

## **Veterinary Hospital Managers' Association - 2007 Annual Meeting and Conference**

### **“Dear Dr. Vet” - The Manager's Role in Responding to Licensing Board Inquiries**

**Douglas C. Jack, B.A., LL.B.**  
**American Veterinary Medical Law Association**  
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The receipt of an inquiry from your state licensing board by one of the professional staff or the owner of the clinic is always an occasion to be treated with thoughtfulness and candour. Too often, the veterinary practitioner reacts emotionally to such inquiries that often contain allegations of inappropriate conduct, which only tends to compromise the successful defence of such allegations. It is critical for the hospital manager to serve as an objective observer of the situation to assist the practitioner in providing a complete response which will likely lead to the allegations being dismissed. Hopefully, the following checklist will serve as a helpful protocol to adopt in responding to such inquiries.

#### **1. Remain Objective**

One of the most significant errors witnessed by those familiar with licensing board proceedings is that the recipient veterinarian reacts emotionally to the complaints leveled at him or her and provides a less than thoughtful reply. It is critically important that you assist the practitioner to remain as objective as possible about the process recognizing that a key tenet of self-regulation is that ability of the regulator to deal with these types of complaints. The response should not be viewed as an opportunity to vent your anger at the client. The hospital manager should, in my view, be tasked with the job of reviewing an initial draft of a reply and offer editorial suggestions prior to it being forwarded in reply.

#### **2. Don't Assess Responsibility**

The veterinary community is well-known for its self-effacing approach to problems in the clinic; most practitioners tend to blame themselves for miscues. In fact, in the face of a client complaint, the practitioner is among the worst skilled at assessing the problem as the practitioner is too "close to the action." Ultimately, it is the licensing board itself that will make the determination of whether or not wrongdoing exists – the practitioner's role is merely to provide evidence in support of his or her position relating to the complaint. The manager must remind the practitioner of his or her role in the investigatory process.

#### **3. Evidence Retention**

You should immediately ensure that any evidence relevant to the complaint is secured and available for future review. In many cases the x-rays, laboratory reports, medical records including discharge instructions, records of telephone conversations, copies of consent forms and other documentary evidence will be required to successfully defend the complaint.

#### **4. Respond to the Specific Allegation**

It is key to understand that the licensing board has, as its objective, the requirement to protect the public interest. Too often the practitioner views the board as being an advocate for the profession which, while it may do so, is not its primary function. As such, some veterinarians tend to take the board into their confidence with information which otherwise compromises their position. It is important that the reply respond specifically and only to the allegations presented.

## **5. Respond Promptly and Respectfully**

The state licensing board is legislatively charged with the obligation to govern the profession and practitioners must understand and respect its authority. The prudent hospital manager will ensure that inquiries from the board are responded to in a punctual way and that any required deadlines are met.

## **6. No “Self-Help”**

The veterinary professional under scrutiny should not engage in any discussions with the complainant once the process has been initiated. Too often the veterinarian will contact the complainant in an effort to resolve the matter or, as is sometimes the case, vent some anger. Neither tend to be helpful. The hospital manager may fill an effective role as “insulating” the practitioner from ongoing communications during the investigation period. Staff should be instructed to ensure that any inquiries from the complainant be forwarded along to the manager.

## **7. Don’t Alter Records**

In too many cases, once the complaint has been made known, the practitioner attempts to alter medical records or correspondence in an effort to provide a defense. Quite apart from the obvious ethical implications, the altering of the medical record is unlawful and would result in further serious sanctions. Experience tells us that in most cases the altered record would not have been helpful in the first place. The hospital manager’s role is twofold in this regard: first, educate the practitioner against the desire to alter the records; second, secure the records at the earliest opportunity and review them prior to submission to the licensing board to ensure that they have not been altered.

## **8. Report to Your Insurer**

Most policies of veterinary malpractice insurers permit the acquisition of a separate rider to cover all or part of the costs associated with defending licensing board inquiries. It is typically a requirement that you advise your insurer as soon as possible of the complaint in order for the coverage to be extended to you. The hospital manager must ensure that proper disclosure is provided to your insurer on a timely basis.

## **9. Be Professional**

Perhaps the most important tip in responding is to provide a complete and professional commentary related to the allegations being made against you. Sometimes the complainant’s letter contains a number of inflammatory statements – it is important that the response demonstrate a level of professionalism. The effective manager will ensure that the practitioner successfully resists the temptation to be drawn into a “fight” with the complainant.

## **10. Engage an Attorney**

Given that the practitioner may not be completely objective about the allegations made against him or her, it is prudent to have your attorney review your reply to ensure that you are not making admissions that are unnecessary or that you are under failing to address the specific allegations. The cost of legal assistance will be worth it.

Being placed in a position of defending one’s conduct under circumstances where the actions are judged by one’s peers is always difficult and trying; however, by adopting a clear and reasoned approach in responding to the licensing board inquiries, much of the anxiety of the situation can be successfully diffused. The hospital manager can assist in ensuring that the most appropriate and helpful response is provided as a matter of overall hospital risk management.