

Ambulatory Exotic Animal Medicine Legal Issues



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KEYWORDS

- Liability • Exotic animals • Legal issues • Law • Off-label • Accreditation • Risk • Jurisdiction

KEY POINTS

- Ambulatory exotic animal practice shares many of the legal concerns as stationary practices, but also has unique issues that need to be addressed.
- Ambulatory practitioners must be familiar with federal and local codes and regulations, and must recognize that regulations may vary in different areas of their practice range.
- Unique liability issues are presented with ambulatory nontraditional species practice but are mitigated with good planning.
- It is the responsibility of the practitioner to research, learn, and understand the laws, codes, and regulations that may affect them: “Ignorance of the law is no excuse.”

INTRODUCTION

Ambulatory veterinary practice is similar to stationary veterinary practice in that it deals with the diagnosis, prevention, and treatment of animal diseases. The primary difference is that rather than having the patient come to the practitioner, the practitioner comes to the patient. When addressing nontraditional animal species, there are many similarities to companion animal medicine; however the techniques and diagnoses can change dramatically.

Legal issues in ambulatory medicine of exotic animal species bring additional regulations ranging from pharmaceutical and animal transport to legalities and regulations of possessing or treating particular species, and even to the therapeutic options available. Many of these concerns are extensions of those designed for domestic animals with additional legal implications and ethical responsibilities of the practitioner.

The implications and responsibilities fit into three primary sections: (1) regulations concerning exotic animal possession and treatment originating from jurisdictional laws, (2) legal issues concerning the exotic animal practitioner originating from a medical perspective, and (3) legal matters that relate to liability and injury. Whereas many

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of these limitations and issues have counterparts in domestic stationary and ambulatory animal practice, there are additional factors that must be considered.

This article provides an overview of available legislation that is pertinent to the ambulatory exotic animal practice and a summary of currently accepted guidelines for which there is often no official statute. It is not to be construed as an all-inclusive summary of exotic animal laws and legislation. Neither is it to be deemed legal advice or replacement for legal counsel.

REGULATIONS

In every part of the United States, there are legal regulations that apply to animal possession and veterinary medicine. These laws are divided into federal and local jurisdictional regulations. It is important to understand that although these may not always be in agreement with each other, there is a hierarchy as to their regulation.

Although federal laws must be obeyed, at a minimum each progressively smaller municipality has the authority to enact/adopt more stringent laws or regulations, but cannot make regulations that are less stringent than the next larger district. This is analogous to taxation: the federal government has established and maintains a federal tax statute that determines that amount of tax every person and entity must pay each year. Each state subsequently establishes the tax level that they choose to assess the resident population and businesses. From there, counties, cities, townships, and districts each assess their own taxes. At the same time, no state or municipality can eliminate federal taxation in favor of its own rules and regulations, just as a county cannot eliminate a state's taxation, and so on. Whereas, say a county, has the option to assess no taxation, it also does not have the authority to eliminate the requirement of a person to pay state or federal taxes. In short, any municipality included within the larger political jurisdiction has the authority to place further burdens (increase regulation) but not the authority to reduce the limitations placed by the larger entity. Such are the laws concerning exotic animals.

It is critical for an ambulatory exotic animal clinician to be familiar with the regulations of all the areas that they service, including the states and counties that they operate within and any cities/town and districts they provide service to. "*Ignorantia juris non excusat*," or "Ignorance of the law excuses not," is an almost universal theme in modern Western law, well represented in case law for more than 200 years. Although there are exceptions to this rule, the courts generally do not accept ignorance of the law as a viable excuse for breaching these hard-to-locate regulations, particularly in veterinary medicine where each state clearly specifies that each practitioner is responsible for following the practice code and regulations as a prelude to licensure. Therefore, it is the veterinarian's responsibility to know whether or not they can legally treat a given animal and to advise a client on how to proceed. It is emphatically recommended that the person claiming responsibility for an animal contact the appropriate authorities for specific information regarding the particular species if there is any ambiguity or question of legality. It should also be noted that substantially all municipal employees are not authorized to give legal advice. Any advice by them on which one may rely should be obtained from them on official stationery in writing or personally verified before acting in reliance thereon and potentially subjecting the clinician to consequences.

Regrettably, there is no single resource listing either all of the state's laws/regulations or even all of the controlling statutes within a given state. However, most states and municipalities provide access to their codes via the Internet. The problem is that

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