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Exploring the Anatomy of a Veterinary Licensing Board Complaint (and 4 Ways You Can Protect Yourself)

on March 19, 2026



Many veterinarians will go their whole careers without receiving a complaint against their veterinary license (also known as a board complaint). However, in the last several years, incidents of license complaints have increased dramatically due to curbside service, increased patient loads, and other factors produced by the COVID-19 pandemic. COVID-19, however, is not entirely to blame. The increase in license complaints is also partly due to increased public awareness and the fact that clients have realized that they can quickly and easily file complaints when they're unhappy with treatment outcomes.

Regardless of a complaint's merit, veterinary licensing boards are state regulatory agencies who are legally required to thoroughly investigate each and every complaint that they receive. Even if a complaint is frivolous or malicious in nature, the veterinarian in question may be subjected to a lengthy investigative process that can involve demands for medical records, investigative interviews, and facility inspections.

Four Ways to Avoid Complaints Against Your Veterinary License

1. **Understand all rules and regulations dictated by your State Veterinary Practice Act** and any other state statutes that affect veterinary medicine. These are the laws which guide how you are allowed to practice in your state.
2. **Communicate clearly and promptly.**
    - Offer diagnostic and treatment recommendations that are in the best interest of the patient.
    - Provide an estimate of expected charges.
    - Always discuss when a change occurs in the treatment plan or cost.
    - Educate the client on the risks of procedures, expected prognosis and adverse effects of medications.
3. **Keep thorough medical records.** Medical records are critical to your defense. Be sure to not only document diagnostic tests and procedures that were authorized ***but also*** those that were offered and declined by the client. Additionally, make sure to document all client communication including verbal conversations and exchanges via email and text message.
4. **Obtain written signed consent forms for procedures including:**
    - Surgery
    - Treatment or hospitalization
    - Diagnostics to be performed
    - Euthanasia

Even if all appropriate actions are taken, license complaints can still happen. The four tips listed above reduce the likelihood of a claim, but if a client is exceptionally upset or vindictive, it's possible that they might still file a complaint. Regardless of whether or not you feel the complaint is justified, notify your insurance carrier immediately if you ever receive word from your state licensing board. It's also crucial to note that **professional liability (malpractice) coverage does not respond to complaints against your veterinary license and will not cover any legal fees that the state board inspection process might incur**. The only coverage that will activate in the event of a board complaint (related to a veterinary incident) is **veterinary license defense coverage**, which is an endorsement to your professional liability policy and an essential coverage for all practicing veterinarians.

Veterinary License Defense Closed Claims

Vocalization during Euthanasia Leads to License Complaint

A 10-year-old MN German Shepherd presented to Dr. A for lethargy, panting, and inappetence. Diagnostic testing including bloodwork and radiographs were recommended due to the physical exam findings of pale mucous membranes and a palpable abdominal mass. The client declined radiographs, but bloodwork revealed anemia and leukocytosis. Dr. A expressed concern regarding the physical exam and bloodwork findings and recommended additional diagnostic testing. After careful consideration and discussion with Dr. A, the client declined all further diagnostic and treatment options and elected humane euthanasia, which was performed that day by Dr. A.

Two months later, the client filed a license complaint against Dr. A, alleging that the euthanasia of their pet was traumatic as the patient vocalized during the procedure. Dr. A, who had veterinary license defense coverage, filed a claim with the insurance carrier for the AVMA PLIT program and was assigned defense counsel. Following investigation, the state licensing board concluded that Dr. A's veterinary care was sound and there was no indication of inhumane treatment. However, the board noted that Dr. A's medical records failed to document vital signs taken during the physical exam as well as treatment recommendations that were declined by the client. With the help of local defense counsel, Dr. A completed continuing education classes on medical record keeping and client communication. The board completely dismissed the charges against Dr. A's license.

Vaccine Reaction and Subsequent Hospital Stay Lead to License Complaint

A new client presented their three-year-old FS Pomeranian to Dr. B for an annual physical examination and vaccination. Dr. B had an especially busy schedule that day as one associate had called in sick and an emergency just walked in, requiring triage. A complete physical exam was performed and documented, but the vaccination history provided by the client was not verified prior to vaccine administration and multiple vaccines were administered to the patient when only one booster was needed. The patient was hospitalized for several days due to a vaccine reaction that had previously been documented in the medical record.

Once the patient recovered, the client filed a complaint against Dr. B's license. Dr. B, who who had veterinary license defense coverage, reported the complaint to the insurance carrier for the AVMA PLIT program and was assigned veterinary license

defense counsel. Following an investigation, the board charged Dr. B with a violation of the State Veterinary Practice Act, including failing to provide treatment in compliance with applicable standards of veterinary care. Based on Dr. B's prior disciplinary history, which included two previous findings of substandard care, the board proposed disciplinary sanctions of a civil monetary fine of $5,000; a one-year period of probation; and eight additional hours of continuing education. With counsel present, Dr. B was able to meet with the state board members and explain the events and mitigating factors on the date in question. At the conclusion of the case, Dr. B was able to reach a compromised public resolution with the board with reduced disciplinary sanctions, including a reduced fine and a reduced probationary period.

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