

Letters to the Editor

Regarding the Fairness to Pet Owners Act

I have been practicing veterinary medicine since January 1969 and have observed many changes in practice models over the years. One truth remains above all else: to survive, a business must remain in the black. Raising taxes, imposing unnecessary regulations, and increasing paperwork all serve to increase overhead. Either consumers pay, or the business fails.

With regard to the Fairness to Pet Owners Act (HR 3174/S 1200) currently being discussed in Congress, I worry, as I believe many veterinarians do, that mandating prescriptions for all drugs will result in lost income for veterinary practices and that it won't be long before fee increases are needed to make up for this lost income. Who really wins in this situation? Perhaps pharmacies that stock veterinary prescription drugs. Who loses? Pet owners who will have to pay higher veterinary fees and be faced with the inconvenience of pharmacy shopping.

Veterinary medicine provides the same services as human medicine, but generally at a substantially reduced cost. I do not understand, therefore, why Congress would feel the need to involve itself in this arena. All too often, legislation can have unforeseen consequences that are the opposite of the intended effects.

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The AVMA responds:

I want to thank Dr. Colmery for his letter. Readers should be aware that the AVMA has been fervently advocating against this piece of legislation since its inception in 2010. Although the AVMA supports a client's right to have a prescription filled by either the veterinarian's office or a licensed pharmacy, the Association opposes

requiring practitioners to provide prescriptions in every instance, regardless of whether clients want to or even can go elsewhere to have those prescriptions filled. Note that on April 29, AVMA Board Chair Dr. John de Jong testified before Congress in a hearing related to this bill and the pet medications industry.¹ Interested readers can access more information about the prescription mandate on the AVMA website.²

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1. AVMA@Work. Pet medication hearing: AVMA testimony strives to protect, advance veterinary interests. Available at: atwork.avma.org/2016/05/02/pet-medication-hearing-avma-testimony-strives-to-protect-advance-veterinary-interests/. Accessed May 24, 2016.
2. AVMA. Prescription writing mandate is unnecessary for veterinarians. Available at: www.avma.org/Advocacy/National/Congress/Pages/just-ask-oppose-unnecessary-prescription-writing-mandates-for-veterinarians.aspx. Accessed May 24, 2016.

Minding the gender gap in starting salaries of veterinarians

According to a recent post on the AVMA@Work blog,¹ the Association has just released a new salary calculator tool designed "to help veterinary students and new

graduates develop a starting point for salary negotiations as they enter the profession." Distressingly, step 2 of the calculator worksheet² has female users deduct \$2,406.97 from their potential calculated salary, whereas male users are instructed to simply continue to the next step.

I understand that the calculator is based on results of various surveys of starting salaries that the AVMA has conducted over the years. Because the calculator takes into consideration factors found to be significantly associated with variations in starting salary, this deduction for female users reflects the gender wage gap traditionally seen in the veterinary profession. Nevertheless, if the goal of the calculator is to prepare new veterinarians for salary negotiations, then inclusion of this gender-based wage discrepancy fails for at least 3 reasons.

First, it sends the discouraging message to female graduates that they should not expect a starting salary equal to or higher than that of their male counterparts and potentially sours salary negotiations before they even start (because, of course, employers would also be including this gender-based wage discrepancy when calculating what starting salary to offer). Second, it represents a self-fulfilling prophecy, in that using historical unequal starting salary data as the basis for future starting salary negotiations will only serve to

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Letters containing defamatory, libelous, or malicious statements will not be published, nor will letters representing attacks on or attempts to demean veterinary societies or their committees or agencies. Viewpoints expressed in published letters are those of the letter writers and do not necessarily represent the opinions or policies of the AVMA.

perpetuate gender-based wage inequities. Third, it implies that female graduates are not as qualified as male graduates and not as well trained.

I believe the salary calculator tool would be more helpful in promoting a level playing field if it incorporated an assumption that male and female starting salaries should be the same. The assumption that gender is not—or should not be—a variable in starting salary calculations creates future opportunity for eliminating gender disparity in starting salaries of new veterinarians.

Gender should not be a factor in determining a starting point for salary negotiations, as there is no gender-based difference in the ability to perform successfully in our profession.

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1. AVMA. New salary calculator tool helps students and recent graduates. Available at: atwork.avma.org/2016/05/05/new-salary-calculator-tool-helps-students-and-recent-graduates/. Accessed May 19, 2016.
2. AVMA. New graduate starting salary calculator. Available at: www.avma.org/About/SAVMA/StudentFinancialResources/Documents/New-Graduate-Salary-Calculator.pdf. Accessed May 19, 2016.

The AVMA responds:

I want to thank Dr. Worley for her letter. In fact, AVMA leaders have heard from several members who are concerned that the New Graduate Starting Salary Calculator¹ has users subtract \$2,406.97 from their starting salary calculation just for being female, and understandably so. It is important to recognize that the salary calculator is a reflection of actual data, not a value statement on what “should” be. Like other significant factors such as geographic location and type of practice, gender has historically impacted starting salaries for veterinarians. We completely agree with Dr. Worley and others that there is no valid reason for this gender salary bias and that it is

inherently unfair. Where we may disagree is how best to address the problem.

For 3 years, the AVMA has reported this gender difference in starting salaries, yet doing so has not noticeably reduced the gap. Providing this information in the salary calculator—and not just including it in a report—has surfaced the issue to many and, we believe, provides a better opportunity to change behavior and positively impact the situation. The salary calculator is designed to show new graduates what factors, including gender, have affected starting salaries in the past. Women should consider using the men’s starting salary when beginning their salary negotiation.

Veterinarians on the AVMA staff have worked with veterinary students who, while completing the salary calculator, immediately questioned why females should “subtract \$2,406.97.” That is exactly what we want them to do. If they had simply read in a report that there is a gender difference, they might not have thought about, in concrete terms, how this difference would directly affect them when engaged in their own salary negotiations. We believe that the gender disparity is perpetuated, at least in part, because of a lack of information and a lack of willingness to openly acknowledge and address it.

Note that the AVMA is working to improve the situation. We plan to add a callout box to the salary calculator directing users to an FAQ document on our website that addresses gender-related issues. A new Experienced Salary Calculator is currently being developed that will also show gender differences. Again, this calculator simply reflects what the data show, but will also include an FAQ document, as will any future tools. The AVMA is also working to help students and recent graduates with salary negotiations in the following ways:

- We have initiated a project to develop additional educational content to complement the salary calculator. Among other things, it will include information on how to negotiate a starting salary.

- We will be presenting a session at this year’s AVMA Convention on negotiation skills. The session is “A Multi-Modal Approach to Your Salary Negotiations” and will be held from 2 to 2:50 pm on Saturday, August 6.
- The AVMA staff has been working with individuals who provide negotiation training to students at the colleges of veterinary medicine. We hope to identify best practices and promote them to all of the schools.

We believe that continued discussion on gender disparity in veterinarian salaries is the best way to make a difference. Illuminating this gender disparity in our salary calculator is an example of how, by highlighting an issue that is plaguing the profession, we are providing an opportunity to engage our membership and seek potential solutions.

We hope the attention paid to this issue will encourage students and AVMA members to participate in our surveys so we can continue to accurately report on our progress. We also encourage members to join us and discuss potential causes of and solutions for this issue as well as other important economic topics at the upcoming Annual AVMA Economic Summit² on October 24–25, 2016, in Chicago.

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1. AVMA. New graduate starting salary calculator. Available at: www.avma.org/About/SAVMA/StudentFinancialResources/Documents/New-Graduate-Salary-Calculator.pdf. Accessed May 23, 2016.
2. AVMA. Annual AVMA Economic Summit. Available at: www.avma.org/Events/Symposiums/Pages/economic-summit.aspx. Accessed May 23, 2016.

Veterinarians should demand deposition fees

Recently, I have noticed what appears to be an uptick in the number of veterinary malpractice cases being litigated through the Illinois court system. These cases have an obvious impact on the legal parties—the plaintiff pet owners and defendant veterinarians—

but can also affect individuals who, although not directly involved, may have relevant information to contribute.

As is the case for medical malpractice lawsuits, veterinary malpractice lawsuits involve a discovery period, during which the parties seek to obtain information related to the case. One of the most potent discovery tools is the oral deposition, which requires witnesses to answer, under oath, questions posed by attorneys in the case.

With the increase in the number of veterinary malpractice cases, depositions of nonparty veterinarians (eg, veterinarians who previously treated the animal and thus have relevant information to contribute) will also become increasingly common. Importantly, Illinois law requires that nonparty physicians be compensated for their time when giving depositions, with Illinois Supreme Court rule 204(c) stating that “A party shall pay a rea-

sonable fee to a physician for the time he or she will spend testifying at any such deposition.”

In my view, veterinarians should be considered physicians under this rule and, thus, should be entitled to receive reasonable fees (which may run to several hundreds of dollars an hour) when required to put their practices on hold to answer questions during oral depositions. Needless to say, parties to litigation are often frugal and would rather not expend resources unless required to do so. Thus, they may take the contrary view that veterinarians are not physicians within the meaning of rule 204 and instead insist that the uniform statutory fee of roughly \$30 is all that is required.

At this time, no binding precedent has settled the issue of whether veterinarians qualify as physicians under rule 204 and are thus entitled to reasonable deposition fees, and there will not be any such binding precedent until the

issue reaches an appellate court or the Illinois Supreme Court. Therefore, when a party to a lawsuit and a nonparty veterinarian called to provide an oral deposition disagree on the appropriate fee, a motion is brought before the judge assigned to the case to decide whether rule 204 applies.

Note that appellate cases have expanded the definition of physician to cover nonparty testifying witnesses who are not traditional medical doctors with human patients, making a compelling argument that veterinarians should be accorded the same deference. Thus, should you ever be served with a subpoena for deposition in a veterinary malpractice case, you should demand to be paid a reasonable deposition fee. Expect, however, the plaintiff to disagree with you.

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1. *Montes v Mai*, 398 IllApp 3d 424 (2010).