

Who regulates the practice of veterinary medicine?

Galen, the Greek physician who lived in Rome and practiced his art on Roman emperors and other dignitaries until he died in 200 AD, is credited with saying, "There is no difference between robbers and physicians except that the former live in the mountains and the latter in Rome." Thus, this famous physician intimated that the public might need some protection from those who "practiced" medicine.

More than a millennium after Galen's death, during the reign of Henry V in England in 1422, a statute designed to provide some control over physicians and surgeons failed of passage. It was not until 1511, in the reign of Henry VIII, that the first such law was passed by parliament. In 1518, Parliament chartered the College of Physicians and, in 1540, the City of London incorporated practicing surgeons and barbers, giving them the exclusive right to practice in London and suburbs. However, barbers were permitted to do only bloodletting and the "drawing" of teeth, and surgeons were prohibited from "barbering or shaving."

In 1649, Massachusetts passed a law providing that one could practice upon the "advice and consent of others

who are skillful." Not until 1781 did that state adopt a medical practice act containing some of the provisions one expects to find in modern medical and veterinary medical practice acts.

From the latter part of the 19th century onward, state after state adopted, readopted, revised, and reenacted veterinary medical practice acts, until now no state is without one. Some states (Illinois, for example), have a Sunset Law stipulating that these acts shall periodically expire (every ten years, for example) unless reenacted.

Getting back now to the title of this brief, "Who Regulates the Practice of Veterinary Medicine?" one could say, "The boards established by veterinary practice acts." But the answer isn't that simple. We sometimes hear voices questioning the necessity of such boards as the medium through which persons enter the profession. Some argue that board examinations do not add anything to the appraisal that accredited colleges of veterinary medicine make when they determine that a student is qualified to receive the DVM degree. Some thoughtful and challenging remarks on boards and licensure were made by Dean Terrence M. Curtin of the North Carolina College of Veterinary Medicine in a special commentary in the *JAVMA*, Feb 15, 1991.

If we search the legal and legislative landscape for the sources of regulatory control of the practice of veterinary medicine, we find that licensing boards are only one source. At one time, these boards were composed entirely of veterinarians and had almost complete control over licensure and discipline. Thus, it could be said that veterinarians controlled their own profession. But that has changed. Lay members and in some cases veterinary technicians, have been added to veterinary licensing boards and, more important, many of these boards have been relegated to an advisory role, with an agency of state government carrying on investigations and administrative hearings and ultimately determining penalties. These changes together with other proposals that have been made (eg, posting in the veterinarian's reception room a list of causes for revocation of license and where a client can go to start proceedings) are the result of consumer pressure. Thus, it can be said that consumers are exercising some authority over the practice of veterinary medicine.

In recent years, the Federal Trade Commission has concerned itself with advertising controls and restriction of competition in the profession. Thus, another entity must be reckoned with in determining who regulates the practice.

Although veterinarians

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have long been subject to drug and controlled substances laws, both federal and state, the degree of control and surveillance has increased, again largely in response to consumer concerns. The ability of veterinarians to make choices or compound their own products is subject to increasing governmental control. The continuing debate on the right of veterinarians to use off-label drugs exemplifies the impact these regulations have on the profession.

Although the role played by veterinary associations, from the AVMA to city and county associations, has been to a degree conditioned by legislation and court rulings, the associations are nevertheless a source of indirect regulation of the profession. Ethical principles adopted by these associations and in some cases the adoption of practice standards exert a substantial influ-

ence over how members of the profession practice veterinary medicine.

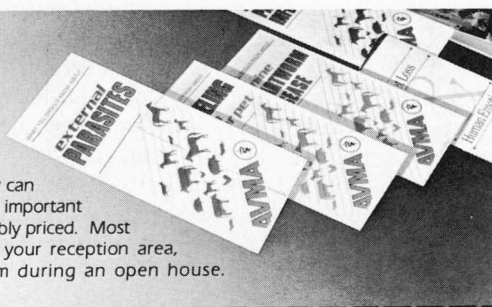
New entrants in the field of professional regulation are local units of government, especially home-rule units. Unless some brake is applied, the latter may try their hands at licensing professions within their jurisdiction (thus adding to their sources of revenue). This can be prevented through a preemption law such as the one adopted by the Illinois Legislature after the Illinois Constitution of 1970 created home-rule powers in certain units of local government. Of more recent concern has been the move by units of local government to promulgate regulations on the use of pesticides and other chemicals, despite existing federal and state laws and regulations. Agricultural interests were recently disturbed, as veterinarians should be, about a ruling of the US

Supreme Court upholding pesticide regulations adopted by a Wisconsin township. Imagine the predicament of food animal practitioners if their right to prescribe or use a particular product depended on the township or city in which their clients resided.

What can veterinarians and their associations do about regulation of the profession? Associations can keep their membership informed about current or prospective controls emanating from the FTC, the FDA, and other federal agencies, as well as state agencies, veterinary licensing boards, and units of local government. Veterinarians or someone in their employ should accept responsibility for gleaning pertinent information from veterinary journals, association newsletters and directives or letters emanating from federal and state agencies involved with the veterinary profession.

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