

# COMMITTEE NEWS

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## Animal Law

Legal and Policy Issues Surrounding Vulnerable Populations and their Pets

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# ANIMAL LAW DOCKET

## Practice Tips For Animal Law Cases

### Addressing the Limited Access to Veterinary Care for Shelters and Their Communities

#### A Nation in Veterinary Crisis

“How does it feel to be on your own, with no direction home?”<sup>1</sup> These iconic words from an author who won both the Pulitzer and Nobel Prizes, are sadly appropriate today, specifically with respect to the onslaught of threats to underserved pet-owning populations across America by the severe lack of veterinary services. It is a concern on the minds of shelter directors, legislators, local protective services agencies, and social justice organizations who focus on the important details of the lives of those for whom they advocate. Because when you don’t have much, or you are in a position of vulnerability in your life, your companion animal becomes one of the most valuable assets you own. And that asset is under fire from forces and sources of power directly related to the laws governing veterinary care—an essential component of the human-animal bond—that limits the availability of care to pet owners.

It is generally understood that the value of living with another being, and of the interspecies relationship that develops, is multifaceted and huge. Having a companion animal increases self-worth by our being responsible for another weaker, more vulnerable being—for being their protector and supplicant, and results in the endless reward of connection, friendship, and “love” that develops when these relationships flourish.

Yet there may be “no direction home” for these animals back to, or to stay with, their human companions if the veterinary profession is not given a major boost in its ability to serve the public. The severe lack of veterinary services began with the pandemic, with many veterinary offices closing for a time, or limiting visits—which led to serious consequences. But even as the pandemic lessened somewhat,<sup>2</sup> the problem has escalated and we are currently experiencing a veterinary shortage of unanticipated proportions.<sup>3</sup> The impact of the current veterinary shortage is being disparately felt by communities that are typically the most underserved, and those who live in areas where veterinary appointments are few and far between, or in what are colloquially called

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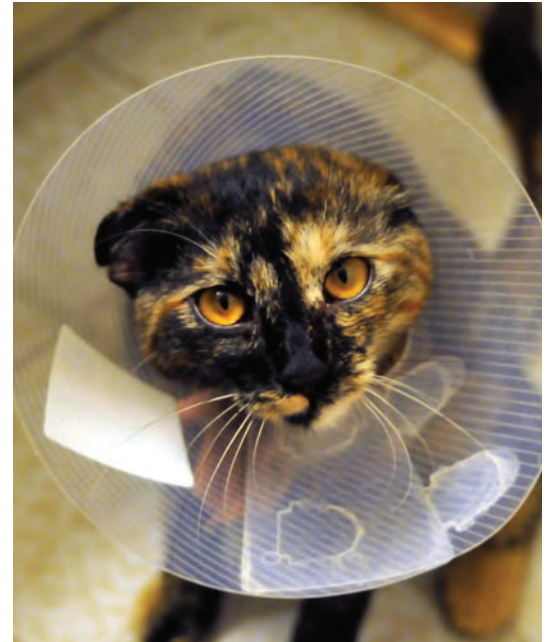


*Addressing... Continued from page 16*

“veterinary deserts” found in every state, where the closest veterinarian is many miles away, and the next appointment is weeks or months away, if they are taking new patients at all. And animal shelters are, like private individuals, also desperately in need of veterinary professionals to help with the large number of shelter animals in need of care.<sup>4</sup>

### How to Get Pets to Stay in their Homes

The multiple barriers to, and difficulties in, obtaining veterinary care have led to sad consequences, for people and animals. For families in these situations, a common solution is to turn animals into local shelters, when they cannot provide the care they want to give, and that their pets need. The heartbreak and bad result for both humans and animals in those cases is obvious. Additionally, the inability to get the veterinary care often leads to pet owners either neglecting their animals’ health or, often even worse, consulting “Dr. Google” and attempting to treat their animals at home with internet advice that is often harmful and potentially even fatal.



Lawyers interested in helping pet owners in these areas are brainstorming on many ways, legislatively, to (1) increase the number of veterinarians available in these areas of limited or no veterinary offices, (2) expand the skills and range of tasks that veterinary personnel such as registered veterinary technicians/veterinary nurses and veterinary assistants can perform, and (3) increase availability to veterinarians by modernizing their practices through telemedicine. Each of these paths can be blazed in either the legislative, or the judicial realm.

First, veterinary services need to be expanded to all geographic areas. One way to incentivize veterinarians to set up their practices in areas with little veterinary coverage is to make the prospect of working in these geographic areas more attractive. A model similar to the armed forces’ Reserve Officer Training Corps (ROTC) could make a big difference for such underserved populations. Such a program would require a law that establishes a program whereby veterinary students agree to work for a period of time in those needy areas, in exchange for partial or full payment of their educational costs. And it may only take that initial enticement to secure permanent relocation for young veterinarians looking to make a difference—not just in the lives of their animal patients, but in the entire community in which they live. Once veterinarians realize the benefits and payoffs of such work, they might just stay.

Second, expanding the allowable tasks and duties that can be done by registered veterinary technicians (RVTs) could provide incredible benefit to all stakeholders—pet parents, pets, *and* veterinarians. Currently, in most states, RVTs are limited in what they may independently do without the direct oversight of a veterinarian.<sup>5</sup> RVTs



either are prohibited from engaging in tasks that they could easily be trained and qualified to do, or they are not allowed to undertake those tasks without a supervising veterinarian seeing the animal patient first, which leads to backlog and delay. These restrictive rules are often linked to the outdated requirement that a veterinarian see each animal “in person” before any kind of care is provided. That requirement stifles the ability of RVTs to carry out tasks that would provide significant assistance to pet owners and take pressure off the veterinarians with limited appointments.

Additionally, some have proposed creating Veterinary Physician’s Assistants (“VPA”), similar to Physician’s Assistants (“PA”) that help in the human medical field. The difference between a PA and an RVT is that, while both assist patients, PAs assume a role more or less similar to that of physicians. This gives the PA a more direct role in administering tests, performing physical exams, prescribing medications, and other tasks more commonly performed by doctors. The same could be done by a VPA, who could supplement the work of a veterinary nurse and reduce the load of veterinarians. But the American Veterinary Medical Association (AVMA) has rejected this idea despite the crisis before them. They claim that “developing educational and regulatory frameworks for a midlevel practitioner would be a long-term and expensive process—and will not be the silver bullet some are hoping for”<sup>6</sup> with little support for their contentions.

Finally, bringing veterinary medicine into the 21<sup>st</sup> century with comprehensive and expanded telemedicine could solve a host of problems, including serving the veterinary deserts. Telemedicine is mandated as an option for people obtaining medical care for themselves, but the majority of the veterinary community has resisted using it, citing unreasonable excuses for the opposition.<sup>7</sup> For example, the main objection is that since pets cannot talk, and pet parents are not veterinarians, veterinarians cannot provide advice or diagnosis over the phone. The opposition cannot explain, however, why human telemedicine is available to every patient over three months old, whether or not the patient can communicate, and even though their parents are rarely physicians. It’s quite a bizarre flip of the normal sentiment that humans deserve more protection and consideration than animals, and of course the legal confirmation of that reality in all of our laws.

In most states, telemedicine is restricted to a fraction of its available uses, by veterinary medical boards in each state, and sometimes by state veterinary trade associations. The reality is that telemedicine does not just provide a pathway for care to those who otherwise might not be able to access a veterinary clinic, but it also provides veterinarians with an ability to serve more patients, from further away, and to monetize that conduct in a way that is valuable to all involved. Moreover, it allows them to offer compassionate and affordable care to animals and humans who otherwise could not tolerate a trip to the veterinarian. This includes elderly, infirm, and disabled pet parents, as well as elderly, infirm, and disabled pets; pets who are



in hospice care and for whom a trip to the veterinarian could be the most painful thing imaginable; and pets with behavioral problems who are best assessed in the home environment. Telemedicine, if expanded to be allowed without the typical requirement an in-person visit,<sup>8</sup> would bridge the gaps in income, the distance in miles, and the barriers to care that exist all over the country. People of all types of circumstances, all walks of life, and all levels of society, would be served by an expansion of telemedicine for all, without the outmoded and frustrating barriers placed upon the veterinary practice by current laws. ➤

### Endnotes

- 1 BOB DYLAN, LIKE A ROLLING STONE (Columbia Records 1965).
- 2 See, e.g., Simone D. Guerios, et al., *COVID-19 Associated Reduction in Elective Spay-neuter Surgeries for Dogs and Cats*, FRONT. VET. SCI. 9:912893 (Sept. 13, 2022), <https://www.frontiersin.org/articles/10.3389/fvets.2022.912893/full>; Liz Lindqwister, 'A Lot of Euthanasia': How a Vet Shortage Impacts Animal Welfare in San Francisco, SAN FRANCISCO STANDARD (Feb. 4, 2023), <https://sfstandard.com/arts-culture/a-lot-of-euthanasia-how-a-vet-shortage-impacts-animal-welfare-in-san-francisco/>.
- 3 See, e.g., Access to Veterinary Care Coalition, PROGRAM FOR PET HEALTH EQUITY, <https://pphe.utk.edu/access-to-veterinary-care-coalition-avcc/>.
- 4 Michael Cabanatuan, *Vet Shortage Hits Shelters, Means More Pets are Dying, Survey Finds*, SAN FRANCISCO CHRONICLE (Jan. 31, 2023), <https://www.sfchronicle.com/california/article/veterinarian-pets-shortage-animals-17752643.php>.
- 5 See, e.g., CALIFORNIA BUS. & PROF. CODE § 4840.2 ("Prohibited acts by registered veterinary technicians and veterinary assistants"); cf. CALIFORNIA BUS. & PROF. CODE § 4840 ("Authorized acts by registered veterinary technicians and veterinary assistants").
- 6 Malinda Larkin, *Idea of midlevel practitioner rejected in favor of better support, engagement of credentialed veterinary technicians*, AVMA NEWS (updated Jan. 17, 2023); <https://www.avma.org/news/idea-midlevel-practitioner-rejected-favor-better-support-engagement-credentialed-veterinary>.
- 7 Telemedicine, AM. VETERINARY MED. ASS'N, <https://www.avma.org/resources-tools/avma-policies/telemedicine#:~:text=With%20the%20exception%20of%20emergency,the%20absence%20of%20a%20VCP> (last visited Feb. 20, 2023).
- 8 See, e.g., 16 Cal. Code Regs. 2032.1(e) ("A veterinarian-client-patient relationship cannot be established solely by telephonic or electronic means.").



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