

# equine update

## Inside this issue:

Medical Records: Why They Matter

Recordkeeping in the Field

Closed Claim

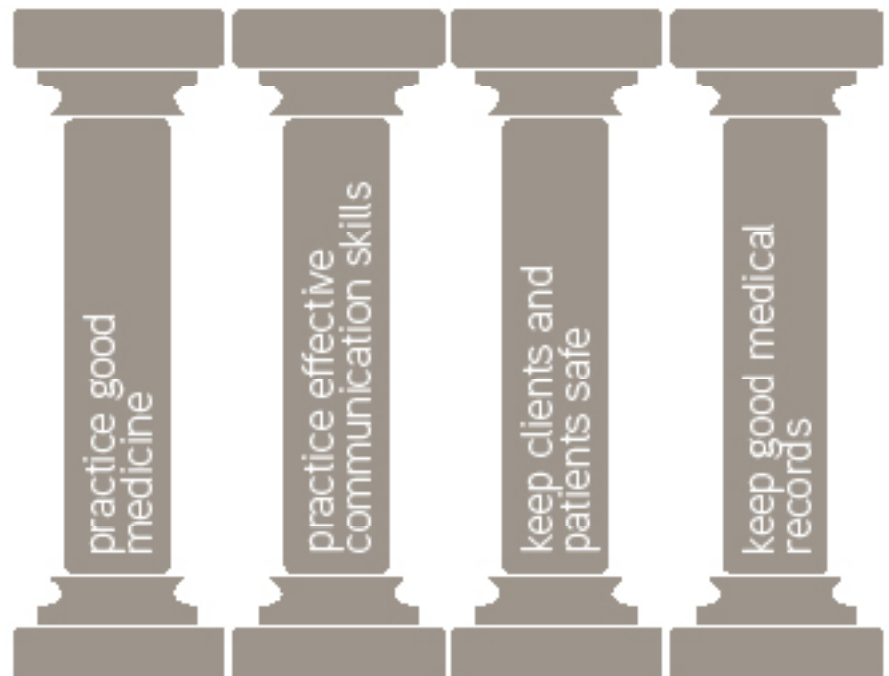
Additional Recordkeeping Tips

## The Importance of Medical Recordkeeping

The AVMA Trust's PLIT program receives thousands of potential or actual claims every year. And the number of reported claims, in particular board complaints, continues to increase year over year. Although only a small percentage of these claims are equine-specific incidents, equine claims tend to result in higher payouts when compared with companion animal complaints. Equine malpractice complaints also end in litigation more often than other classes due to the higher value of the patients.

Medical recordkeeping can play a crucial role in claim resolution or litigation. That's why equine practitioners are under more scrutiny than ever before from state licensing boards when it comes to both medical recordkeeping and medication prescription practices.

## 4 pillars to minimize client complaints





## Medical Records: Why They Matter

In the event of a state board complaint, a professional liability claim, or a lawsuit, medical records can support a veterinarian's defense and standard of care. However, the majority of equine medical records submitted to the AVMA Trust program in the wake of a malpractice claim consistently lack important documentation. Items that should always be included in equine medical records are written consent forms, anesthesia logs, surgery reports, physical exam findings, diagnostics recommended and declined by the client, lab results, estimate sheets, and all communication, including texts, e-mails, voice messages, videos, and verbal conversations.

Maintaining good medical records in equine practice regardless of discipline is necessary from many standpoints: medical, legal, regulatory, and ethical.<sup>1</sup> Records should be timely and legible, and documentation should show sound professional judgment based on information available at that time. An excellent way to judge the soundness of your recordkeeping is to remember that any veterinarian who reads your records should be able to understand the horse's condition and pick up where you left off with treatment. Additionally, veterinarians must be aware that—fairness aside—the quality of care often is judged based on the quality of the medical records.

## Recordkeeping in the Field

One of the unique challenges of equine practice is recordkeeping in the field for mobile practitioners. Once on location, it can be difficult to document the exam, findings, treatment plan, and client communications. The following tips are designed to make recordkeeping easier out in the field:

- Utilize templates to make recordkeeping easier to tackle.
- Enter all known information into the medical record when the appointment is scheduled.
- Have pre-appointment forms emailed to clients prior to the visit with detailed entries for the visit reason, signalment, medical history, etc. By doing so, you'll guarantee that important medical documentation is captured before the exam ever takes place.
- Use technology like voice dictation programs. Pictures and videos captured with smartphones can also provide good documentation, especially for absentee clients or buyers during pre-purchase exams.

## Closed Claim

Dr. A was presented with a 3-year-old racehorse with an upper respiratory tract infection. Dr. A started injectable antibiotic therapy with a three-day course of IV Oxytetracycline. Dr. A injected the horse in the left jugular vein daily and recorded the treatment, including the location, in the patient's medical record. Following

treatment, the horse developed an enlarged, inflamed jugular vein on the right side and was diagnosed with a jugular thrombosis. Although the abnormality was consistent with extra-vascular deposition of a caustic medication, the medical record showed that Dr. A did not administer an injection into the right jugular vein. Regardless, Dr. A treated the thrombosis, and it resolved along with the upper respiratory tract infection. Two

1. AAEP Proceedings; Volume 68: 2022

*(Closed claim, continued)*

months later, during a morning workout on the racetrack, the horse suffered a catastrophic injury and was euthanized.

The horse's owner filed a malpractice claim against Dr. A, alleging that Dr. A caused the thrombosis, which caused scar tissue in the shoulder and neck. The owner claimed that this scar tissue resulted in a gate abnormality, which then caused the horse's fatal injury. The client demanded that Dr. A provide reimbursement for the value of the horse. Although the allegations were frivolous, Dr. A filed the claim with their professional liability insurance carrier. Upon review, the carrier determined that the standard of care had been met. The insurance carrier informed the client they would not receive a payout on the value of the horse because no negligence was found.

Dissatisfied with this outcome, the client hired an attorney who filed a lawsuit against Dr. A and requested a jury trial. During the trial, the attorney was able to convince the jury that Dr. A was negligent and had caused the thrombosis. The jury awarded the client a verdict of \$600,000.

Believing the verdict was wrong and would set a dangerous precedent in equine medicine, Dr. A and their legal team chose



to appeal the verdict. The case was elevated to the appellate court and a bench trial proceeded. The judge ruled in favor of Dr. A and returned a decision that Dr. A was not the cause of the horse's demise.

A key factor in Dr. A's defense was their meticulous medical record entries, which maintained that Dr. A had never administered any medication into the right jugular vein. The lawsuit took seven years to fully resolve and cost over \$300,000 in defense fees and court costs, which were covered by Dr. A's professional liability policy.

For more closed claims and recordkeeping recommendations, visit [avmaplit.com/education/](https://avmaplit.com/education/).

## Additional Recordkeeping Tips

- **Stay current.** Become familiar with the State Veterinary Practice Act in the state(s) in which you are licensed.
- **Stay compliant.** Consider taking a recordkeeping course to maintain compliance with the recordkeeping requirements in your state's Veterinary Practice Act.
- **Focus on what is important.** Keeping excellent medical records is a function of good customer service with clients. Taking thorough patient notes is part of documenting and defending the standard of care.
- **Use technology to your advantage.** Maintaining virtually accessible medical records is helpful for many practitioners, but especially for mobile veterinarians who treat traveling equine athletes.

For a coverage comparison and quote, call **800-228-7548, option 2**. For the full suite of AVMA Trust program offerings, see [avmaplit.com](https://avmaplit.com) or [avmalife.org](https://avmalife.org).

**AVMA LIFE<sup>®</sup>**  
**AVMA PLIT<sup>®</sup>**