

Law and Veterinary Medicine

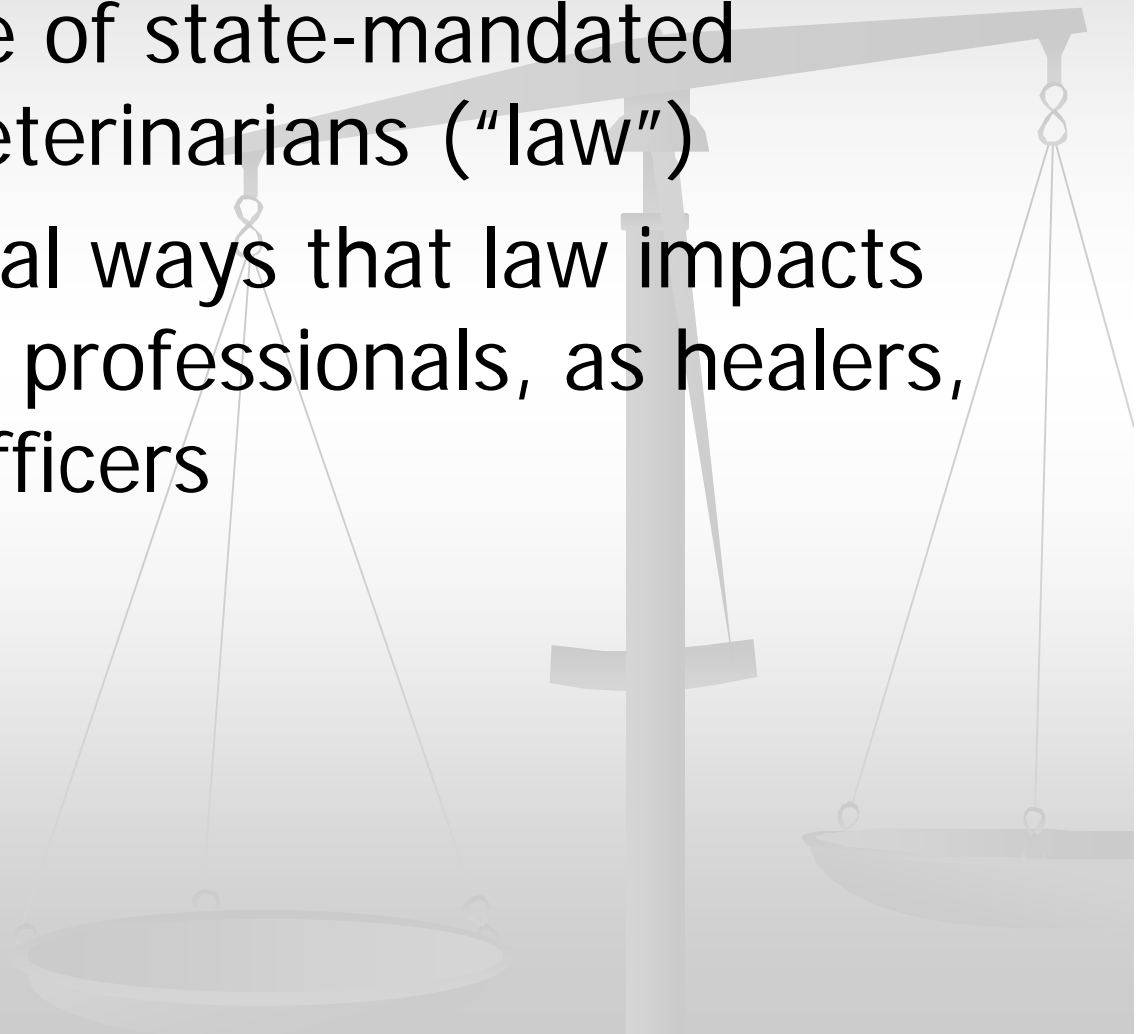


First Hour: State Practice Acts (continued)
November 6, 2006

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As we look at MA's state practice act, stay focused on basic purposes

- Develop a sense of state-mandated standards for veterinarians ("law")
- Recognize special ways that law impacts veterinarians as professionals, as healers, and as health officers



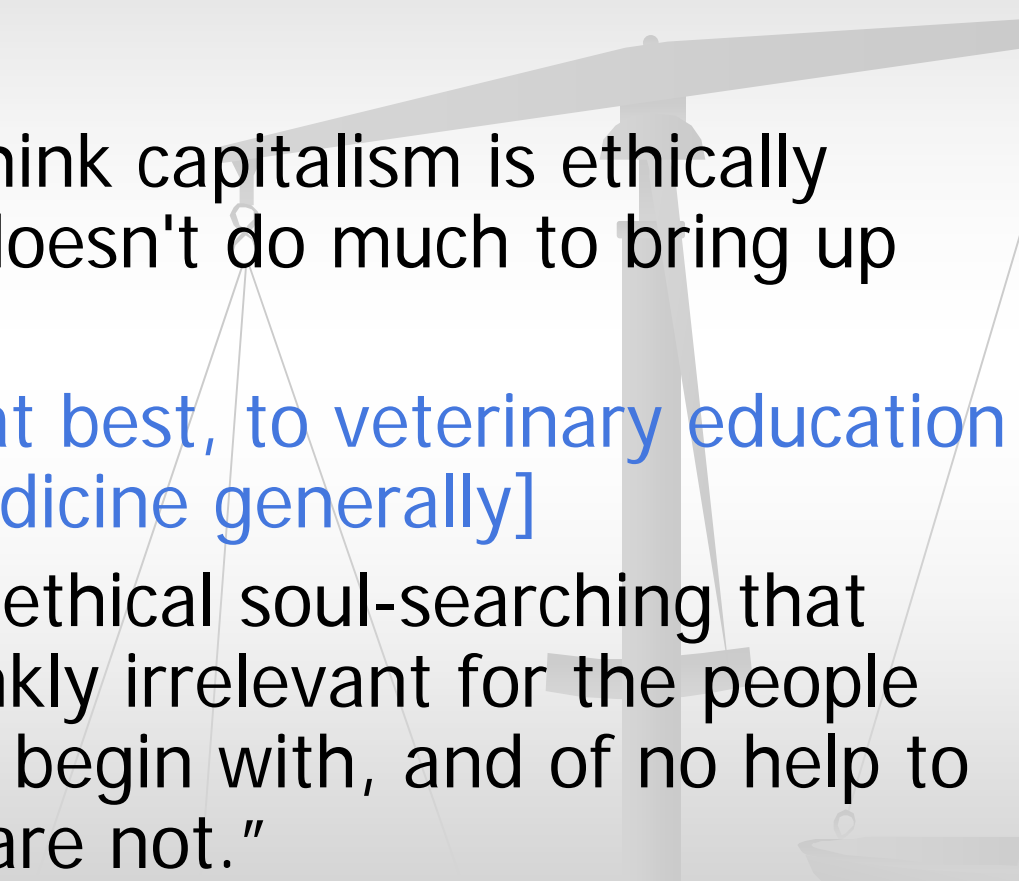
Staying focused on basic purposes

- Think about difference between state's code of conduct for veterinarians and the code of conduct promulgated by the AVMA (Principles of Veterinary Medical Ethics)
- Seek guidelines for realistic solutions that address inevitable tensions from competing "interests" central to veterinary medicine

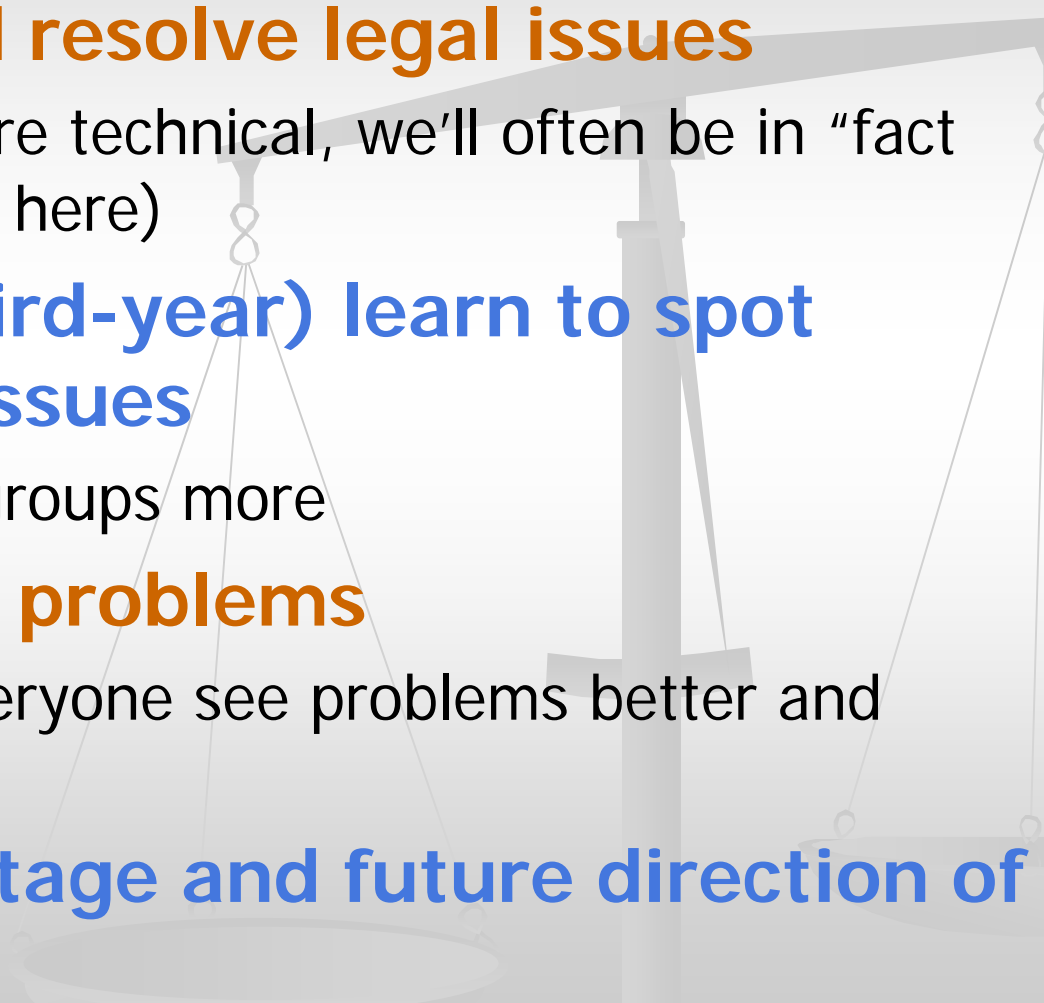
Caveat—doubts about ethics- or values-based courses in the professions

- Harvard Business School article Dec '02 re ethics in the professional school
- “Business schools have been forced to face the fact that they have failed to produce honest brokers,” sociologist (and former HBS professor) Amitai Etzioni intoned in The Washington Post earlier this fall.”

... more doubts ...

- “Is ethics education sufficient at HBS?” wrote one student.
 - “No, not really.
 - Partly because I think capitalism is ethically flawed, and HBS doesn't do much to bring up those issues.”
 - [limited analogy, at best, to veterinary education and veterinary medicine generally]
 - “The high level of ethical soul-searching that occurs here is frankly irrelevant for the people who are ethical to begin with, and of no help to the minority who are not.”
- 

Our task—banish these doubts by accomplishing course purposes

- **Learn to spot and resolve legal issues**
 - (since these are more technical, we'll often be in “fact downloading” mode here)
 - **Later in EVSP (third-year) learn to spot ethical or moral issues**
 - We use discussion groups more
 - **Identify practical problems**
 - Discussion helps everyone see problems better and solutions sooner
 - **Consider the heritage and future direction of your profession**
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... a matter of terminology ...

- “state practice act” =
- the main legislation **AND** the supporting regulations



Minutes Paper on 6 boxes

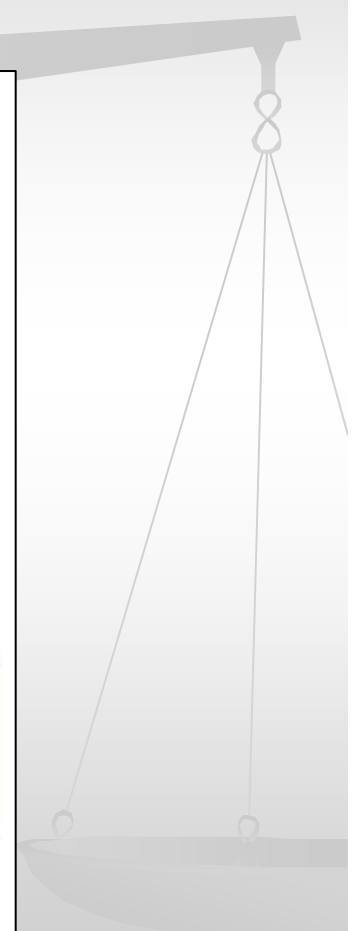
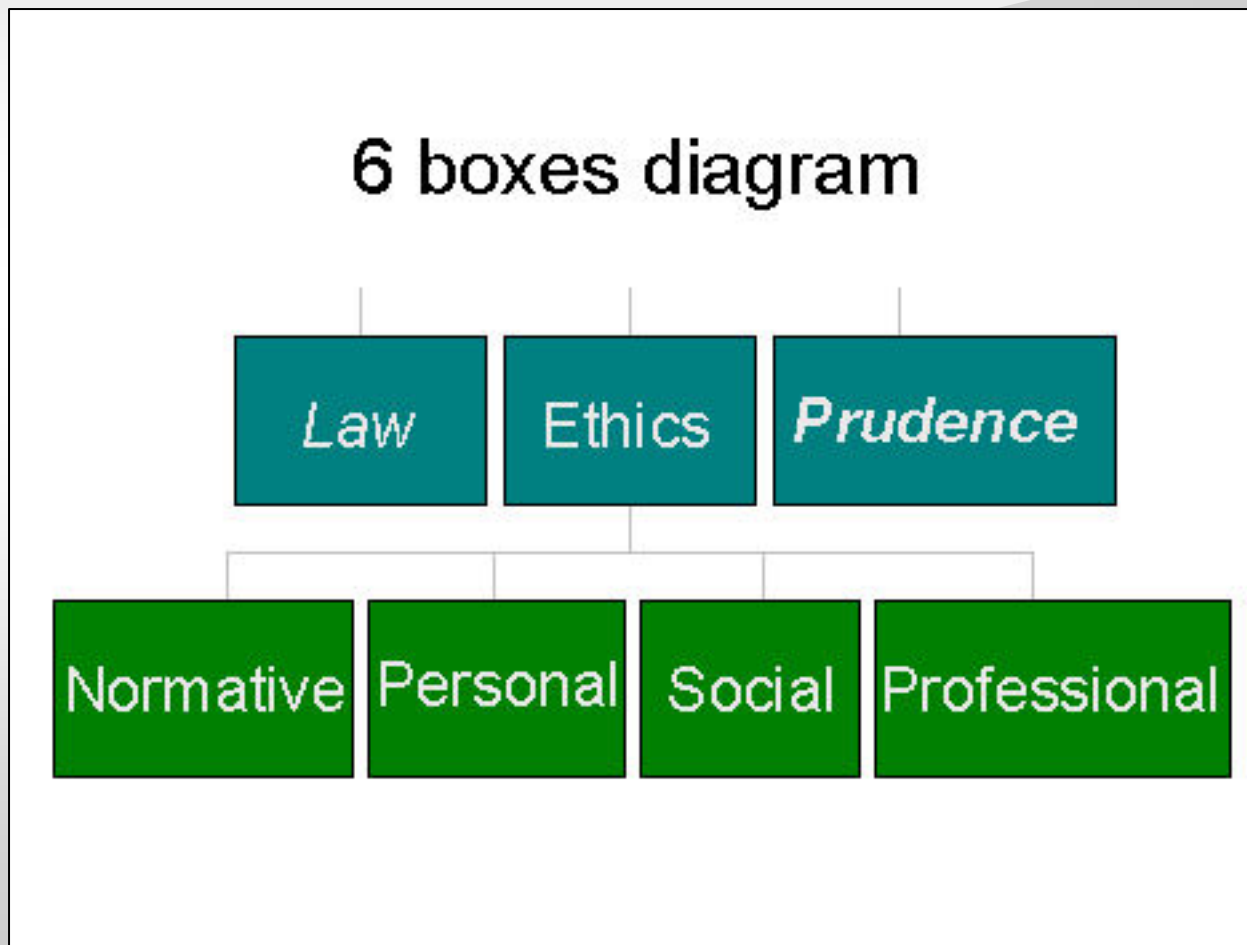


Specific MA Regulations



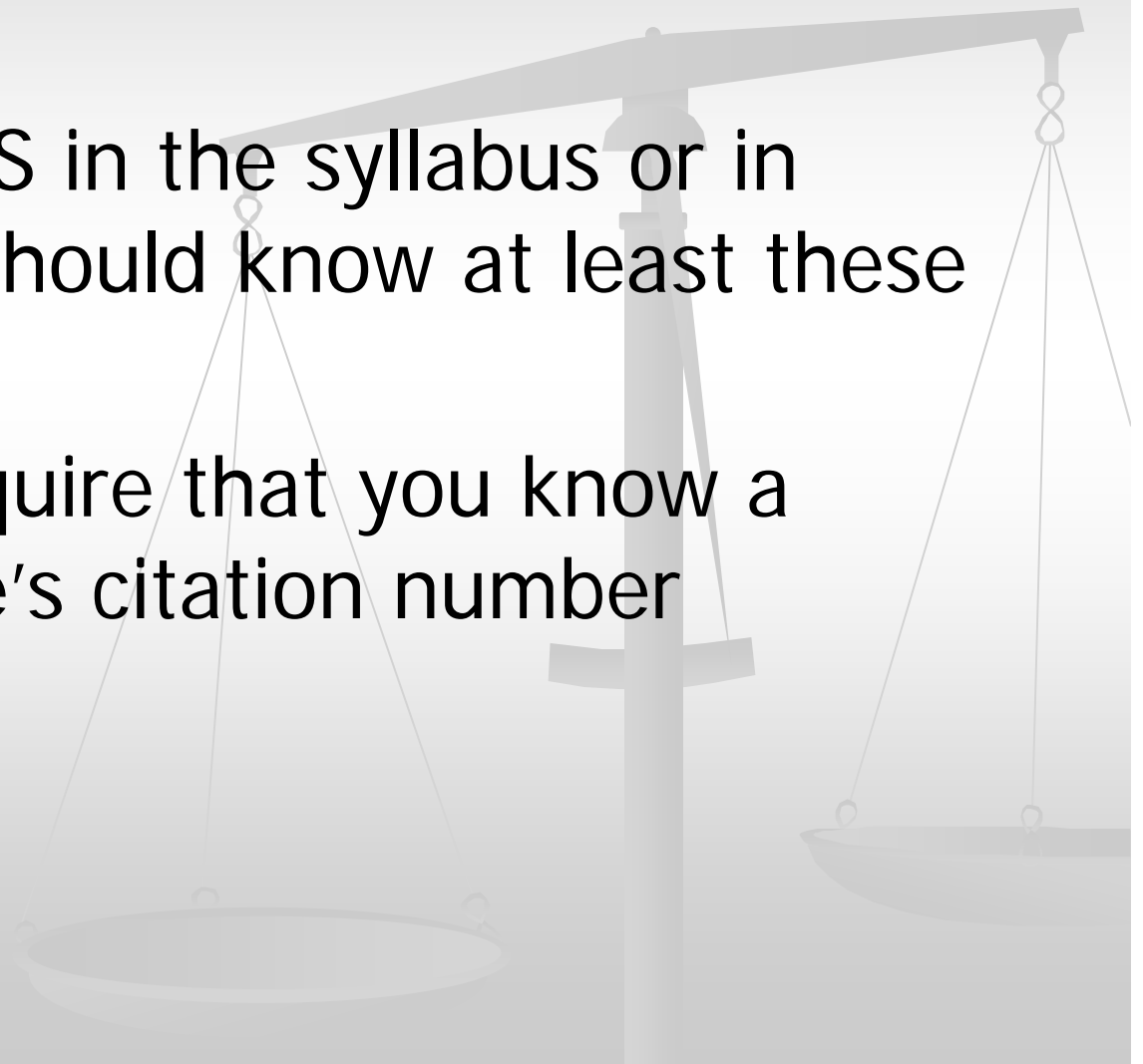
- 2.01 “All licensees ... are charged with having knowledge of the existence of 256 CMR 2.00....”
- **“... and shall be deemed familiar with their provisions and to understand them.”**

Where the regulations sit in the 6 boxes scheme



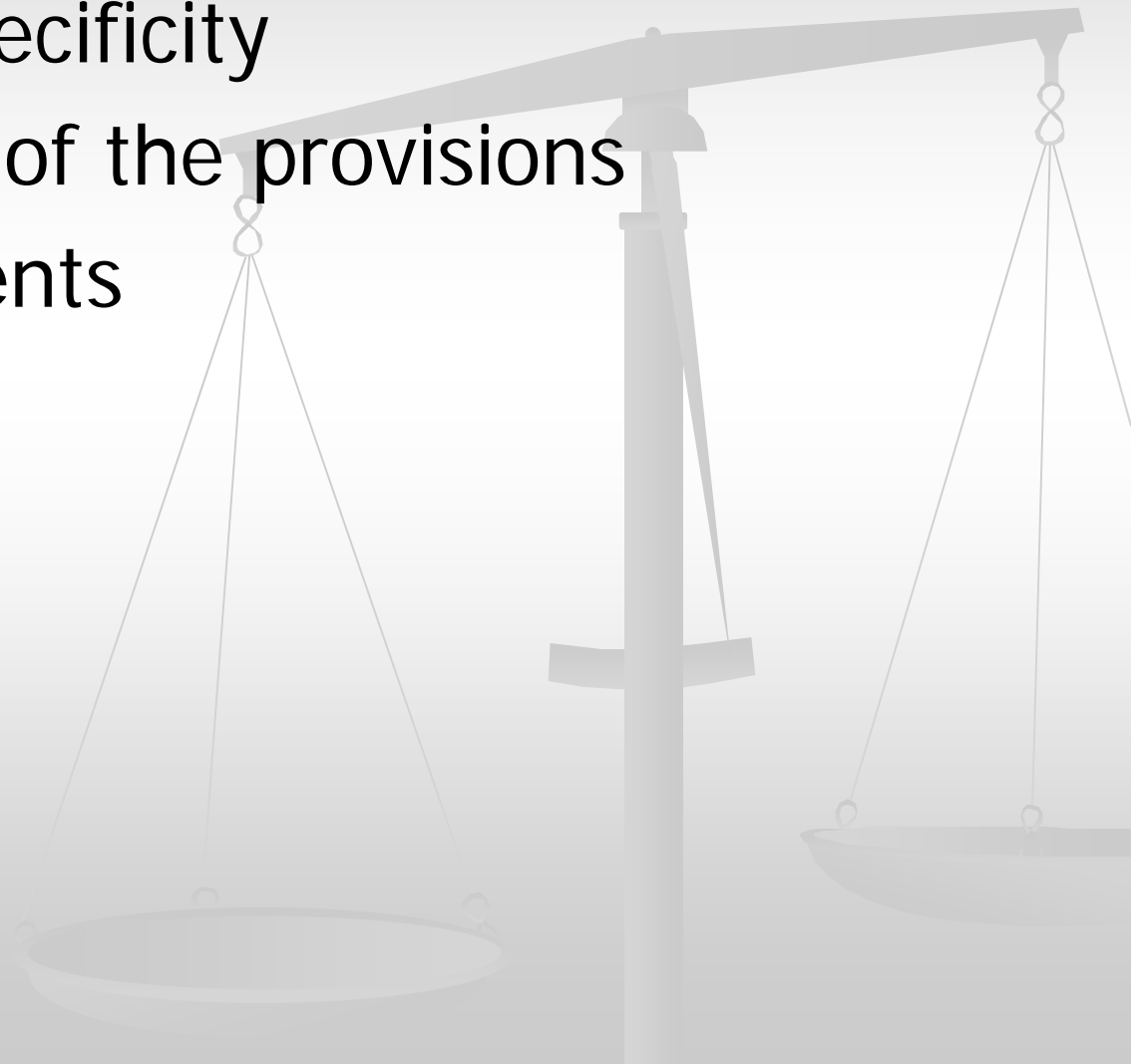
Observations about passages in bold and about numbers

- BOLD PASSAGES in the syllabus or in readings—you should know at least these topics
- I don't *ever* require that you know a specific passage's citation number



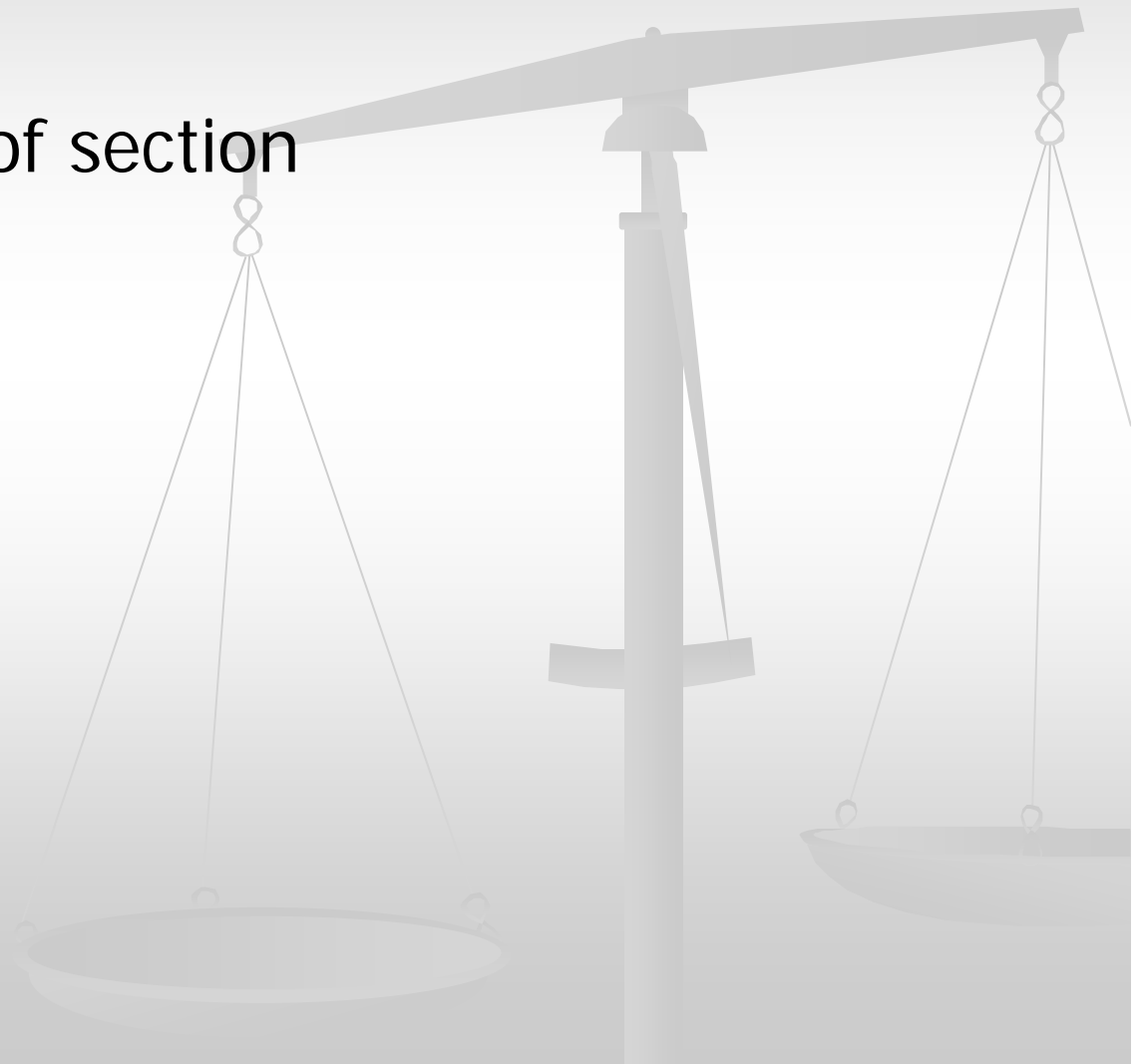
Regulation 5.01, Medical Records

- Note level of specificity
- Common sense of the provisions
- Legal requirements



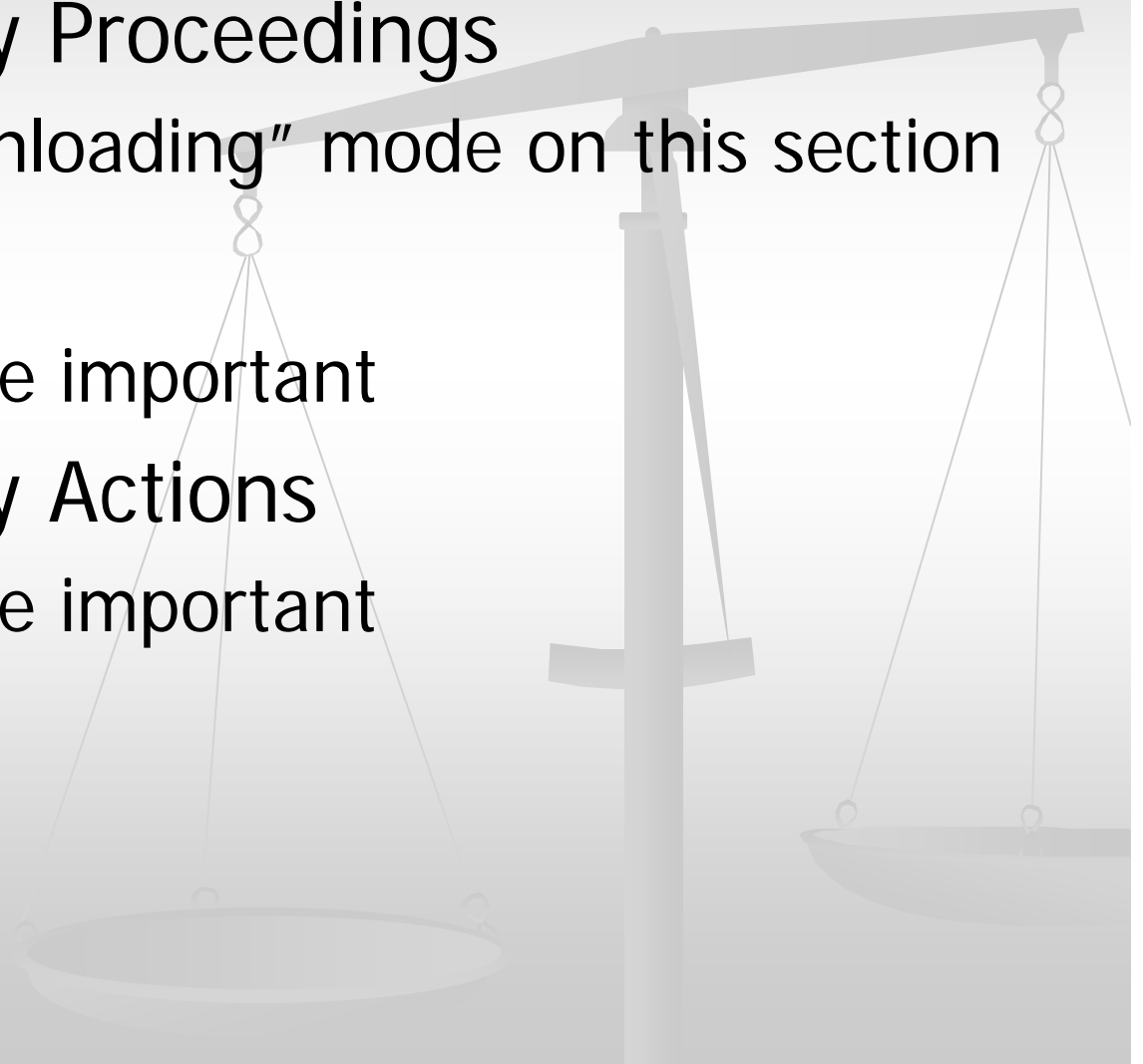
Regulation 5.00

- 5.02 Drugs
 - Look at length of section



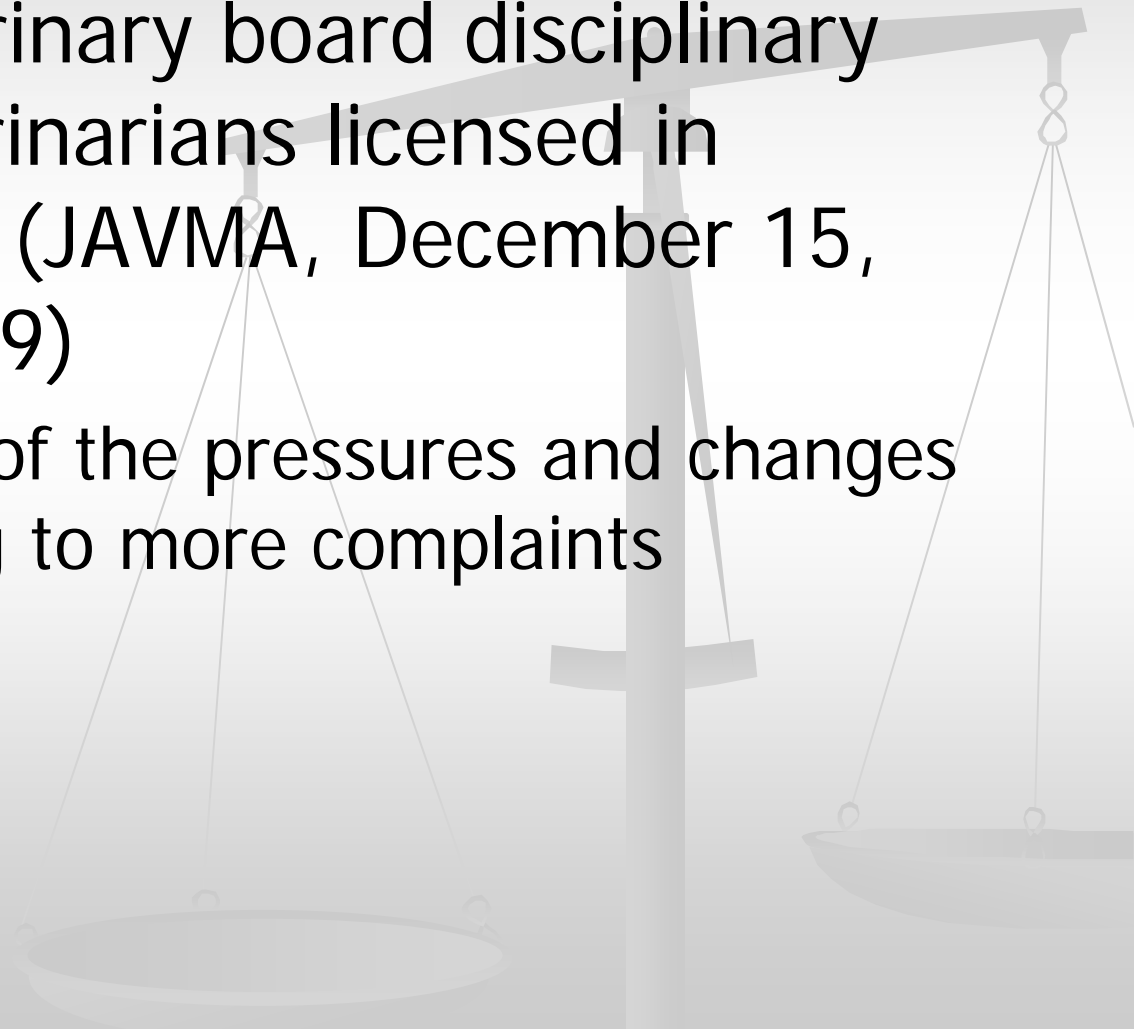
Regulation 6.00

- 6.00 Disciplinary Proceedings
 - Be in “fact downloading” mode on this section
- 6.02 Definitions
 - The specifics are important
- 6.06 Disciplinary Actions
 - The specifics are important



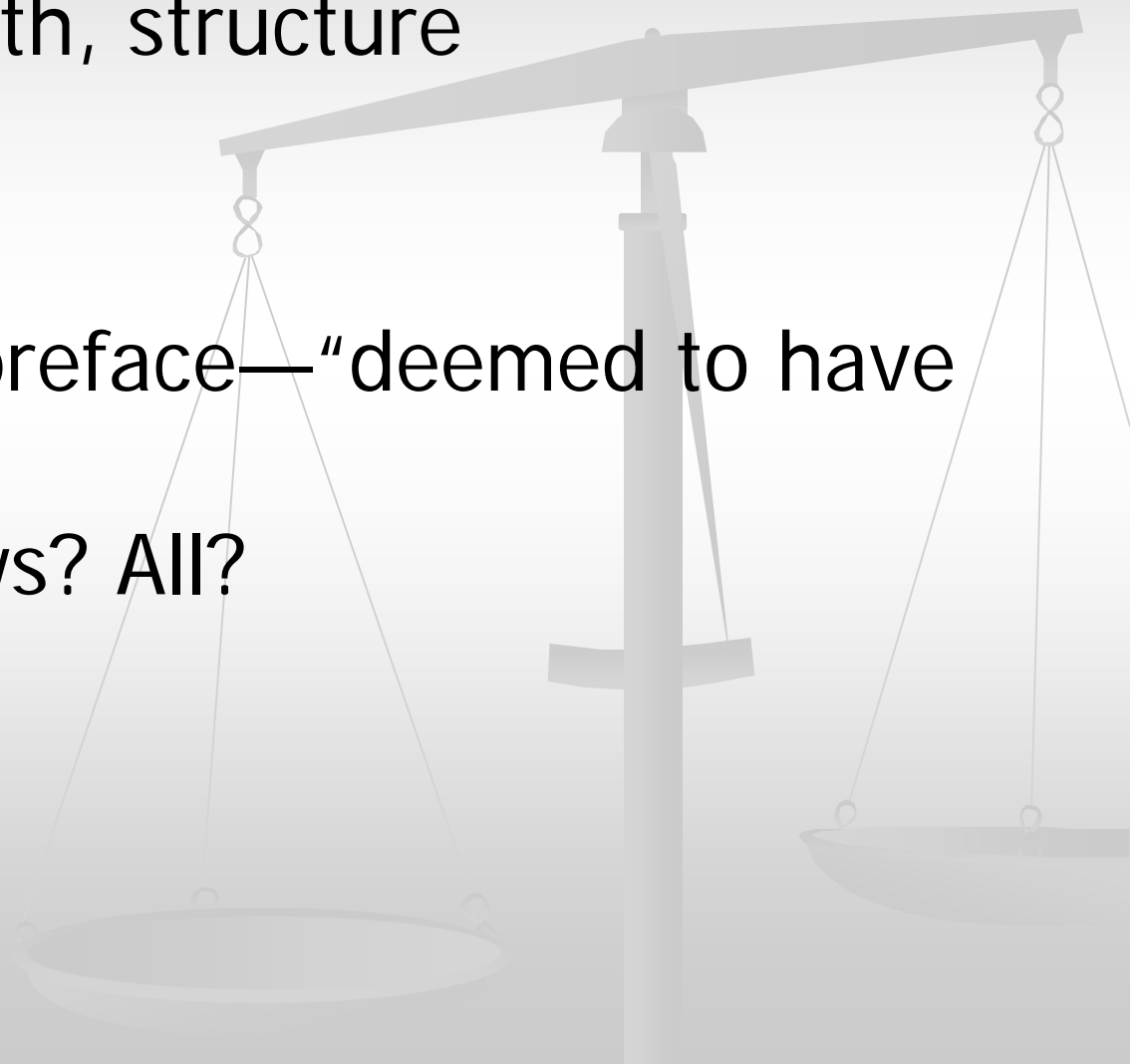
FYI

- “Effects of veterinary board disciplinary actions on veterinarians licensed in multiple states” (JAVMA, December 15, 2005, 1906-1909)
 - Lays out some of the pressures and changes that are leading to more complaints



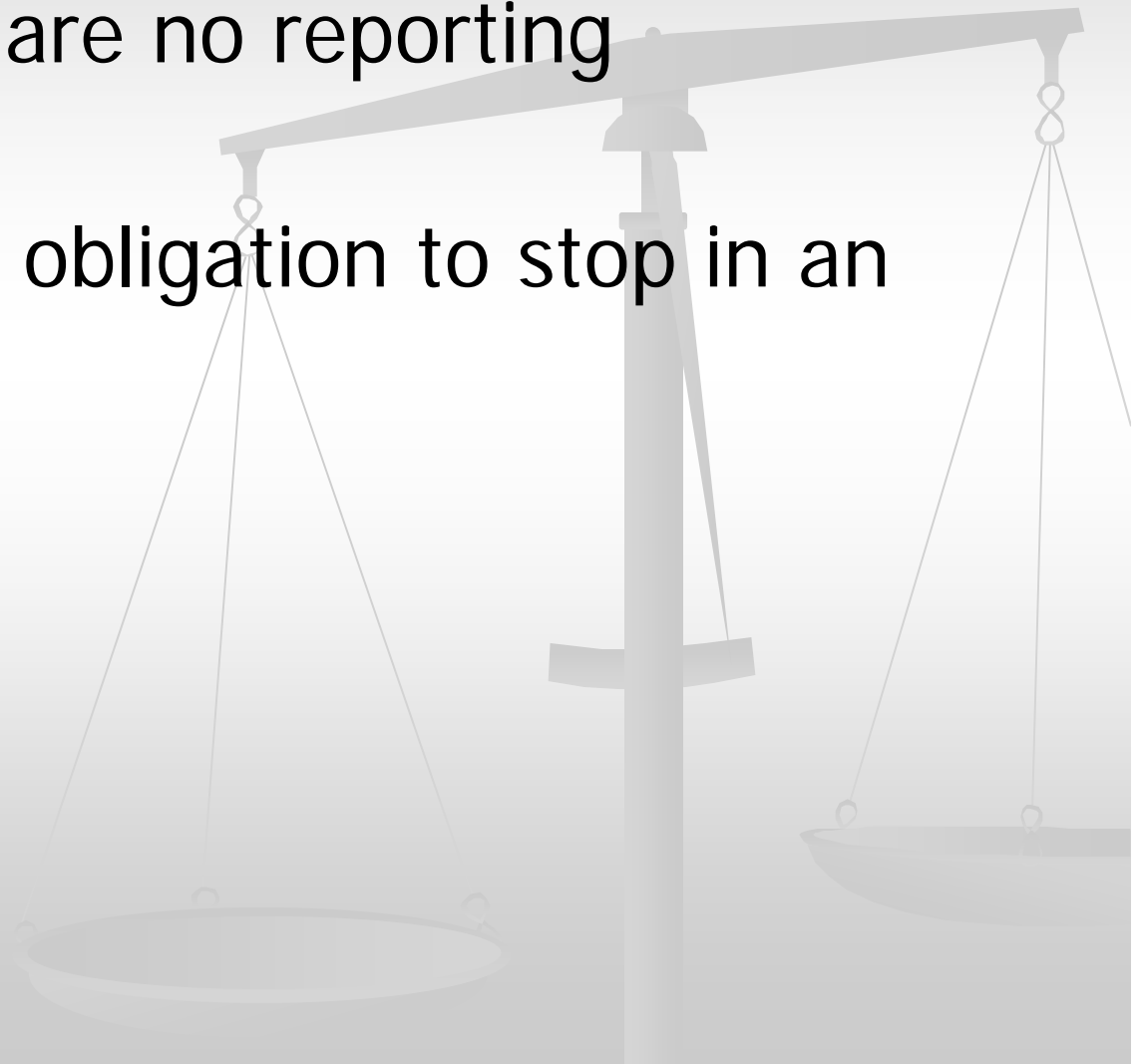
Regulation 7.00

- 7.01—note length, structure
- disorganized?
- archaic?
- (8) recall 2.01 preface—“deemed to have knowledge”
 - But which laws? All?



7.00 generally

- Note that there are no reporting obligations here
- Can you find an obligation to stop in an emergency?
- Why is that so?

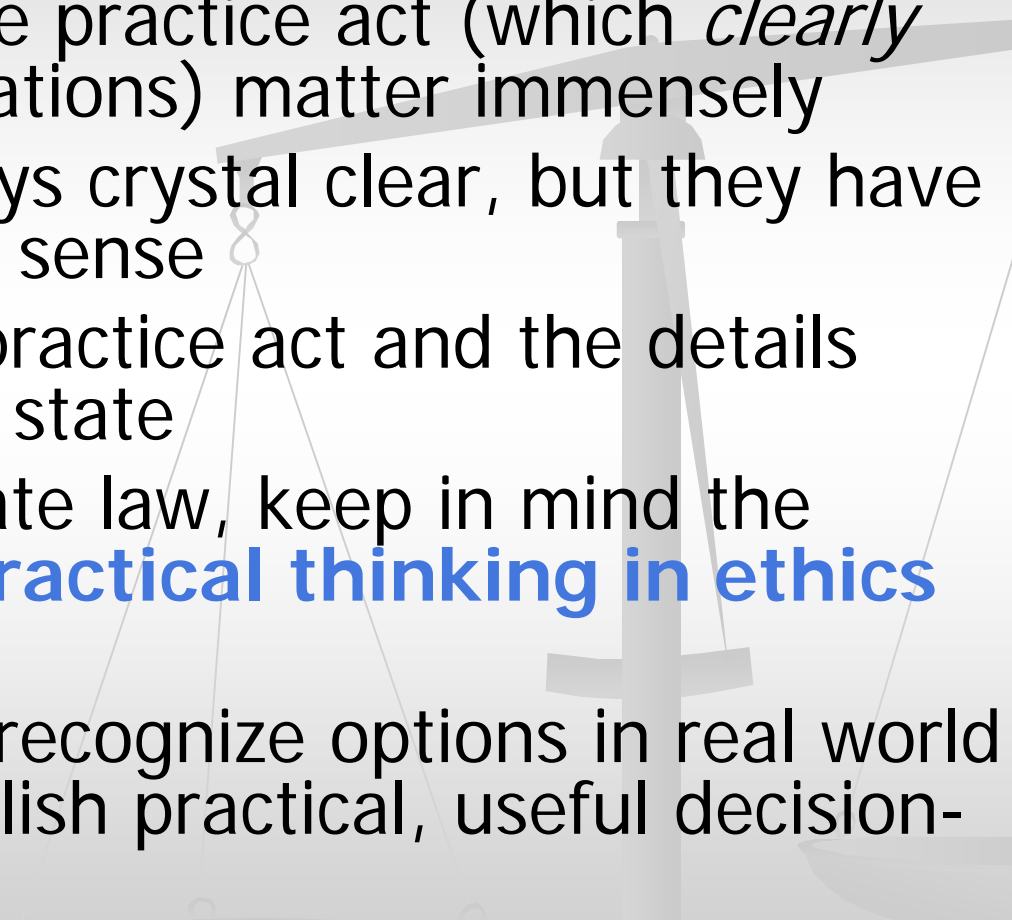


Regulation 8.00

- 8.01 and 8.02 supervision of assistants



Recapitulation— essential points re state law

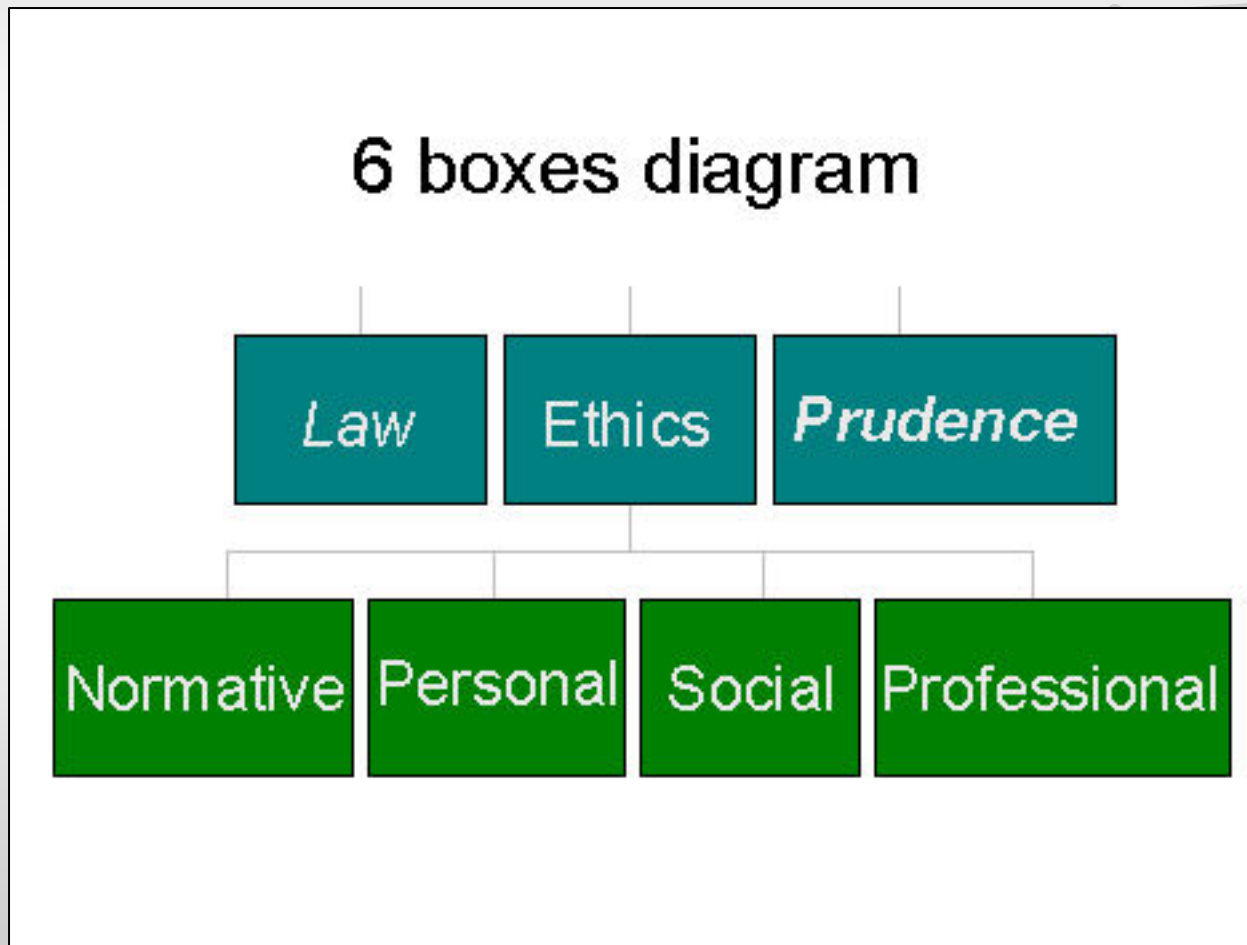
- The details of state practice act (which *clearly* includes the regulations) matter immensely
 - They are not always crystal clear, but they have a core of common sense
 - The name of the practice act and the details vary from state to state
 - In dealing with state law, keep in mind the **importance of practical thinking in ethics** of all kinds
 - This will help you recognize options in real world settings and establish practical, useful decision-making guidelines
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PVME



- Question to Ponder
- What is the relationship between these two elements?
 - (1) MA regulations' "Code of Professional Conduct" (Section 7.01)
 - and
 - (2) AVMA's "Principles of Veterinary Medical Ethics"

Simple question: Where does the PVME fit into the 6 boxes?



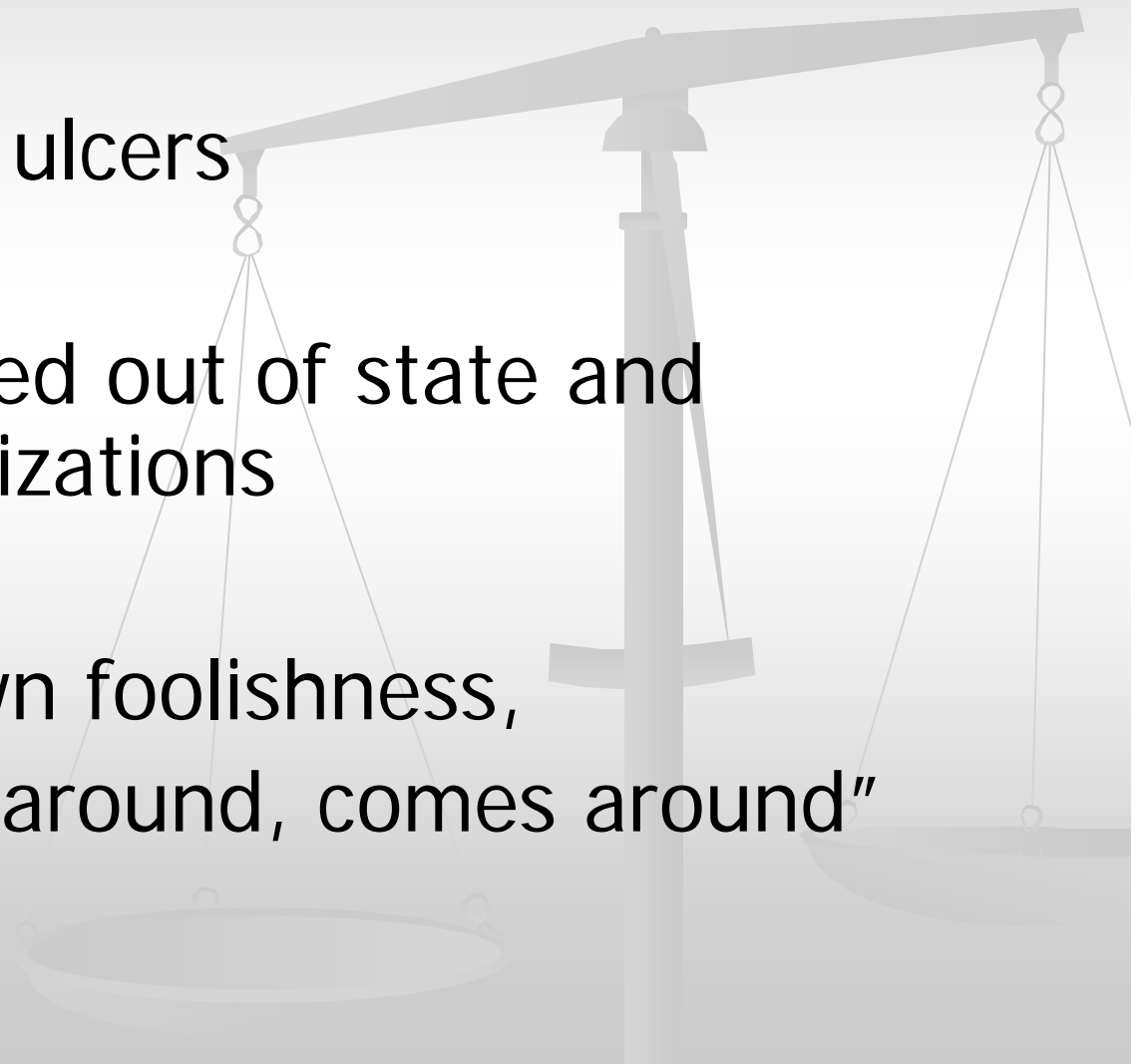
One way to distinguish the boxes ... what remedies for violation?

- Law?
 - – “police power”
- Normative?
 - – philosophers won't respect you in the morning
- Social?
 - – poor social life, poor business



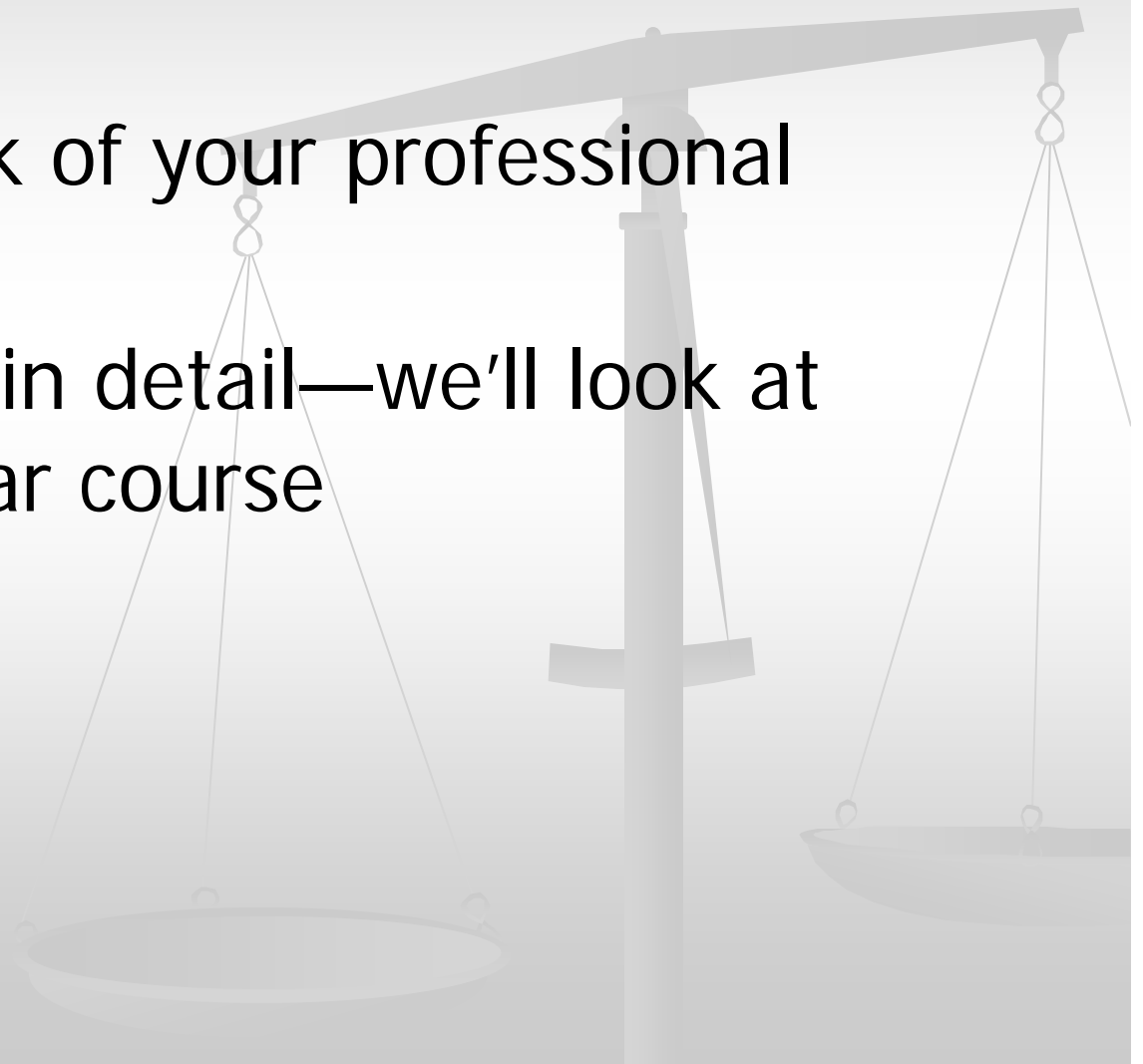
... what remedies for violation?

- Personal?
 - – conscience, ulcers
- Professional?
 - – getting kicked out of state and national organizations
- Prudence?
 - – victim of own foolishness,
 - – “what goes around, comes around”

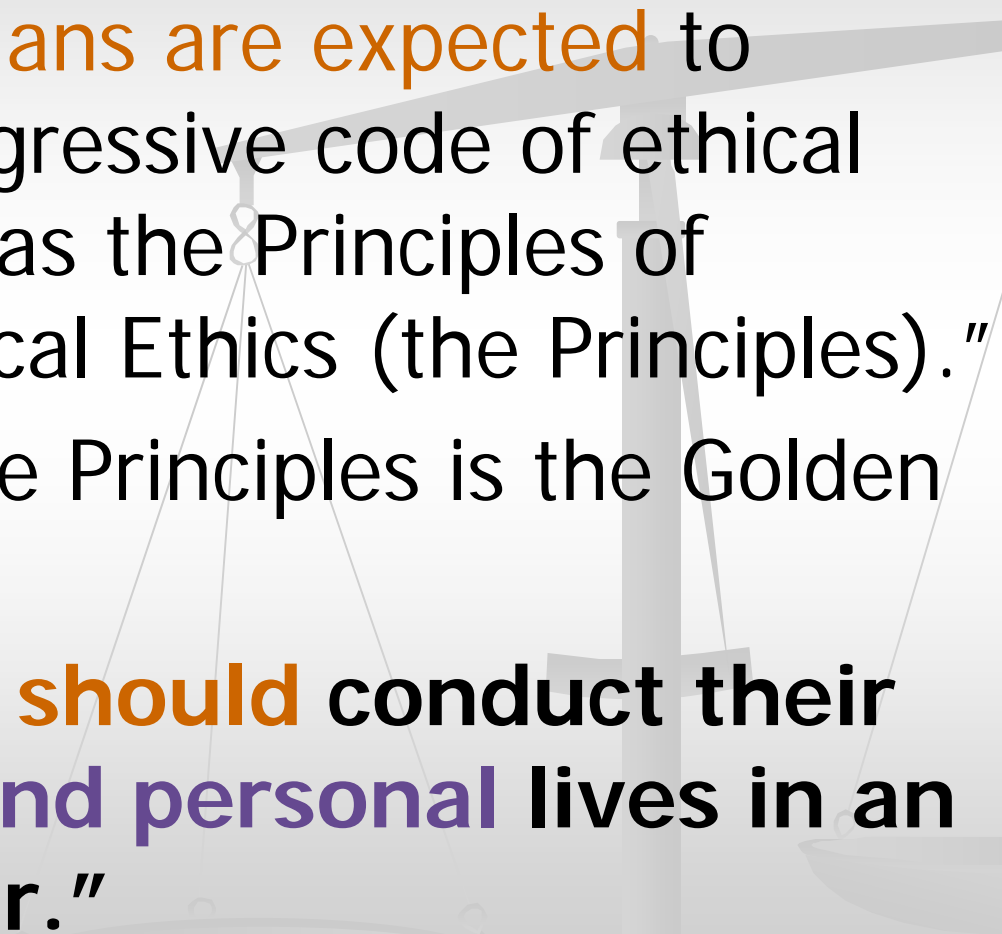


Preliminary discussion of PVME

- Another bedrock of your professional ethics
- Worth knowing in detail—we'll look at details in 3rd year course



I. Introduction

- B. “**All veterinarians are expected** to adhere to a progressive code of ethical conduct known as the Principles of Veterinary Medical Ethics (the Principles).”
 - “The Basis of the Principles is the Golden Rule”
 - “(Veterinarians) **should** conduct their **professional and personal** lives in an **ethical manner.**”
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II. Professional Behavior

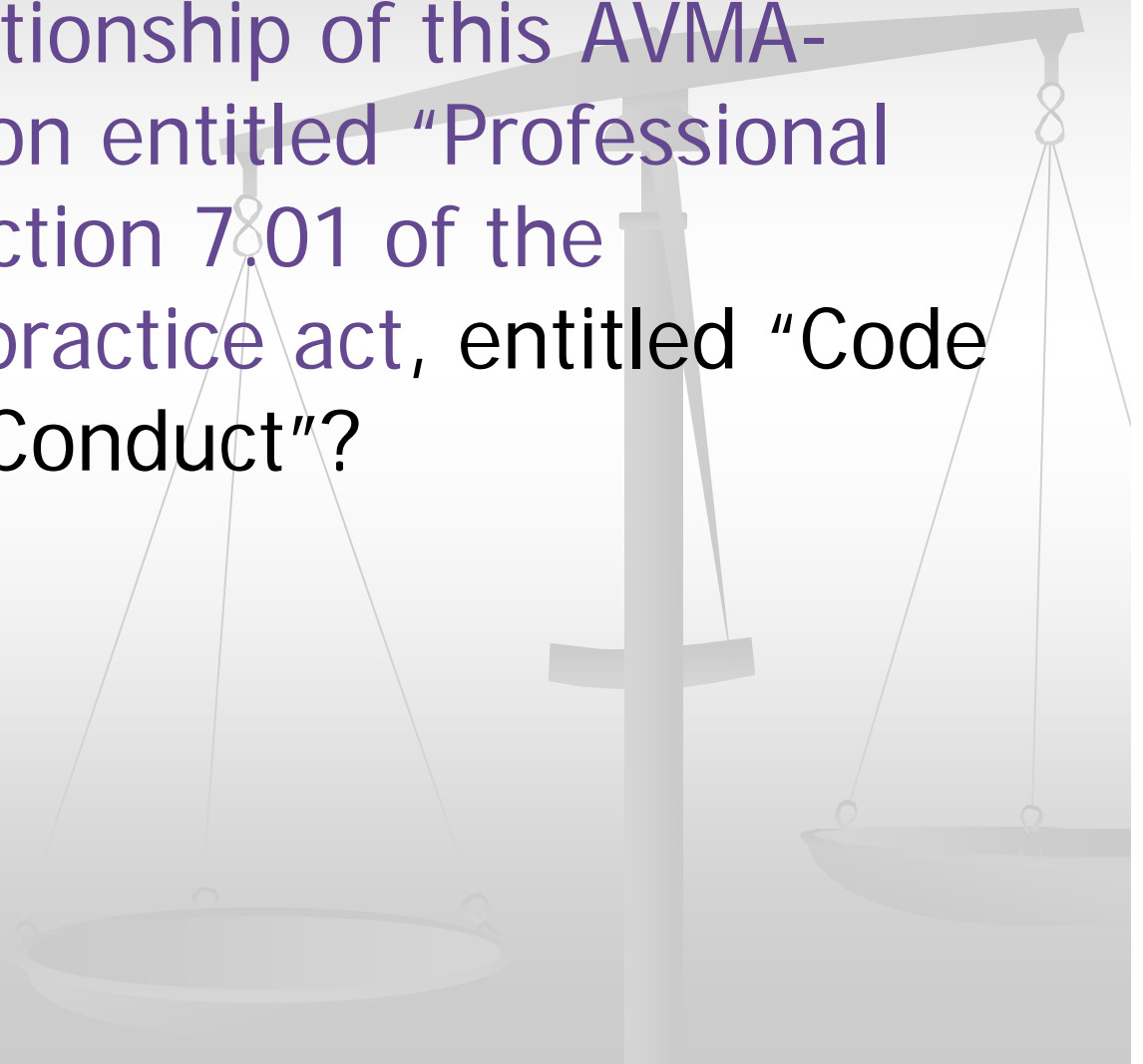
Consider the outline of the Code, Section II :

- A.
- B.
 - 1.
 - 2.
 - 3.
- C.
- D.
- E.
- F.
 - 1.
 - 2.
- G.
- H.
- I.
- J.
- K.
- L.
- M.



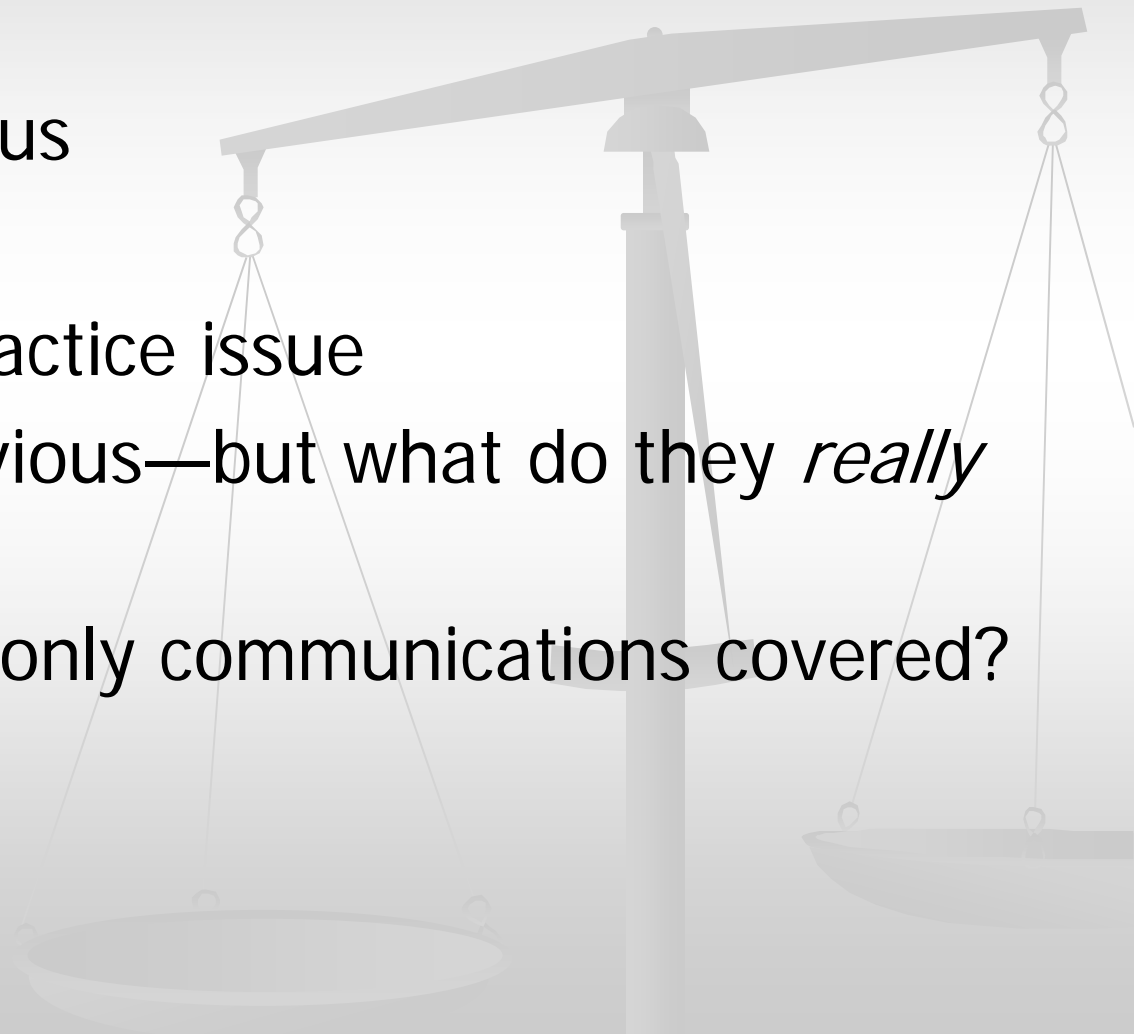
Sample final exam question

- What is the relationship of this AVMA-generated section entitled “Professional Behavior” to Section 7801 of the Massachusetts practice act, entitled “Code of Professional Conduct”?

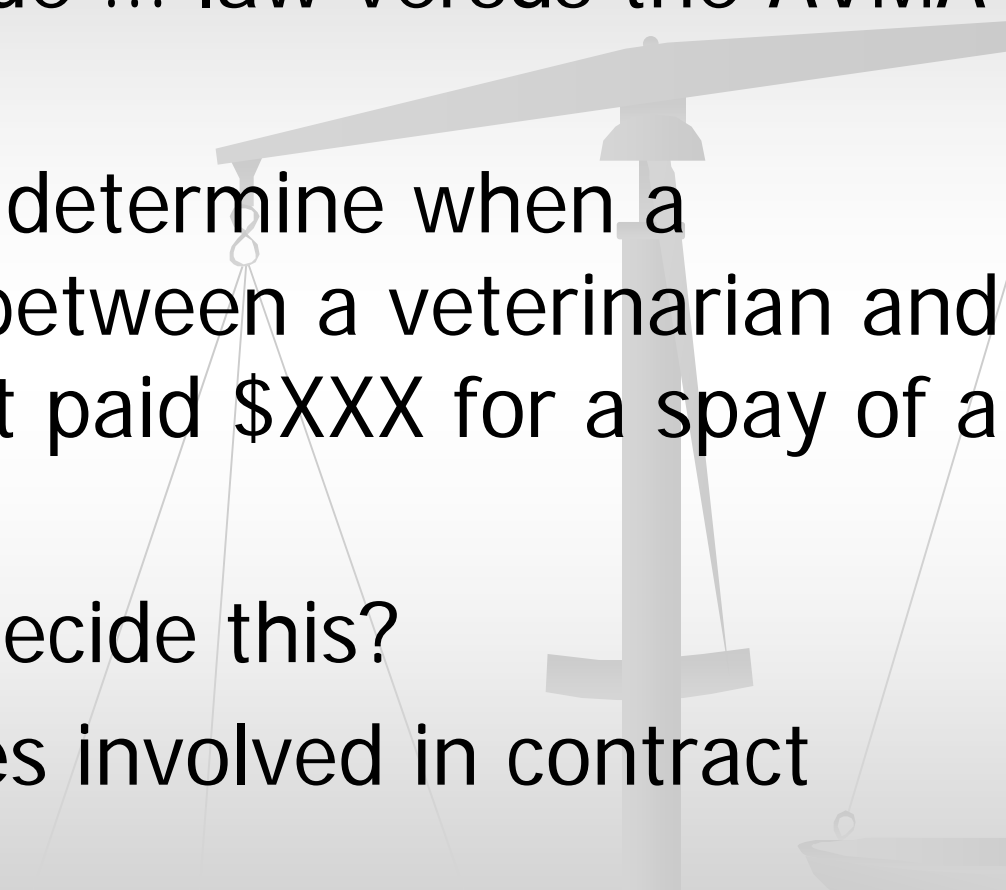


Subsections of II., Professional Behavior

- B. ... *all* laws?
- C. and D. ... obvious
- F. ... emergencies
- G. ... corporate practice issue
- H., I., J., K. ... obvious—but what do they *really* mean?
- L. ... privacy—are only communications covered?
- M. ... obvious

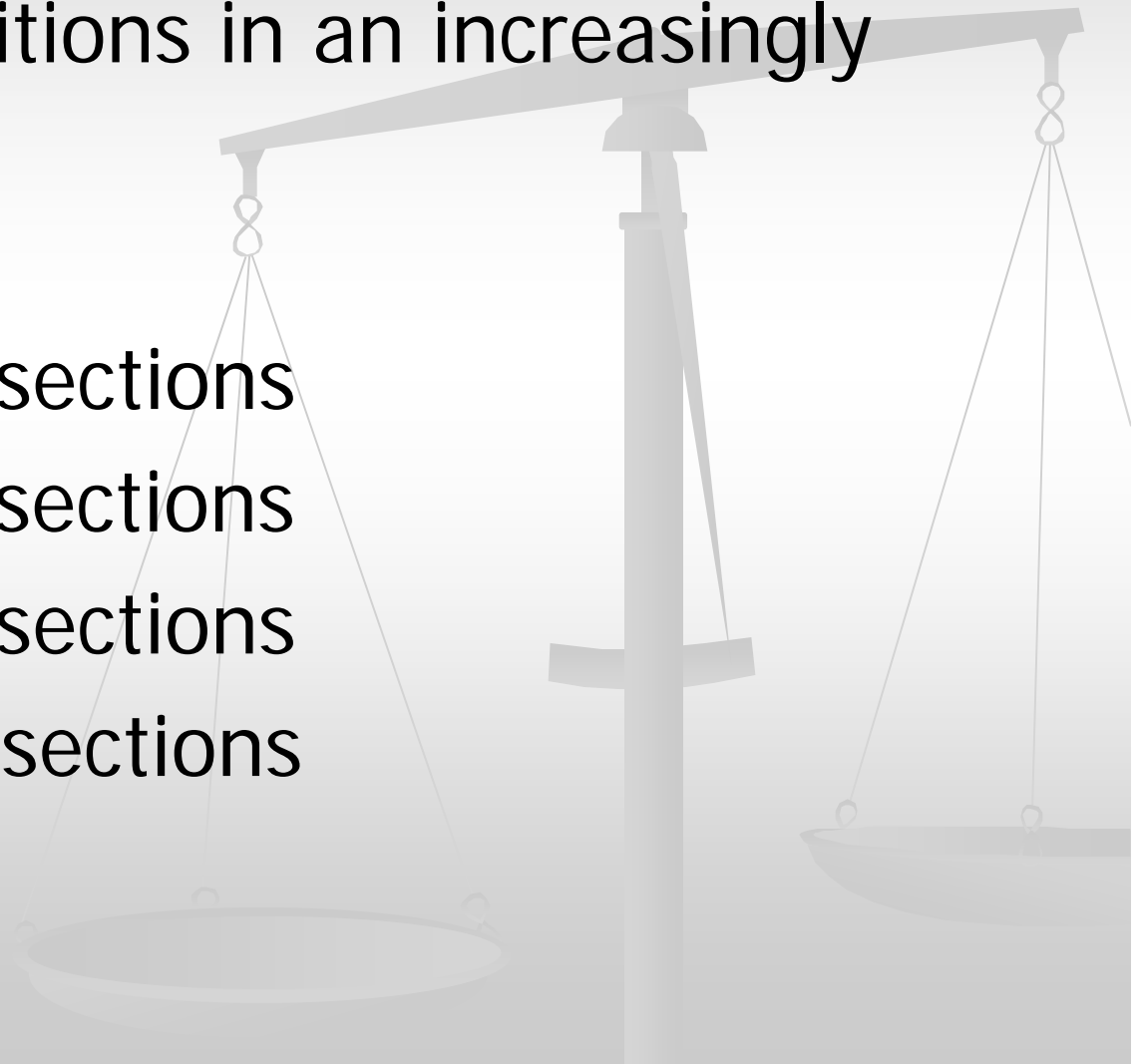


III. VCPR

- Complicated issue ... law versus the AVMA
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 - Does the AVMA determine when a contract exists between a veterinarian and a client who just paid \$XXX for a spay of a dog?
 - Or will a court decide this?
 - Which of 6 boxes involved in contract issue?
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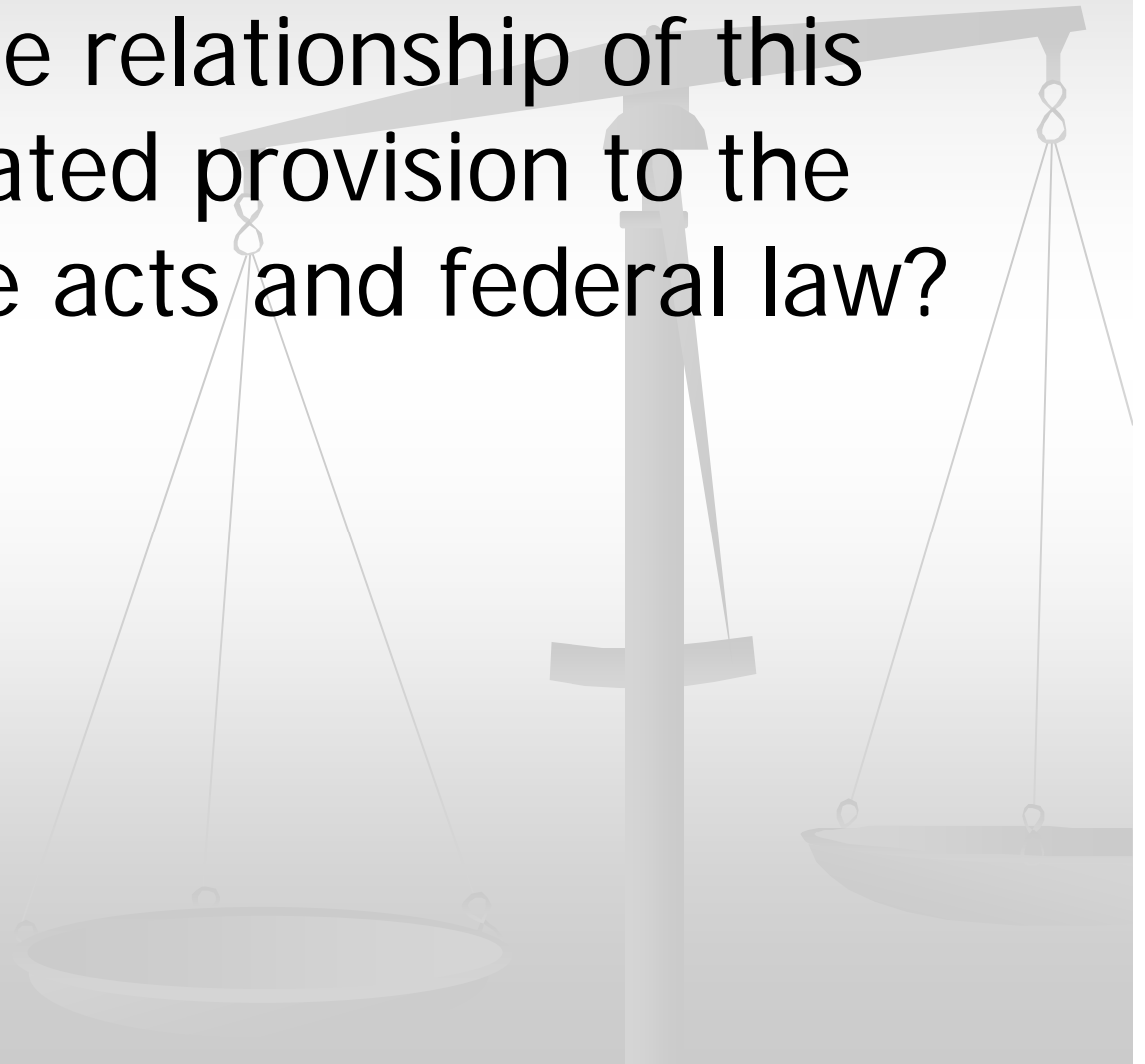
IV. Attending, Consulting, Referring

- Important definitions in an increasingly important area
- Notice structure
 - A. ... with 3 subsections
 - B. ... with 4 subsections
 - C. ... with 3 subsections
 - D. ... with 2 subsections



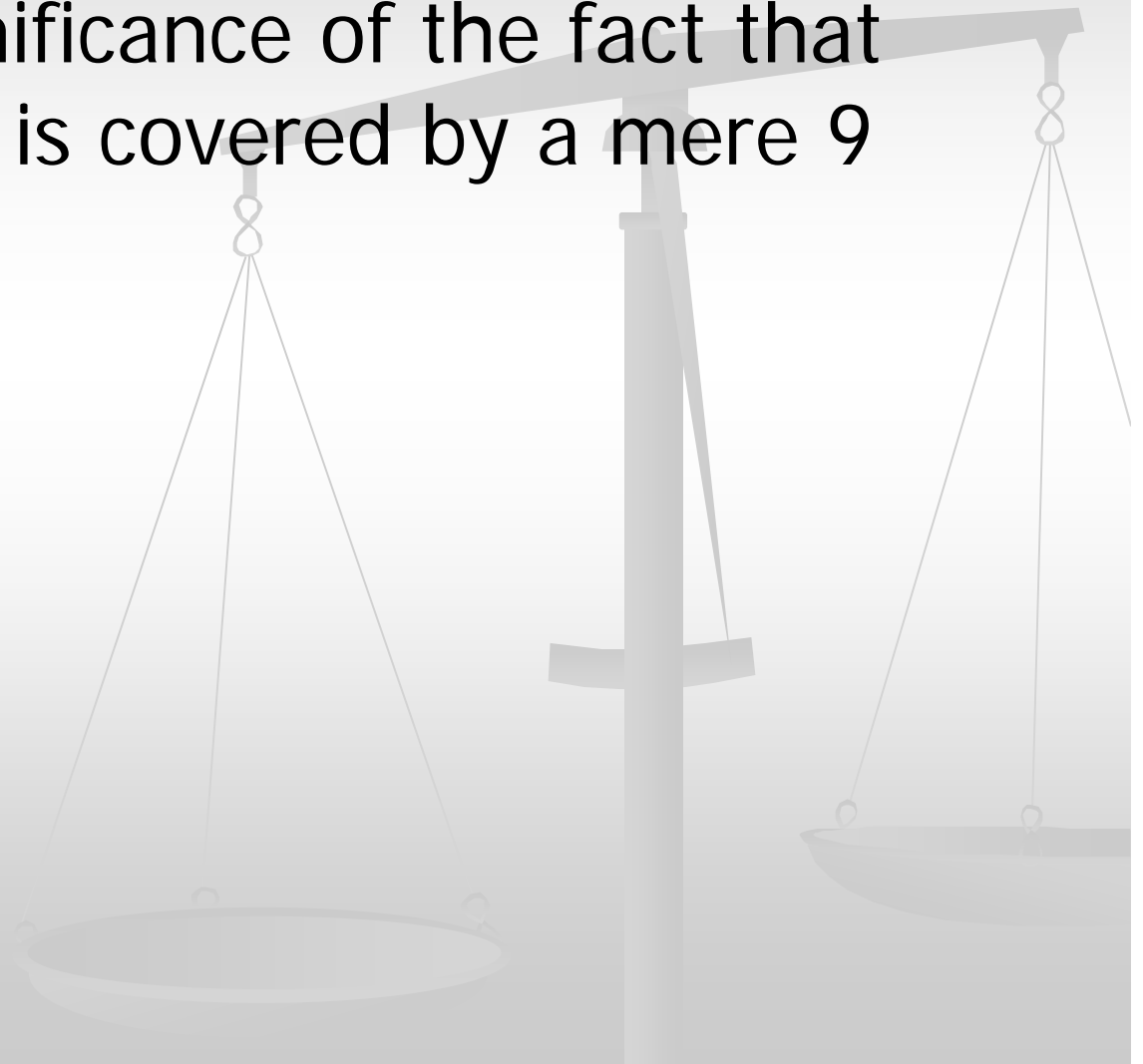
VII. Medical Records

- A. What is the relationship of this AVMA-generated provision to the state practice acts and federal law?



X. Euthanasia

- What is the significance of the fact that this major topic is covered by a mere 9 words?



Next Hour

- We begin basics of the American legal system

