previous year, and she had observed that Nyhof appeared overworked on one such occasion, and that there were issues at Nyhof's clinic with the quantity and quality of medical records.
16. Wilson made efforts to speak to Nyhof about the subject-matter of the Carswell, Lillbeck, Hrabliuk, Reykdal, and Youngs complaints. Wilson had a telephone conversation with Nyhof on 2 February 2021, in which Nyhof informed Wilson that she was in the hospital and could not speak to Wilson further.
17. Wilson spoke with Dr. Ken Bingham ("Bingham"), by telephone, also on 2 February 2021. Bingham was the previous owner of the Thompson Veterinary Clinic. Wilson phoned Bingham to explore whether Bingham would be available to supervise Nyhof. Bingham was retired and was not available for this purpose, but he indicated that the clinic had, in his time, typically had three veterinarians. At the time, only Nyhof was in practice there permanently.
18. Wilson informed the Panel that he made efforts to contact Nyhof on 3 February 2021 by telephone without success. He did succeed in speaking with Nyhof on 8 February 2021, at which time Nyhof indicated to Wilson that she intended to close her practice on the following day and was of the view that the supervision process to which she was being subjected was discriminatory. Nyhof did not participate in the

identification of a supervisor for her practice and, ultimately, no such supervisor was identified.

19. Wilson wrote again to Nyhof on 9 February 2021 to reiterate the MVMA's request for her drug logs and prescription records. Wilson again wrote to Nyhof on 11 February 2021. No response was received.
20. To Wilson's knowledge, Reykdal arrived at the Thompson clinic on 8 February 2021. On 11 February 2021, Wilson wrote to Dr. Erika Anseeuw ("Anseeuw"). Wilson asked Anseeuw to conduct a "PIPS" inspection of the Thompson clinic. "PIPS" is a reference to an MVMA bylaw entitled "Practice Inspection, Practice Standards", which sets out certain standards to be maintained for veterinary practice in Manitoba. Anseeuw proceeded to conduct an inspection of the clinic as asked. She rendered a report on 15 February 2021, in which she reported that the clinic's medical records appeared "non-existent", identified a number of concerns with pharmaceutical use and record-keeping at the clinic, and other concerns with record-keeping regarding sterility practices, x-rays, and other equipment. Anseeuw's PIPS inspection report was entered as an exhibit in the hearing.
21. Nyhof wrote to Wilson on 22 February 2021 to express certain frustrations with the investigation process and provide reasons for why she had not provided the information requested in Wilson's 8 February 2021 letter and subsequent correspondence. To the Panel, Nyhof's explanation, being a reference to the policies of the Thompson clinic, are confusing and unrelated to the substance of the MVMA's correspondence with her. Wilson responded to Nyhof's 22 February 2021 with a letter of that same day, which, *inter alia*, reiterated the MVMA's request for information.
22. A further communication of much the same nature was received by Wilson from Nyhof on 24 February 2021. Again, the MVMA's requests for information were not answered.
23. A further Procedural Order, Procedural Order No. 2, which was personally served on Nyhof on 26 February 2021, requiring the disclosure of the requested information and directing the Registrar to suspend Nyhof's licence.
24. Wilson's evidence described an exchange throughout March April, May, and June of 2021 in which the MVMA, through the Registrar, continued to request the

information it had previously requested; information regarding the status of Nyhof's practice; and information regarding Nyhof's health. Nyhof communicated with the Registrar on 1 March, 5 May, and 29 May 2021, but in none of such communications did Nyhof provide the information requested, or any tenable reason as to why such information could not or should not be provided. Nyhof's 1 March communication asserted that the MVMA's earlier communications were unclear as to what information and records the MVMA was requesting.

25. The exchange continued in September and October of 2021. The MVMA successfully obtained an order of the Court dated 27 September 2021 requiring the provision of the information the MVMA had previously requested. No evidence was presented to establish that Nyhof was served with the court order. Nyhof again communicated with Wilson on 2 October 2021; this correspondence was in the same vein as Nyhof's earlier correspondence and did not provide the requested information.

26. The Panel concludes, having reviewed the exchange of correspondence entered into the record, that the MVMA's communications with Nyhof were clear. The Panel also concludes that the entirety of Nyhof's communications to the Registrar throughout the period of February to May 2021 (inclusive) were uncooperative. Nyhof did not engage, in any meaningful or substantive manner, with the requests for information or issues identified by the MVMA.

27. Wilson's evidence establishes the allegations set out in paragraphs 1 to 17 (inclusive) of the Notice. The Panel accepts that the correspondence referenced in the allegations in those numbered paragraphs occurred as Wilson described.

28. The Panel also heard the evidence of Doraine Wachniak ("Wachniak"), a non-practising member of the MVMA who was a registered veterinary technologist for 41 years. Wachniak was retained by the MVMA on 26 April 2021 to investigate the care of animals provided by Nyhof at the Thompson Veterinary Clinic. Wachniak produced a report for the MVMA further to that engagement; the report was not entered into evidence.

29. In the course of Wachniak's investigation, Wachniak reviewed the complaints concerning Nyhof received by the MVMA. Wachniak interviewed Carswell, Lillbeck, and Hrabliuk. Wachniak attempted to interview Nyhof, but Wachniak had no response from Nyhof to any of Wachniak's attempts at contact.

30. Hrabliuk described to Wachniak certain incidents associated with the care observed by Hrabliuk at the Thompson clinic of five specific animals: a fifteen year old dog, “Tiny 3”; a one year old dog, “Gucci”; a fifteen year old short-hair cat, “Zeus”; a two-year old short-hair cat, “Mickey”; and an eight-month old short-hair cat, “Gladys”. In each instance, Hrabliuk described to Wachniak situations which Hrabliuk purported to observe in her work, initially as a cleaner and then as a veterinary assistant, at the Thompson clinic which, if true, in the determination of Wachniak were shortcomings in Nyhof’s care of the animals. In addition, some of the information provided by Hrabliuk to Wachniak is suggestive of misuse of pharmaceuticals at the Thompson clinic, or at least, severe problems with the clinic’s record-keeping with respect to drug purchases and dispensing.

31. Wachniak did not interview the owners of any of the animals referenced by Hrabliuk, or any other employee or former employee of the Thompson clinic who was involved in the care of any of the animals. Hrabliuk did not provide evidence to the Panel. Wachniak accessed what was available by way of a patient record for each of the referenced animals; although in some circumstances photographs and other records could be accessed, Wachniak determined that the record keeping in respect of the animals was deficient.

32. The Panel accepts Wachniak’s evidence with respect to the record-keeping of the clinic. The Panel also accepts that Wachniak’s evidence accurately reflects the information she collected in the course of her investigation. Wachniak is an experienced and skilled investigator. Her evidence was presented forthrightly. The Panel accepts Wachniak’s evidence with respect to her attempts to reach Nyhof, and that Nyhof could not be contacted. The Panel accepts that Wachniak’s evidence supports the allegations set out in paragraph 18 of the Notice.

33. The Panel heard evidence from Reykdal. Counsel for the MVMA made submissions to the Panel on the subject of the characterization of Reykdal’s evidence. Reykdal is a registered veterinarian. She attended at the Thompson Clinic and made observations which were presented to the Panel as her first-hand knowledge. As such, Reykdal’s evidence can be characterized both as that of a fact witness, and opinion evidence informed by her expertise and professional standing.

34. Counsel for the MVMA referred the Panel to a decision of the Court of Appeal for Ontario, *R v. A.K. and N.K.*, (1999) 176 DLR (4th) 665, to support the proposition that

a witness, who is not offered as an expert witness, may still provide opinion evidence if their opinion is informed by their first-hand observation of relevant facts.

35. The Panel heard evidence as to Reykdal's qualifications and accepted that she is qualified as a veterinarian to offer opinion evidence as to the care of animals at the Thompson clinic and the standard of veterinary practice. The Panel accepted that Reykdal's evidence could be offered on this basis. The Panel noted in the hearing, in consideration of the evidence offered as to the qualifications of Reykdal, that Reykdal had an economic relationship with Nyhof, as her time at the Thompson clinic was invoiced, but not paid. Reykdal eventually took up responsibilities for providing veterinary services in Thompson. Although the economic connection between Nyhof and Reykdal did not impact the qualification of Reykdal to give opinion evidence as described in this paragraph, the Panel made note of this connection, and it informed the Panel's consideration of Reykdal's evidence.
36. In February 2021, Reykdal, who was at the time in practice in Ashern, was informed by a client of the Thompson clinic by telephone that the clinic had closed suddenly and that the client was consequently unable to get medications for her dog. This information inspired Reykdal to inquire of Wilson, and of friends of Nyhof in Thompson, as to the welfare of Nyhof. Reykdal also reached Nyhof by text. Nyhof informed Reykdal, also by text, that she was fine; Reykdal nevertheless was concerned about Nyhof and her practice, and as such Reykdal decided to travel to Thompson and visit the clinic for herself. Reykdal and Nyhof had a brief encounter at the Thompson clinic on 8 February 2021; aside from that encounter and the text exchange, Reykdal and Nyhof had no other communications material to the matters before this Panel.
37. Reykdal attended at the Thompson clinic between 3 February and 6 February 2021, inclusive. She was then available on a temporary basis to consult with clients in the Thompson area until relocating to Thompson permanently. The timing of Reykdal's availability to attend at Thompson in February 2021 was fortuitous, as Reykdal was in the process of winding down her practice in Ashern. Despite the geographic distance between Ashern and Thompson, Reykdal could attend to her remaining clients in Ashern while transitioning her practice.
38. Reykdal informed the Panel that, at the time, Nyhof was the only veterinarian in Thompson. As such, her practice was very busy. Reykdal experienced twenty-hour days at the clinic while there in February 2021.

39. Reykdal gave extensive evidence to the Panel on the care of a number of clients of Nyhof in the time that she was providing services at the Thompson clinic in February 2021. That evidence need not now be summarized. The Panel accepts the truth and accuracy of Reykdal's evidence as to her working days at the Thompson Clinic in February 2021.
40. Reykdal gave evidence, as with Wachniak's evidence, as to the insufficiency of the Thompson Clinic's pharmaceutical/drug record keeping practices and records. Reykdal's evidence includes examples of a lack of tracking of what drugs were being used and in what quantities; the use of non-conventional drugs for certain purposes, and, of particular note, non-conventional and, in the view of Reykdal, inappropriate anesthetic practice. The Panel accepts Reykdal's evidence in this respect.
41. The Panel heard evidence from Carswell. Carswell was employed at the Thompson clinic, hired into that position by Bingham in November 2015. She joined the clinic by working in customer service, and then was promoted by Nyhof, after Nyhof took over the practice in 2017, to practice manager.
42. Carswell provided evidence of Nyhof's early months and years in Thompson and working at the clinic. Carswell's evidence portrayed an image of an enthusiastic member of the community. Carswell also described Nyhof as being, at that time, very thorough in her care of her clients. Carswell's evidence of Nyhof's practices in the clinic can be summarized as competent, capable, and client-focused. Nyhof, to Carswell's observation, began her time at the Thompson clinic as a good leader and supervisor of the clinic's personnel. Carswell described Nyhof as being her friend, and their relationship as a close personal one.
43. Carswell described Nyhof's presentation and professional conduct as being different after Carswell's return to the clinic in January 2019 following a parental leave. Carswell observed that the clinic was busier, that Nyhof was increasingly displaying the stress associated with a busy practice; that she had less staff available to support the practice, and as such, the maintenance of charts and records began to decay and the time available for individual clients was lessened.
44. Carswell gave evidence that, by May 2020, it had become "increasingly difficult" to work with Nyhof. Carswell described Nyhof as having mood swings, being

unpredictable, stressed, and volatile. Nyhof had become distrustful of staff and a challenging manager. Carswell described Nyhof at this time as being “secretive”. Matters deteriorated in January 2020, when the clinic’s registered veterinary technician left the practice. The work generally undertaken by the RVT fell to Nyhof, worsening Nyhof’s professional burdens.

45. Carswell’s complaint letter sent to the MVMA in January 2021, referenced earlier in these reasons, contained reference to an incident on 20 August 2020 at Nyhof’s personal home. The particular details need not be repeated in these reasons; it is sufficient to note that a number of people at the clinic, including Carswell, who at this time was again on parental leave, became concerned as to Nyhof’s well-being and mental health after she made certain social media posts, leading to an attempt to enter Nyhof’s home to check on her welfare. On the following day, Carswell decided to go to the clinic, despite her leave, as she was concerned about Nyhof. She conversed with Nyhof at the clinic, and Nyhof appeared to be falling asleep in the course of their conversation. Carswell formed the view that Nyhof might not be in a proper and sound state to conduct her practice.
46. On 8 October 2020, an employee of the clinic contacted Carswell to inform her that a web camera had been found in the clinic, concealed. Carswell had no knowledge of this camera. She raised the issue with Nyhof, who suggested the camera was merely charging. Carswell had reason to doubt the truthfulness of this statement.
47. Carswell also gave evidence that, on 5 January 2021, another incident transpired which required personnel from the clinic to attempt to gain access to Nyhof’s home. Carswell’s evidence of Nyhof’s conduct generally in the late 2020-early 2021 time period suggests that Nyhof’s personal condition and practice management were deteriorating.
48. As noted above, the Panel accepts the evidence of Wilson and Wachniak with respect to allegations 1 to 18 in the Notice. Nyhof’s responsiveness to the MVMA was wanting, and in breach of the MVMA’s Code of Ethics.² The information requested by the MVMA was reasonable and necessary in the circumstances. Nyhof was responsible for ensuring that her contact information was current, and that alternative arrangements to access information related to her clinic and practice,

² The Panel references ss. 40(c) of the Act; this paragraph of the Decision constitutes a finding of a breach of the code of ethics for the purposes of that subsection.

including the information requested by the MVMA, could be obtained in the event that Nyhof would be unavailable for a sustained period of time. Nyhof had an absolute obligation to respond to the MVMA, and the MVMA provided Nyhof with ample opportunity to engage in a constructive dialogue and provide the information the MVMA requested. Nyhof's avoidance of her professional responsibilities in this regard is unacceptable to the Panel. Allegations 1 to 17 of the Notice are, on a balance of probabilities, proven.

49. With respect to the allegations set out at paragraph 18 of the Notice, the evidence of Nyhof's non-responsiveness to Wachniak is also accepted. Allegation 18 of the Notice is, on a balance of probabilities, proven.

50. The MVMA did not introduce evidence with respect to allegations at paragraphs 19 to 23 of the Notice. As noted above, these allegations are dismissed.

51. With respect to the allegation at paragraph 24 of the Notice, the Panel accepts the evidence of Wachniak with respect to the insufficiency of the medical records. This allegation is also proven.

52. With respect to the allegations set out in paragraphs 25 and 26 of the Notice, the Panel accepts the evidence of Carswell, Wachniak, and Reykdal. The evidence of these witnesses was offered truthfully and without qualification. No evidence was offered to gainsay or contradict the observations of Carswell and Reykdal, or the information provided to Wachniak in the course of her investigation.

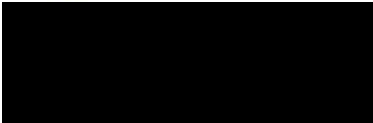
53. However, the Panel does not accept that the allegations set out in paragraphs 25 and 26, in their own right, constitute a finding that Nyhof was without the requisite knowledge, skill, and judgment to practice veterinary medicine.

54. The Panel did not hear evidence from the witnesses, other than Carswell, who made disclosures to Wachniak. The quality of the statements given to Wachniak could not therefore be tested. Reykdal's observations of Nyhof's practice, although concerning, fall within a relatively narrow period of observation. Little is known of the course of treatment of any of the patients identified in the allegations at paragraphs 25 and 26 of the Notice. No evidence has been provided by any other clinic employee who worked with Reykdal at that time. None of the owners of Nyhof's clients provided evidence to the Panel.

55. To evaluate whether Nyhof was possessed of the requisite degree of knowledge, skill, and judgment to practice veterinary medicine, more of the circumstances of each client treated by Reykdal would need to be in evidence, including the instructions given to Nyhof by her clients as to the care they authorized or expected, whether the animals had long been in Nyhof's care, and whether any other practitioners had been involved in the animal's care. The veracity of the snapshot of Nyhof's practice provided by Reykdal, and to a lesser extent by Carswell and Wachniak, though accepted by the Panel and of concern, is an insufficient perspective on Nyhof's overall competence for this Panel to determine that Nyhof was practicing without requisite knowledge, skill, and judgment.
56. With respect to the allegations contained in paragraphs 27 to 30, the Panel again accepts the veracity of the evidence offered by Carswell and Reykdal. The Panel is however not satisfied that the facts set out in these allegations constitute an ailment or an unfitness to practice veterinary medicine. The evidence before the Panel, again, is a snapshot of a select number of moments in Nyhof's life. Put together, the conduct observed by Carswell and Reykdal might speak to a greater problem, potentially of a mental health nature, but the Panel is not satisfied that these incidents as observed are conclusive, on a balance of probabilities, that Nyhof is unfit to practice or demonstrating an ailment.
57. A longer, sustained pattern of behavior, rising beyond insinuation, supported by medical evidence or clear observations of fact – such as, for instance, the misuse of a drug as observed by a witness – could potentially sustain, in tandem with the evidence heard by the Panel, an allegation of unfitness. Without such evidence, however, the Panel is left with descriptions of Nyhof suffering from fatigue, appearing erratic to one person (Carswell), and being a participant in an incident at her home, unrelated to her practice, which some of her intimates subjectively regarded as necessitating an intervention. These incidents as observed are insufficient to sustain an allegation that Nyhof was unfit to practice.

58. As noted above, the MVMA did not introduce evidence with respect to the allegations contained at paragraphs 31 and 32 of the Notice. These allegations are dismissed.

Dated this 22nd day of July, 2025 at Winnipeg, Manitoba

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Chair