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## S.C. DVMs eager for practice act passage

By Jessica Tremayne

*Public disclosure of complaints remains contentious*



State Sen. Danny Verdin lobbies South Carolina Association of Veterinarians to oppose a practice act revision that would make client complaints public.

**CHARLESTON, S.C.** — Legislation that would make client complaints public record and revitalize an aged practice act is once again stalled in the South Carolina Senate.

An amendment to the bill made by Sen. Larry Grooms of Bonneau that would make client complaints open to public after the first complaint is filed halted negotiations from the Senate floor.

"It is their show now," says Rep. Tom Dantzler, DVM, of Berkley. "If Sens. Grooms and Verdin can come to an agreement here, the Senate will push this bill through."

Legislation making the bill law passed in the House last session, however, major opposition to the measure comes from Sen. Danny Verdin of Laurens, who fears the openness will make veterinarians susceptible to false accusations by disgruntled clients.

Grooms contends heightened public awareness eliminates corruption in any profession.

"Terminology discussing the level of exposure complaints filed against veterinarians receive will be revealed at the forefront of the problem," says Dr. Steven Shrum, immediate past president South Carolina Association of Veterinarians (SCAV). "When should complaints be made open to the public?"

The state's practice act has not been renewed in 30 years; the most recent efforts to revamp the legislation have been stalled largely due to a privacy clause in a renewal proposal introduced seven years ago.

The bill is believed to be the only piece of legislation in the history of veterinary medicine that has monopolized as many committees and lobbying dollars for an association, Shrum says.

"We need to buckle down and get this bill passed," he says. SCAV and Dantzler once supported the legislation; they switched sides when Verdin's persistent opposition led them to back his stance, not to single out veterinarians when other licensed professions do not have to follow the same stringent rules.

"We are more than ready to have our practice act passed," Dantzler says. "This is long overdue."

### Current practice act

"It is declared that the practice of veterinary medicine involves public health, safety and welfare. To protect the public





from being misled by incompetent, unscrupulous, unqualified and unauthorized practitioners, and from unprofessional or illegal practices by persons licensed to practice veterinary medicine and to ensure that every person engaged in the practice of veterinary medicine meet minimum requirements; the practice of veterinary medicine should be regulated in the interest of the health, safety and welfare of the citizens of South Carolina."

This statement is what Grooms says makes him wonder why public disclosure has stalled the new bill.

"I believe the current practice act text should be considered when the new legislation is presented. All the new legislation is intended to do is make residents aware of valid claims filed against a practitioner they are considering taking their pets to," he says.

The bill initially asked that clients who filed complaints be permitted to attend disciplinary hearings and announce a statement regarding incidence with the veterinarian. After this text was struck from the bill, debate still ensued with the new bill's text that says a veterinarian's name would be made public after the veterinary board deemed an investigation necessary.

The bill has evolved, yet concern is heavy on the mind of those closest to the profession and politics.

Marcia Rosenberg, a client turned lobbyist, joined the fray when her cat almost died after an ovariohysterectomy procedure. She charged negligence against the operating veterinarian, and the South Carolina Board of Veterinary Medical Examiners agreed.

"I believe that less than 1 percent of all veterinarians are not good practitioners," Rosenberg says. "I don't think the good veterinarians have anything to worry about."

#### **Alternative route**

Veterinarians most closely involved with the legislation say they are confident an agreement will be made within the 21-week legislative session, however if there is no agreement, the engine bill, an umbrella-bill will include veterinarians and all licensed professions mandating the same level of public disclosure.

"We want an all-inclusive bill, not a piece-meal assembly leaving professionals to guess when their profession will become public disclosure," Shrum says. "We don't mind becoming more open, but we want every profession within the state to be the same."

In 2005, a similar bill passed mandating a heightened level of public disclosure for medical doctors.

"It is unreasonable to think that veterinarians should receive more protection than doctors or lawyers in South Carolina?," Rosenberg says. "Passage of the pending amendment drafted by Sen. Larry Grooms would provide similar public disclosure for veterinarians as is already in place for doctors and lawyers."

#### **Veterinary concerns**

"We do have a major concern about an open hearing," Shrum adds. "The veterinarian's name could be tarnished by false accusations — a disgruntled client who is upset with what they were charged or believes the veterinarians did them wrong in some way is not valid under the conditions of the state board."

The SCAV says they remain confident the bill will pass in the Senate this session. If the wording is altered, the House will review the bill and likely agree to terms, Dantzler adds.

"I know I won't be holding it up for any small reason."

#### **Other parts of the bill**

"The practice act change includes many other aspects aside from the confidentiality clause. Passage of the bill would allow a veterinary technician to serve on the board, for example," Dantzler says.



The new version gives definitions to terms such as direct supervision, among others.

The board, upon reasonable grounds, may require a licensee or applicant to submit a mental or physical examination by physicians designated by the board.

A veterinarian holding a current and valid license and who has been practicing for a period not less than 60 days in another state post-graduation could practice with indirect supervision.

A licensed veterinarian is permitted to retain an animal in his or her possession until charges are paid-in-full by the owner of the animal.

### **The SCAV meeting**

The topic was addressed thoroughly at SCAV's recent meeting.

"This is a difficult issue for us," Grooms says. "Should this be open to the public or not? But we are moving in a forward direction. I hope to have it out of the Senate within the first two weeks."

But at presstime, the bill had yet to reach the Senate floor.

"It is critical to find the right vehicle," Shrum says. "The umbrella approach is the route to go."

Verdin briefly addressed SCAV members, thanking them for their cooperation with the renewal of the practice act.

"How confidentiality will be worked is still my main concern at this point," Verdin says. "There is a possibility the practice act will fall under the proposed engine bill with the biggest difference being the penalty phase."

Good for DVMs?

Overall, the practice act changes will protect veterinarians against professions wanting to practice on animals such as massage therapists, sources say. If a veterinarian refers a client to a massage therapist, the veterinarian assumes responsibility. The act is designed to protect consumers against bad veterinarians and protect veterinarians from liability from non-veterinarians performing veterinary duties, Shrum says.

"In speaking with former board members, 50 complaints were filed against veterinarians, but after they were reviewed, only 16 or so went into investigation," Dantzler says. "Accusations must be made certain to be valid before releasing the name of the veterinarian."

SCAV members argue that such an open policy could "single them out," seemingly experiencing higher exposure than other licensed professionals in the state.

In 2005, 55 complaints were filed with the board against South Carolina veterinarians; all were investigated, and 16 resulted in disciplinary action, says Don Hayden, veterinary board administrator.

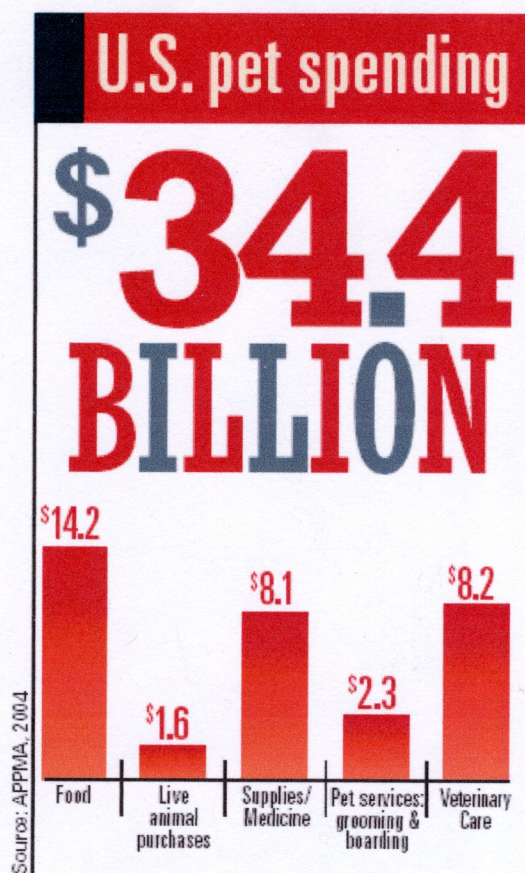
"We have 33 cases still open, and 32 were resolved in 2005. Keep in mind some of the resolved cases were from 2004," Hayden adds.

There are 803 licensed veterinarians that live and practice in the state.

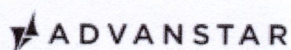
"This issue is accentuated in smaller communities," Shrum adds. "The bill needs to work for everyone."

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