Law and Veterinary Medicine

First Hour: Introduction
November 2, 2006

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We begin with a practice issue

- Suppose you own a veterinary clinic
- One of your long-term human clients dies
- The client leaves a will in which your veterinary clinic is instructed to “put to sleep” any cats and dogs that are alive when the patient dies
- What can you do?
- If you kill the surviving cats and dogs, will you be subject to discipline of any kind?
  - **Must** you kill the animals?
- Can you refuse?
Central Concept—6 boxes diagram
- Mapping different sources of “Right” and “Wrong”
Know this diagram

- Be able to draw it
- Be able to label & explain each box accurately
- Reading that explains the 6 boxes diagram: “Comments on Law, Ethics, and Other Sources of ‘Right’ and ‘Wrong’”
- “Minutes Paper” November 6 on this diagram
Suggestion

- If you’re asked about an issue with ethical, legal or practical dimensions, it’s helpful to answer by reference to the categories in the 6 boxes diagram.

- Develop this ability from the beginning.
… the hypothetical again …

- You own a veterinary clinic
- Long-term human client dies
- … leaves a will in which your veterinary clinic is instructed to “put to sleep” any of his surviving cats and dogs
Hypothetical in terms of the 6 boxes

- **Law**
  - Is it illegal to use a will to order the death of an animal?
  - What effect does a valid legal will have upon your right to choose a course of action?

- **Ethics/Professional**
  - What does the AVMA say about euthanasia?
  - … about your right to choose clients?

- **Ethics/Social**
  - What do social values imply you should do when a will authorizes killing animals?
  - Can social values be in conflict?
Hypothetical in terms of the 6 boxes

- **Ethics/Normative**
  - What might philosophical approaches to ethics suggest is the moral course of action?

- **Ethics/Personal**
  - What is the nature and relevance of YOUR OWN VALUES?

- **Prudence**
  - What is wise/stupid to do?
6 boxes in large animal medicine

- Early in your third year, you’ll work with swine
- What is the law? As a professional you will be held responsible to know the applicable law
- FYI—law in the area of production animals is fundamentally different than law in the area of companion animals
- What are the professional ethics requirements of the large animal context?
6 boxes in large animal medicine

- How, if at all, does our society’s general ethical sense ("social ethics") relate to the large animal context?
- FYI—JAVMA has carried articles recently that suggest society’s attitudes about food animals are changing
- What differences in personal ethics exist in this class?
- And what about prudence?
- Leave “normative ethics” for later—philosophical issues and a source of many questions that arise in the debates the profession is part of …
Second basic tool

- SePACKProSo
Tannenbaum’s Interests (1995)

- Self-oriented interests
- Patient-oriented interests
- Animal-oriented interests (general animal interests, often at the level of species or perhaps compassion for individuals generally)
- Client-oriented interests
- Knowledge/science/theory-oriented interests
- Profession-oriented interests
- Society-oriented interests
Make sure you can identify different interests

- **S**: your interests (multiple, varied)
- **P**: this patient’s interests
- **A**: broad animal interests
- **C**: this client’s interests
- **K**: knowledge, science, research
- **Pro**: impacts on your profession
- **So**: effects on our community
Opening hypothetical in terms of SePACKProSo

- **Se/ your interests**—always multiple—how would an adverse decision affect your life, family, career, business, choice to live your personal values?
- **P/ this patient’s interests**—what impact on *this* patient?
- **A/ broad animal interests**—what would compliance do for or against the interests of dogs, cats, or the interests of nonhumans’ generally?
- **C/ this client’s interests**—who is the client now that the former owner is dead?
Hypo in terms of SePACKProSo

- **K**/knowledge, science, research—always multiple, seemingly remote at times, but can be very important even if vague
- **Pro**/impacts on your profession—not on you as a professional, but on the whole profession (for example, image, reputation of the profession)
- **So**/effects on our community—what do people in our society think about convenience euthanasia?
Recapitulate—what you should know by the end of this hour’s session

- There are different “interests” that play out in factual situations and ethical analyses
- The importance of SePACKProSo to the course topics
- Some idea (or questions) regarding the way(s) in which “law” and “prudence” relate to “ethics” (6 Boxes)
Course Mechanics—FYI

- DOAN—less important, and here FYI
- Sign-up sheets (signatures only)
- Posting of PowerPoints
- Digital recordings often available (use Windows Media Player)
FYI #2

- Curriculum Guide requires that exam policy be announced at first meeting
- Re taking quizzes, Minutes Papers and exams
- READ THE QUESTION(S) CAREFULLY
- I’m always looking for something very specific, usually very simple—I never want you to solve all the possible problems
- E.g., “identify interests” means identify, not “weigh them against each other”
FYI #3

- Policy for handling absences—“If you must miss a session of the course, your absence may be excused if there are reasonable grounds for missing the session.”
FYI #4

- NPR’s “Justice Talking” – Program entitled “Protecting People and Their Pets”
  - listen to the program at any time -- go to NPR's website -- http://www.justicetalking.org/
  - Click on “past programs” and choose “Protecting People and their Pets” which aired on August 14, 2006 – there are a half-dozen interviews touching on different companion animal and “animal law” issues
FYI #5

- Starting on time
- “etiquette”—what’s in a name?
Larger Course Issues

- Syllabus—read the syllabus carefully and ask questions at opening of next session
- Class “culture”
- Where does course stand in curriculum/Ethics and Values Signature Program?
Discussion Groups

- 8 discussion groups
- Group assignments
- Picking a spokesperson
- Using facilitators from faculty
Readings and Resources

“Additional Sources on Law and Veterinary Ethics Issues”
… how extraordinarily diversely “ethics” and “values” and “law” issues are taught & talked about in veterinary schools

Why?

Traditional approaches versus those that take changes/“ferment” seriously

Developments in “law” (particularly professional ethics) are characteristically after the fact – social ethics and values are slow to change

Daunting problems ahead - life sciences
"Time Magazine, August 15, 2005

- Cover story—“Evolution Wars”
- “The push to teach ‘intelligent design’ raises a question: Does God have a place in science class?”
- 25 states have had anti-evolution proposals at state board of education or in state legislatures since 2001
- Another 9 states had challenges in local schools or panels in first seven months of 2005 alone
“Woof, Woof! Who’s Next?”

“Meet Snuppy, the first cloned puppy, a scientific tour de force and a hint of stranger things to come.”
Laboratory-cultured meat: Home, home on the strange?

Baltimore—Researchers are dishing up the perfect conundrum for vegetarians -- meat grown in a laboratory dish, not on the hoof.

While it may be years before laboratory-raised meat hits your store shelf, researchers say the technology exists now to produce processed meats such as burgers and sausages, starting with cells taken from cow, chicken, pig, fish or other animal
Back to basics—
Clarity on course objectives

- General and specific course objectives
- Generally, develop ability to identify basic legal issues in veterinary medicine
- Also, continue to develop understanding of different kinds of legal and ethical dilemmas
- 6 Boxes … again … → →
Course objectives

- Understand the general relationship between law and 4 kinds of ethics ...
- ... and ...
- Understand the general relationship between law and prudence and practice-related issues
Keeping the course relevant

- Different kind of course …
- Keep you aware of some ongoing developments—“ferment” theme from Human-Animal Relationships (HAR) course
  - the terrain(s) veterinarians walk is (are) changing
- Importantly … the principles taught in the course are relatively straightforward, flexible, serviceable
Keeping the course relevant

- To carry out your role as healers, researchers, and leaders regarding nonhuman animals …
- You need both (1) knowledge of the (sometimes changing) terrain …
- … and (2) familiarity with general principles and guidelines for identifying and solving problems.
- … so …
Our task in this course

Make the course fit your needs
Past student comments

- “I don't know where else in the student curriculum we would be learning about such topics.”
- “I worry that teaching ethics separately and discreetly serves the impression that it is somehow divorced from the practice of medicine.”
More student comments

- “I can't wait for this class.”

- “If I don’t have ethics now, what makes you think you can teach them to me?”
Student challenges

- Getting beyond ethics as a mere add-on
- Various professors will emphasize student tradition at TCSVM …
- … history – past students have raised ethical issues in many contexts
Addressing broader problems

- School positions on welfare
- We have sessions scheduled for various problems—feel free to raise problems there
Some realities

- The dynamics of discussion aren’t always simple

- From two years ago: “the same few people seemed to talk every time, while the views of others were often not heard.”
Sources of discussion problems

- Discussion bogs down for lots of reasons
- Your schedule
- Difficulties—discussion among 80 primates
- How to prevent course bogging down?
- Be realistic—what the course *is not*
What the course is NOT

- *Not* a general review of “law and animals” or “animals and policy” or “ethics and other animals”
  - Center for Animals curriculum
- We *will* touch on broad issues of law and ethics
  - but we cannot touch them all
- Generally, we stay focused on veterinarians and nonhuman animals
New, interesting areas and topics will come up

- Hypotheticals are certainly welcome
- More hypotheticals available in Bernie Rollin’s newly REVISED *An Introduction to Veterinary Medical Ethics: Theory and Cases* (2006)
- Biotechnology, social disputes, class disputes, whatever—**questions are welcome**
… working BIG subjects in …

- What is the role of *individual* veterinarians or the profession as a whole on different issues?
- E.g., euthanasia?
- Welfare of those animals typically not seen as targets of moral concern
- Scientific fraud
- Note how different such issues are from ethical issues raised by intentional harm and/or mistreatment of living beings
Creating good discussion dynamics

- Be polite – invite others to talk
- I’m interested in a wide-range of views
- Do the work—be prepared for the “minute papers”
Participation

- Part of the grade, multiple components
  - (1) Regular attendance
    - Signature sheet
  - (2) Involvement in class and group discussions
  - (3) Minute papers, quizzes
Anticipating tension points

- Need for fairness in grading
- Percentages are in syllabus
  - 30% participation (three components)
  - 70% Final
Techniques

- 50 minute sessions
- Re-starting on time
- Minutes Papers early in session
- “Business” at the beginning of sessions
Techniques

- ALERTING YOU TO TYPES OF MATERIAL

- “Med and vet students’ heads are in a different place than the students in the humanities.

- … they are not opposed to thoughtful consideration of difficult issues (rumination in the veterinary student's case), but they want to come to that consideration point with an armamentarium of facts or principles.”
Techniques

- They are in a mode of mental ‘fact-downloading’ from all other courses (especially first year)
- They are used to a lot of structure in their classes, and get uncomfortable with a different mode
- They are used to ‘right answers’
- Giving them something to chew on that may not have a ‘right’ answer may require a preamble.”
Techniques

- Stay alert to another mode of learning that takes place in this class …
- … namely, “discussion/rumination” mode
- Sample questions in PowerPoints …
- … will give you an idea of the exam question format
- *Not* all materials to be read for the midterm will be covered in class
Break ... in the next hour

- **Second hour**—Introduction to the state practice acts and regulations—the most basic law affecting veterinarians