



LICENSE COMPLAINTS UNDER PANDEMIC CONDITIONS

Almost all veterinary practices made some changes to their operations during the pandemic. Some changes may have contributed to complaints to state licensing boards. Here we explore potential sources of complaints and what veterinarians can do to protect their license.

One of the most common operational changes instituted during the pandemic was the use of curbside service, which prevents clients from entering the hospital and relies heavily on telephone communications. While these changes were instituted to promote safety for both staff and clients, they did introduce some additional risks associated with patient handling and care.

Because of the lag time in processing complaints, most state licensing boards are currently fielding complaints relating to veterinary incidents that occurred during—or are related to—the pandemic-prompted operational changes. Some complaints allege or infer procedures related to curbside service led to patient death and injury.

Many of these license complaints relate to the clients' inability to communicate directly with the veterinarian regarding patient care or to be with their animal at the time of the care. "Bad news" delivered to a client waiting in the parking lot can be even more disheartening to the owner when delivered over the phone. Diagnosis and a plan for care is often more understandable to the owner when communicated in person, as opposed to over the phone.

Other license complaints involve owners seeing what they believed was preferential treatment given to another owner or patient during curbside care, and hospitals having to turn patients away because of staff shortage or volume of patients already being treated at the hospital.

It might be hoped that most boards will take the risks contemplated by the pandemic into account when analyzing each complaint. But the outcome of their deliberations remains to be seen in most cases.

Common Communication Challenges

Two common communication challenges are factors in many license complaints:

1 During curbside service, many communications are made by staff members or technicians, instead of the doctor. These staff members may not be qualified to answer a client's questions about the health or care of their animal.

2 When relying on a telephone for communication, it is not uncommon for either the veterinarian or the client not to be available when the call is made, delaying important conversations.

TIPS FOR PRACTICE OWNERS

When responding to a state board complaint regarding care provided during the pandemic, a veterinarian should do the following:

- Describe in detail the protocols put in place by the hospital to address COVID risks.
- Impress upon the board that the protocols were communicated to all hospital employees and clients.
- Explain all the reasons for the precautions that were taken.

Some hospitals did not allow staff to handle hard copy hospital forms from owners for fear of virus transmission. As a result, these hospitals may have failed to adequately document consent by the client. Some hospitals *only* communicated with owners via telephone texts, limiting conversations. Many complaints dealt specifically with the lack of compassion showed by the veterinarian, although the veterinarian was simply trying to comply with the hospital protocols in place at the time.

THE IMPORTANCE OF RECORD KEEPING

It goes without saying that, under any circumstances, record keeping is very important. During the pandemic, it was essential. While a board may understand the reasons for some changes in hospital protocols, many boards see no excuse for incomplete charting. Oftentimes, given the constraints put in place, record keeping is the only evidence of the care/communications in question.

Complete documentation should include the following information:

- Patient history
- Examination notes
- Findings of the exam
- Diagnosis
- Plan for care
- Information discussed with the client
- Agreed course of action or treatment
- Client's verbal consents
- Care provided

While a veterinarian may not have the time for an extended, in-depth telephone conference with the owner, the veterinarian must take the time to document what was discussed with the owner. While it may seem unfair or unrealistic, some take the position: If it's not in the record, it didn't happen.



Is Your Veterinary License Protected?

The increase in board investigations means it is more important than ever to protect your veterinary license. Veterinary License Defense coverage is an optional endorsement on your Professional Liability policy that offers protection against complaints on your veterinary license, including frivolous accusations that could cost thousands to defend. It can offset the cost of legal fees to protect your ability to practice.

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