

Testimony to Senate for Medical Bill 112-36
From Dr. Robert Hildreth, DVM

Dear Senators,

The bill that is being proposed and discussed here tonight, Bill 112-36, is one that has stirred up a hornet's nest among the public and the medical community. I applaud you for making the attempt: you certainly knew in advance that this issue was going to be a tough one, with passionate and compelling arguments made on both sides, with all of you standing in the crossfire. In my opinion, at the heart are essentially two issues: public access to quality healthcare and accountability of the medical profession.

I want to stress that I am speaking about the veterinary profession only tonight, and my opinions are directed specifically about my own profession. I leave the human medical side to their own comments. Some parallels may be made, but I am not an expert in human medicine, just like attorneys and judges are not experts in human nor veterinary medicine.

We live on a beautiful but small island that is remote, making any profession difficult due to time and distance. THIS IS ESPECIALLY TRUE FOR MEDICINE! Having supplies and technology to treat every medical condition is impossible, and there are NO LOCAL REFERRALS to specialty institutions that are practical, especially when time is of the essence. Thus, we have little backup compared to the mainland where referrals for procedures, surgeries, and cases are commonplace. The chances of us ever having those resources are slim to none as our relatively small island population cannot support the employment by a variety of specialists. We do not have a single ***board certified veterinary specialist*** on island in the veterinary community, and flying one in or sending the pets off-island is impractical. In fact, many breeds are no longer allowed to fly even if the owners could afford to send them!

The bill before us is an attempt to hold medical professionals accountable for their actions, and I am in agreement that this is a worthy goal. ***But accountability goes both ways!*** Countless times I have been presented with patients that already have 3 feet in the grave: literally hundreds of fleas and ticks, skin and bones, not eating for many days or even weeks, and now you want me to pull a rabbit out of my hat and save your pet? Where were you weeks ago when this first started? When was the last time you actually hugged your pet? Or the emergency c-section that walks through our door, expects us to drop everything we are doing, and spend 2 hours or more in surgery with a full staff while owners who made appointments have to wait? Are you telling me you didn't know your dog was pregnant?

Everyone, "Dr Google" is not a way to pursue health care. There is ***no substitute*** to a hands-on exam, and the back and forth interaction that happens in the exam room between patient and doctor, PERIOD!

It is heartbreaking for both sides when patients are in desperate condition: do not assume that a doctor or their nurses are so cold hearted as to not be affected by these awful situations. ***It***

does affect us deeply, we get frustrated and angry just like anyone else: we are human. Often if the owner had followed instructions, or sought help earlier, we could have saved the patient or at least lessened their suffering. Doctors must be given a fighting chance to help, but don't expect miracles when you don't seek help until the last minute.

Good veterinarians have dedicated decades of our lives to careers, often at much personal sacrifice. Are you aware that doctors, dentists, (cops), and veterinarians have some of the highest suicide rates of any professionals in the US? Much of this is due to the demands and stresses of the job, the hours away from family, the high expectations of the community, and the growing criticism of doctors by public access to the internet. And with COVID, the strains on the entire medical community have been overwhelming. Veterinarians are family practitioners, internists, dermatologists, cardiologists, surgeons, and emergency doctors all rolled up into one.

Specifically to the veterinary profession, given the restraints mentioned above, animals by and large receive care here on Guam similar to most family practice clinics on the mainland. However, there are problems here on Guam for certain. Holding veterinarians accountable is an admirable goal, ***ONE THAT I STRONGLY AGREE WITH!*** Obvious malpractice by fellow medical professionals affects the perception of all medical professionals, even the good ones.

The malpractice cases I have seen are truly gut-wrenching, and would have resulted in severe repercussions from the state boards in any other state. However, here in Guam owners are reluctant to file a complaint with the Allied Health Board: they feel intimidated by potential consequences from the doctors themselves, feel that the board 'wouldn't do anything anyway', and that civil court is too expensive to pursue. Unfortunately, the Allied Health Board has a history of not being able to enforce the veterinary laws that apply to our profession.

On another case, I personally filed a complaint over a year ago that showed a veterinarian who missed an obvious broken leg: I gave everything over to the board including medical records from both myself and the original veterinarian. Surprise to me was there was a second set of medical records, that had been corrected to reflect the correct diagnosis months later, that was submitted by the veterinarian once the complaint was filed, clearly a problem. The board forwarded that complaint to the attorneys in charge who told me quote, "the case has merit". No kidding. But 18 months later there is no disciplinary action by the board that I am aware of, no follow-up with me whatsoever: their reason is budget constraints.

In specific regards to this bill, putting a magistrate in charge of the deciding what merits malpractice or not is like any doctor sitting on the State Bar Association and passing judgment on a defense attorney or prosecutor as to how they pursued a felony case. Again, a judge does not have the education nor the experience to be able to pierce the finer details of medical cases. And for a magistrate to make a ruling on a case without an independent medical consultant reviewing the medical aspects of the case is entirely unacceptable. When a magistrate judge can do an emergency c-section at 2 o'clock in the morning without a full staff and no history to go by, then maybe their medical opinion could count for something.

What is the solution for veterinary medicine? First, this bill is not it. Pets are considered property so from a legal issue alone there are problems with the bill and even whether it would apply to the veterinary profession to begin with.

Second, increased funding for the Allied Health Board, specifically aimed at supporting the review of complaints by owners, then determining if the complaints are actionable. An outreach to the community informing them that these complaints will be honestly and carefully reviewed, then acted on if appropriate, would go a long way to satisfy owners and hold veterinarians accountable. The Allied Health Board is staffed by a group of dedicated individuals, ***including a veterinarian since January of 2020***, who all indeed want to make our island a better place for everyone. The good deeds of the Board often go unnoticed or unrewarded. The board needs help and better laws to be able to enforce the goals of our community.

The best way to hold veterinarians accountable is ***detailed medical records***. This should be incorporated into any legislation regarding veterinary medicine. Most states take the attitude of “if its not in the chart, it didn’t happen”. Medical records are seen as a way to exonerate a doctor’s history taking, their examination, their thoughts, and their plan of action. This is called a SOAP format which is standard for veterinary medicine across the nation. I have personally seen medical charts of almost a hundred pages long that represent weeks of hospitalization and multiple surgeries, yet have only 2 or 3 short sentences for doctor entries. What surgery procedure was done, what was the outcome? What was the follow up? THIS MUST STOP IF THE VETERINARIANS ARE TO BE HELD ACCOUNTABLE! With proper medical records and appropriate funding, accomplishing the goals I believe you strive for should meet with success.

You need to get professionals involved in writing this legislation. Almost all doctors are good, honest, and ethical people. That’s right, people. Nobody is perfect, but just like police officers and firefighters, life-threatening decisions are often made under impossible circumstances and it takes someone who has “been there and done that” to truly understand all the finer details of medical decisions. I know of no doctor nor veterinarian, who has spent a decade or more in school, years in practice, and made countless sacrifices who would ever ***purposefully*** harm a patient. That is the antithesis of who we are as a profession.

Thank you for your time and consideration this evening, and I humbly offer my services to the senators in making any legislation, with regards to veterinary medicine, healthier for our island of Guam.

At your service,
Dr. Robert Hildreth, DVM
Guam Pet Hospital