

COMMITTEE NEWS

Animal Law



ANIMAL LAW DOCKET

Practice Tips For Animal Law Cases

Veterinarians and Animal Lawyers – The Perfect Pairing

Introduction

“Man gave names to all the animals ... in the beginning, long time ago.”¹ As animals grew in numbers and in species that interacted with humans (initially in the agricultural context), the first people trying to provide medical care to animals—the progenitors of the field of veterinary medicine—probably began their work thousands of years ago.² The long history of veterinary medicine and its great progress demonstrates a profession and a growing community of humans largely dedicated to the humane and appropriate care of animals of all species. This concept of dedicating one’s career to advancing the humane treatment and welfare of animals of all species has grown in other fields, including the law. There is a growing number of lawyers who are utilizing their law degrees to help animals. And there is a direct parallel between veterinarians and animal lawyers: both have decided that nonhumans are the sensitive and sentient beings they want to help and protect by using their advanced degrees. This is especially true with the expanding subspecialty of “shelter law”, where brand new bonds and collaborations have formed between lawyers and veterinarians. These two groups, together, are coalescing to bring greater protection and humane care to animals seen in (and out of) shelters and our homes, nationwide.

In the last century, veterinary practice specialties have grown, refining and defining the standard of care for our animals. As part of their entry into the profession, veterinarians take an oath to protect animal health and welfare, prevent and relieve animal suffering, and promote public health and medical knowledge. Also, they promise to practice their “profession conscientiously, with dignity, and in keeping with the principles of veterinary medical ethics.”³

Enter the impetus for a working association between animal doctors and animal lawyers: slowly creeping up on us over the past several years is a crisis in access to veterinarians and veterinary care of mammoth proportion. In California alone, animal shelters are in need of over 200 veterinarians simply to provide care to the animals

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housed in those shelters.⁴ The causes of this crisis include a growing pet population in and out of shelters (caused in part by a lack of veterinarians to perform sterilization surgeries⁵); a departure from the field completely, or a reduction in work hours, by many veterinarians; the lingering consequences from COVID-19 shutdowns (and increased pet adoption rates during that time); and a starkly unequal geographic distribution of veterinarians in most states.⁶ With respect to this last factor, every state has vast “veterinary deserts” where there may not be a veterinarian for 50 or 100 miles from a given community⁷; these underserved communities are also often severely under-resourced, making it difficult to impossible for community members to get to veterinarians on a regular basis.



In response, veterinary leaders are doing everything they can to abate the crisis and move in the direction of greater access to care. And to do so, they have teamed up with animal lawyers, strategists and campaigners, to impact the legal landscape in ways that will add trained professionals and reduce the burdens on all stakeholders. The two professions have joined forces on several key initiatives to foster these changes. And the different legal tools that are available and have been used show how a toolkit can be put together to help with these specific issues.

Using the Law to Lessen the Veterinary Shortage Crisis

If a change in the law in a given state can help with the veterinary shortage, that is the perfect place for animal lawyers to collaborate with their medical counterparts. Together they can “storm and form” ideas that ultimately result in effective relief on the pressures put on veterinarians, shelters, and pet owners. Two specific examples are new laws, effective January 1, 2024, regarding telemedicine, and vaccine clinics.

With AB 1399⁸, which amended Section 4826.6 of the California Business and Professions Code (as well as several other related statutes), California greatly expanded the ability of veterinarians to serve distant communities in those veterinary deserts; to serve homebound or otherwise disabled people; to serve animals who are fractious in veterinary offices; and to increase the number of pets who can be seen by California veterinarians. Prior to enactment of the law, a veterinarian could not provide advice or consultation, or recommend treatment or prescribe medications, unless the veterinarian actually was physically present with and examined the animal in person, and through that in-person visit established the required “veterinarian-client-patient relationship” (VCPR). And while many circumstances clearly require seeing a veterinarian in person, many also do not;



and as referenced previously, it can be an incredible burden on many pet owners to get an appointment with a veterinarian, and to get to that appointment. AB 1399 changed California's restrictive law and allowed veterinarians to establish the VCPR through the use of audiovisual technology (like a smart phone).⁹ For the first time, millions of pet owners in California had a new way to access veterinary care. And veterinarians had a new, more efficient way to provide that care. The pairing of animal lawyers with the veterinarian community ultimately made things better for the animals, the pet owners, and their health care professionals.

In addition, SB 669 demonstrated another way to provide California veterinarians with more time to see patients, by eliminating the need for them to be present and actively involved in regular (and often free) community vaccination clinics.¹⁰ These clinics are literally life-saving, focused on both public and animal health, and involve the administration of routine vaccinations that many animals do not get because of the access-to-care issues addressed above, as well as cost. Before this law, which added Section 4826.7 of the California Business and Professions Code, California law required a veterinarian's attention and time for what was often a full-day clinic, where all the tasks can easily be managed by trained Registered Veterinary Technicians (RVTs). Before agreeing to support SB 669, animal welfare groups, their lawyers and independent veterinarians evaluated the skills of RVTs and determined that, with the proper training (which many of them already had), RVTs could safely, easily, and expeditiously run these clinics. Then the animal lawyers, lobbyists, and other advocates worked by supporting the bill. By eliminating the requirement that a veterinarian be onsite for the clinics, it freed them up to do the kind of work that only the veterinarians can do. Again, the veterinarian-lawyer teamwork produced great results for the animals, their owners, and the veterinarians.

The two professions continue to put their heads together seeking more ways to expand the ability of pet owners to get healthcare in a safe, affordable, and efficient manner.¹¹ "High Quality High Volume Spay Neuter," or "HQHVSN", should be a priority, both in the legislatures and in the veterinary schools because one of the biggest roadblocks to adoptions from shelters is the lack of a sufficient number of veterinarians who are available to do spay-neuter operations, training, and education.¹² HQHVSN involves a well-established, safe but much more efficient means of doing sterilization surgeries, greatly increasing the number of surgeries that can be done in a day.¹³ More animals sterilized, more animals out of the shelters, more happy adopters with animals in loving homes.


Another big push is for expansion of the roles of veterinary health care professionals who are not veterinarians. In the human healthcare field, most of us are familiar with registered nurses, and nurse practitioners, as well as "physician's assistants" (PAs).



All are highly trained, registered/certified or licensed individuals, who have a wide range of skills that enable them to safely and adequately treat many health care issues. In the veterinary world, veterinary nurses/RVTs have the training and skills to do a large number of tasks, but there is a need for a mid-level practitioner—like the PA for humans—as well as great value in expanding the roles and tasks that RVTs can perform without a veterinarian. While there is significant pushback on some of these proposals from the established veterinary community, veterinarians and lawyers seeking to fix the crisis have their eyes on the prize of this kind of breakthrough legislation.

Another example of the veterinary-legal alliance arises when we look beyond our borders for solutions to the problem of too few veterinarians. Depending on where they went to veterinary school, foreign-trained veterinarians have varying—and often significant—hurdles to move to America and work for a shelter or veterinary hospital. There are barriers depending on where they were trained, as well as general barriers to immigration, the legal requirements for coming to the US to work, and issues related to veterinary licensure. And that list should make it obvious that such programs are the classic definition of the kind of project that “takes a village” to complete. And that village has veterinarians, human resources experts, employment experts and, of course, lawyers. But if such programs are successful, some degree of the veterinary shortage can be ameliorated by an influx of foreign-trained veterinarians.

Finally, sometimes it just comes down to education. Veterinarians do what they do so well, and are attentive to and experts at providing humane and focused care on their animal patients, but they do not know the law. Animal lawyers do their best to keep up with state and local and federal laws that impact animals, and that define the scope of care that veterinarians, and RVTs, and untrained animal care workers can provide in a shelter. But they do not know how to care for animals. And many veterinarians and RVTs are unaware of the full legal scope of practice for an RVT—which leads to unnecessarily truncated duties and responsibilities, which means that veterinarians often perform tasks that RVTs are legally allowed to perform. Getting lawyers to help educate veterinarians and RVTs as to the full breadth of what they can legally do will provide more time for veterinarians to engage in those activities that are solely within their purview. Education of veterinarians about what RVTs can legally do, provided by lawyers, can make a big difference to all involved.

Once again, and happening every day where these relationships prosper, veterinarians + lawyers = more care for all. The best way to the animals' hearts and minds is to heal and care for their bodies and souls. 



Endnotes

- 1 Bob Dylan, "Man Gave Names to All the Animals".
- 2 *A Brief History of Veterinary Medicine*, WORLD HIST. ENCYCLOPEDIA, <https://www.worldhistory.org/article/1549/a-brief-history-of-veterinary-medicine/>
- 3 *Veterinarian's Oath*, AMERICAN VETERINARY MEDICAL ASS'N, <https://www.avma.org/resources-tools/avma-policies/veterinarians-oath>.
- 4 *Access to Veterinary Care in California Animal Shelters*, PROGRAM FOR PET HEALTH EQUITY, <https://storymaps.arcgis.com/stories/5ae46f84f8c3438d9c32126d54681936>.
- 5 In California and many states, animals cannot be adopted from shelters without first being sterilized, so this requirement can prevent adoptions where there are not enough (or any) veterinarians available to do the surgeries.
- 6 DVM360, *Study Reveals Presence of "Veterinary Desert" In Low-Income Areas* (Aug. 3, 2022), <https://www.dvm360.com/view/study-reveals-presence-of-veterinary-deserts-in-low-income-areas>.
- 7 *Id.*
- 8 A. B. 1399, 2023-2024 Reg. Session (Cal. 2023), <https://legiscan.com/CA/text/AB1399/id/2818697>.
- 9 *Id.*
- 10 S.B. 669, 2023-2024 Reg. Session (Cal. 2023), <https://www.sfspca.org/advocacy/sb-669-will-authorize-rvts-to-administer-vital-vaccines-and-medications-to-california-pets/>.
- 11 As one example of a veterinary-legal partnership that is effecting change for animals, the Koret Shelter Medicine Program at the veterinary school at the University of California at Davis, along with the veterinary hospital at the San Francisco SPCA (the largest private veterinary hospital in San Francisco), often work together along with the SF SPCA's Shelter Policy and Legal Services program to develop and determine how best to support these kinds of laws, and how they can be most effective. See UC DAVIS KORET SHELTER MEDICINE PROGRAM, <https://www.sheltermedicine.com/>, SF SPCA'S SHELTER PALS LEGAL-AID PROGRAM, <https://www.sfspca.org/about/shelter-pals/>.
- 12 Philip Bushby, *High-quality, High-volume spay-neuter: Access to care and the challenge to private practitioners*, NAT'L. LIBRARY OF MED. (MAR. 2020), <https://pubmed.ncbi.nlm.nih.gov/32093579/>; Philip Bushby, *The History of High Quality, High Volume Spay Neuter*, MADDIE'S FUND (Sept. 2016), <https://www.maddiesfund.org/the-history-of-high-quality-high-volume-spay-neuter.htm>.
- 13 Philip Bushby, *High-quality, High-volume spay-neuter: Access to care and the challenge to private practitioners*, NAT'L. LIBRARY OF MED. (MAR. 2020), <https://pubmed.ncbi.nlm.nih.gov/32093579/>; Philip Bushby, *The History of High Quality, High Volume Spay Neuter*, MADDIE'S FUND (Sept. 2016), <https://www.maddiesfund.org/the-history-of-high-quality-high-volume-spay-neuter.htm>.

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