



EVERYDAY CLINICAL

The Dilemma of Dealing with Another Veterinarian's Mistake

To be confronted with another veterinarian's mistake—or alleged mistake—can be a daunting ethical dilemma. Fortunately, many resources are available to help make good decisions, including:

- The AVMA's Principles of Veterinary Medical Ethics
 - Applicable state practice acts
 - Applicable State Veterinary Board Regulations
 - Other applicable state and local laws and regulations
 - Applicable case law
 - Treatises on veterinary ethics (eg, Bernard E. Rollin's *An Introduction to Veterinary Medical Ethics: Theory and Cases*)
 - AAHA Veterinary Guidelines and Position Statements
 - The American Veterinary Medical Law Association
 - In-house policies and procedures
- Unfortunately, however, there is rarely a clear-cut answer or single solution that applies to all situations.

This article:

- Describes the absolute minimum threshold that should be met before criticizing another veterinarian's care

- Outlines the importance of getting all the facts
- Provides tips on what to say when speaking to clients
- A veterinarian may be presented with a colleague's possible error in one of 2 ways:
 - A client raises a concern about a previous veterinarian's care
 - A veterinarian becomes concerned about the possibility of a mistake after making his or her own assessment of the patient

The first step is to determine whether the criticism of another veterinarian

There is rarely a clear-cut answer or single solution that applies to all situations.

is justified, because criticizing a colleague's care before undertaking a thorough investigation is unfair and unprofessional. It could also expose you to disciplinary proceedings by your licensing body and/or a lawsuit by the other veterinarian (Section II.I of the AVMA's Principles of Veterinary Medical Ethics states: "Veterinarians should not slander, or injure the professional standing or reputation of other veterinarians in a false or misleading manner").

Standard of Care

When you obtain a history from the client and sift through medical records, be mindful that a breach of the standard of care does not necessarily mean:

- The previous veterinarian's diagnosis was subsequently proven to be incorrect.
- The previous veterinarian's treatment failed to yield the desired results.
- You would have made a different diagnosis and/or offered different treatment.

When trying to determine whether the previous veterinarian's acts or omissions breached the requisite standard of care, consider the following possibilities:

- An intervening event may have occurred between the previous veterinarian's involvement and



What Do You Say?

Even if you decide not to investigate a client's allegation that the previous veterinarian made a mistake, you should acknowledge the client's concerns and attempt to preserve the profession's reputation in his or her eyes.

For example, you could say:

"It sounds as if you have had a very rough time lately, given Fido's health problems. Anyone in your position would be upset. It is frustrating for everyone that medical science has not yet evolved to the point where we can be perfect in our diagnoses or guarantee successful treatment."

If the client specifically asks what you think about the previous veterinarian's care you could say:

"Without a full investigation of Fido's previous care, I am not in a position to comment. I could be giving you false information, which would be unfair to you and your previous veterinarian."

If the client then asks you to conduct a full investigation and you are not inclined to do so, you can respond:

"I am sorry, but I cannot assist you with an investigation into Fido's previous care. My first priority is to provide all my patients, including Fido, with my absolute best medical care."

If you are going to assume responsibility for the patient's ongoing care, you will at least need to conduct a preliminary investigation into the previous veterinarian's care. When you are first faced with a client complaining about his or her previous veterinarian and have not yet had the opportunity to fully investigate the client's allegation, you could say:

"It sounds as if you and Fido have had a really tough time lately. I am going to do my very best to try to turn things around for both of you. I will need your permission to access Fido's previous treatment records and to speak to Fido's previous veterinarian so that I know everything that has been done up to this point."

If you decide the previous veterinarian *did* make a mistake:

This is a difficult situation.

I would not tell the client, but I would ask his or her permission to discuss the case with the previous veterinarian. If, after discussing the case with that veterinarian, I thought that something was clearly inappropriate, I would encourage him or her to reach out to the client. But, you must be careful about judging another's actions. I may try to persuade the veterinarian to pay the additional expenses incurred at my practice. I also would consider suggesting to the client that he or she contact the state veterinary board, especially if the veterinarian was arrogant or belligerent.

However, it is very rare that one can be comfortably confident that the previous veterinarian did indeed make a mistake and even if they are reported to a state board, most veterinarians are exonerated because allegations result from miscommunication not malpractice.

your involvement (eg, the client not complying with the previous veterinarian's instructions to confine the patient).

- The client may not have understood precisely what the previous veterinarian said and therefore also misunderstood what really happened.

If you have a specialty, do not judge a general-medicine veterinarian's conduct by the standards that apply to your specialty.

Veterinarians should be open to debating differential diagnoses and treatment options, because veterinary medicine is not a black and white science.

Have All the Facts

Your initial investigation should include:

- Taking a history from the client
- Examining the patient
- Reviewing the previous veterinarian's medical records
- Performing additional diagnostics, if necessary
- Calling the previous veterinarian to get his or her version of events

You may find that the previous veterinarian's care is supported by a reasonable school of thought, even if you would have taken a different approach.

Duty to Disclose

If—after a thorough investigation—you conclude that the previous veterinarian did, in fact, breach the standard of care, do you have any duty to disclose your findings to the client?

If the sole purpose of your inquiries was to investigate the previous veterinarian's care because that is what the client requested and paid for, then you have a legal duty to disclose all your findings to the client.

However, if your inquiries were part of the due diligence required when you assumed ongoing responsibility for the patient, consult your state's practice acts and codes of conduct because they may impose a legal duty to report any substandard care another veterinarian provides.

Summary

Dealing with another veterinarian's mistake—or alleged mistake—is an extremely difficult situation. When confronted with such a situation, remember to:


- Never comment on another veterinarian's care until you have conducted a thorough investigation of *all* the facts.
- Always discuss the situation with the other veterinarian, if you have the client's permission.
- Never criticize another veterinarian without facts that lead to a reasonable conclusion that the other veterinarian

Rules of Professional Conduct

The Pennsylvania State Board of Veterinary Medicine sets the following rules²:

- 1 Veterinarians shall safeguard the public and the veterinary profession against veterinarians deficient in professional competence, professional conduct, or ethical conduct as described in this chapter.
- 2 When a veterinarian knows or has reason to believe that a professional colleague's actions demonstrate deviation from or failure to conform to the standards of acceptable and prevailing veterinary medical practice or professional incompetence, a veterinarian should bring the behavior to the attention of the colleague.
- 3 A veterinarian shall bring the behavior of another veterinarian to the attention of the Board by sending a written report...if one or more of the following applies:
- 4 The veterinarian cannot informally resolve an issue of the deviation from or failure to conform to the standards of acceptable and prevailing veterinary medical practice or professional incompetence with the other veterinarian.
- 5 The veterinarian learns of repeated deviation from or failure to conform to the standards of acceptable and prevailing medical practice, professional incompetence, or misconduct.
- 6 The matter involves animal abuse or neglect.

breached the requisite standard of care.

- Call the other veterinarian again at the end of your investigation to discuss your conclusion. 

Expand References

References

1. **Principles of Veterinary Ethics.** American Veterinary Medical Association (2013); <https://www.avma.org/KB/Policies/Pages/Principles-of-Veterinary-Medical-Ethics.aspx>; accessed July 2013.
2. **Pennsylvania State Board of Veterinary Medicine.** ST-VETERINARY@pa.gov; accessed July 2013.