

The Complaints Process

All veterinarians practising in the province must be registered and are governed by the Saskatchewan Veterinary Medical Association (SVMA) which is the statutory body created by *The Veterinarians Act, 1987* to oversee, in the public interest, the practice of veterinary medicine in Saskatchewan. As the professional regulatory body, the SVMA is responsible for establishing and enforcing standards of professional competence and conduct for all practitioners and for responding to complaints about veterinarians.

The SVMA protects you and your animals by:

- establishing and maintaining standards of practice
- inspecting veterinarians' premises to ensure clients are provided with a suitable environment and essential equipment for the care of animal patients
- investigating specific complaints about veterinarians related to the practice of veterinary medicine
- assessing applications for registration
- maintaining standards of competence through continuing education
- addressing concerns and complaints about the conduct or practise of licensed veterinarians

Veterinarians are required in every aspect of the handling of a case, to meet the standard of care, skill, knowledge and conduct expected of a competent and ethical professional. They are also required to provide clients with a simple, complete and understandable explanation of the treatment recommended and ultimately provided for the animal, as well as an estimate of the anticipated costs before proceeding and an itemized account afterwards. They must provide the client with complete copies of all medical records for a reasonable fee upon the request of the client.

If you have a concern about the care your animal received or your veterinarian's conduct, often the best first step is to discuss the matter with your veterinarian. Many concerns relate to misunderstandings that can be resolved by clear and forthright communication. As well, when dealing with a major animal health issue, obtaining a second opinion from another veterinarian may give you a different perspective and additional helpful information.

Under *The Veterinarians Act, 1987*, the professional conduct committee (PCC) handles all complaints and conducts all investigations as quickly as possible. The PCC can direct an investigation on a public complaint, the report of a practice inspector, or on any information brought to its attention, bearing in mind the matters it is authorized to investigate:

- a contravention of *The Veterinarians Act, 1987* or the bylaws;
- a failure to comply with a standard, limit or condition imposed under *The Veterinarians Act, 1987*,
- a conviction for an indictable offence;
- a conviction for an offence relating to the care or treatment of animals;
- professional misconduct;

- conduct unbecoming a registrant;
- professional incompetence;
- a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that may impair a registrant's ability to practise veterinary medicine.

A complaint may ultimately be resolved by consent with the veterinarian, sent to a discipline hearing or dismissed.

The professional conduct committee may dismiss complaints for the following reasons:

- the complaint is trivial, frivolous, vexatious or made in bad faith;
- the complaint concerns a matter over which the association does not have jurisdiction;
- the complaint gives rise to an abuse of process;
- the complaint is filed for an improper purpose or motive;
- there is no reasonable prospect the complaint will be substantiated;
- the substance of the complaint has been appropriately dealt with in another proceeding.

A licenced veterinarian must cooperate with an investigation, including providing information or records requested by the PCC. The professional conduct committee may impose interim suspensions and restrictions, as can the discipline committee pending the outcome of a hearing.

Complaints about veterinary bills

The SVMA may investigate and impose discipline for some types of bill-related complaints but does *NOT* have the power to direct a veterinarian to decrease the amount of a bill, give a refund or otherwise financially compensate a client.

There is no mandatory fee guide or schedule for veterinarians.

The SVMA will investigate complaints about billing if there is evidence of the following:

- charging for services that were not rendered
- failure to provide the client with a reasonable estimate of the cost for the recommended medical services
- failure to obtain informed consent for the medical services rendered and actions taken
- fees which are excessive for professional services
- failure to provide the client with a fully itemized bill upon the client's request

THE COMPLAINTS PROCESS

One of the SVMA's many responsibilities is to oversee the professional conduct of Saskatchewan veterinarians. Through its professional conduct committee (PCC), the SVMA investigates specific complaints about veterinarians related to the practice of veterinary medicine.

How does the complaints process start?

In order for the SVMA to review and investigate complaints from the public, the complaint must be received from the complainant in writing. The statement of complaint should clearly and precisely set out the following information:

- the name of the veterinarian being complained about
- the name of the veterinary facility
- a description of the problem
- an outline of the concerns or issues for the committee to consider

- the dates on which the events occurred
- the name and contact information of anyone who may be able to provide further information
- copies of invoices or other documentation that may aid the committee in its review of the issues
- the complainant's full name and mailing address

Are all letters of complaint forwarded to the professional conduct committee?

Yes, all letters of complaint are reviewed by the professional conduct committee.

Who are the members of the PCC?

The committee consists of up to nine members, all of whom are, or have been, practising veterinarians. All members of the committee are volunteers, appointed by council, who meet on a regular basis.

How does the professional conduct committee function?

The committee reviews cases and assigns a sub-committee of two members to investigate the complaint. The sub-committee may interview the veterinarian and witnesses, review medical records and any other relevant information. The subcommittee then writes a summary of the case and presents its findings to the committee. The PCC then makes a decision on disposition of the case or it may ask more information be collected.

What does the investigation involve?

The complainant is contacted by the SVMA to confirm receipt of the complaint. The veterinarian is notified of the complaint and provided with a copy. The veterinarian is given an opportunity to submit a written explanation, pertinent medical records, x-rays, logs and other documentation to the SVMA office. The veterinarian is then interviewed by a two person sub-committee of the PCC. Other people involved in the case may be interviewed as well.

What happens if other veterinarians are involved?

Other veterinarians involved in the treatment of the patient may be asked for their comments and medical records for the PCC to review.

Then what happens?

A case summary is written by the PCC sub-committee and the completed investigation file is reviewed by the entire PCC where a decision is made.

- The committee may have no concerns with the veterinarian's actions or conduct and no further action will be taken.
- The complaint may not fall under the jurisdiction of the SVMA regulatory activity, may have been frivolous, vexatious, made in bad faith or for an improper purpose and is otherwise an abuse of process.
- The committee may have concerns with the veterinarian's actions or conduct which it believes can be addressed through alternate dispute resolution.
- The committee may have very serious concerns and will refer the case for hearing by the discipline committee.

The written decision of the PCC is sent to the complainant, the veterinarian and the discipline committee.

Decisions are not provided over the telephone by SVMA staff.

Who are the members of the discipline committee (DC)?

The discipline committee consists of up to five general SVMA members who are volunteers appointed by council. As well, there are two non-veterinary public representatives appointed by SVMA council.

How does the discipline committee function?

The DC receives reports of two kinds from the PCC after it has investigated a complaint against a member. These reports will recommend either no further action be taken or that the DC arrange a hearing of the results of the investigation.

What happens at a disciplinary hearing?

The DC is not aware of any of the details of the case prior to the hearing and all evidence is given under oath. The DC, PCC and the veterinarian under investigation may have legal counsel in attendance to advise on points of law.

The DC shall hear the evidence and decide by majority vote whether or not the member is guilty of unprofessional conduct or a breach of a provision of *The Veterinarians Act, 1987* or the bylaws. The final decision may not be reached the day of the hearing.

What type of penalty can the discipline committee impose?

If a member is found guilty the DC may have the veterinarian:

- expelled from the SVMA;
- suspended for a specified period of time;
- restricted as to the type of practice the member may do;
- complete specified courses;
- obtain medical treatment;
- reprimanded;
- take specific corrective measures to comply with the code of ethics;
- made subject to any other order it may see fit such as fines;
- pay for the costs of the investigation and hearing.

Can the professional conduct or discipline committees award money or damages?

No, only the courts can do this.

Then what happens?

The DC drafts and sends a report of its decision to the veterinarian and a copy to the complainant. A copy of all correspondence will be filed with the registrar who will then take the appropriate action according to the discipline measures ordered.

What recourse is there if the complainant or the veterinarian is dissatisfied with the decision of the committee?

The veterinarian may appeal the decision to a judge of the court by submitting a notice of appeal. If the client is not satisfied with the decision made by the discipline committee they may pursue action against the veterinarian through the court system.

Complaints *MUST* be in writing, signed and original copy sent to the SVMA.

Please mail or deliver the original signed letter to:

Dr. J.A. Currie, registrar
Saskatchewan Veterinary Medical Association
202-224 Pacific Avenue
Saskatoon SK S7K 1N9

Complaints will not be accepted by fax or email