

IN THE MATTER OF THE *VETERINARY PROFESSION ACT*, RSA 2000, c V-2, AS AMENDED;

AND IN THE MATTER OF A HEARING INTO THE CONDUCT OF DR. BIKRAMJIT SAHI, A MEMBER OF THE ALBERTA VETERINARY MEDICAL ASSOCIATION;

AND IN THE MATTER OF A PROFESSIONAL CONDUCT HEARING REGARDING THE CONDUCT OF DR. BIKRAMJIT SAHI UNDERTAKEN VIRTUALLY (COVID 19);

AND INTO THE MATTER OF A REFFERAL BY THE ALBERTA VETERINARY MEDICAL ASSOCIATION COMPLAINTS DIRECTOR IN ACCORDANCE WITH S. 27.1 OF THE *VETERINARY PROFESSION ACT* AND INTO THE MATTER OF A REFFERAL BY THE ALBERTA VETERINARY MEDICAL ASSOCIATION COMPLAINTS DIRECTOR IN ACCORDANCE WITH S. 41.1(3)(b) OF THE *VETERINARY PROFESSION ACT*

#### **ORDERS RELATED TO SANCTION**

In Reasons for Decision issued January 19, 2021 (“Decision”), the Hearing Tribunal established pursuant to the *Veterinary Profession Act* (the “Act”) to hear allegations of unprofessional conduct against Dr. Biramjit Sahi (“Dr. Sahi”) concluded that Dr. Sahi was guilty of unprofesional conduct. The Decision is incorporated by reference, and the defined terms set out in the Decision are adopted in these Orders related to Sanction.

On February 22, 2021, the Hearing Tribunal heard oral submissions from legal counsel for Dr. Sahi and legal counsel for the Complaints Director. Present at that hearing on sanction were:

Dr. Troy Bourque, Chair  
Dr. Greg Evans  
Dr. Navjot Gosal  
Mr. Brian Marcotte  
Mr. Matthew Woodley (independent legal counsel for the Hearing Tribunal)

Dr. Phil Buote, Complaints Director  
Ms. Karen Smith QC, and Nancy Tran, legal counsel for the Complaints Director

Dr. Sahi  
Mr. David Girard, legal counsel for Dr. Sahi

In support of their oral submissions on sanction, the parties provided the Hearing Tribunal with the following authorities:

By the Complaints Director:

*Re Bikramjit Sahi*, (2015) Decisions of Hearing Tribunal and Committee of Counsel

*Re Dr. Wendy Schmaltz*, 2016

*Re Dr. Henryk Srubka*, 2017

*Re Dr. Krystil Jones*, 2016

*Re Dr. James Irwin*, 2018

*Re Dr. William Scott Clifford*, 2019

*Re Dr. Jeff Serfas*, 2020

*Re Dr. Jun Yang*, 2020

*Jaswal v Medical Board (Nfld)*, 1996 CanLII 11630

*Royal College of Dental Surgeons (Ontario) v Shankman*, 1980 CarswellOnt 703

*Fetherston v College of Veterinarians (Ontario)*, 1999 CarswellOnt 332

*Hoff v Pharmaceutical Association (Alberta)*, 1994 CanLII 8950 (costs)

By Dr. Sahi

*Young v Alberta (Assessors' Association Practice Review Committee/Executive Committee)*, 2020 ABQB 493 (costs)

*Weatherford Canada Partnership v Addie*, 2018 ABQB 571 (costs)

## **Submissions of the Parties**

The parties confirmed that there were no procedural matters to address prior to making substantive submissions on sanction.

### **Complaints Director**

Legal counsel for the Complaints Director provided her submissions on sanction by addressing the sanctions sought, the statutory framework, relevant legal principles and by summarizing relevant case law. She indicated that given the very serious nature of the findings of unprofessional conduct, the Complaints Director was seeking: (a) reprimands; (b) cancellation of Dr. Sahi's registration with a prohibition on seeking reinstatement for a 10-year period; (c) total fines of \$39,000.00 (comprised of \$10,000 for each of the three findings of unprofessional

conduct on the Hydromorphone Matter; \$1,000 for failing to respond to the investigator; \$5,000 for the failure to satisfy the PIPS inspection; \$500.00 for failing to comply with the order of the previous hearing tribunal; and \$2,500 for failing to cooperate with the PIPS inspection), payable within one year; (d) costs of \$140,000 payable within two years; and (e) publication on a “with names” basis. Legal counsel then reviewed the statutory basis for sanctions and limitations with respect to fines and costs.

Legal counsel submitted that the primary principle in relation to the imposition of sanctions in this matter is the protection of the public, and that this factor was critical given the findings of unprofessional conduct in this matter. She also addressed the need to ensure both general and specific deterrence and the integrity of the profession. While she acknowledged that the principle of rehabilitation is commonly considered in professional regulatory sanctions, the facts in this case indicated that there was no realistic prospect of rehabilitation of Dr. Sahi, and that the Complaints Director did not have an interest in rehabilitation in these circumstances. Finally, she indicated that principles of fairness apply, which is addressed through the consideration of how other decision-makers have imposed sanctions in similar circumstances.

In relation to the cases, legal counsel for the Complaints Director reviewed the factors set out in *Jaswal v Medical Board (Nfld)*, a commonly-cited case dealing with sanctions in a professional regulatory context. Submissions in relation to each of these factors will be set out in the Analysis section, below.

In relation to other cases, legal counsel provided examples of cases in which cancellation had been ordered by hearing tribunals, although she acknowledged that the circumstances were different for each case. She indicated that the common factor in those cases—and the commonality with this case—was the finding that the nature of the conduct was so egregious that it meant that continued registration was impossible having regard to the protection of the public and the need to maintain the integrity of the profession. These factors included serious instances of animal abuse, practicing while suspended, falsification of credentials, or serious criminal and regulatory misconduct. She indicated that these cases reflect the fact that the most serious kinds of misconduct attract the most serious sanction: cancellation of registration. Legal counsel also addressed the *Featherstone* case, which included findings regarding the imposition and possession of certain drugs, and the court’s comments with respect to the abuse of the privilege given to certain professionals to dispense controlled drugs, the deliberate abuse of that privilege for financial gain and the lack of professional integrity. Finally, legal counsel also referred to the *Shankman* decision, in which a court substituted the sanction of revocation for a less serious sanction imposed by a hearing tribunal in relation to the abuse of cocaine and hashish. She stated that this illustrates that similar issues must be treated seriously.

In response to a request from legal counsel for Dr. Sahi, legal counsel for the Complaints Director provided a rough breakdown of the costs sought against Dr. Sahi. Finally, in rebuttal, legal counsel disagreed that full indemnity costs are not typically awarded in professional

regulatory cases and that the *Veterinary Profession General Regulation* specifically contemplates that all or part of the costs of the investigation and hearing can be imposed. Legal counsel referred to *Hoff v Pharmaceutical Association (Alberta)*, 1994 CanLII 8950, where the Court stated:

As a member of the pharmacy profession the appellant enjoys many privileges. One of them is being part of a self-governing profession. Proceedings like this must be conducted by the respondent association as part of its public mandate to assure to the public competent and ethical pharmacists. Its costs in so doing may properly be borne by the member whose conduct is at issue and has been found wanting.

#### Dr. Sahi

Following a short adjournment, legal counsel for Dr. Sahi provided his submissions on sanction. First, legal counsel provided background in relation to the facts, and reminded the Hearing Tribunal that Dr. Sahi is proud of his work and is proud to be a veterinarian. He stated that when Dr. Sahi received notice of the initial complaint, he faced a new reality and that he unfortunately sought the assistance of legal counsel who was at the time suspended from practice. He stated that legal counsel alleged conspiracies of many kinds and that he was not set up for success in relation to those proceedings. When orders were made, Dr. Sahi was not in a state of mind that would be conducive to compliance and that he was suffering at the time and trying to deal with a difficult situation. Legal counsel reminded the Hearing Tribunal that the purpose of sanctions was not to punish, but to protect the public, and that there are ways to protect the public through the rehabilitation of Dr. Sahi. Legal counsel then commented on the *Jaswal* factors, which are set out below.

Legal counsel emphasized that the Hearing Tribunal did not conclude that Dr. Sahi was selling the Hydromorphone, that the most that can be said is that he mishandled it and diverted it for his own use, and that there is no evidence that he put the public at risk in doing so. Legal counsel for Dr. Sahi also highlighted the important difference between this case and the cases provided by legal counsel for the Complaints Director, and noted that they cannot be a complete guide in determining an appropriate sanction; good judgment must still be applied by the Hearing Tribunal based on the findings here.

In terms of options available to the Hearing Tribunal, legal counsel submitted that an appropriate sanction would be suspending Dr. Sahi until he was able to demonstrate his suitability for continued practice, and that this would achieve the need to ensure the safety of the public. This could include a restriction on access to narcotics for an initial period of time, and a requirement for professional counselling of some kind. He reiterated that these were only suggestions, and that the Hearing Tribunal has a wide discretion in imposing sanctions that are designed to protect the public. He urged the Hearing Tribunal to only impose those sanctions that were necessary in order to protect the public.

In relation to costs, legal counsel reminded the Hearing Tribunal that Dr. Sahi was fully entitled to vigorously contest the allegations against him, and that costs are discretionary and must be approached in a fair manner. He stated that there was no misconduct at the hearing, and that full indemnity costs would not be appropriate. In terms of specific costs, he submitted that a member should generally not be required to pay for the costs incurred by the Hearing Tribunal as a result of having independent legal counsel. He stated that full indemnity costs are not common, and that any order to pay more than 70 percent of the costs would be exceptional. He urged the Hearing Tribunal to impose no more than 50 percent of the total costs, excluding the cost for independent legal counsel and expert fees.

In response to a question from the Hearing Tribunal, legal counsel for Dr. Sahi addressed the fines requested by the Complaints Director. He conceded that the imposition of fines was appropriate where violations are found, but that the quantum of fines was on the higher side. He noted that some appear to be duplicative, and that he otherwise relies on his submissions made in relation to the *Jaswal* criteria. Legal counsel was also asked if there were any cases that he wished the Hearing Tribunal to consider, and he indicated that the principles in *Young v Alberta (Assessors' Association Practice Review Committee/Executive Committee)*, 2020 ABQB 493 and *Weatherford Canada Partnership v Addie*, 2018 ABQB 571, may be instructive on the issue of costs.

## **Analysis**

The primary objective of the Hearing Tribunal in ordering sanctions is the protection of the public. Additional objectives are the maintenance of the integrity of the profession, and ensuring that sanctions serve as a general deterrent to the membership, hopefully to prevent similar unprofessional conduct, and to specifically deter Dr. Sahi from engaging in similar misconduct in the future. Orders imposed upon a member following a finding of unprofessional conduct are an important aspect of self-governance of the profession of veterinary medicine.

The Hearing Tribunal has carefully considered the role that rehabilitation, which is normally considered in sanctioning, has here. For the reasons set out below, and in particular given the very serious nature of the proven misconduct, the Hearing Tribunal finds that rehabilitation is not a primary consideration in relation to the impositions of sanctions in this case.

Although the Hearing Tribunal has articulated the main principles to be considered in imposing sanctions set out above, given the nature of the submissions by the parties, the Hearing Tribunal will set out specific items considered under the framework set out in the *Jaswal* case in coming to its ultimate determination on sanction.

### ***1) The nature and gravity of the proven allegations***

As indicated above, the misconduct at issue here is at the serious end of the scale. Dr. Sahi's conduct was egregious. In relation to the Hydromorphone Matter, the amount of

Hydromorphone purchased, and not accounted for, poses a most serious threat to the profession and to the public. The purchase of over 79000 mg of a controlled substance, over a five-year period, and only accounting for approximately two percent is so alarming that the Hearing Tribunal places the highest gravity on this behaviour. The fact that Dr. Sahi did not provide details and refused to answer specific questions on his frequency, commencement, and cessation of use, adds to the gravity of the misconduct. There were many unanswered questions regarding his use of the controlled substance, and he was the only witness able to provide the information. Despite the submissions of Dr. Sahi's legal counsel, the Hearing Tribunal finds that this behaviour poses a significant risk to the general public. Dr. Sahi's evidence with respect to what he did with the Hydromorphone was not convincing, and the very high quantities of such a dangerous narcotic being used other than in accordance with the strict rules creates a risk of theft or other misuse.

Further, and significantly, the trust placed by governments in veterinarians with respect to the obtaining, use and disposition of controlled substances was violated by Dr. Sahi over a significant period of time, and in astonishing quantities. While the Hearing Tribunal accepts that Dr. Sahi was experiencing difficulties in his personal and professional life during this time period, there is no indication that he suffered from a disability regarding the use of Hydromorphone, and the nature and extent of the violations in this case require strong condemnation from the profession.

While the findings in relation to the Hydromorphone Matter are clearly the most serious, the proven allegations of failing to maintain minimum practice standards, failure to cooperate with the PIPS inspector, and failing to respond to the investigator are also very serious, and those issues go squarely to Dr. Sahi's repeated refusals to abide by the standards that are expected of professionals under the Act.

The Hearing Tribunal finds that, although the specific misconduct here is different from some of the proven misconduct in the cases referred to by legal counsel for the Complaints Director (as rightly noted by legal counsel for Dr. Sahi), the ultimate seriousness of the misconduct, the breach of the trust placed in a veterinarian with respect to controlled substances, and the impact on the integrity of the profession requires similarly serious sanctions. This factor tends strongly towards a cancellation of Dr. Sahi's membership.

## *2) The age and experience of the offending member*

Dr. Sahi is not a new member of the profession. He had practiced for many years, and it is clear that he should have known better than to engage in the proven misconduct. It is not possible to ascribe his conduct to a lack of understanding of the seriousness of his behaviour due to inexperience. This is an aggravating factor.

## *3) The previous character of the member*

Dr. Sahi has a previous finding of unprofessional conduct and the hearing tribunal in that matter imposed serious sanctions. Legal counsel for Dr. Sahi notes that, prior to those events, Dr. Sahi had an unblemished record as a veterinarian. Based on his own evidence and statement to the Hearing Tribunal, it is clear that Dr. Sahi does not accept the findings in that matter, and appears to believe that it was a part of an unproven conspiracy against him. The Hearing Tribunal also notes that Dr. Sahi has not complied with all of the orders of that hearing tribunal, including the payment of costs. While this is a mildly aggravating factor, the Hearing Tribunal recognizes that the previous order of the hearing tribunal is taken into consideration already given the nature of the proven allegations in this case, and places limited reliance on the previous findings for that reason.

*4) The age and mental condition of the victim*

As noted by legal counsel for Dr. Sahi, there was no “victim” in this case as there might be in a matter dealing with the treatment of a patient. The Hearing Tribunal finds that this is a neutral factor in this case.

*5) The number of times the misconduct occurred*

The findings here related to many proven allegations of unprofessional conduct. In relation to the most serious, the Hearing Tribunal notes that Dr. Sahi’s misconduct in relation to the Hydromorphone Matter spanned several years, representing significant breaches over an extended period of time. This was not a “one time” error in relation to the ordering and use of a controlled narcotic, but rather an ongoing, planned series of events. Dr. Sahi’s evidence is that he knew what he was doing was wrong, but he continued to do it anyway. In relation to the other findings, Dr. Sahi’s behaviour represents a series of refusals to abide by either orders of a hearing tribunal or to comply with minimum standards of the profession. All of these facts indicate that this is a serious aggravating factor in relation to an appropriate sanction.

*6) The role of the member in acknowledging what occurred*

As pointed out by legal counsel for the Complaints Director, Dr. Sahi’s own evidence and his submissions do not indicate that he has taken responsibility for the unprofessional conduct before the Hearing Tribunal. However, the Hearing Tribunal does note that Dr. Sahi took responsibility for the use of the Hydromorphone, although he did so without fully answering relevant questions in relation to the commencement, frequency and cessation of his use. His answers were evasive and it was not clear to the Hearing Tribunal that he understood the gravity of his conduct, or the potential risk to the public and the profession in engaging in it.

In relation to his interactions with the investigator and the PIPS inspector and his failures to abide by the orders of the previous hearing tribunal, the Hearing Tribunal notes that Dr. Sahi has decidedly not taken responsibility for his misconduct, and continues to believe that these issues arose due to him being unfairly targeted, or held to a different standard. There is no evidence substantiating his allegations.

Despite these concerns, the Hearing Tribunal finds that Dr. Sahi's willingness to express regret in relation to the Hydromorphone matter is a mildly mitigating factor.

#### *7) Other consequences*

It is very clear to the Hearing Tribunal that Dr. Sahi has suffered serious consequences as a result of his actions. He has been suspended from the practice of veterinary medicine since December 16, 2019. Dr. Sahi also gave evidence that his personal life suffered as a result of these issues and his suspension. This is a mitigating factor.

#### *8) The impact of the misconduct on the victim*

As noted by legal counsel for Dr. Sahi, this case did not involve a specific "victim" in the sense that this factor has been used in other cases dealing with misconduct in the provision of medical services. However, the record demonstrates that Dr. Sahi's conduct can have a serious impact on the integrity of the profession; that factor is considered in relation to the seriousness of the misconduct, and ultimately the Hearing Tribunal concludes that this is a neutral factor in this case.

#### *9) Mitigating or aggravating circumstances*

Legal counsel for Dr. Sahi points to the fact that Dr. Sahi had a long history of successful practice without any complaints, and that he had a mental health concern at the time. The Hearing Tribunal considered Dr. Sahi's past performance in relation to factor 3, above. Further, Dr. Sahi expressed his own belief that he was suffering from stress and anxiety, but he did not lead any evidence indicating that this rose to the level of a medical condition, and he offered no evidence from a mental health professional in relation to how those factors might have impacted his decision-making.

Ultimately, the Hearing Tribunal believes that mitigating and aggravating factors have been considered under the other *Jaswal* factors.

#### *10) Deterrence*

Legal counsel for Dr. Sahi indicated that deterrence can be achieved by imposing adequate sanctions on Dr. Sahi in order to ensure safe practice. While the Hearing Tribunal will consider these submissions under the next factor, it does not accept that deterrence can be achieved through the imposition of certain or specific conditions on Dr. Sahi's practice. To the contrary, the Hearing Tribunal finds that this factor weighs heavily in favour of a serious sanction.

It is vital that the profession communicate to Dr. Sahi that similar serious conduct will result in serious professional consequences. Dr. Sahi's misconduct must be condemned by the profession in the strongest possible terms given the risks to the public, the need to maintain the integrity of the profession, and to maintain the public trust placed in veterinarians with respect to controlled substances. Further, it is necessary that other members of the profession understand that similar behavior will have serious professional consequences. Professionals



must be held to a high standard, and it is incumbent on the Hearing Tribunal to communicate clearly to members that violations of those high standards—particularly given the nature of the violations in this case—will simply not be tolerated.

*11) Public confidence in the integrity of the profession*

This factor weighs towards a serious sanction. The public must have confidence that serious misconduct, which calls into question the integrity of the profession, will be treated seriously by a Hearing Tribunal, and that unprofessional conduct of this type will result in serious sanctions. Further, given the clear risks that arise in relation to the Hydromorphone Matter, the public must understand that the profession is able to self-regulate its members in order to avoid those risks, and to ensure that the privilege of access to controlled substances is not abused.

Legal counsel for Dr. Sahi suggested that specific restrictions on Dr. Sahi's ability to practice would accomplish the goal of ensuring public confidence in the integrity of the profession, but the Hearing Tribunal disagrees that these would be appropriate or sufficient in these circumstances. It accepts that where a member engages in specific misconduct resulting from a lapse in judgment or other professional misconduct, allowing the member to continue in practice with specific restrictions may accomplish the broader public interest relating to sanctions. Here, however, Dr. Sahi engaged in serious, repeated misconduct in a planned and deliberate way over the course of a number of years. Further, his conduct represents his unwillingness to abide by minimum standards for the profession, or even the orders of a hearing tribunal made following proven misconduct. The integrity of the profession would be seriously compromised by allowing Dr. Sahi to continue to practice veterinary medicine. Specifically, the Hearing Tribunal finds that it is not possible to protect the public confidence in the integrity of the profession through a suspension or the imposition of practice conditions.

*12) Degree to which the conduct fell outside of the range of acceptable behavior*

For the reasons noted above, Dr. Sahi's misconduct was very serious and clearly fell outside of the range of permitted conduct. This was not a borderline case or a case where experts disagree on core aspects of the provision of services to a particular patient. Again, the scope and duration of the misconduct indicates that this is an exceptional case requiring exceptional sanctions in order to accomplish the objectives set out above. This is an aggravating factor.

*13) Range of sentences in similar cases*

The Hearing Tribunal has considered the cases provided by the parties. However, it notes that the precise misconduct here differs from the proven misconduct in many of those cases. The seriousness of the conduct, and the damage done to the reputation of the profession, in those cases applies to these facts. The Hearing Tribunal notes that the *Featherstone* and *Shankman* cases referred to by legal counsel for the Complaints Director, demonstrate how seriously issues relating to controlled substances are treated by regulated professions and courts. Although *Featherstone* considered the issue of financial gain (absent here based on the proven

allegations), the lack of professional integrity and the clear abuse of the trust vested in regulated professionals in relation to controlled substances are compelling similarities.

Legal counsel for Dr. Sahi did not submit any case law relating to the issue of sanctions other than costs of the hearing.

Given the seriousness of the proven misconduct here, the Hearing Tribunal finds that the cases relied upon by legal counsel for the Complaints Director, and the commonalities relating to breaches of trust, the abuse of privileges, and the refusal to recognize the authority of the regulator, support serious consequences.

### **Orders**

For the reasons set out above, the Hearing Tribunal concludes that it is not possible to attain the goals of sentencing in a professional regulatory context given the facts here without cancellation of Dr. Sahi's registration. It has considered the sanctions proposed by Dr. Sahi, and it rejects them as not accomplishing the objectives of the protection of the public, including the maintenance of the integrity of the profession and deterrence. Cancellation of registration is required in order to achieve those objectives, and allowing Dr. Sahi to continue to practice would represent an undue risk to the public. Dr. Sahi's registration shall therefore be cancelled as a result of his unprofessional conduct.

Legal counsel for the Complaints Director argued that cancellation of Dr. Sahi's membership must be accompanied by a prohibition from re-applying for membership for ten years. The Hearing Tribunal finds that a ten-year prohibition is excessive, particularly given Dr. Sahi's age, and instead concludes that a five-year prohibition on re-application is warranted. This will ensure that the seriousness of the conduct is communicated to Dr. Sahi and to members of the profession, and it will ensure that the profession is able to consider any application for membership with all of the relevant facts which might be important in that context. Additionally, without limiting the discretion of the registrar or registration committee, the Hearing Tribunal recommend that consideration be given to any mental health assessments submitted by Dr. Sahi, or that might be necessary, upon re-application. This recommendation arises from Dr. Sahi's own evidence in relation to his mental health challenges, and to his legal counsel's submissions that some degree of counselling would be warranted prior to Dr. Sahi engaging in the practice of veterinary medicine.

The Hearing Tribunal considers that the amount of fines sought by the Complaints Director to be appropriate given the seriousness of the findings of unprofessional conduct. The purpose of fines is to reflect a punitive aspect of sanctions, and to reflect the significance of the proven allegations. Fines also act as a deterrent to other members of the profession from acting in a similar manner. However, the Hearing Tribunal does not order a fine with respect to the finding of unprofessional conduct for failing to meet the continuing education order of the previous Hearing Tribunal. Although unprofessional conduct, the Hearing Tribunal determined that this finding was fairly minor compared to the more serious allegations in this matter, and

that the combined impact of the fines was sufficient to accomplish the objectives of sentencing. Legal counsel for the Complaint's Director suggested the fines be paid within one year of this Order. The Hearing Tribunal, in the interest of providing more flexibility for Dr. Sahi, orders the fines to be paid within two years of this Order. The Hearing Tribunal is mindful that Dr. Sahi has been suspended since 2019 and the length of the hearing was significant and that he may require more time to pay.

With respect to costs, Dr. Sahi was found guilty of the vast majority of the allegations, and should bear most of the costs of the investigation and hearing. There are nine findings of unprofessional conduct and the investigation and hearing costs are significant. In the absence of a costs order, these significant costs, which arise directly as a result of Dr. Sahi's misconduct, would otherwise be borne by the membership as a whole. There is an admitted cost to the privilege of self-regulation, and the Hearing Tribunal finds it would not be reasonable to require Dr. Sahi to bear the full cost of the investigation and the hearing. The Hearing Tribunal has considered the cases submitted by the parties relating to costs. It notes that cost considerations in the professional regulatory context cannot be analogized with perfection to the principles of costs arising in civil litigation. Generally speaking, the Hearing Tribunal notes that courts have accepted that members who are found guilty of unprofessional conduct ought to bear a significant portion of the costs arising from that process. At the same time, the Hearing Tribunal accepts that costs of multi-day hearings can be significant, and that it may not be reasonable or appropriate to expect that a member must bear the full financial burden of that process. Much depends on the specific facts of the case.

While the Hearing Tribunal accepts that the ultimate proportion of costs is not based on a strict formula, it has concluded that an appropriate allotment of those costs for Dr. Sahi to bear is 75 percent of the actual hearing and investigation costs, not to exceed \$105,000.00. This recognizes that Dr. Sahi was acquitted of one allegation of unprofessional conduct, but at the same time requires that he pay a substantial amount of the total cost for his own misconduct. The Hearing Tribunal disagrees with legal counsel for Dr. Sahi that a member should not be required to pay for the cost of independent legal counsel for the Hearing Tribunal; those costs are specifically contemplated in section 13(1)(f) of the Regulation.

Finally, the Hearing Tribunal directs that a summary of this hearing and the orders be published with Dr. Sahi's name. This is necessary for the protection of the public, to accomplish the objectives of general and specific deterrence, and accounts for the fact that this is not the first finding of unprofessional conduct relating to Dr. Sahi.

For all of these reasons, the Hearing Tribunal imposes the following orders pursuant to s. 41.1 of the Act:

1. Two written reprimands shall be issued against Dr. Sahi: one for the PIPS Matter and one for the Hydromorphone Matter.

2. Dr. Sahi's registration with the ABVMA shall be cancelled effective the date of this Order, and Dr. Sahi is prohibited from applying for registration for a period of five (5) years from the date of this Order.
3. Dr. Sahi shall pay a fine of \$35,500.00 within two years of the date of this Order, or such other time as agreed to by the Complaint Director, representing:
  - a. \$10,000.00 for each findings of unprofessional conduct regarding the Hydromorphone Matter (allegations 1-3);
  - b. \$1,000.00 with respect to each of the breaches of the orders of the previous hearing tribunal (allegations 1-3), and with respect to the PIPS inspections and the failure to meet the minimum PIPS bylaws; and
  - c. \$2,500.00 with respect to the failure to cooperate with the PIPS inspector.
4. Dr. Sahi shall pay 75 percent of the actual cost of the investigation and hearing up to a maximum of \$105,000.00, within two years of the date of this Order, or such other time as agreed to by the Complaint Director.
5. There shall be publication of this Order on a "with names" basis.

The Hearing Tribunal retains jurisdiction to address any disagreements arising from its Orders if necessary.

#### **THE HEARING TRIBUNAL OF THE ALBERTA VETERINARY MEDICAL ASSOCIATION**

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Dr. Troy Bourque, Chair

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Mr. Brian Marcotte, Public Member

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Dr. Greg Evans

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Dr. Navjot Gosal