

## **UPDATE FROM COMPLAINT PROCESS AUDIT SUBCOMMITTEE**

August 28, 2018

Drs Kevin Lazarcheff & Jeff Pollard met August 09, 2018 in Sacramento to continue the review of closed disciplinary cases of the Veterinary Medical Board (VMB).

### **Summary of cases reviewed August 9, 2018:**

Case #1 - femoral fracture on 9-month-old dog incurred when he was thrown from the bed of the pick-up in which he was not appropriately or legally tied/confined.

DVM performed a repair that fell below the SOC based on the EW report conclusions. The sad detail is that the DVM recognized the substandard repair at the time.

Case #2 - DVM with multiple complaints (details not relevant). Salient elements as regards the closed case audit review subcommittee, revolve around the LANGUAGE the EW used in the report:

- 1) "If a more thorough exam had been performed...perhaps the OVH incision would have been noted."
- 2) "The callous & cavalier attitude that staff & Dr. exhibit...."

Case #3 - Another DVM with multiple complaints. In this case there was a prior citation & fine [define]. Again, details not relevant except that the EW report includes "fuzzy writing" [my characterization]. "The records have the appearance of being adequate however there are multiple issues".

Case #4 - Horrible case mishandling of a dog that presented profoundly sick, underwent an unnecessary surgical procedure, ended up comatose at the EC the next day where it died. The EW wrote. "the fact that Dr. X did not consider all the facts doesn't make Dr. X incompetent however it does make me question Dr. X's competency." The accusation [define] stated, "the patient presented with signs \*conclusive\* of diabetes mellitus..." The result is a legal document that is inaccurate (at best) as to the medical details of the case due primarily to the "fuzzy writing" of the EW.

Extra Credit:

Case #5 - Parole violation. Included decision for additional 3-year probation, excellent EW report, excellent work by DAG, vigorous defense by respondent's attorney. Significance as regards the subcommittee was mostly to illustrate the process (complaint, investigation, hearing, decision, probation monitoring).

Case #6 - Tremendously sad case with a sad outcome for the patient due or related to substance abuse by the DVM. Highlight of case as regards the subcommittee was the EW report - shout out to Dr. Beth Parvin, in-house VMB medical consultant, who follows a template with formatting & spacing & underlining, & footnoting that makes it much

easier for the reader, veterinarian, DAG, layperson. This is the model which EW should aspire to emulate.

**RECOMMENDATIONS:**

- Continue EW training
  - Involve as many experts as possible
  - Consider coordination of training with MDC subcommittee and VMB staff
  - Continue Closed Case Review as need & number of cases dictate
  
- Quality control; better trained experts result in:
  - Better opinions; defined as opinions more solid in the medicine and in the application of the VPA
  - Better briefs by Deputy Attorney Generals (DAGs)
  - Better decisions by Administrative Law Judges (ALJs)
  - And arguably, fairer treatment of respondents & consumers