Legal Brief

What discipline can veterinary licensing boards impose?

The right of veterinary medical boards to impose discipline on licensed veterinarians or to deny licensure is the crucial and most important part of state licensing acts. The purpose is 4-fold:

> To deny licensure or revoke the license of one whose practice would be threatening or injurious to animals and the public;
> To allow the continuation of practice by one who has been disciplined, providing conditions imposed by the board are met;
> To allow for a continuation of practice but on a probationary status;
> To punish by imposing civil monetary penalties. This right has been challenged, but it now seems to be well established that reasonable monetary penalties can be imposed when the facts justify.

Practice acts vary in the listing of causes for which discipline can be imposed. Some are quite specific and detailed in expressing causes; others are more general. Those that list causes in detail have found it necessary to amend the act from time to time to encompass heretofore-uncovered causes. Those with broader definitions give a licensing board more freedom, but at the same time allow a veterinarian to challenge the cause for vagueness and lack of definition.

There is more uniformity in practice acts in specifying the discipline that can be imposed, but there are still some differences. A review of the practice acts of 15 states reveals the kinds of disciplin

Prepared by Harold W. Hannah, JD, Texico, IL 62889, formerly Professor of Agricultural and Veterinary Medical Law, University of Illinois, Urbana.
terms apparently mean the same as limit. If restrict is interpreted to mean that the board could prevent the veterinarian from practice, it would be tantamount to revocation or suspension of license.

**Other disciplinary actions**—After listing the specific kinds of discipline that can be imposed, some acts (eg, Illinois; 225 ILCS 115/25) indicate that the board may take other disciplinary action. Unless the board develops rules specifying what other disciplinary action might be, the board imposing a discipline not listed in the act could be open to challenge by the veterinarian.

**Defenses to disciplinary action**—Assuming that a board has followed the procedures outlined in the practice act as well as other applicable laws having to do with due process, a veterinarian may challenge the board's action by disputing the factual basis for its imposition of discipline, for vagueness and lack of definition of the discipline imposed by the board, and for prejudice. The latter requires that it be shown that one or more of the board members, because of previous relationships, are predisposed against the veterinarian. With respect to the vagueness argument, it should be noted that courts generally uphold the board's determination, saying that because of its expertise it should be given some latitude in applying the law.