



I've received numerous calls from pet owners who are unhappy with the service they've received at the veterinarian's office. Stories range from tragic tales of unnecessary pet deaths to concerns regarding billing and the quality of care provided. Below are some suggestions to help you as, as a consumer, get the service you desire for your furry, feathered or finned family members.

As the popular saying goes, an ounce of prevention is worth a pound of cure. To this end it is a good idea to find a veterinarian while your pet is healthy, and not wait until it is sick or undergoing a health crisis of some sort. This way, you will have a general idea how your veterinarian operates his or her practice and handles matters such as vaccinations, billing, boarding, emergency hours, and quality of care provided.

When choosing a veterinarian, you should seek recommendations from others whom you trust, and not necessarily settle on the "guy down the street." This is particularly important if you have an unusual type of pet, or your pet has unusual health needs. In addition, you should select a veterinarian who shares your philosophies about veterinary treatment. For example, are you interested in alternative therapies such as acupuncture or herbal remedies or do you appreciate a more traditional approach? How much is cost a factor? Are you willing to mortgage your house to save your beloved fourteen year-old schnauzer, or would you be mortified to receive a bill for several thousand of dollars? It's easier to get the service you desire if you know what you want and you are able to find someone who is willing and able to provide it—preferably before an emergency strikes.

Most veterinarians are good people who went into practice because they like and want to help animals. That being said, veterinarians, just like other professionals, are human and

Dogged by Problems at the Vet?

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are therefore prone to err from time to time. In other words, malpractice happens. If you believe your veterinarian has erred, and your pet, your family, your wallet, or all three have suffered here are some steps you can take to resolve the situation:

I. Things to Do Immediately if You Believe There is a Possibility of Malpractice:

1. Do not leave your pet with the vet in question, retrieve it as soon as possible, unless doing so would cause a new risk of harm. Get copies of all records, including x-rays and test results for your pet.
2. Take a photograph of your pet and any affected areas on its body.
3. Have your pet taken for examination by another vet who will be willing to provide an objective opinion about his or her findings and the possibility that malpractice or negligence may have occurred.
4. Write down everything you can remember about the events at issue, especially conversations with the vet concerning what needed to be done, treatment options that were explained, consent that was given and any witnesses to these events. Along these lines, it can also be a good idea to have someone accompany you on your visits to the vet, particularly if you are upset or emotional about your pet's condition. Remember, your pet won't be able to confirm what did or didn't happen.

II. Things to do After the Dust Settles

1. Talk to Your Vet. Discuss your concerns directly with your veterinarian (not their staff). Be sure to tell him or her exactly why you are dissatisfied, what you believe he or she did, and what would make you feel better about the situation. When speaking with your vet, it is important to be as informed about your pet's condition and the procedures conducted or omitted. Give your veterinarian an opportunity to make things right before consulting an attorney or reporting him or her to state administrative officials.
2. File a Report with the State's Veterinary Licensing Board. This will put your vet on notice that you view his or her actions to have been in violation of laws or rules pertaining to the practice of veterinary medicine. In Hawaii, a report is filed with the Regulated Industries Complaint Office (RICO). Forms are available on-line, or at the State Department of Commerce and Consumer Affairs (DCCA). In making your report, it is important to clearly document the incidents or circumstances which led to you filing the report.

To file successfully, it is also important to state exactly how you believe your veterinar-

ian violated the law or rules pertaining to the practice of veterinary medicine in Hawaii. A list of actions deemed in violation of the law is found in Hawaii Revised Statutes, § 471-10, and include: professional misconduct, gross negligence, manifest incapacity, making false representations or promises, habitual intemperance in the use of alcoholic beverages or narcotics, mental incompetence, and fraudulent, dishonest or deceitful behavior, among others. Your report will be reviewed by veterinary licensing board members who will make a determination regarding the substance of your allegations. The DCCA maintains a record of reports filed for consumers to view.

3. Consult an Attorney. This is the most serious course of action, and should be undertaken when you view your veterinarian's actions to have been truly egregious. An attorney will be able to best evaluate your potential claims against the offending veterinarian. Possible claims include: malpractice, common law negligence, gross negligence, intentional or negligent infliction of emotional distress, or breach of contract for services or bailment.

To prevail in a malpractice action against your vet, you will need to be able to prove that he/she failed to provide "the standard of care required of and practiced by the average, reasonably prudent, competent veterinarian in the community." Thus, the average or normal veterinary practitioner sets the standard—not the most skilled. This can be an important factor if your vet provided services normally reserved for a specialist.

A court will require that an expert, typically another veterinarian, attest to the fact that your vet failed to provide the required standard of care, as a lay person is deemed to be unqualified to testify as to the proper exercise of judgment and skill required in providing veterinary care. In some cases, an expert may not require to support your claim if a mistake is so obvious that the average person/jury member is able to make an informed judgment regarding improper care (e.g., a vet amputates the wrong leg).

In closing, it is important to recognize, that if an animal important to you dies or is harmed, you should not underestimate the need to grieve. Filing a lawsuit will not bring your animal back nor is it likely to serve as a satisfactory substitute for grieving. It may even add to the level of grief you suffer given the costs and time commitment involved.

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