There are many challenges facing veterinarians. One of them is an allegation of malpractice or a license complaint.

Animal law courses taught at over 100 law schools are resulting in the veterinary profession becoming more visible. Online health information has allowed animal owners to self-diagnosis their animals or question your diagnosis and treatment. Animal owners have financial limitations but want a cure for their animal. All of this can lead to allegations of malpractice.

This discussion of malpractice (or professional liability) and license complaints focuses on the practice of good medicine, the use of good communication skills, the importance of good record keeping, and keeping people out of harm’s way. Actual claim examples will be used to illustrate.

What is the PLIT and what does it do?

In 1962, the AVMA created the AVMA Professional Liability Insurance Trust (AVMA PLIT) to offer members quality malpractice coverage to defend against allegations of negligence. There are eight Trustees appointed by the AVMA Board of Directors. Four veterinarians with practice experience serve as Trust Veterinarians. They are involved in administration, risk management, education, claim review, and insured communication. The PLIT program is supported by a team of insurance professionals from their broker, HUB International and the insurance carrier for the Professional Liability program, Zurich Insurance. PLIT insures over 63,000 veterinarians for malpractice. The Trust has grown to offer Veterinary License Defense (an endorsement to the professional liability policy), Bailee (coverage for animals boarding), and a complete line of business insurance coverages (workers compensation, general liability, mobile practice coverage, etc). This is truly a program of ‘veterinarians serving veterinarians’.

Malpractice is defined as the failure of a professional person to use such reasonable skill and diligence as are ordinarily expected of careful, skilled and trustworthy persons in his or her profession. A veterinarian will be held to a performance level equal to that of others in his or her field. What other veterinarians would find reasonable is termed “Standard of Care”. If you are accused of malpractice, your medical records are your defense. Complete and legible medical records are imperative.

The PLIT offers malpractice insurance to respond to allegations of malpractice. Veterinarians are divided into four classes based on the species involved in their practice activity. The premiums in each class reflect that share of liability exposure. Just because you have a claim does not mean your individual rates will go up- everyone in the same class pays the same premium. The program based its premiums on actuarial analysis of past history of losses. The policy also provides payment of claims when there is proven negligence. In the absence of negligence, the veterinarian is defended. The use of veterinary experts and attorneys experienced with defending veterinarians creates a strong network to support the insured veterinarian.
Veterinary License Defense insurance responds to complaints against your veterinary license. As veterinary licensing agencies investigate complaints, disciplinary board actions are increasing. With this endorsement, legal fees to defend your veterinary license are covered under your PLIT policy.

An additional endorsement that practice owners need is professional extension (animal bailee). If you hospitalize, board, or transport animals, this is a key coverage. Bailee coverage responds to losses unrelated to veterinary treatment, such as injury, escape, or death of animals in your care, custody, or control.

What is a claim?

A Report of Claim (ROC) is submitted by a veterinarian if there is an allegation of negligence or even just a possibility of a malpractice complaint. Each claim is reviewed by at least one Trust veterinarian, who assists the Insurance carrier (Zurich) in making a determination of the Standard of Care. Trust veterinarians do not review the board complaints; an attorney is assigned to guide the insured through the license defense process if the insured has the Veterinary License Defense endorsement on their professional liability policy.

The most common situations that prompt claims involve miscommunication, adverse events, and unfortunate outcomes (without negligence), accidental loss or injury to animals boarding, collection procedures and economic loss, human injury, and negligence (mistakes and errors). This presentation will examine some of these common situations. How to communicate with the owners when one of these things occurs will also be discussed.

PLIT has a ‘consent to settle’ clause in the Professional Liability policy. If the insured does not consent, the insurance company is obligated to defend. The insurance company is dedicated to settling legitimate claims against you in a fair and ethical manner. With your consent to settle the claim, they will attempt to settle the claim against you. Once you provide consent, the insurance company will present a settlement offer to your client for covered damages. Please be advised that your client must sign a general release form before a settlement check will be issued.

Non-veterinary staff members are automatically covered under the practice owner’s PLIT policy.

Practice Good Medicine

Veterinarians strive to practice high-quality medicine. Even when good judgment is exercised and appropriate protocol is followed, bad things still happen. Some are inherent risks. People are human and mistakes will happen. That is one reason to protect yourself with malpractice coverage.

Continue your education. There are new drugs, new procedures, new vaccines, new protocols, etc. Refer if you do not have the expertise to do a needed procedure. Recommend what the animal needs. These are just a few tips. More will be discussed.


**Good Communication**

The importance and benefits of good communication will be reviewed. There is a proven relationship between poor communication and claims. Do you explain the risks vs. benefits of a recommended procedure or drug? Do you get owner consent? How do you handle an angry client? How do you deliver bad news? Do you tell the owner the truth if a mistake is made? Audience input on actual claims will be utilized. Breakdowns in communication can occur many places.

**Good Medical Records**

Documentation should show sound professional judgement based on information available at that time. Check with your state practice act as to record requirements. Include in the medical records written consent forms, anesthesia logs, surgery reports, physical exam findings, daily boarding report cards, diagnostics recommended and declined by owner, lab results, etc. The quality of care will be judged on the records. The practice owns the records, including original radiographs. The owner of animal is entitled to copies upon request.

**Keep Clients Safe**

Human injury does impact the professional liability program. The veterinarian is considered the expert in animal behavior and should be aware animals react suddenly when injured or scared. Appropriate staff training and having staff present to restrain pets is important. Use chemical restraint if necessary.

A PLIT veterinarian is available to discuss a potential claim situation if you ever have one. Don’t hesitate to call. 1-800-228-7548.