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## Relief veterinarians: Rules to live by

**A greater level of flexibility in your veterinary career comes with increased responsibility.**

Feb 19, 2015  
By **Christopher J. Allen, DVM, JD**  
DVM360 MAGAZINE



Never underestimate the kernel of truth inside old sayings. We generally do get what we pay for. Haste almost always makes waste (at least for me). And while my favorite old saying, "Nothing is certain but death and taxes," is on the cynical side, my second favorite is just as accurate: "The only thing that never changes is that there will be change."

I've been writing and lecturing about law and veterinary medicine for some three decades, and change has been constant in both fields. The veterinary profession has evolved to an astounding degree, and the pace of change seems to increase exponentially. Just consider the career landscape today versus 1988 when I became a licensed veterinarian.

Thirty years ago, veterinary graduates were likely to take a job with a small private practice. They were generally looking for a place to set down roots. They often worked at a single practice for a single employer through middle age, when they bought out that employer-owner. That's what I expected my career to look like.

Now, however, the dynamic is changing. Some established clinic owners used to refer to a veterinarian who moved from job to job as a "flighty" associate or a "Peter Pan" practitioner—but this is becoming the norm rather than a professional anomaly. In fact, the veterinary profession is simply following the same course of change that's happening in industry, manufacturing and human health. Employment as a veterinarian is "permanent" only for as long as it's mutually suitable to both the clinic and the associate.

My law firm regularly receives calls from both new graduates and experienced veterinarians who want to know more about becoming what they usually call "independent contractors." These folks want to know the legal and practical logistics of undertaking a work relationship that's more "casual" or "flexible" than the traditional yearlong or multi-year employment contract.

I absolutely understand the trend. My dental hygienist works for several different dentists. When my physical therapist buddy goes on vacation, a "relief PT" replaces him. It's a growing trend, and I know that it's inevitable.

But I do have some key comments and caveats as we move into this new worker-workplace paradigm.

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## Independent contractors are not the same as occasional employees

"Independent contractor" is a term that has a specific meaning in the law and in the Internal Revenue Code. I've attempted to clarify the difference between an independent contractor and an employee in a number of articles, and the subject is just too complex to deal with here. See the related links below to find these resources.

However, there are two rules of thumb to follow when the question arises as to any given part-time doctor's role.

**Rule 1:** Assume that part-time veterinarians are employees until proven otherwise.

**Rule 2:** Make sure you clearly understand what constitutes an independent contractor before asserting that you are one or that you have engaged one to work for you.

State and federal law take the default position that in a "master and servant" relationship (such as that between a practice and its associate), the relationship is one of employer and employee. Why? Because when that label is applied by the government, certain things are automatically assured. Insurance coverage locks in. Associate tort liability is limited. State labor law protections engage. Most importantly to the government, income taxes are withheld.

## Part-time veterinarians have unique recordkeeping responsibilities

When a veterinarian decides to go part-time, she no longer has the luxury of indulging in poor practice habits. A part-time doctor walks out the door at the end of a shift, and for better or for worse, her work product is the gift that keeps on giving to her coworkers. If she's off at some other clinic or away on an island with no cell service, hospitalized animals are still languishing—and problems are potentially unfolding—at yesterday's workplace.

It is therefore incumbent upon casual-schedule and regular-schedule part-time clinical veterinarians to prepare clear and detailed medical records and treatment plans before they leave each shift. In fact, these medical records need to be of better quality—clearer and more detailed—than those of full-time doctors.

Here's why: If the treatment plan isn't clear, it's difficult for staff doctors to know whether the desired clinical response is being achieved. And even if the part-time doctor is available by phone, staff members quickly get tired of checking with him or her and begin to make assumptions—perilous for everyone involved, particularly the patient.

Poor recordkeeping can also have an adverse impact on a part-time doctor's income. Veterinary clinics often have a number of choices when they elect to engage a relief veterinarian. If one of the doctors on the list of part-timers is a sloppy record keeper, the practice owner may simply choose to use someone else whose documentation is more reliable and less likely to inspire a malpractice lawsuit.

## If necessary, get some handwriting lessons

Lousy penmanship might be an option for the practitioner who's in the clinic day in and day out. All the staff has to do is ask her what her handwritten notes say. But chronic poor handwriting, particularly if the recordkeeping system is not electronic, can be a catastrophe in the case of occasional-schedule doctors.

When the practice's other doctors, credentialed veterinary technicians and referee specialists are required to form rough hypotheses as to what the relief veterinarian observed or intended, big problems can develop. Incorrect drugs are administered, incorrect doses are drawn up and malpractice claims can arise when it's a mystery what the last veterinarian treating a case scribbled in the chart.

## Reliability is the name of the game

Whether a relief veterinarian calls himself an independent contractor or a part-time employee, he can pretty much forget taking sick days and oversleeping. The fill-in veterinarian's stock in trade is reliability. The practice hires or engages a flexible-schedule veterinarian for a specific reason.

Whether that reason is the boss going on vacation or an associate going on maternity leave, the part-time veterinarian better show up and show up on time. Practices who use on-again, off-again veterinary associates don't generally take these people on because of their clinical genius. They engage them because they show up when they are needed and arrive on time to do a reasonable job.

As soon as a practice discovers its relief veterinarian is inclined to give unexpected and late notice for a schedule change, it immediately begins to doubt the value of that individual. Relief veterinarians deserve and expect that their shifts will not be changed or canceled at the last minute, and it is imperative that they give the same consideration to the practices where they work.

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- Cut corners on your veterinary practice payroll tax—at your peril**
- Hiring a relief vet?**
- Independent contractor or employee: Do you know?**
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