

Defining the practice of veterinary medicine— who does what?

Making the news recently was an item about a chiropractor who treated a boy's dog and, according to the story, restored the use of its hind limbs after a veterinarian had given up. According to the story, there was a mild outcry against the Illinois State Medical Disciplinary Board when it reprimanded the practitioner and fined her \$500. Could the Illinois Veterinary Licensing & Disciplinary Board have taken similar action? There is no mention of chiropractic treatment in the Illinois Veterinary Medical Practice Act, so it is an open question as to whether its use on animals could constitute the practice of veterinary medicine in which only veterinarians could legally engage.

The fact that a veterinary practice act does not mention a particular procedure does not mean that it is or is not the practice of veterinary medicine. For example, the practice acts in most states do not mention veterinary dentistry. However, as a result of court decisions and the fact that, in some states, dentistry is listed as the practice of veterinary medicine, one can argue rather forcefully that it is "practice" unless specifically exempted.

What can or should state veterinary medical associations do about the many procedures developed in recent years that might or might not be classed as the practice of veterinary medi-

cine? Veterinarians do have a stake in protecting their turf, so arguments made by the profession that a particular procedure is the practice of veterinary medicine are suspect. Nevertheless, one of the major purposes of veterinary practice acts is to protect the public from persons with inadequate knowledge about the physiology and structure of animals and about the contagious disease potential that exists when persons with limited knowledge pass their hands and equipment from one animal to another.

Pregnancy testing is one of the procedures that has provoked much comment. In the July 1, 1989 issue of the *JAVMA* (p 31), Dr. Joe Gloyd stated, "Several state legislatures, including Montana, Kansas, and Texas, have had measures introduced, which would exclude pregnancy examinations and embryo transfer from the practice of veterinary medicine. Similar legislation has been introduced in the past in other states, but has not been enacted into law." Apparently some states were conscious of this threat to the profession and made specific provisions in their practice act. For example, Montana provides that manual or laboratory procedures on livestock for diagnosis of pregnancy, sterility, or infertility for remuneration or hire is the practice of veterinary medicine. It also provides that acupuncture and embryo transfer constitute practice (Montana Code Annotated 37-18-102 e,

f). Nevada includes pregnancy testing in the definition of practice (Nevada Revised Statutes 638.010), as does New Hampshire (Revised Statutes Annotated 332-B: 1, II a).

Almost uniformly, state practice acts provide that, with regard to any procedure that may constitute the practice of veterinary medicine, the owner is exempt. Some states also exempt full-time or regular employees of the owner.

With the advent of veterinary medical practice acts, most of which were enacted in a day when there were more livestock farms and when livestock interests scrutinized proposed acts to see that farmers would not be prohibited from continuing practices that had become routine, for example, castration, spaying, dehorning, and docking, many procedures were exempted. This was particularly true in the Western states, where veterinarians were few and far between. But there has been a shift. With companion animals now constituting the bulk of veterinary practice and with humane groups becoming more active, some exemptions have been eliminated—especially as they apply to companion animals (castration and spaying, for example). So, as new procedures come along, it can be expected that they will be viewed more closely with regard to humane treatment and cruelty to animals laws and with regard to the knowledge and skill deemed necessary to carry them out.

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There is divided opinion about the status of acupuncture. Inasmuch as it presumably involves knowledge of the central nervous system and its relation to other systems of the animal and involves the insertion of needles into the epidermis, it can be argued that this constitutes the practice of veterinary medicine and is a procedure that should be performed only by one with the knowledge and background of a veterinarian. Some veterinary practice acts do list acupuncture as practice.

The status of acupuncture as it relates to human medicine seems uncertain. In 1977, the Common Law Court of Pennsylvania held that chiropractors may not practice acupuncture because its practice implies the knowledge of physicians (*Commonwealth vs Schatzberg* 371 A 2d 544). In 1983, the District of Columbia Court of Appeals held that a physician's license was improperly suspended for alleged failure to supervise his

employees in the administration of acupuncture. The court found that the policy of the local medical society with regard to the supervision of acupuncture treatment had never been fully considered and published (*Lewis vs District of Columbia Commission on Licensure to Practice a Healing Art*, 385 A 2 1148). In 1987, however, an Illinois Appellate Court held that, though the Illinois Medical Practice Act applied to acupuncture, those who wished to practice should be given a limited license not requiring graduation from medical school (*People vs Roos* #64215).

It is my opinion that, when any procedure is considered for exemption from the definition of practice in a veterinary practice act, these questions should be asked:

- Do those who would carry out the procedure have adequate skill and knowledge?
- May the procedure affect the animal in ways that only one

with a knowledge of veterinary medicine would understand?

- Is there a possibility of contagious disease transmission?

- Is the procedure by a non-veterinarian likely to meet the requirements in cruelty to animals and humane treatment laws.

In view of the strong movement toward more humane treatment of animals, this becomes a prime consideration. For example, the Illinois Act exempting treatment by the owner from the provisions of the Act was amended a few years ago by adding "in a humane manner."

I do not maintain that the questions I have posed are the only ones that should be asked. The point to be made is that, rather than argue about the interpretation of current language, it is better to decide what *ought to be*, then modify the language of the law or regulations to effect this.

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