

# Legal Implications of Zoonotic Disease Transmission for Veterinary Practices



Antoinette E. Marsh, MS, PhD, JD<sup>a,\*</sup>, Sarah Babcock, DVM, JD<sup>b</sup>

## KEYWORDS

• Liability • Zoonoses • Negligence • Malpractice • Standard of care

## KEY POINTS

- Owners should be educated when a zoonotic agent is suspected or diagnosed relative to the animal's health and its human contacts and their potential need for physician referral.
- Advisories should be recorded in the animal's medical record. If required by law, report the occurrence of zoonotic disease to the appropriate regulatory agency and keep copies of reports.
- Actions and documents serve as legal evidence in opposition to a claim of malpractice, professional negligence, or complaints to the state veterinary practice licensing boards.
- Veterinarians should develop and engage in opportunities to build relationships with other health professionals to facilitate the communication needed to minimize zoonotic disease transmission.

## INTRODUCTION: NATURE OF THE PROBLEM

Veterinarians' service to promote public health and zoonotic disease control traces back to when the profession primarily provided professional services for food production and horses used in transportation. Now, small animal practitioners are a vital link in public health as it relates to pets and other domestic animals intentionally brought into close proximity to people and their homes. Animals may be subclinical carriers of one or more zoonotic agents. Many immunocompromised clients do not seem outwardly different than the general pet-owning public. Thus, some risk of zoonotic disease infection is ever-present. However, if someone is injured by a zoonotic

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The authors have nothing to disclose.

<sup>a</sup> Veterinary Preventive Medicine, College of Veterinary Medicine, The Ohio State University, 1900 Coffey Road, Columbus, OH 43210, USA; <sup>b</sup> Animal & Veterinary Legal Services, PLLC, 32750 South River Road, Harrison Township, MI 48045, USA

\* Corresponding author.

E-mail address: [Marsh.2061@osu.edu](mailto:Marsh.2061@osu.edu)

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pathogen and it is attributed to a veterinarian's negligence, the individual or members of the victim's family could file a claim and may recover a monetary amount through litigation or settlement (Karen Wernette, AVMA-PLIT, 2014, personal communication).<sup>1</sup> There are no absolute guarantees to legal-proof veterinary practice standards as it relates to zoonotic diseases and human injury. One cannot assume a veterinarian is automatically negligent when a zoonotic pathogen is diagnosed in an owner when the likely animal reservoir is the household pet. It solely depends on the facts of the case.

To minimize the risk of liability, what is required of the veterinarian who examines a pet? Does it matter if the pet is healthy or is diagnosed with a zoonotic pathogen? Is it merely to state to the animal's owner that the animal is healthy, dispense the necessary preventative care vaccines/dewormers/ectoparasite control or the necessary prescription/treatment, and assume all is well when the client and the animal leave the facilities? Unfortunately, there are many potential variables that may complicate this scenario. What could go wrong with this picture? Outwardly appearing healthy animals do transmit zoonotic agents. What are the legal obligations of the veterinarian to the client, to the disease-monitoring governmental agency, and to the clinic employees? How does a veterinarian minimize the risk of adverse legal consequences associated with professional malpractice or a complaint to their veterinary medical board (VMB)? Are the consequences elevated if it involves a zoonotic agent?

The authors explore these questions, providing some general guidelines to avoid or at least generate the means to refute a claim should a complaint be alleged against the veterinarian.

## **APPROACH/GOALS**

The veterinarian is well suited to address the risks posed by zoonotic diseases caused by pathogens that are shared between people and animals. This paper analyzes the legal role and responsibilities private practice veterinarians have in public health regarding zoonotic agents carried or transmitted by their patients.

### ***Defining the Legal Duties of the Veterinarian***

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The practice of veterinary medicine is defined and regulated by different mechanisms, depending on the country. Some countries have a national board (college or association), such as Panama and Costa Rica, whereas Argentina and the United States maintain provincial or state veterinary medical boards (VMBs) (Ramiro Toribio, College of Veterinary Medicine, The Ohio State University, 2014, personal communication). These boards generally oversee the practice of veterinary medicine and determine whether and what sanctions are imposed for failure to comply with the laws, regulations, and standards established (Ramiro Toribio, College of Veterinary Medicine, The Ohio State University, 2014, personal communication).<sup>2</sup> Increasingly, within the United States, individual state VMBs are referring to the American Veterinary Medical Association (AVMA) Principles of Veterinary Medical Ethics in their review of deviations from accepted conduct.<sup>3</sup> Additionally, there are legal duties under general tort law (damage, injury, wrongful acts done willfully, negligently, or in circumstances involving strict liability) applicable to veterinarians, including their duty as employers to provide safe work environments.

A duty, in the context of the law, is established when a veterinarian enters into a veterinary-client-patient relationship. It is uncertain how far that duty extends beyond the immediate health needs of the pet and the information given to the owner. Does it extend to others in close proximity to the pet and, if so, how far? This question

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