

Memorandum

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Board of Examiners in Veterinary Medicine
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Date : October 11, 1990

File No.

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DIANA WOODWARD HAGLE
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From : Office of the Attorney General - Sacramento

Subject : Definitions for Expert Witness Review

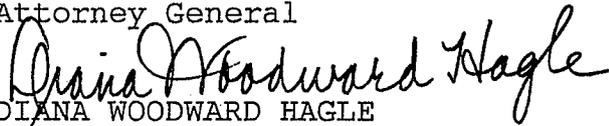
Negligence: A departure from the standard of practice in the community.

- A. Usually, the "standard of practice in the community" is interpreted to mean in the State of California and not in the specific local town or county.
- B. A specialist is held to a higher standard of care (the "community", in this case, would be the "specialist community").
- C. Although not expressly referred to in the Veterinary Practice Act, "gross negligence" is also a basis for disciplinary action and is "an extreme departure from the standard of practice in the community".

Incompetence: A lack of knowledge or ability in discharging professional veterinary medical obligations.

Fraud and Deception are terms which are not as amenable to brief definitions. They often overlap, so in evaluating conduct it may not always be necessary to make a distinction between them. "Deception" is the more expansive term, applying to any act or omission which deceives or misleads another person; "fraud", on the other hand, is an intentional act or omission with its object to deceive or mislead another person by misrepresentation, deceit, or concealment of a material fact.

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