

professional liability

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The topic of owner consent is very important in the world of veterinary medicine. The AVMA's principles of veterinary medical ethics specify that the attending veterinarian is responsible for informing owners of the expected results, costs, and related risks of each treatment regimen.

In this issue, we will outline the key principles of owner consent and provide a best practices "checklist" for obtaining – and documenting – consent. We also will share claim stories that highlight the importance of gaining owner consent and documenting all communications, including whether an owner accepts or declines a recommended course of treatment.



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The Key Principles of Obtaining Owner Consent

In addition to informing owners of the diagnosis, expected prognosis, costs, and related risks of a recommended treatment plan or procedure, a veterinarian also should make owners aware of reasonable alternative courses of treatment, if available, and the potential risks and/or benefits of each. A comprehensive written treatment plan, including an estimate of costs, should be provided. Once the treatment plan is approved, the veterinarian should provide the owner with a consent form, clearly stating the procedures to be performed, and receive written authorization.

Most state practice acts require veterinarians to obtain written consent for in-patient, surgical, and anesthetic procedures. In cases where consent is given over the phone, it is a good practice to have a third party such as a veterinary technician or other staff member document that they confirmed consent directly with the owner as well.

It is important to remember that "consent" is a two-way conversation. The owner should indicate that they understand the information provided to them, that their questions have been answered, and that they are granting (or declining) voluntary consent to the treatment plan. It is a good idea to obtain written consent but also to document these necessary elements of the conversation in the medical record. The veterinarian also should note in the record if handouts were provided and if specific concerns were discussed. Evidence of clear communication is essential if questions of understanding and consent arise.

New from the AVMA:

My Veterinary Life Podcast

Throughout 2022, this popular podcast will devote several episodes to best practices and challenges when communicating with clients. In April, AVMA Trust veterinarian Kara Escutia DVM will discuss the importance of obtaining owner consent and share claim examples related to consent. Future episodes of the podcast will look at delivering bad news to clients, disclosing medical errors, dealing with upset clients, and the importance of medical record keeping.

[Tune in to My Veterinary Life today.](#)

Checklist for Obtaining Owner Consent



Discuss the diagnosis or differential diagnoses with the owner.



Describe all proposed diagnostic tests, treatments, or procedures. Explain the expected benefits and outcomes of each.



Inform the owner of any risks or potential side effects of proposed treatments or procedures, such as risks associated with anesthesia. Provide related handouts on medications, treatments, and procedures, if available.



Provide a detailed estimate of treatment costs and obtain the owner's signature. Keep the original document in the medical record.



Give the owner an opportunity to ask questions. Then, confirm the owner understands the diagnosis, proposed treatments, associated risks, and costs.



Specify who will be performing procedures and providing treatments, including veterinary technicians, other veterinarians, or specialists who may be involved.



Provide the owner with a consent form indicating all procedures and treatment plans to be performed. Obtain the owner's signature and keep the original document in the medical record.



If the owner declines the recommended diagnostics or treatment, discuss alternative courses of action, including associated risks, costs, and expected prognosis. Document any declined treatment recommendations in the medical record.

Informed Consent Closed Claims

Owner Claims Lack of Consent for Enucleation on Mare

Dr. A was presented with a 14-year-old mare for surgical removal of a growing mass, suspected to be neoplasia, on the left ventral eyelid. Dr. A recommended enucleation to better achieve clean margins. During the pre-operative exam, Dr. A discussed the risks of surgery, and the owner signed the consent form for enucleation. At discharge, the owner was upset and said they never agreed to enucleation and would have elected euthanasia if they knew the eye was going to be removed. The owner threatened to hire an attorney. Dr. A filed a claim with their insurance carrier. After careful review, the carrier determined that Dr. A met the standard of care by advising the owner of the procedure to be performed, including surgical risks. The signed consent form also clearly showed that the owner agreed to enucleation.

Though Dr. A was determined to have met the standard of care thanks to his insistence of having a signed consent form, the scenario with the upset owner may have been avoided if Dr. A took the time to describe the procedure in laymen's terms. Whenever possible, use language non-medical personnel would be able to easily understand to ensure the owner fully grasps your proposed plan.

Curbside Care Leads to Failure to Obtain Consent for Vaccination

Dr. D was presented with a 2-month-old Bernedoodle for its first puppy visit. Due to COVID protocols, the owner waited in their car while the patient was taken inside for the exam. According to records from the breeder, the puppy was vaccinated against

DHPP two weeks prior to presentation. Dr. D determined that the next booster was due and administered a DHPP vaccine. The owner was upset because they had communicated with one of the technicians that they preferred to wait on vaccines. In this case, Dr. D should have obtained consent from the owner before administering the vaccine. Dr. D failed to meet the standard of care by administering a vaccine without the owner's approval.

No matter what a patient's records indicate, approval from the owner must be secured before the patient receives any treatments, procedures, or medications.

What do you do if an owner alleges you are negligent and demands that you immediately pay or reimburse them for charges at a subsequent veterinary facility?

Submit a report of claim right away and talk with the PLIT insurance carrier before agreeing to any payments, including reimbursement of subsequent veterinary fees, the replacement cost of an animal, or the cost of continued treatment. "Voluntary payments" or settling a claim before discussing it with the insurance carrier can jeopardize the carrier's ability to handle the matter if the claim escalates. Such payments also are considered a violation of the PLIT policy.

If you suspect or confirm a medical or surgical error was made and an emergency referral is needed, call AVMA PLIT at 800-228-7548 and ask to speak with a Trust Veterinarian for additional guidance.

For a coverage comparison and quote, call **800-228-7548, option 2**. For the full suite of AVMA Trust program offerings at avmaplit.com and avmalife.org.

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