

companion animal update

Inside this issue:

Claim Trend Alert:
Brachycephalic Breeds

Closed Claims

Five Tips for the
Veterinary Team

Key Policy Features

Additional Reading

Claim Trend Alert: **Brachycephalic Breeds Involve Intensified Risks**

This issue of *Companion Animal* features claims with a similar theme—a brachycephalic dog died during restraint or during anesthesia. There are increased risks involved with brachycephalic breeds because of their anatomy. These dogs can decompensate very quickly once they start struggling or become stressed, and they require additional anesthetic considerations. If the dog is affected by brachycephalic airway syndrome, special care is required for prevention, early diagnosis and intervention of complications that may occur.

As the brachycephalic breeds have increased in popularity, the PLIT has received more claims related to them. Following the closed claims in this newsletter, we've provided a few tips to help you and your veterinary team avoid these types of claims at your practice. It is important to understand the risks involved and to implement protocols for brachycephalic breeds.



Closed Claims with Brachycephalic Breeds

Lawsuits may take years and thousands of dollars to resolve. Please also note that each claim is evaluated on its individual merit and circumstances.

Bulldog Presented for Corneal Foreign Body Dies

Dr. A was presented a four-month-old brachycephalic puppy for a corneal foreign body. The owner advised that the dog required a muzzle and one was used. The puppy was difficult to handle and was trying to bite. When Dr. A attempted to remove the foreign body, the dog was struggling and was restrained for less than a minute. When the muzzle was removed, the puppy began gasping and had poor gum color. Dr. A immediately began oxygen supplementation. An endotracheal tube was inserted, and a large volume of bloody fluid was expelled from the lungs. Dr. A consulted with an internist and continued treatment, but the dog continued to decompensate. It arrested and could not be revived.

The owner threatened legal action and demanded financial compensation from Dr. A for the purchase price of the dog. Dr. A reported the claim to the PLIT program and acknowledged that the restraint should have been handled differently because it was a brachycephalic breed with a history of problematic restraint. Dr. A agreed with the liability assessment and consented to settle the case. The claims professional negotiated a settlement, and the insurance carrier paid the owner \$1,200 for the purchase price of the dog.

Pug Dies Immediately After Restraint

Dr. B was presented with a seven-year-old Pug for a dental procedure. A veterinary technician muzzled the dog for pre-anesthesia bloodwork. The dog was very anxious and struggling. When the muzzle was removed the dog became stiff, went into respiratory arrest, and died immediately. The owner alleged that the technician used extreme measures to restrain the dog with the muzzle instead of allowing the dog to calm down.

Dr. B (the treating veterinarian and practice owner) reported the claim to the PLIT program. During the claim review, Dr. B acknowledged that the risks associated with restraining brachycephalic dogs were not discussed with the owner and that the dog could have been pre-sedated first to reduce the stress and anxiety. After this incident, the practice revised its restraint protocols for brachycephalic breeds, and appropriate muzzles were purchased. Dr. B agreed with the claim review that the standard of care could be hard to defend and consented to settle the case.

The claims professional negotiated a settlement with the owner for the market value of the dog, \$1,000. However, the owner refused to sign the settlement release form to close the case and receive payment. Instead, the owner filed a small claims suit alleging negligence and improper use of equipment and demanded \$3,000. The insurance carrier appointed defense counsel. A month later, defense counsel negotiated a settlement with the owner to include the market value of the dog plus vaccinations and sterilization for a new dog. The owner accepted, signed the release, and dismissed the small claims suit. Dr. B's insurance carrier paid the owner \$1,400 to settle the case in addition to \$1,500 in legal fees to defend Dr. B, the practice, and the technician.

Brachycephalic Pup Starts Gagging During Procedure

Dr. C was presented an eleven-week-old brachycephalic puppy for an ear crop. The pup was auscultated and found to be normal. IM anesthetic protocol was used, and the dog's respiratory rate and heart rate were normal initially. After one ear was finished, the dog began a



gagging motion, and the heart rate was slowing down on auscultation. Atropine was administered and an endotracheal tube was inserted. The pup's condition declined, and the agonal movements increased. The airway was checked again to ensure there was no aspiration, and it was clear. Epinephrine was administered, but within minutes, the dog died.

The owner requested a necropsy, which reported no definitive cause of death. This is not uncommon in anesthetic-related deaths. The owner hired an attorney and demanded financial compensation. Dr. C reported the claim to the PLIT program. After reviewing the incident and the PLIT Trust Veterinarian claim review, the claims professional opined that the case would be difficult to defend because pre-anesthetics were not used, the only monitoring was periodical auscultation of the heart, and an endotracheal tube was not placed until problems arose. Dr. C agreed with the liability assessment and consented to settle the case.

The claims professional negotiated a settlement with the owner for the purchase price of the dog, the necropsy and cremation, and vaccinations for a new puppy. Dr. C's insurance carrier paid the owner more than \$2,900, and the case closed.



Five Tips for the Veterinary Team to Reduce the Risks Involved with Brachycephalic Breeds

- 1 | Discuss increased risks of restraint, sedation, and anesthesia due to brachycephalic anatomy with the client.
- 2 | Consider developing or providing a client informational handout for owners of brachycephalic breeds. This can highlight the risks in these claims as well as heat stress, the components of brachycephalic syndrome, and more.
- 3 | Consider a consent form specific to brachycephalic breeds.
- 4 | Implement restraint, sedation, and anesthetic protocols for brachycephalic breeds. Include appropriate muzzles, low stress handling techniques, sedation when appropriate, anesthetic pre-treatment protocols, appropriate ET tube size, and close monitoring especially during recovery.
- 5 | Provide ongoing training for the entire veterinary team so they understand the increased risks with brachcephalics and how quickly problems can develop. Appropriate protocols and close monitoring is essential.

Policy Features Key to These Claims

Did you know? When you report a potential claim or when there's an actual claim with legal defense or indemnity payments that:

1. non-veterinarian employees such as veterinary technicians and assistants are automatically covered under the practice owner's certificate
2. your individual premium rate will not increase
3. you will not be dropped as a policyholder

With these features, you can submit a notice of a potential or actual claim (NPAC) with confidence.

To learn about the professional liability and license defense claims process, visit avmaplit.com/actioncenter. The PLIT is here to protect you through it all.

AVMA PLIT 2017 Veterinary Student Photo Contest

Hundreds of veterinary students entered our contest to share photos of themselves in a practice or clinical setting. Here are a few of the student photo submissions.



Kayla Fowler
Class of 2018
University of
Tennessee



Drew Fleischman
Class of 2019
Washington State

Additional Reading

Veterinary Team Brief has published several peer-reviewed articles on brachycephalic dogs including:

- ▶ **Anesthetic Protocols for Brachycephalic Dogs** by Tasha McNerney, CVT, CVPP, VTS (Anesthesia), Rau Animal Hospital, Glenside, Pennsylvania
- ▶ **Top 3 Tips for Intubating Brachycephalic Dog Breeds** by Tasha McNerney, CVT, CVPP, Rau Animal Hospital, Veterinary Anesthesia Nerds, Glenside, Pennsylvania
- ▶ **Brachycephalic Syndrome** by Heidi Phillips, VMD, DACVS (Small Animal), University of Illinois and Michelle Jaeger, CVT, VTS (Surgery), University of Illinois

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For a coverage comparison and quote, call **800-228-7548**, option 2 or visit avmaplit.com/quote.

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