Veterinary medicine remains one of the most highly regarded occupations and yet there are challenges facing the profession. One out of 19 veterinarians will encounter an allegation of malpractice or a license complaint every year. This presentation will focus on actual claims associated with reproduction, ranging from negligence allegations, bailee claims and semen and embryo storage claims.

Malpractice is defined as the failure of a veterinarian to use such reasonable skill and diligence as are ordinarily expected of careful, skilled and trustworthy veterinarians. Veterinarians specializing in theriogenology are held to a performance level equal to that of others in their field. This performance level is called “Standard of Care”, which is what other veterinarians would find reasonable for a particular situation.

There is a distinct difference between a professional liability (PL) claim, a bailee claim, semen and embryo storage claim and a board complaint (BC). A malpractice claim is an allegation of veterinary medical negligence. Veterinary Medical Board (VMB) complaints are complaints against your veterinary license and may or may not be in conjunction with a complaint of malpractice.

The most common situations that prompt claims involve miscommunication, adverse events and unfortunate outcomes (without negligence), accidental loss or injury to animals while boarding, collection procedures, economic loss, human injury, and negligence (mistakes and errors). Common situations that arise with claims associated with reproduction are small animal ovariohysterectomies, cesarean sections, equine rectal tears, pregnancy missed diagnosis, semen collection injuries, semen and embryo storage claims and more.

A bailee claim (professional extension), is associated with damage or injury to the animal while it is in the veterinarian’s care, custody and control, but not involving a veterinary incident. Professional extension coverage is needed for practice owners, not associates. Negligence does not have to be proven with bailee claims.

Semen and embryo storage claims are a result of direct physical loss of the embryos or semen while in the storage tank, during transported and while in the veterinarian’s care, custody or control. This exposure is not covered by the malpractice policy and is specifically excluded. Embryo and semen storage coverage picks up where malpractice coverage ends. Both coverages are important to ensure that if damage to the embryos or semen occurs during the collection and processing phase, or the storage phase, the veterinarian is protected.

Information provided in this presentation is obtained exclusively from the AVMA-PLIT sponsored professional liability program.

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