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to all those who responded to the VSBSA 'Survey of the Veterinary Profession in SA – 2008'. Your suggestions, comments, views, opinions are most appreciated.

The Survey was developed to assist the Board in its future operations; and it is a valuable tool to ascertain how the profession considers the Board can improve its services to you and the community.

VSBSA Survey Results

The Survey was distributed to all registered veterinarians in South Australia, including primary, secondary, limited, and non-practising vets. It went to 658 vets, some of whom were located outside South Australia (e.g. secondary vets, and some primary and non-practising vets who may be overseas). The survey was also posted on-line on the Board's website, enabling it to be returned either by post or on-line.

49 surveys were returned by post, while 22 were returned on-line (total response rate was 10.8%). The average years of practice from all those who responded was 19.75 years; and there was an equal split between metropolitan and country vets completing the Survey.

Overview

- A significant percentage of the profession considers the Board is competently performing its role (i.e. adequately to very good). Registration was identified as where the Board performed best (20% suggested adequately, while 63.4% indicated good or very good).
- Maintaining standards is the role which received least endorsement (8.4% consider it's role is inadequate, with 18.3% not having a view on this question). However, 26.7% consider the Board is performing adequately in this area, and 43.7% consider it is good or very good.
- A significant percentage of the profession consider the Board communicates with the profession well (i.e. adequately to very good). The Annual Report and Newsletters were particularly well rated with over half respondents identifying both these documents were good or very good. More regular Newsletters were suggested by some.
- Meetings with the profession were identified as the area for most improvement. Individual suggestions were made on topics (e.g. legal and ethical issues), however, there was not a consensus on any topics of interest.
- The Board's website is significantly under utilized by the profession, with 40.8% not having a view, and over 30% not ever accessing the site. Of those who did access the site 'regularly', it was well rated. (This result may be a factor of the average years of practice of respondents, with younger vets less likely to have completed the survey – the assumption is that younger vets are more likely to access the website).
- 32 of the 71 responses supported the Board's complaint handling process. Some suggestions were made on improving the process, such as: avoiding delays, screening out frivolous complaints, recommending complainants pay the bill where its finding supports the vet.
- The move to national recognition of registration was strongly supported; only 2 responses suggested registration fees were excessive; and 20 individual comments or suggestions were received on a range of general matters.
- The issue of most interest is complaints, with vets seeking more information on complaints and their outcomes, and the complaint process.

For a full report on the results of the Survey, go to the website (www.vsbsa.org.au), and then the Vets Page and VSBSA Survey. Or contact the Office and a copy will be posted to you.



Complaints

In response to the Survey, this edition of the Newsletter is devoted to complaints. Some of the queries or issues raised in the Survey are discussed, along with some recent case studies.



Enquiries to Office — Screening complaints

The Office receives many enquiries from members of the public each year. Enquiries are varied, and may be about treatment received at the veterinary clinic; fees charged; accounts rendered; the requirement to pay for services on the day; conduct at the veterinary clinic; access to records; access to X-rays; obtaining second opinions; obtaining repeat prescriptions or medications; after hours service and emergency situations — and so on. Some enquiries are only seeking general information or initial advice; others advise they wish to lodge a complaint.

In this case, where the matter is within the jurisdiction of the Board, the caller is generally referred back to the veterinarian to try and resolve the issue. If the issue is about fees and charges, the caller is advised to take their own action as the Board cannot consider these issues — except where the quoted price is significantly exceeded by the final bill. There are of course instances where the caller is concerned about both treatment and fees. In these situations, the caller is advised the Board considers complaints about conduct / treatment, but cannot make findings on fees or charges.

Approximately two thirds of enquiries are resolved before a complaint is lodged.

Responding to your queries about complaint handling

Your response

The vet/s will receive a full copy of the complaint, and asked to respond with complete details — that is, a detailed report on the particulars of the complaint, a full copy of the clinical records, including X-rays, consent forms etc, and any other relevant material. Your report may be sent to the complainant to enable them to provide any additional information on evidence or matters of fact. This is procedural fairness, and is a process required of the Board by the Ombudsman. Your response to the Board should be considered in light of this requirement. The complainant is given 14 days to provide any additional material. Sometimes, the complainant will withdraw the complaint when they have read the vet's report, as they are satisfied with the explanation given to the events of concern.

Confidentiality

It is a professional obligation for vets to maintain confidentiality about the complaint and the complainant. This includes personal and other details. The Board expects that the complainant will not be contacted directly by the vet who is the subject of the complaint, unless this has been discussed and agreed with the Registrar (see below).

Contacting the complainant

Contacting the complainant without the Board's knowledge may be construed as attempting to influence them to withdraw their complaint. If you wish to attempt to negotiate an agreement with the complainant, you should contact the Registrar beforehand to discuss this option.

Considering the complaint

When all information is available, the Board will consider the complaint. Sometimes, the Board seeks additional information; more usually the complaint is resolved at the first available Board meeting. The exception to this is if the complaint involves serious allegations of unprofessional conduct. In this case, the matter will be referred to the Crown Solicitor's Office for advice, and it will be heard before a Disciplinary Tribunal. Tribunals are convened under S.64 of the Veterinary Practice Act, and include the presiding member of the Board (or the deputy presiding member), and 2 other members of the Board, at least one of whom must be a veterinary surgeon.

Timeframe

The Board attempts to resolve complaints within 3 months. This can vary depending on the complexity involved in the matter. The average length of time to resolve complaints in 2007/08 was 65 working days. Complaints which are heard before a Tribunal take significantly longer, due to the extensive evidence gathering process and legal procedures involved.

Outcomes

When the Board makes a finding that the matter could have been handled better by a vet, or that a mistake was made, the Board focuses on preventing a similar recurrence, rather than taking a punitive approach. The complainant is informed, and a report may be prepared requiring the vet to demonstrate changed practice/protocols, or undertake specific CPD. Where the Board considers the complaint is more serious and has some merit, and/or the vet has not fully co-operated in the investigation, a reprimand may be involved. Fees and costs are not matters the Board can decide on — either in favour of the vet, or the complainant. Where the Board finds the vet has no case to answer, a detailed explanation for the finding is given to the complainant.

Vexatious complaints

There are few complaints which are considered by the Board to be vexatious or trivial. These are generally screened out before a written complaint is lodged. A vexatious complaint is defined as one which is instituted with the intention of annoying or embarrassing the person against whom it is brought; or one which is brought not for the purpose of having the Board adjudicate on the issues to which they give rise.

3 Recent Case Studies – out of hours and emergency treatment

Emergency out-of-hours service

A recent complaint to the Board involved an out of hours emergency service. The complainant rang the vet on Saturday morning and then again Saturday lunchtime wanting to bring a vomiting dog to the clinic, but said the service was declined because of a past payment record with the clinic. The vet responded that a service was offered on both calls with a credit assessment – but the owner declined to bring the dog to the clinic. The dog died later that afternoon without attention.

The Board reaffirmed the emergency policy for all vets: the vet is not obliged to do any more than offer first aid in an emergency situation; the owner is liable for any costs incurred; the owner should surrender the animal to the vet for euthanasia if no payment can be made for the service and the animal is suffering.

In this case, a vet nurse confirmed the details of the first call. But the Board noted that no record was made of the second telephone conversation, and no-one else was present at the time of this call. The Board could only conclude the owner decided not to bring the dog to the clinic. It recommended that records are kept of all after hours telephone calls in future.

Tips on responding to complaints

- Keep good records: your records are your first line of defence against a complaint. 'If its not written down—it's not done' is the benchmark for record keeping. Ensure your record accurately notes the treatment and discussions with the client; is made at the time; and if you need to add to it later, include the date, time and your initials.
- Keep your response to the Board professional. It will be sent to the complainant and detrimental personal comments do not assist in resolving complaints.
- Make sure you include all records and relevant documents with your response. Otherwise delays in resolution will be unavoidable, causing frustration for all.

Confidential complaints

The Board accepts complaints by a vet against another vet in certain circumstances. It recognises that it can be difficult to lay a complaint against another colleague, but acknowledges that there may be occasions when only a vet is aware of alleged breaches of Codes of Practice, or unprofessional conduct by another member of the profession. Complaints can be treated confidentially, and you should discuss this option with the Registrar before laying the complaint.



Cost of treatment / euthanasia

This complaint involved a premature labour. One pup had been born and was in shock when presented to the vet. A caesarian was the treatment of choice, but the owner was not able to pay for the operation. Euthanasia was performed. The owner complained that he had been pressured into consenting to euthanasia.

The Board noted that after oxytocin had been administered, the vet discussed the situation with the owner. Both in-house credit and creditcare was attempted but both were declined. The vet gave the owner four choices:

- caesarian
- give antibiotics and take the dog home hoping for normal delivery
- euthanasia
- take the dog to another vet where credit may be offered

The owner was given time alone to make a decision. Both the vet and vet nurse suggested to the owner the second option was viable as the dog was not in pain, and it would at least delay euthanasia. The Board agreed the vet was correct in giving these options, along with time for the owner to consider the decision, and concluded no pressure was applied.

OK to say no – in certain situations

An owner and her dog were involved in a car accident. Before being taken to hospital the owner insisted her dog be taken to her vet. The RSPCA took the dog to the owner's vet, but it was a day when the vet did not open until 4pm. However, the vet accepted the dog at 10 am, assessed it was in shock and had trouble standing, administered pain relief, and then left it unattended. The owner's friend contacted the vet and arranged to meet the vet at the clinic at 1.00 pm. The owner's friend was not satisfied the dog had been left alone, and no X-rays were taken, so took the dog to another vet clinic, where it was assessed as in shock. IV fluid was administered and X-rays the next day showed the dog had a fractured pelvis.

The Board considered the original vet should have referred the dog to another clinic. Knowing there was no backup at the clinic to watch the dog during the day, the Board considered the vet should have declined to accept the dog from the RSPCA, even though the owner had asked them to take the dog to her regular vet. Nevertheless, the Board agreed that it was appropriate not to take X-rays on the first day, given the dog's condition on arrival.

Repeat prescriptions

As a result of a complaint the Board now recommends that practices institute a protocol when providing repeat Prescription Only Medicines – i.e. Animals should be seen regularly when supplying repeat prescriptions for chronic conditions.

When members of the public call to query that they can't get repeat prescriptions, the Office advises that the Board recommends the veterinarian assess the animal at least every 6 months to make sure everything is ok (e.g. type of medication, dosage rate, condition and weight of the animal etc). This protects the vet, the animal and the client.

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Visit the website for regular
news items and information
www.vsbsa.org.au

AVA Mediation and the role of the VSBSA

The Board has a legislative responsibility to investigate complaints which are within its jurisdiction. Once a complaint is received, it is not possible to refer it to the Australian Veterinary Association (AVA) for a mediation process, for a number of reasons.

Firstly, there are privacy issues involved, and referring the complaint on could not be done without the agreement of the complainant.

Secondly the Board is required by its legislation to investigate complaints - because its mandate is to maintain standards.

Thirdly and most importantly, referring complaints to the AVA mediation process could well be seen (by the complainant) that the Board was acting in the interests of the vet by referring the complaint to the vet's own professional organisation for mediation. This would have the potential to undermine the role of the Board in protecting the interests of the public, and maintaining the standards of the profession. In other words, the Board must not only be an independent body in its complaint handling process, but it must also be seen to be independent.

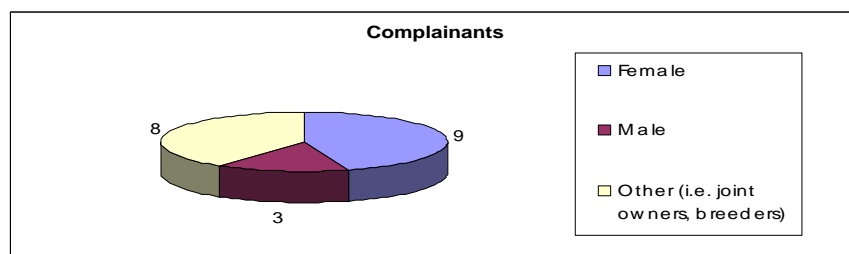
Complaints 2007/08

During 2007/08, 20 new (written) complaints were brought before the Board.

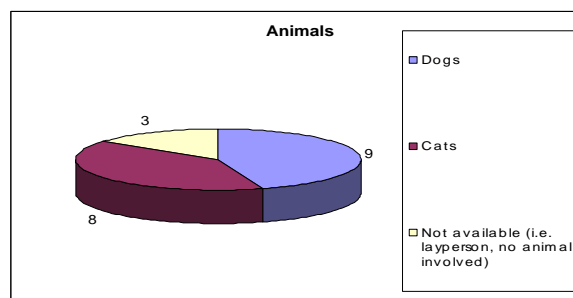
- 1 case was referred to the Crown Solicitor;
- 2 complaints were brought against lay people;
- 2 complaints involved communication;
- 8 complaints were determined as having no case;
- 5 complaints involved the preparation of a formal report;
- 1 complaint was vexatious;
- 1 complaint was carried over into 2008/09.

In 2001/02 61 complaints were received, and since this period the number of complaints has gradually declined. Reasons for this are varied, and can only be speculated on – but may include the requirement for complaints to be put in writing; screening of complaints; improved communication, practice management and practice protocols within the profession.

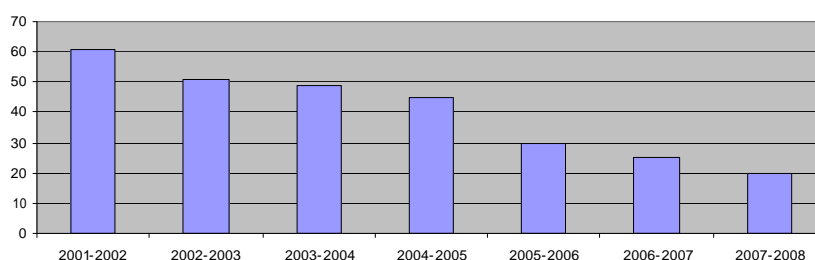
For 2007/08 from the 20 complaints, 9 complainants were female, while 3 were male. The remaining 8 complainants were identified only as the owner of the animal, and may include breeders or joint owners.



For 2007/08 dogs were the main animals which were the subject of complaints (9), with cats almost equal (8). No animals were involved in the remaining 3 complaints.



Complaints per Financial Year



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