

# Law and Veterinary Medicine



Second Hour: State Practice Acts  
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First ... think about this ...

- IS THERE A **RIGHT** TO EMERGENCY TREATMENT **FROM** A VETERINARIAN WHO HAPPENS TO PASS BY?



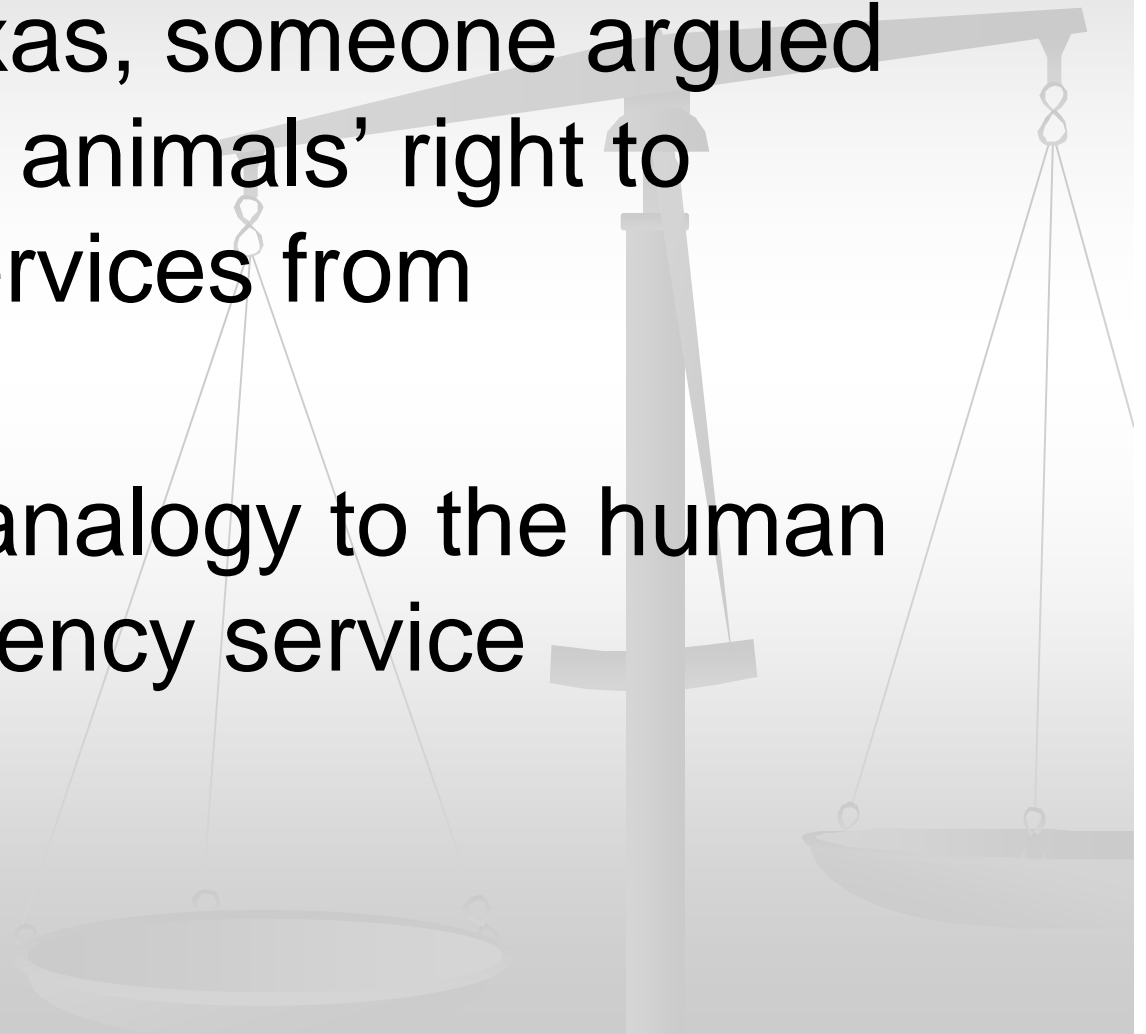
# Extrapolating principles



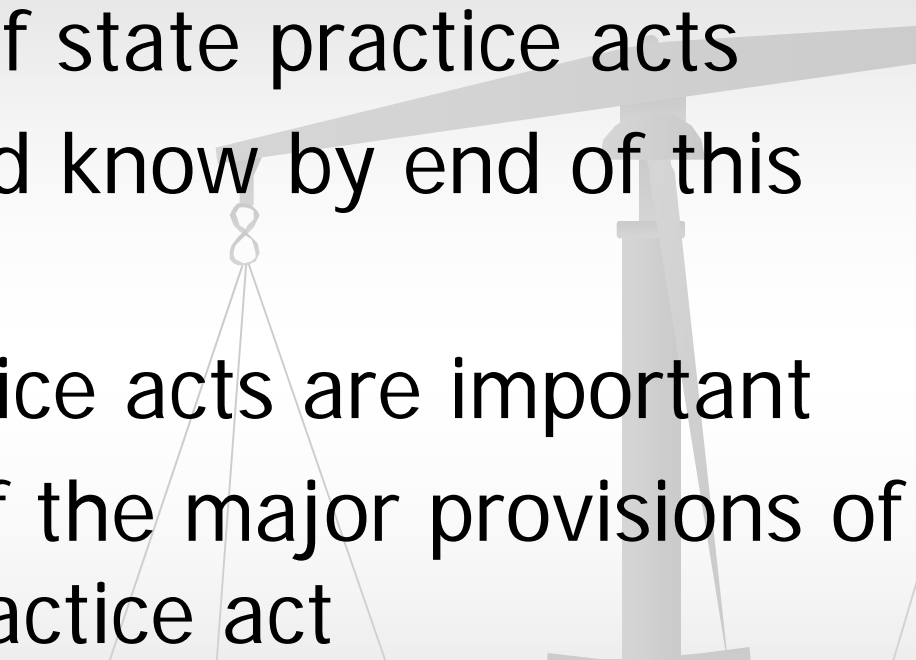
- Extrapolate from your freedom to exercise professional discretion and ...
- ... from your right to use your own ethics
- And who would possess the “right”?
- These considerations lead to the general answer, “Generally, a veterinarian is not, and cannot as a practical matter be, ***legally required*** to act in such an emergency.”
- **BUT will this change? Should it change?**

## ... the present terrain ...

- In 2005 in Texas, someone argued for nonhuman animals' right to emergency services from veterinarians
- Reasoning – analogy to the human right to emergency service

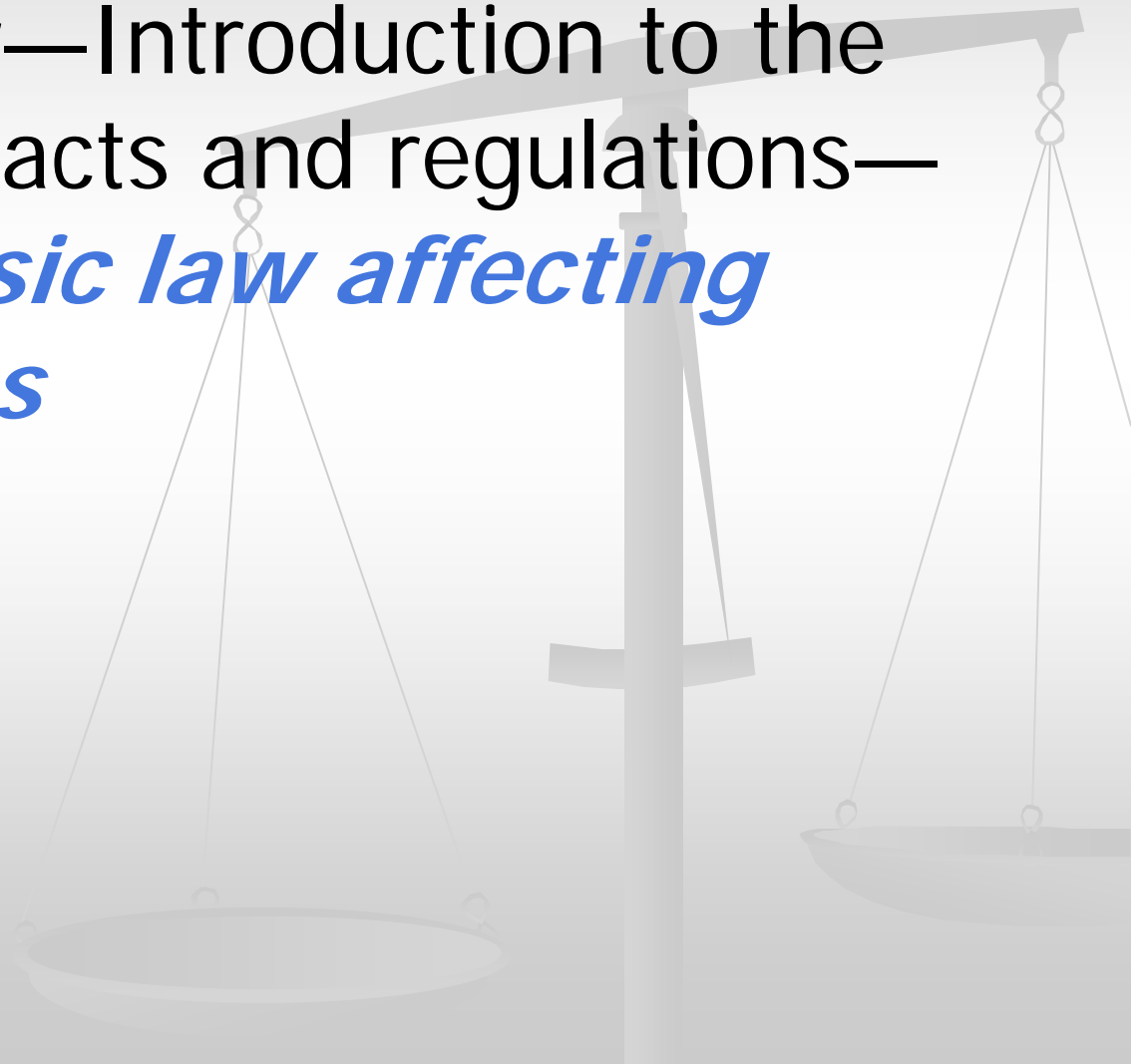


# GOALS for this session

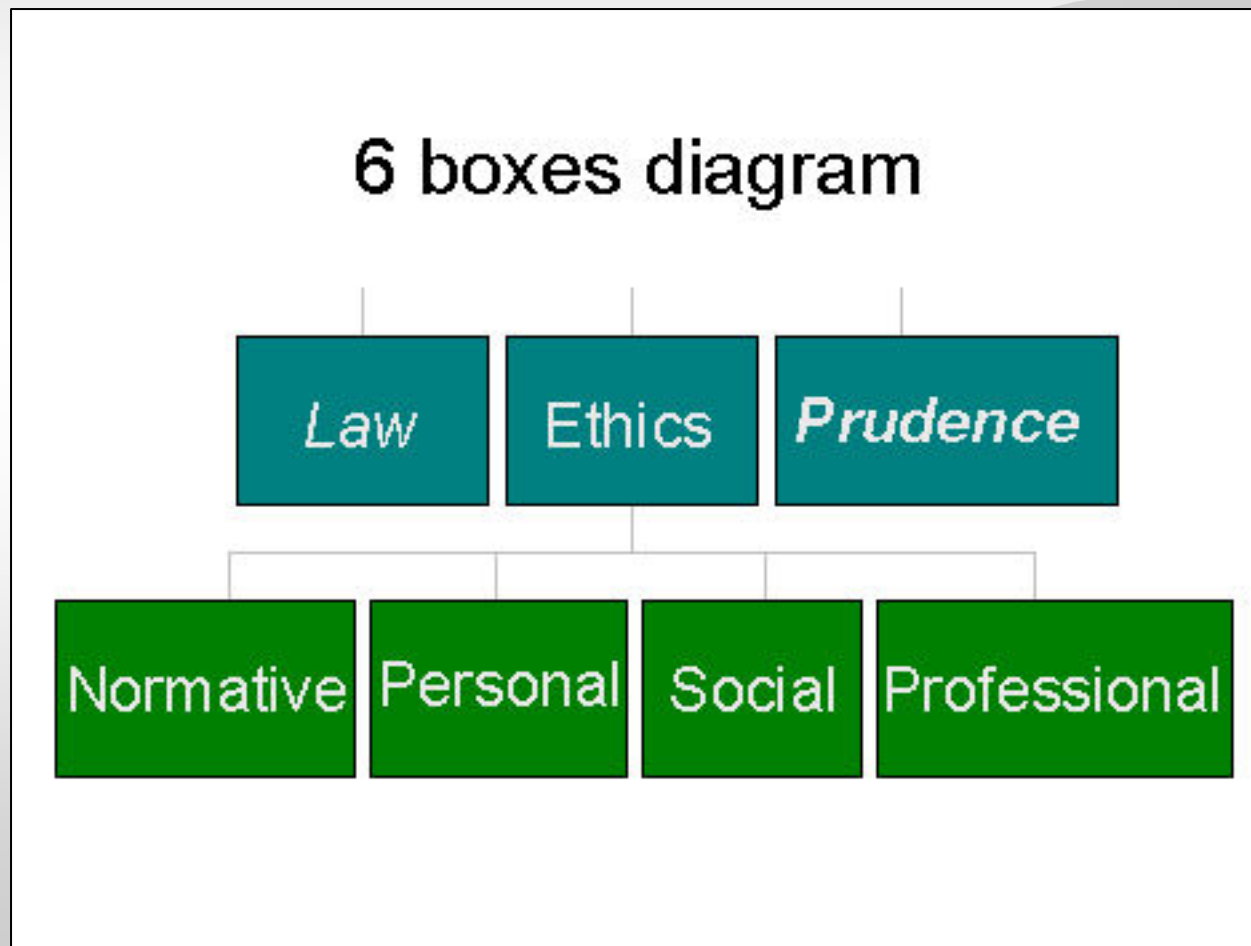
- Begin analysis of state practice acts
  - What you should know by end of this session ...
  - Why state practice acts are important
  - Overall thrust of the major provisions of the MA state practice act
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# Note description for this hour in syllabus

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



# Where do state practice acts sit in the “Six Boxes” diagram?



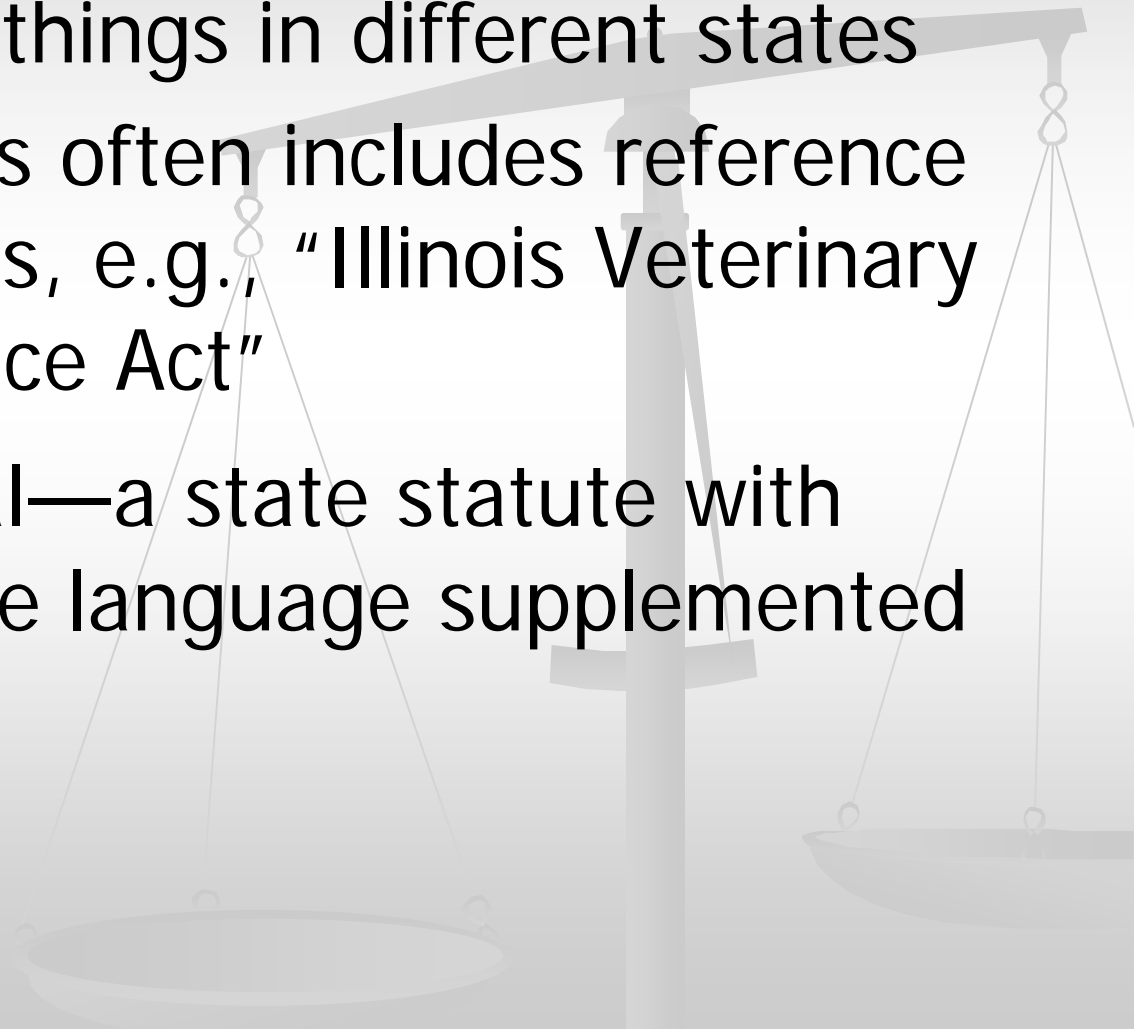
# Sample exam question

- What are the state practice acts?



# Looking at specific language of MA state practice act

- Called different things in different states
  - JAVMA articles often includes reference to specific acts, e.g., “Illinois Veterinary Medical Practice Act”
- MA law is typical—a state statute with somewhat vague language supplemented by regulations



# Mode of mental 'fact-downloading'— specific sections of MA law

- 54A definitions
- 55 registration
- 56E veterinary students
- 57 investigation of complaints



# Most important sections of MA law

- 58 “practicing veterinary medicine”
  - 58A emergency care by veterinarian, no liability
  - 58B reporting cruelty
  - 59 illegal practice, penalties
  - 60 emergency by non-veterinarian; farmers and other exemptions
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# Sample exam questions

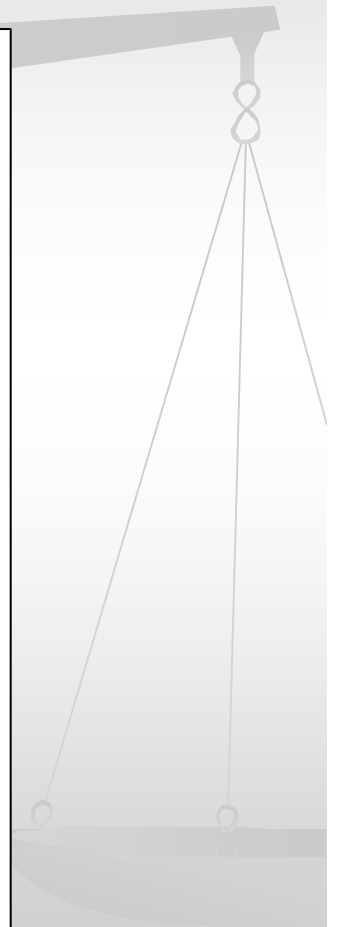
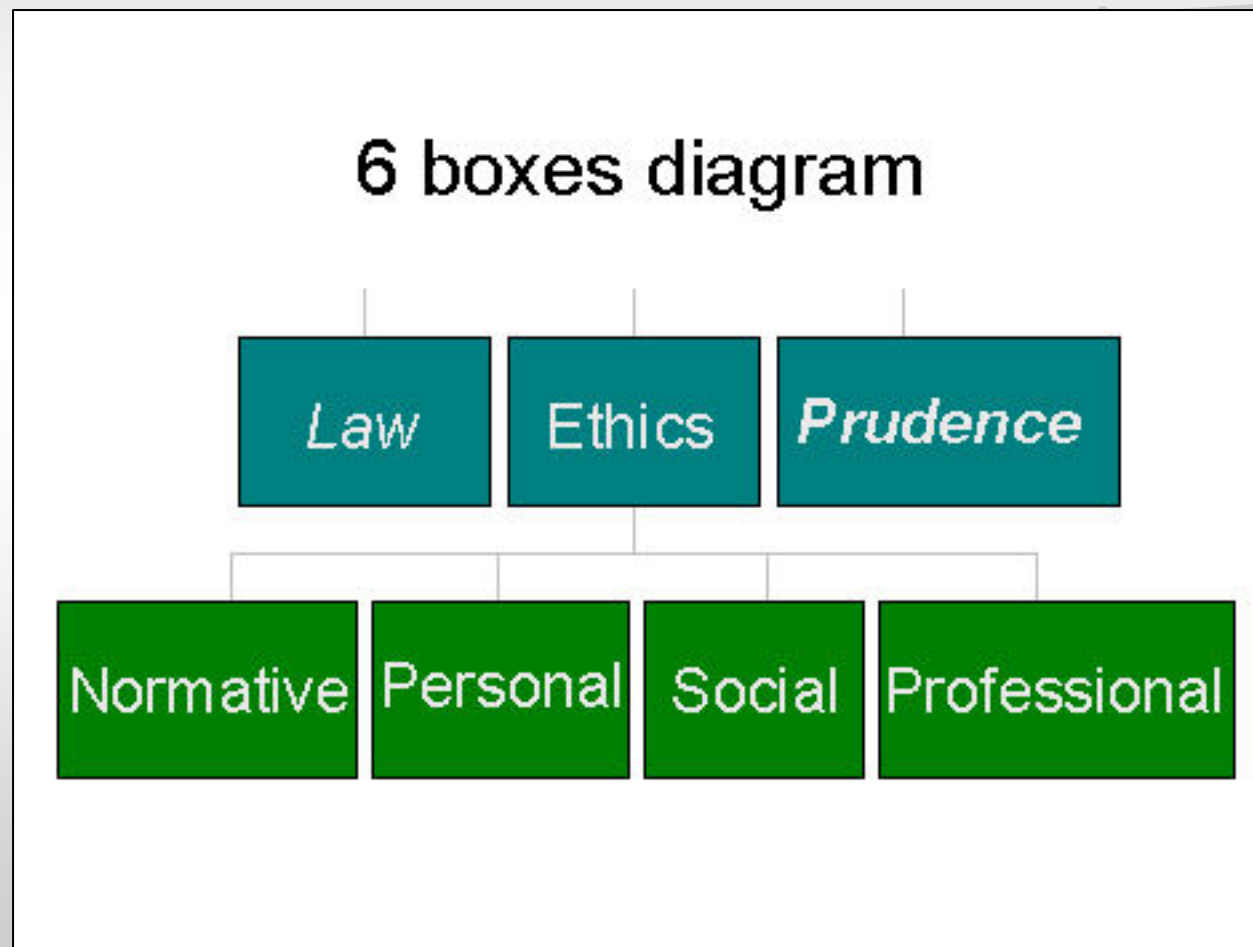
- Why is it that veterinary students, unlicensed under the Massachusetts Practice Act, are allowed to do things that clearly fall within the statute's definition of "the practice of veterinary medicine"?
- Are veterinarians *legally* required to report acts of cruelty to animals that they observe? **Explain**

# Past exam questions



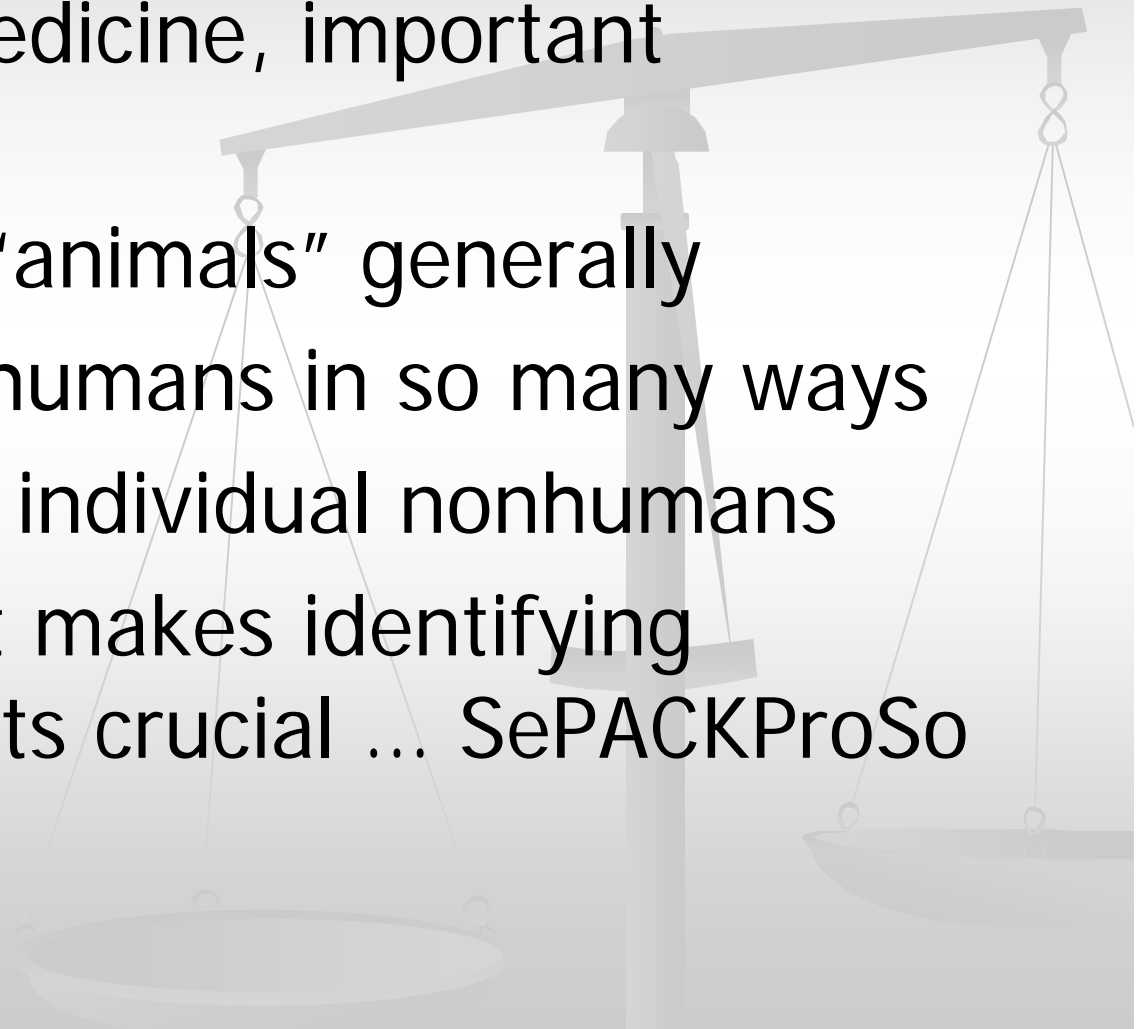
- Explain why ... XYZ ... does or does not constitute the illegal practice of veterinary medicine.
- If a complaint is filed against a Massachusetts veterinarian, what disciplinary options does the Board of Registration in Veterinary Medicine have?
- Under the Massachusetts practice act, what is an “order to show cause”? What is a “Consent Agreement”?

# Placing practice acts into a box



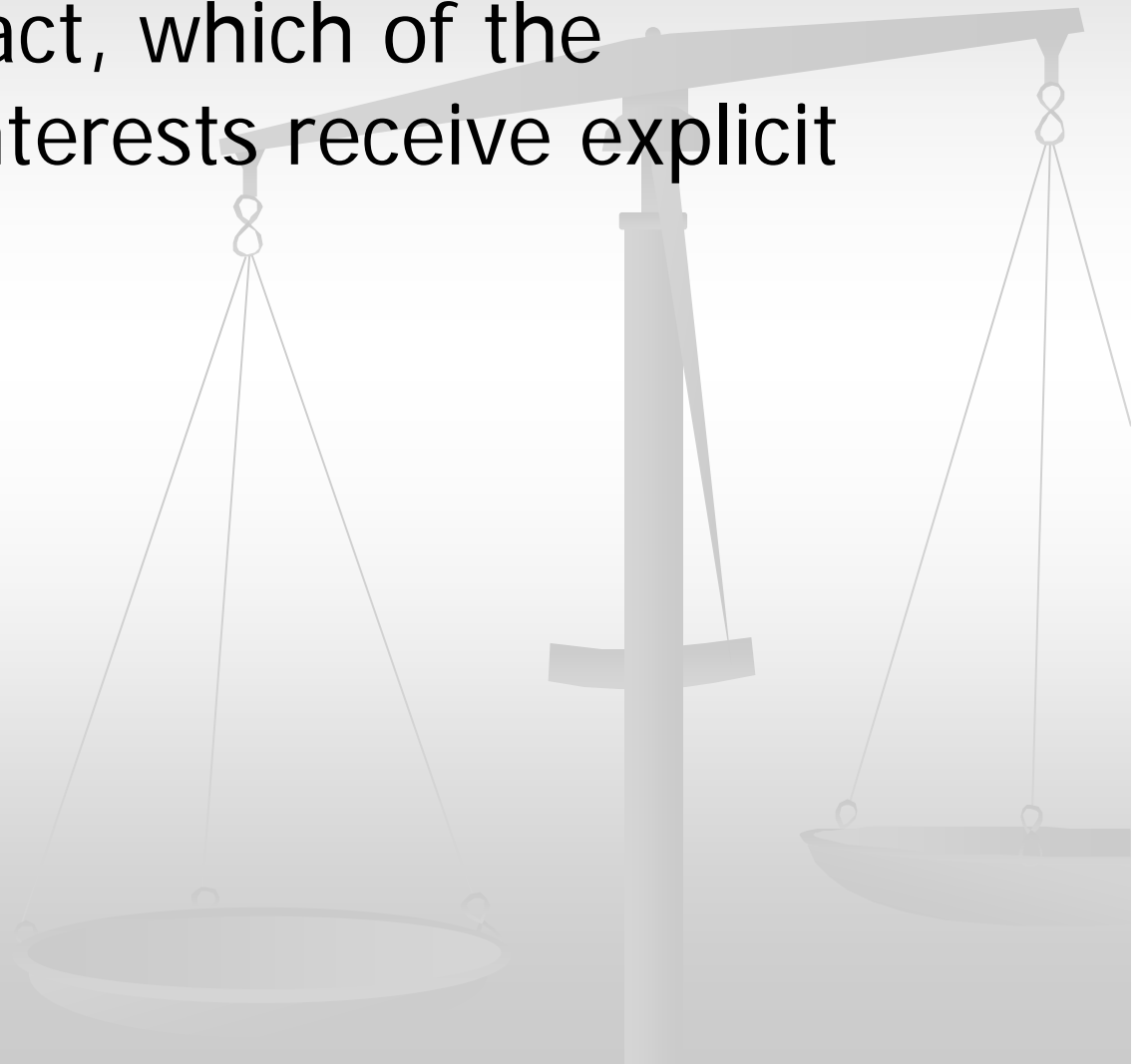
# Veterinary medicine's unique role

- In veterinary medicine, important intersections
- ... concern for “animals” generally
- ... concern for humans in so many ways
- ... concerns for individual nonhumans
- This central fact makes identifying different interests crucial ... SePACKProSo

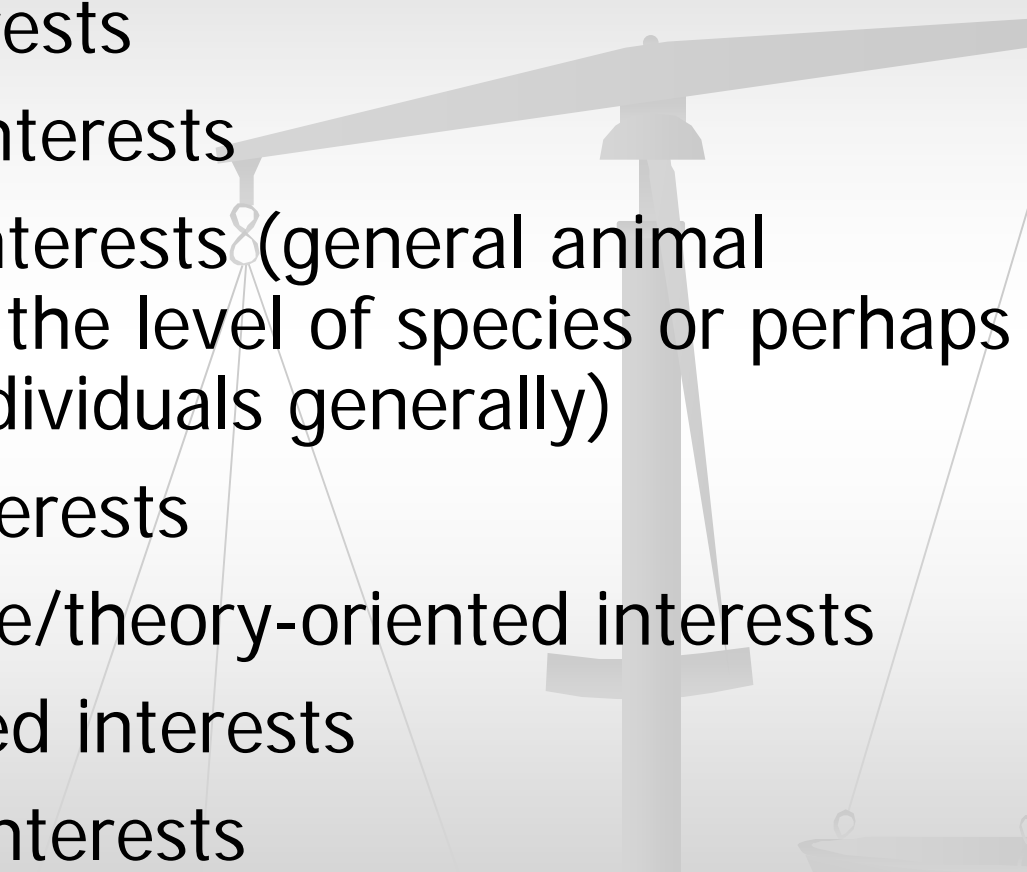


# Practice acts and SePACKProSo

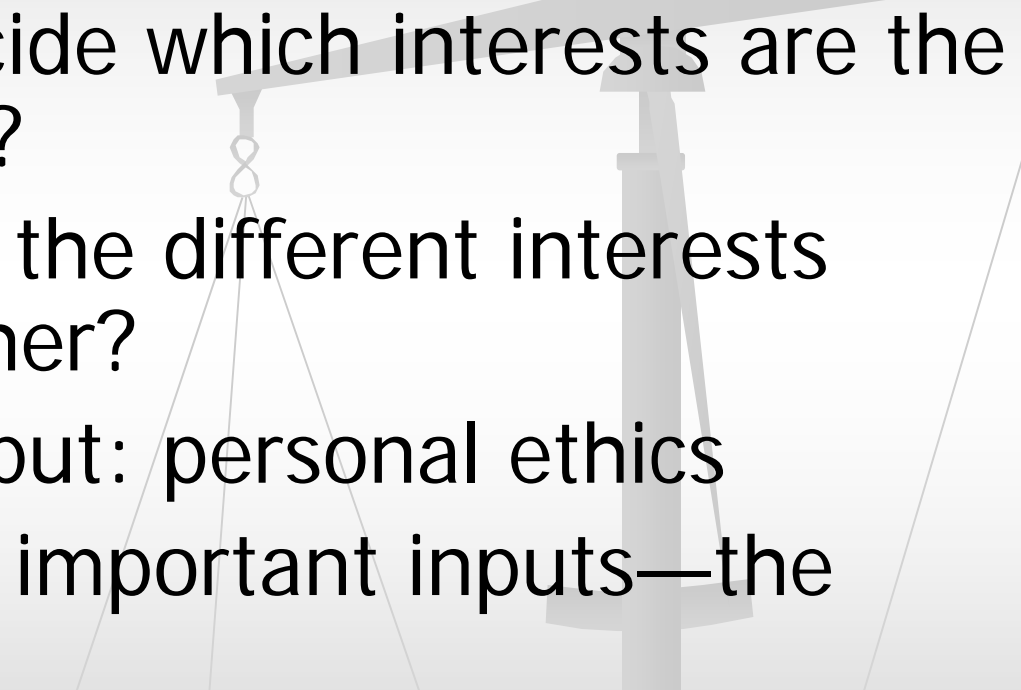
- In MA practice act, which of the SePACKProSo interests receive explicit protection?
- Where? →



# Tannenbaum's interests (1995)

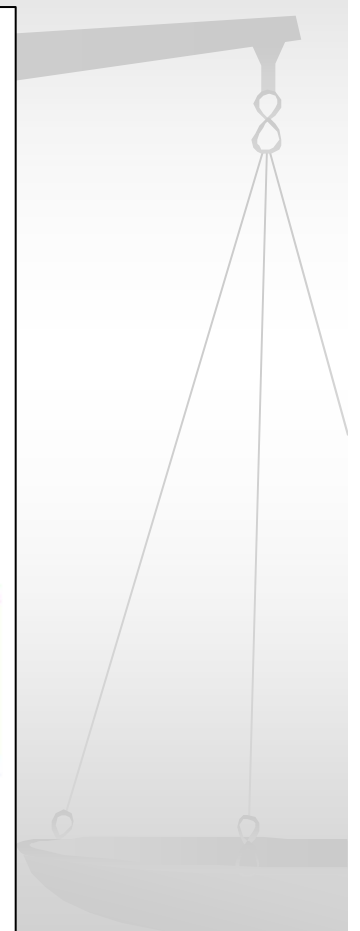
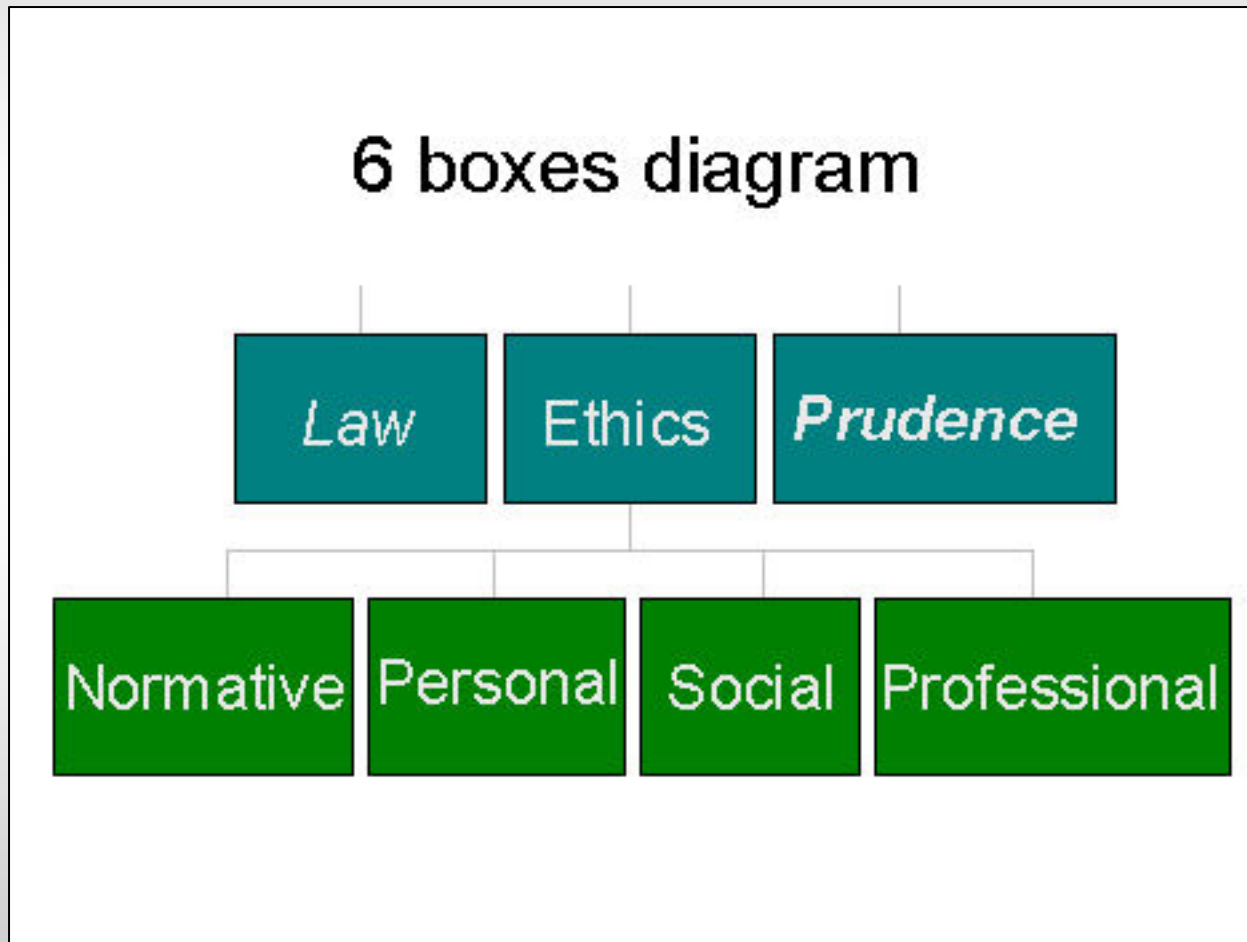
- **S**elf-oriented interests
  - **P**atient-oriented interests
  - **A**nimal-oriented interests (general animal interests, often at the level of species or perhaps compassion for individuals generally)
  - **C**lient-oriented interests
  - **K**nowledge/science/theory-oriented interests
  - **P**rofession-oriented interests
  - **S**ociety-oriented interests
- 

# A general question about SePACKProSo

- How do you decide which interests are the more important?
  - Do you **weight** the different interests against each other?
  - Fundamental input: personal ethics
  - There are other important inputs—the other five boxes
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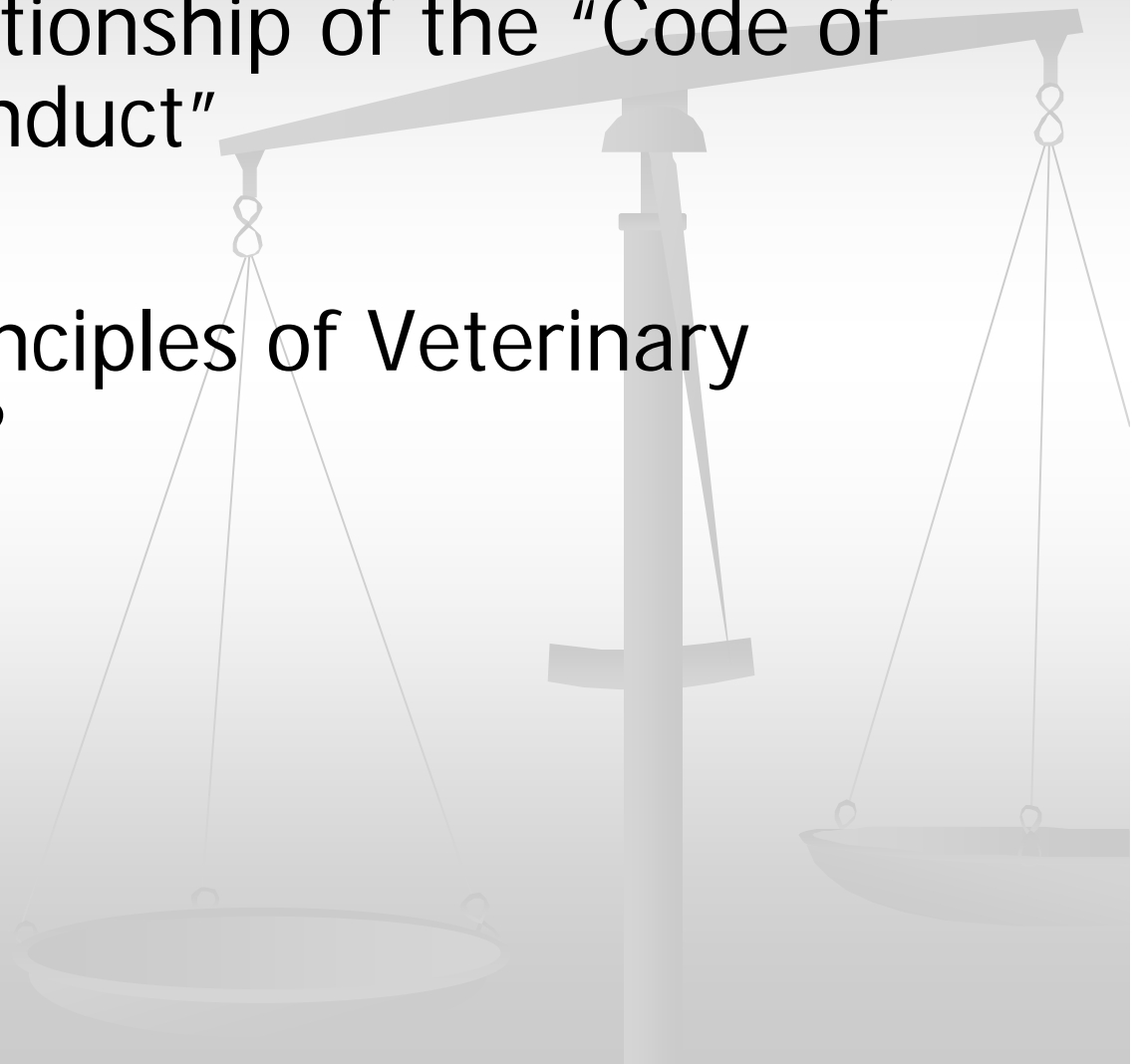
Question—where in the 6 boxes do various codes of “Professional Conduct” sit (e.g., MA regulation 7.01)?

### 6 boxes diagram



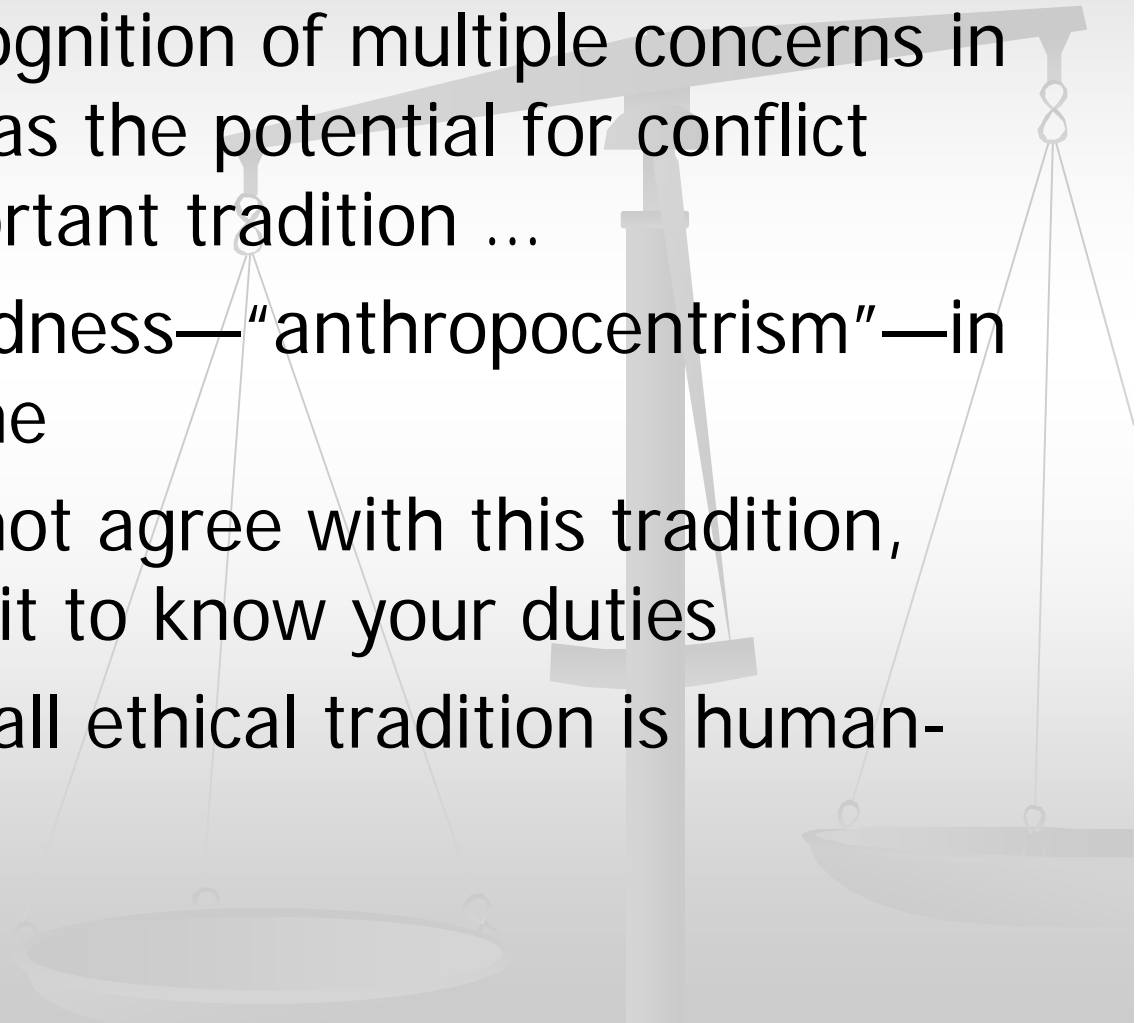
# Question

- What is the relationship of the “Code of Professional Conduct”
- ... and ...
- the AVMA’s “Principles of Veterinary Medical Ethics”?



# Note an implication of multiple interests

- Veterinarians' recognition of multiple concerns in significant ways has the potential for conflict with another important tradition ...
- ... human-centeredness—"anthropocentrism"—in veterinary medicine
- You may or may not agree with this tradition, but you must see it to know your duties
- Our culture's overall ethical tradition is human-centered ...

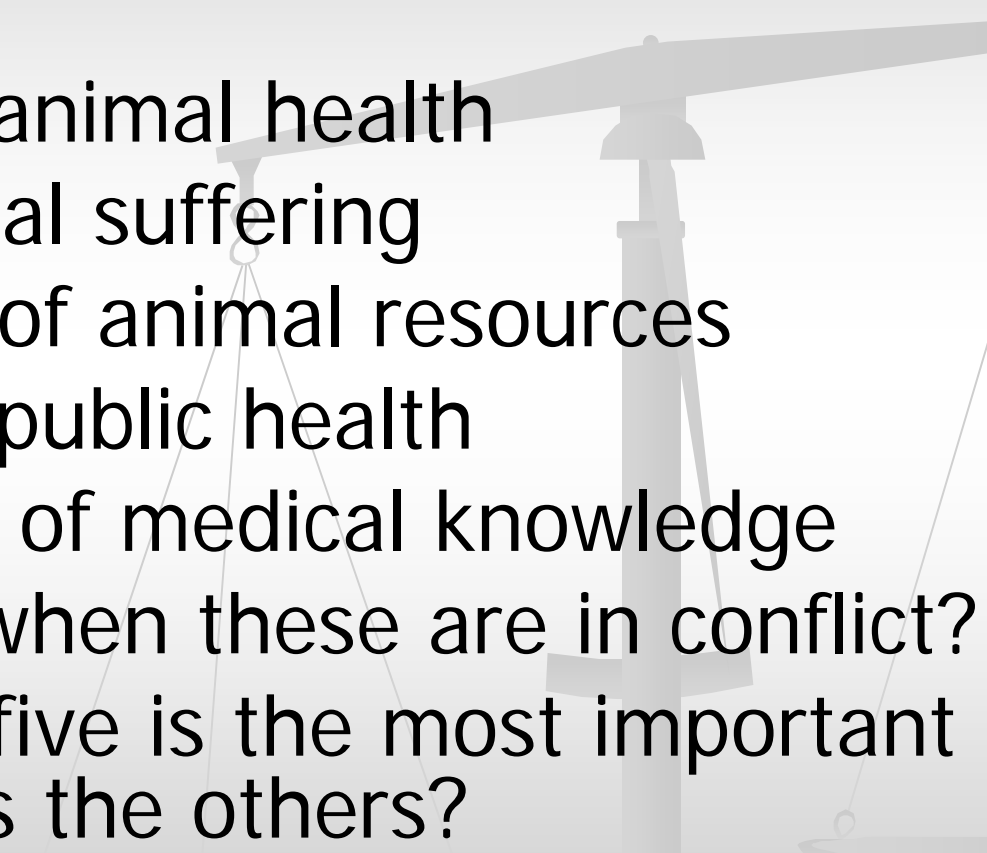


# Implications of multiple interests

- The potential for conflict in veterinarians' loyalty creates ...
  - ... tension
  - ... power
  - ... expertise

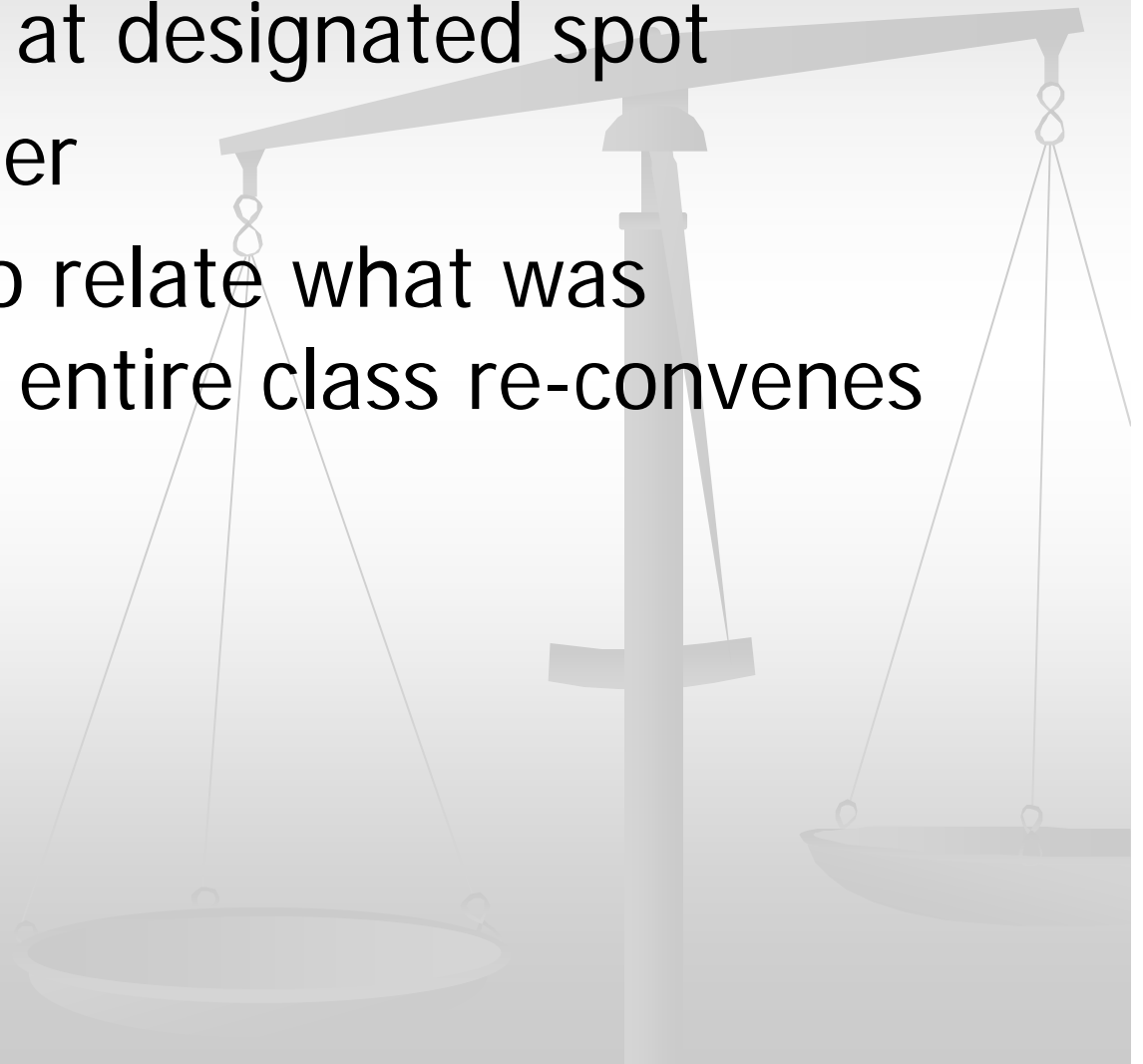


## ... intersection in AVMA oath? ...

- The AVMA's oath—five elements reflect the intersection
    - Protection of animal health
    - Relief of animal suffering
    - Conservation of animal resources
    - Promotion of public health
    - Advancement of medical knowledge
  - What happens when these are in conflict?
  - Which of these five is the most important and thus trumps the others?
- 

# Discussion groups

- Find each other at designated spot
- Choose a reporter
- Reporter then to relate what was discussed when entire class re-convenes



# Next sessions

- If you have questions on syllabus, ask them at the beginning of next session
- Be on time—Minutes Paper on 6 Boxes  
Continue with State Practice Acts and Regulations
- Contrast Regulation 7.01, “Code of Professional Conduct”, with AVMA’s Principles of Veterinary Medical Ethics