

SVME Newsletter

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Newsletter of the Society for Veterinary Medical Ethics Volume 4, Numbers 3-4 December 1998

VETERINARY MEDICINE

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President's Message

MAR 1 1999

WASHINGTON STATE UNIVERSITY

First of all I wish to thank the membership for their support for me and for the Society. We have continued to grow steadily under the guidance of our previous Presidents and I hope to continue to lead the Society as it grows over the current year. I would also like to make note of the excellent Board of Directors we have. John Boyce, our Immediate Past-President, did a marvelous job of putting together the Annual Program for last summer's meeting and keeping the Society moving forward during his presidency. Ron McLaughlin, President-elect, will be chairing the Annual Program Committee this year. Ione Smith, our Secretary, has been magnificent in keeping Vetethic up and running. Dick Fink as Parliamentarian has been a source of wisdom as well as chairing the Nominations Committee of the Society. Larry Carbone has also provided valuable input on Society matters. Finally, Jerry Tannenbaum has taken up the banner of the Newsletter and has moved it into the electronic age. If upcoming issues are as well done as the past Newsletter, we can look forward to lots of interesting reading. Thanks Jerry!

Next year's meeting in July is shaping up nicely. There will be a full one-day session and if all goes as planned, it will be on Saturday again and will be part of the regular AVMA meeting. More details will follow in the next Newsletter

Seems like I've done so much posting on Vetethic lately that it's hard to come up with something that I haven't already said. However, since some of our members do not subscribe to Vetethic, I will risk repeating myself slightly in the following comments.

The First Amendment to the Constitution of the United States guarantees free speech to all. While I often decry what I believe to be the abuse of free speech by animal rights activists and purveyors of worthless remedies, I see their opportunity to abuse free speech as a lesser evil than muzzling the speech of those whom we do not like. However, those of us who believe that ethics and honesty should prevail over distortions and dishonesty have a responsibility to use our right of free speech to contradict those who would use their right of free speech to deceive and mislead others. This is why I believe that all of us in the Society for Veterinary Medical Ethics should be willing to speak out on matters on which we have expertise, to provide honest information to the public. I encourage all of you to try to make at least one speaking engagement this year to provide information to the public. By doing so, it may help to avoid misconceptions they may have regarding the ethical treatment of animals, either through ignorance, or the deliberate deceptions of those who will settle for nothing less than a complete segregation of humans and animals, or a carte blanche to make whatever unsubstantiated health claims for their health food that they want to make.

The First Amendment right of free speech is a good thing, so let's use that right to do good things.

Robert Speth

News of Interest

Leo Bustad, former Dean and Professor Emeritus of the College of Veterinary Medicine at Washington State University, died on September 19, 1998 at the age of 78. The cause of death was attributed to the progression of Alzheimer's disease. Leo Bustad was beloved by students and colleagues and is credited with starting the serious study of human-animal interactions.

At its July, 1998 meeting the AVMA House of Delegates approved a new revision of the *Principles of Veterinary Medical Ethics*, the first major revision of the code since 1988. The next issue of this Newsletter will contain reports about and discussions of the new *Principles*.

Peter Singer, Australian philosopher and author of *Animal Liberation*, has been appointed DeCamp Professor of Bioethics at Princeton University, a post he will assume in mid-1999. The announcement of Singer's appointment has resulted in considerable controversy at Princeton and beyond because of his condemnations of animal research and his views regarding euthanasia and infanticide.

Henry Spira died on September 11, 1998 in New York City from esophageal cancer at the age of 71. Spira played a major role in what is now known as the contemporary animal rights movement. He is best known for organizing the protests of the sexuality experiments on cats at the American Museum of Natural History in New York City in the 1970s, the protests against the use of animals for cosmetics testing, and his public relations campaign against intensive farm animal husbandry in general and Frank Perdue in particular. Peter Singer's biography of Spira, *Ethics Into Action*, will be reviewed in the next issue

of the Newsletter.

On October 18, 1998 seven fires destroyed three buildings and a ski lift facility in Vail, Colorado. A group calling itself the Earth Liberation Front ("ELF") claimed responsibility for the fires, which caused an estimated \$12 million damage. The ELF, which is said to have ties to EarthFirst! and the Animal Liberation Front, stated that the fires were set to protest and prevent the expansion of the Vail ski resort into areas that, according to the ELF, would be inhabited by lynx soon to be re-introduced into the area. A federal judge had ruled the previous week that the lynx would not be affected by the 885 acre expansion. The ELF message stated that "On behalf of the lynx, five buildings and four ski lifts at Vail were reduced to ashes on the night of Sunday, October 18th. Vail Inc. is already the largest ski operation in North America and now wants to expand even further. The expansion will ruin the last, best lynx habitat in the state. Putting profits ahead of Colorado's wildlife will not be tolerated. ... We will be back if this greedy corporation continues to trespass into wild and unroaded areas." The Associated Press reported that "Katie Fedor, a spokeswoman for the Animal Liberation Front in Osseo, Minn., said that her group has allied itself with the ELF and that the two organizations have declared war on companies that desecrate the Earth. 'It's a war. It's a nonviolent war. It's a nonviolent revolution. Unfortunately, the traditional routes to societal change such as lobbying haven't worked. Constituents are not being heard. We are forced to take nonviolent action.'"

On October 26, 1998, the Earth Liberation Front circulated the following "communique" on the Internet: "On (sic) the early morning hours of Monday, October 26, the Earth Liberation Front entered the Pipkorn Inc. Mink Ranch in Hermansville in the Upper Peninsula of Michigan. Seven holes were cut in the perimeter

fence, and a large gate was opened, allowing the prisoners to escape. Approximately five thousand cages were opened. The farm held captive many different breeds of mink; however, most of those released had white fur. Many were seen leaving the compound and entering the surrounding woods as the liberators left. This action was done in defiance of the recent government repression waged by the grand jury's indictment of two falsely accused activists from Washington state. The Earth Liberation Front will not be intimidated by this government's actions or fur farmers' recent threats of violence against liberators. As corporate destroyers burn in the west, wildlife nations will be liberated in the north." The Associated Press reported on October 29 that Tom Pipkorn, owner the mink farm, said that about 100 volunteers helped him recover all but 1,000 of the animals. He estimated his losses at \$100,000.

At its meeting in July, 1998 the AVMA House of Delegates rejected resolutions sponsored by the Association of Veterinarians for Animal Rights (AVAR) that would express the AVMA's disapproval of cosmetic ear-cropping and tail-docking of dogs. This was the fourth time such resolutions were introduced by AVAR and rejected by the House of Delegates.

A New York City veterinarian, Dr. Mario Zancoppe, has been charged with second degree manslaughter for helping his former secretary kill herself with the drug he uses to euthanize animals in his practice. Zancoppe, 43, allegedly injected 33-year old Cara Biegel while she was in her bed at Memorial Sloan Kettering Cancer Center on August 28, 1997. Biegel had terminal breast cancer. She was expected to live several months and was to be transferred to a hospice the next day. Police said she died minutes after Zancoppe allegedly injected her. Blood had been drawn for testing by the Medical

Examiner's office, but the results were not available until January because it was not considered a high priority case. An editorial in *The New York Post* on October 16, 1998 condemned Zancopé's behavior. According to the editorial, "Once you allow even good, honest, sensible doctors - the kind who cannot be influenced by the greedy relatives of wealthy patients - to decide that a human life doesn't meet their criteria of quality, you put uncounted human lives in terrible danger. Of course, Zancopé isn't even a physician; he's a vet. And that adds a more sinister cast to this whole case. After all, vets are hardened death-dealers: They put animals to sleep all the time."

A number of U.S. states had animal-related issues on the ballot on November 3, 1998. In Alaska, voters defeated a measure that would have prohibited the practice of wolf-snaring. Arizona voters approved a ban on cockfighting. In California, initiatives passed that will prohibit the use of steel traps and certain poisons to capture fur-bearing animals and that outlaws the sale or export of horses intended to be slaughtered for human consumption. In Minnesota an amendment to the state Constitution was passed that calls hunting a "valued part" of the state's heritage "that shall be forever preserved." Voters in Missouri reinstated the prohibition of cockfighting that had been in effect in the state from 1873 to 1985. Ohio voters rejected an initiative that would have prohibited the hunting of mourning doves. In Utah, voters approved an amendment to the state Constitution requiring that any future ballot initiative relating to wildlife issues (including hunting and fishing) will require a two-thirds majority for passage.

October 15, 1998 Cleveland Amory died at the age of 81. Amory was the author of many best-selling books,

including *The Proper Bostonians, Who Killed Society?*, *The Cat Who Came for Christmas*, and *The Cat and the Curmudgeon*. He was the youngest person appointed as Editor of *The Saturday Evening Post* and was the chief critic for *TV Guide* for many years. In 1967 he founded The Fund for Animals and served as its President until his death.

Governor Pete Wilson of California has signed into law a revised animal cruelty statute, which requires that all defendants convicted of cruelty and sentenced to probation either in lieu of or in addition to incarceration or payment of a fine must receive psychological counseling. The new law states that the court shall order such a defendant "to pay for, and successfully complete, counseling, as determined by the court, designed to evaluate and treat behavior or conduct disorders. If the court finds that the defendant is financially unable to pay for that counseling, the court may develop a sliding fee schedule based upon the defendant's ability to pay. An indigent defendant may negotiate a deferred payment schedule, but shall pay a nominal fee if the defendant has the ability to pay the nominal fee."

New York has become the twelfth state to make unlawful the prohibition or regulation of dogs based on breeds rather than dangerous acts or propensities. An amendment to Section 105(5) of the Agriculture and Markets Law allows municipalities to enact programs for the control of dangerous dogs but states that "no such program shall regulate such dogs in a manner that is specific as to breed."

General Mills, manufacturer of Wheaties® brand cereal, has responded to a call for a national boycott by People for the Ethical Treatment of Animals (PETA). PETA is asking that people not

purchase the special edition box of the cereal with champion angler Denny Brauer on the front because, according to PETA, fishing is not a sport but constitutes cruelty to fish. On October 27, 1998 General Mills released the following statement in response: "We're sorry that PETA is objecting to the Denny Brauer bass fishing box. We certainly respect their right to object and protest our decision. But we must disagree with PETA when they say that fishing is not a sport. There are over 60 million anglers in the country who wet their line every year and who believe very strongly that bass fishing is a sport. We're proud of our association with them. The timing of this protest is particularly unfortunate. We're sure that PETA was unaware of it, but for every box of Wheaties sold through November 6, we are donating 10 cents to the Buoniconti Fund to Cure Paralysis."

The Great Ape Project of New Zealand has asked the country's Parliament to amend New Zealand's Bill of Rights to include not just humans but also gorillas, orangutans, chimpanzees, and bonobos. The Great Ape Project demands that these species be granted the right to life, freedom from use in experimentation, and freedom from being held in captivity. There are approximately three dozen great apes in New Zealand, in one circus and three zoos.

The National Animal Interest Alliance (NAIA) has written a petition on animal-related terrorism which it is recommending be sent by individuals and organizations to the U.S. Senate Judiciary Committee. The petition asks the Judiciary Committee

"to constitute and hold hearings before the Senate Judiciary Committee to fully explore the consequences of animal rights terrorism in the nation and internationally; to direct the Department of Justice and other relevant agencies including, but not lim-

ited to, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, and Firearms and the Department of the Treasury; to constitute a national task force to jointly conduct a study and report to the Congress on the extent and effect of domestic and international animal terrorism on enterprises using animals for food and fiber production, agriculture production and breeding, entertainment, animal breeding, sport hunting, pet ownership, medical and agricultural testing and research; and further, to direct these agencies to immediately prioritize the apprehension and prosecution of individuals and organizations involved in animal rights terrorism resulting in acts of arson, personal and real property destruction, threats, extortion, personal injury, and death;

to direct the General Accounting Office to undertake a study to be submitted to the Congress that evaluates the utilization and effectiveness of the current laws as a punishment and a deterrent to those organizations and individuals engaged in unlawful acts, including acts of terrorism against animal enterprises, together with appropriate recommendations for improvement in those laws or additions thereto;

to direct the Internal Revenue Service of the Department of the Treasury to vigorously review the tax exempt status of animal rights organizations that advocate, support, fund, or engage in unlawful activities and investigate and take appropriate action to revoke such classification when the facts so dictate and report such findings to Congress; and

to specifically and immediately draft and consider legislation that would amend the Animal Enterprise Protection Act [18 USC §43] to increase the sentence of individuals found guilty of violation to up to twenty (20) years in prison and increase the monetary restitution to treble the damage caused by such illegal activities."

The full text of the petition is available at the NAIA website, <www.naiaonline.org>.

Editor's Message: Old Wine, New Wine, New Bottles

In the last issue of the Newsletter I announced plans to change its look and to begin several publishing ventures that will enhance the ability of the Society to stimulate discussion among our members. This issue reveals the Newsletter's new appearance. I hope you like it.

This issue contains some new features, including a section of news items of interest to members. Also included in this issue are the Proceedings of the Plenary Session held in conjunction with the AVMA annual meeting in Baltimore in July, 1998.

This is also the first issue that is available electronically as an Adobe Acrobat PDF File. As an experiment to determine the feasibility of electronic delivery, all SVME members who subscribe to the Vetethic list are being asked whether they would like to receive the current issue of the Newsletter in this format. If the test is successful, all members with email will be given the option of receiving the Newsletter via email attachment. The Adobe Acrobat format is compatible with both PC and Apple platforms. In order to read and print the PFD file, members must have installed on their computer the Adobe Acrobat Reader software, version 3.0 or higher. This software is bundled with many popular computer programs and can be downloaded free of charge from the Adobe website: <<http://www.adobe.com>>. Distributing the Newsletter electronically will allow us to save a considerable amount of money in printing and mailing costs. All members who wish to receive the hard-copy of the Newsletter instead of or in addition to the PDF file may do so.

Electronic distribution will also allow us to distribute quickly and inexpensively a whole range of documents of interest to our members, including papers on ethical issues by members and others; court decisions and statutes of relevance to ethical issues; and ethics policies, pronouncements, and codes of professional groups. I hope to begin making such documents available to members in early 1999.

I urge all SVME members to consider contributing to the Newsletter or to ancillary publications we may distribute. Please let me know if there is a book you would like to review, an opinion piece you would like to write, or a news item that you would like included in the Newsletter. All members are invited to submit information about their professional activities.

In April, 1999 the Newsletter and I are moving from Tufts University School of Veterinary Medicine to the University of California at Davis. I can be contacted before or after then at <jtannenbaum@earthlink.net> or c/o Department of Population Health and Reproduction, School of Veterinary Medicine, Tupper Hall Room 1114, University of California at Davis, One Shields Avenue, Davis, CA 95616.

Jerrold Tannenbaum

Society for Veterinary Medical Ethics

President	Robert Speth, PhD
President-elect	Ronald McLaughlin, DVM, MS
Secretary	Ione Smith, DVM
Treasurer	Hal Jenkins, DVM
Historian	Lawrence Carbone, DVM, MA
Parlamentarian	Richard Fink, DVM
Immediate Past-president	John Boyce, DVM, PhD
Past-presidents	Robert Shomer, VMD; Albert Dorn, DVM, MS; Jerrold Tannenbaum, MA, JD

New Members

Joseph Bielitzki, DVM is Chief Veterinary Officer for NASA. He is a board member of the National Animal Interest Alliance (NAIA) and is active in a number of animal use organizations. He is an outspoken opponent of the animal rights movement and states that his interest in veterinary ethics relates to "bioethics regarding the use of animals in the human experience."

Hermann Bonasch, DVM is a clinical veterinarian in San Lorenzo, California. His interests in veterinary ethics are four-fold: 1) ethics in private practice; 2) the use of animals in biomedical research. (He serves on six institutional animal care and use committees); 3) ethics of state and national veterinary organizations; 4) ethics of commercialism in the profession.

Sylvie Cloutier, PhD is an ethologist and Research Associate in the Center for the Study of Animal Well-Being at Washington State University.

Carl Cohen, PhD is Professor of Philosophy at the University of Michigan. He has written a number of articles on the issue of the use of animals in biomedical research. His interest in veterinary ethics relates to the moral standing of animals and the morality of animal experimentation.

Julie Dinnage, DVM is Director of Shelter Animal Health for the Massachusetts Society for the Prevention of Cruelty to Animals. Her interests in veterinary ethics relate to professional conduct, humane treatment of patients, and responsibility of veterinarians to provide euthanasia for their patients.

Kimberly Edgar, MBA is coordinator of the University Laboratory Animal Resources at the University of Pennsylvania. Her interest in veterinary ethics focuses on research ethics. She is currently taking a research ethics course and is considering applying to the

University of Pennsylvania Masters in Ethics Program.

Richard Fish, DVM, PhD is a laboratory animal veterinarian and Director of University Animal Resources at North Carolina State University. His interests in veterinary ethics are: Ethical frameworks for considering human relationship with animals, in general; ethical issues surrounding use of animals in research, teaching, and testing, as well as some of the "traditional" manipulations of companion and food animals such as ear cropping, dehorning, etc.; consideration and assessment of suffering and well-being in animals.

Anne Fitzgerald, DVM is a clinical veterinarian and Research Associate at Parke-Davis Pharmaceutical Co. in Ann Arbor, Michigan. Her interest in veterinary ethics is related to institutional animal care and use committee activities.

Robert Gunnels, DVM, MS is Assistant Director of Animal Resources at Pfizer, Inc. in Groton Connecticut. His interests in veterinary ethics relate to the use of animals in research, teaching, and testing.

Rob Holl Jr., DVM is a small animal practitioner in Plymouth, Indiana. He is Chair of the State of Indiana peer review committee. His interests in veterinary ethics relate to his desire to present problems that arise regarding veterinarians, or client/veterinarian interactions for discussion among Society members through the Vetethic list.

Susan Iliff, DVM is Senior Research Veterinarian at Merck Research Laboratories in Rahway, New Jersey. Her interest in veterinary ethics is general and specific to issues revolving around the use of non-human primates in biomedical research.

Robert Imrie, DVM is a small animal practitioner in Seattle, Washington. He describes his interest in veterinary ethics as relating to the ethics inherent in

employing unproven, unscientific and highly unlikely therapeutic modalities in veterinary medicine.

Jennifer Kalishman, DVM is a post-doctoral trainee in laboratory animal medicine and a graduate student at the University of Washington in Seattle. Her interest in veterinary ethics relates primarily to laboratory animal medicine protocols and animal care committees. She also has an interest in medical research using primates.

Caroline Manser, BVSc, PLD, MRCVS is a veterinary surgeon in the Centre for Small Animal Studies in the Animal Health Trust in Suffolk, UK. Her interests in veterinary ethics relate to a general interest in upholding standards of welfare for animals in all areas of use, and a specific interest in clinical veterinary ethics.

Joy Mench, DPhil is Professor of Animal Science and Director of the Center for Animal Welfare at the University of California at Davis. Her interests in veterinary ethics relate to the ethics of animal use.

Scott Mickelson, DVM is the Manager of Veterinary Services at Hills Pet Nutrition in Topeka, Kansas. His interest in veterinary ethics is in the ethical and moral discussion associated with the use of animals in research for the betterment of animal and human health.

Leslie Nader, PhD is Vice President for Education for the Massachusetts Society for Medical Research (MSMR). Her interest in veterinary ethics arises from her position at MSMR and her involvement in the animal research issue. She cites Jerry Tannenbaum's veterinary ethics text as having put many issues into perspective for her when she first read it six or seven years ago.

Ruth Newberry, PhD is Assistant Professor at the Center for the Study of Animal Well-being, at Washington State University. Her interests in veterinary

ethics are in providing instruction in animal use and animal well-being, and to conduct research on animal well-being with emphasis on the housing and management of chickens and pigs. She is also a member of the IACUC at WSU.

Alice Hellerstein Ra'an, DES (Diplome D'Etudes Superieures in international relations) is Public Affairs Officer for the American Physiological Society (APS). Her main interest in veterinary ethics is in the area of biomedical research. Ethical issues frequently come up in her work for APS, which is an academic society of research scientists. She evaluates proposed government policies and legislation concerning animal research. She looks forward to learning more about these topics through our Society.

George Saperstein, DVM is Acting Chair of the Department of Environmental and Population Health at Tufts University School of Veterinary Medicine and has an endowed chair in the School. He writes: "I am interested in ethics because I am a veterinarian."

Marissa St. Claire, DVM, MS is the Director of Laboratory Animal Medicine at BIOQUAL Inc. in Rockville, Maryland. Her interests in veterinary ethics are: animals in research and comparative ethics, (i.e., ethics of animals for food, versus hunting research, etc.).

Karen Stiles is an animal advocate from Fairlight, NSW, Australia. She has worked in animal welfare for several years. Her particular interest is animals in research. She is an animal welfare representative on two Animal Care & Ethics Committees (ACECs) that cover schools and on Tertiary & Further Education, the government supervisory body in NSW. She works alongside a number of veterinarians on ACECs and on other matters, such as companion animals. She believes we can, in fact must, work constructively towards positive

change. She fervently believes that veterinarians have a vital role in improving the treatment and care of animals, and that veterinarians and animals welfarists can work more closely together on the issues in which they both believe.

Brent Swenson, DVM is a private practitioner in emergency medicine and a lab animal consultant. In response to the question on the SVME membership application regarding his interests in veterinary ethics, he stated that "if a category is required, it is probably 'utilitarian.' If financial interests are the issue, the answer is 'none'."

Anna Worth, VMD is a veterinary practice owner in Shaftsbury Vermont. Her interests in veterinary ethics stem from her involvement in the Vermont Animal Welfare Committee and as a council member for the National Council on Pet Population Study and Policy. She would like to help improve veterinary medicine and practice through good communication.

Susan Wynn, DVM is associated with the Greater Atlanta Veterinary Medical Group in Marietta, Georgia. She is the co-author of a recently published text on alternative veterinary medicine. She just finished post doctoral training in immunology at Emory University. She has never really been involved in animal rights issues for research animals, but she likes listening in on those conversations. She would have preferred not to use and euthanize those animals in the way she did, but saw no alternatives. Her second interest in veterinary ethics involves our obligations and therapeutic limits in patient care. She also has an interest in use of emerging therapies where conventional medicine runs out of gas.

Member News

Jacquie Calnan has been named President of Americans for Medical Progress.

James Fox has been awarded the American College of Laboratory Animal Medicine Henry and Lois Foster Grant for a study entitled "Epidemiology of Helicobacter Hepaticus Infection and Disease in Mouse Colonies." The objective of this research project is to study the effect of mouse strain, sex and age on susceptibility to infection/disease and on the immune response.

Franklin M. Loew began as President of Becker College on September 1, 1998. With campuses in Leicester and Worcester, Massachusetts Becker has a number of strong programs in the sciences and business, including one of the few four year veterinary technology programs in the U.S.

Bob Speth gave a talk at the National Animal Interest Alliance (NAIA) Meeting in Portland, Oregon entitled "The Price of Silence," which concerned the critical role played by animal research in the discovery of penicillin. After the talk Bob was awarded the Dr. Louis J. Kettel Memorial Award for 1997. Presented annually, the Kettel Award is reserved for recognition of members of the scientific and medical communities who have demonstrated outstanding dedication to public education regarding the importance of continued responsible animal research. Bob also participated in a forum at New York University in which he and **Adrian Morrison** debated animal activist Ray Greek, MD about animal rights and the role of animals in research.

Jerrold Tannenbaum spoke on "The Patenting of Surgical Procedures: The Law, the Ethics, the Aggravation" at the annual meeting of the American College of Veterinary Surgeons in Chicago on October 9, 1998.

Announcements, Programs, Meetings

Council for Veterinary Peer Review

The Council for Veterinary Peer Review was founded this year by Dr. Doug Stark, a practitioner in Grand Junction, Colorado, and a member of the Society for Veterinary Medical Ethics. Dr. Dick Headley of Osceola, Indiana is Vice-President of the organization, and Dr. John Daugherty of Poland, Ohio (also an SVME member) is the Secretary-treasurer.

This organization is dedicated to the improvement of case management skills of veterinarians in private practice. Membership is voluntary and is open to all private practitioners. Members are required to submit four cases each year to be reviewed by a board of private practitioners. The cases should demonstrate the submitting veterinarian's ability to manage typical medical and surgical cases. Feedback will be provided on an annual basis.

The process is intended to be as positive as possible. There are no penalties, and no disciplinary action whatsoever. Submitting members who do not pass the peer review process are given the opportunity to submit similar cases for a "second chance." If a practitioner is unable to pass the peer review process, the only penalty is ineligibility to continue membership in the organization.

The goals of the founding board members are: 1) To provide private practitioners with feedback on their case management skills; 2) To give veterinarians a standard by which they can compare themselves to their peers; 3) To improve the skills of participants; and 4) Ultimately, to give the public an objective way to determine if their veterinarian is truly interested in keeping up-to-date, and demonstrates a willingness to have his or her abilities evaluated by peers.

If anyone is interested in CVPR, or would like more information, please contact Dr. John Daugherty at <DogDoctor@aol.com>. All comments are welcome!

John Daugherty

Animal and Human Abuse Explored

The current edition (Volume 5, Number 3) of *Society and Animals* explores the topic of animal abuse and the connection between such abuse and violence toward humans. To purchase this special issue, send a check (or MasterCard or Visa number and expiration date) for \$14 to P.O. Box 1297, Washington Grove, MD 20880. Make check payable to The White Horse Press. Below is the issue's table of contents.

Guest Editors' Introduction: Understanding Cruelty to Animals by Arnold Arluke and Randall Lockwood

Articles

Physical Cruelty toward Animals in Massachusetts, 1975-1996 by Arnold Arluke and Carter Luke

The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who Are Battered by Frank R. Ascione, Claudia V. Weber and David S. Wood

Perceptions of Family Violence: Are Companion Animals in the Picture? by Carol D. Raupp, Mary Barlow and Judith A. Oliver

Death by Decapitation: A Case Study of the Scientific Definition of Animal Welfare by Larry G. Carbone

Commentaries

Untangling the Animal Abuse Web by Dorian Solot

Issues for Veterinarians in Recognizing and Identifying Animal Neglect and Abuse by Gary J. Patronek

Summer Courses in Ethics

The University of Montana-Missoula announces the following summer courses for 1999. The University of Montana offers the nation's first graduate degree and mid-career program in teaching ethics.

Ethics Across the Curriculum is designed to help instructors integrate the teaching of ethics into their regular curriculum. Course topics include goals for teaching ethics, the use of classical theory, moral development theory, activities to teach systematic moral analysis, evaluating outcomes. Ethical issues to be explored include justice, blameworthiness and praiseworthiness, loyalty, honesty, and special role-related responsibilities and privileges. The course meets 30 hours with follow-up. Cost is \$250.00 for 2 graduate credits or \$150.00 to audit. Participants will be assessed a materials fee of approximately \$30 the first day of class.

Ethics Officer Training meets the needs of corporations, medical centers, news organizations and government agencies that are planning or implementing ethics programming. This intensive five-day workshop assists current and future ethics officers in developing background necessary to provide leadership and training. Topics include documentation (creating complementary codes of conduct, and mission statements with compliance standards), conducting ethics audits, creating conditions for ethical behavior, facilitating systematic moral analysis. Ethical issues to be explored include tolerance and diversity, employee loyalty, relationships with clients, customers and competitors, as well as confidentiality, privacy and honesty in communication. The course meets 30 hours with follow-up. Professor Deni Elliott, director of the Practical Ethics Center, is internationally respected for her work in professional ethics. Recent

projects have included seminars for elected officials and NGOs in ethics and local government, assistance to a corporation developing an ethics code, ethics committee and ethics programming, and work with a multi-national firm involved in an ethics dispute with a competitor. Cost is \$350.00 for 2 graduate credits or \$250.00 to audit. Participants will be assessed a materials fee of approximately \$50 the first day of class.

Foundations of Moral Philosophy is a two-week workshop that provides an intensive introduction to three major Western approaches to ethics: virtue theory, deontology and utilitarianism. The class also examines feminist critiques of these approaches. Readings include Aristotle, Kant, Mill and 20th Century Contemporary Philosophers. The course meets 60 hours. Cost is \$350.00 for 4 graduate credits or \$250.00 to audit.

For more information on the classes or hotel/housing accommodations, contact Patrick J. McCormick at the Practical Ethics Center: 406/243-5744 or email: ethics@selway.umt.edu.

Meanderings, and Maybe Even a Book Review of Sorts

by Bob Speth

While the financial rewards of being a teacher at a college of veterinary medicine are not the greatest, they are more than adequate for a comfortable life-style. But more importantly, this job gives me the freedom, resources, and opportunity to explore issues that I find to be interesting. I would like to share with you the pleasure I had on a recent meandering expedition into the world of academia, and encourage you to take advantage of the same opportunities now becoming available to you.

I was preparing for a forum at NYU for

the Students for Education and Animal Liberation (SEAL) in which I would be participating with fellow SVME member Adrian Morrison. I went down to the WSU Veterinary Medicine Library to check on the AVMA's position on the use of animals in research. Looking through the *AVMA Directory* was almost like being a kid in a candy store. The amount of information contained in this volume is incredible. There were position statements (including the 1997 revision of the Principles of Veterinary Medical Ethics), an abundance of statistics, information about veterinary schools all over the world, addresses for state and local VMAs and much, much more. In fact, of the 944 pages of the 1998 *Directory*, 362 contained information about veterinary medicine. There was even a listing of videos that are available from the AVMA (pages 337-361). This surprisingly large collection of videos covers a broad variety of topics ranging from animals in research to zoo veterinarians, AMDUCA to political access, species-oriented videos from avian to veal calves, how to deal with addiction and chemical dependency, and of course a number of videos that address the matter of animal rights versus the responsible use of animals. There is even a video entitled "A Question of Ethics" that should be of considerable interest to us.

By the way, the AVMA policy statement on page 58 of the *Directory* defining animal rights as a philosophical principle in contrast to the veterinary profession's responsibility to assure animal welfare, is right on target from my perspective. To quote the last sentence of the AVMA policy statement: "The AVMA wholeheartedly endorses and adopts promotion of animal welfare as official policy; however, the AVMA cannot endorse the philosophical views and personal values of animal rights advocates when they are incompatible with the responsible use of animals for human purposes, such as food, fiber, and research conducted for the benefit of both humans and animals."

The statements regarding the use of animals in research on page 62 are also compelling endorsements of animal research. I acknowledged these and the above statement, and expressed my gratitude to the AVMA for making these statements, as part of my presentation in the forum at NYU.

I would encourage you to snuggle up with the *AVMA Directory* for a really good read. Or, if you're absolutely addicted to the tube, instead of running over to the video store for your next video, think about renting one of the AVMA videos. A note of warning, though, you have to order 4 weeks in advance. Yet another choice for those of you 90s people who are Internet surfers: Check out <<http://www.avma.org>>. While you must be an AVMA member to take full advantage of this resource, even nonmember surfers can find lots of interesting stuff at the AVMA web site.

But the AVMA web site is just the tip of the iceberg. It continually amazes me how much information is available on the Internet. Yes, the Internet gets some deservedly bad publicity because there are some people who abuse this resource, (e.g., the Web site that is having a Mark McGwire sale on androstenedione, or the PETA website of eternal damnation of those who use animals). But, the potential of the Internet as an information source is too great to deny or ignore just because there are a few bad applets. It has the potential to change our lives in a manner that parallels the development of photocopyers, automobiles, and maybe even sliced bread!

So, those of you who have thought longingly of how nice it would be to have a comprehensive library just down the hall, your time has come. To quote Francis Bacon: "For all knowledge and wonder (which is the seed of knowledge) is an impression of pleasure in itself." Just remember that he also said, "Knowledge is power." So it is up to us to use it wisely. Happy surfing!

Book Reviews

*Animal Models of Human Psychology:
Critique of Science, Ethics and Policy*
by Kenneth J. Shapiro

Hogrefe and Huber Publishers: Seattle, WA, 1998

Reviewed by Adrian R. Morrison, DVM, PhD
School of Veterinary Medicine, University of Pennsylvania;
Program on Medical Science and Society of the Ethics
and Public Policy Center, Washington, DC

Animal Models of Human Psychology by Kenneth Shapiro, Executive Director of Psychologists for the Ethical Treatment of Animals, is the most recent entry into that genre of books and articles arguing that study of physiological and psychological processes in animals is of no use for understanding human disorders. These efforts are driven by the desire to support an ethical system that regards the use of animals in research for human benefit as wrong. Cleverly written with a patina of scholarship, such works have even reached the pages of *Scientific American* (1). Thus, they should not be dismissed lightly, for they lead the unwary public astray.

Having read many of the references as well as the book, I find myself in complete disagreement with the promotional statement by Andrew Rowan on the book jacket that Shapiro "develops a thesis that cannot be dismissed as ignorant, emotional or misrepresenting animal research." To put it bluntly, Shapiro does not seem to understand the complexity of advance in science; his epilogue reveals him to be tormented with anguish about animal use in research; and he seriously misrepresents the efforts of animal researchers.

To dispense with the question of 'emotion' first, in the epilogue one finds the author describing his feelings upon unexpectedly coming upon a cat in a stereotaxic apparatus when a first-year graduate student in clinical psychology. He tells us that he intuited "that something was terribly wrong" and that his "sense of horror remained, ambiguously, as much in the region of the aesthetic as the ethical." He is clearly quite disturbed at the thought of harming animals (especially if it is 'unnecessary' anyway) and wants to make things right. Shapiro would like the reader to lean toward his belief "... that study [of animals] should be limited to investigations of animals for their own sake; to attempts primarily to understand them and only incidentally ourselves; and to invasive and only manipulative studies to that end that are conducted in naturalistic settings." That is a choice but not one that will help the human condition.

The thesis is that human psychology can not be understood by studying behavior of animals. In this he is possibly joined by a large number of psychologists adhering to the humanistic rather than biological side of the profession (2). But this is no excuse for what Shapiro does. He chose as his test case human eating disorders, specifically anorexia nervosa and bulimia nervosa, and then analyzed the field of ingestive behavioral research with animals to demonstrate it has not been of value. The choice was clever because treatments are only beginning to meet with some success; and, indeed, we do not yet understand the etiology and pathophysiology of these illnesses (3). Therefore, it is easy to fool the unwary into believing that animal research has been of no value.

Shapiro spends a chapter developing a false premise largely based on the ideas of two philosophers, LaFollette and Shanks (4): Researchers too often foolishly believe that they are using an animal 'model' directly related to some human condition. I know of no scientist with the naive views he and LaFollette and Shanks attribute to us. The latter, by the way, have been caught telling some real whoppers about the contributions of animal research to strengthen their arguments (5). Regarding ethics, an incongruity here is obvious.

Shapiro describes in great detail the experiments of a number of workers, leading one to believe they were mindlessly toiling away on explicit models of anorexia and bulimia. In fact, they were interested in dissecting the elements of ingestive behavior, with only a few giving even passing reference to either condition. After all, these are intelligent experienced scientists. A couple of the workers whose references I checked, Davis and Mook, who were also subjected to a rather dubious citation analysis, mentioned these disorders but once (Mook, and then not to claim he was modeling any disorder). Shapiro makes much of the fact that clinical psychologists are unaware of the work of these and other animal researchers. Is this a surprise?

When the time does come to look back, determining the contributions of research (basic or applied, using animals or not) to the understanding of human eating disorders will not be easy. Consider the development of chlorpromazine, which revolutionized the treatment of schizophrenia. Seymour Kety says in his foreword to Judith Swayzey's wonderful book, *Chlorpromazine in Psychiatry*: "... none of the crucial findings or pathways that led, over the course of a century, to the ultimate discovery of chlorpromazine would at first have been called relevant to the treatment of mental illness by even the most sophisticated judge. If scientists had decided in the middle of the last century to target research toward the treatment of schizophrenia ... which of those crucial discoveries and pathways would they have supported as relevant to their goal? Certainly not the synthesis of phenothiazine by a chemist interested in methylene blue; nor the study of anaphylaxis in

guinea pigs (which is more clearly related to asthma) ... nor the study of the role of histamine in allergy and anaphylaxis and the search for antihistaminic drugs ... nor the *studies on operant conditioning in animals* [my emphasis]; and not the search by an anesthesiologist for an antihistaminic-sympatholytic drug that might be useful in mitigating surgical shock (6)."

An excellent progress report on the interactions among basic and clinical research and treatment strategies for human eating disorders appeared a decade before Shapiro's book in a New York Academy of Sciences proceedings. It contains interesting papers by basic scientists and clinicians alike, in lively discussion with one another, including all those dredged through the mud in *Animal Models of Human Psychology*. They clearly understand that environmental, genetic and biological factors all must come in to play in these disorders. Ironically, in that volume one reads this opening sentence in a discussion of animal models of eating disorders by Smith: "Animal models have not been used much in the investigation of anorexia nervosa and bulimia nervosa (7)." An intelligent discussion of the concept of models then follows. Now a decade later, and 25 years after Smith himself began describing the role of the gut peptide cholecystokinin in satiety mechanisms, clinical investigators are finding that "bulimic patients develop delayed gastric emptying and a blunted postprandial cholecystokinin release, leading to an impaired satiety response, which [they propose] tends to perpetuate the illness (8)."

As a retrospective, Swayzey's book is a wonderful example of medical history, revealing the interplay among ideas, methodologies, personalities and societal circumstances that weaves the new cloth of a major medical success. Unfortunately, moral fervor more than intellectual curiosity seems to have fueled and therefore seriously marred Shapiro's progress report.

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*"First say to yourself what you would be;
and then do what you have to do."*

Epictetus

Concepts in Ethology: Animal Behavior and Bioethics

by Michael W. Fox

Krieger Publishing Company, Malabar, Florida, 1998

Reviewed by M.S. Cumming, DVM

College of Veterinary Medicine Washington State University

Over twenty years have passed since the first edition of *Concepts in Ethology* was published. The current reissue is a brief series of essays (six chapters). The first four chapters are largely unchanged from the first edition. Like fossils captured in amber, they present concepts of ethology that, by 1998, are well known, often repeated, and more fully presented in other discussions of animal behavior. No reference in any of these chapters post-dates the original publication date of 1974. The illustrations throughout the book are simple, rudimentary diagrams that recapitulate the twenty-year old look and feel of this reissue.

Of the two recent additions, the chapter entitled "Animal Feelings and Feelings for Animals" provides a forum for the author's current interests and points of view. In a philosophical discussion tinged with spiritual and religious fervor, the author presents the concept of *feral vision*, the ultimate goal being to convince the reader to espouse the "liberation of animals from human bondage" (p. 119) which comes from "the heart of compassion and from reason that informs that we and all creatures are related, part of the same divine creation and conception" (p. 125). Sprinklings of Latin terminology (*ethos*, *telos*, *ecos*, etc.) tend to obfuscate and pseudo-intellectualize the points the author attempts to drive home. Nevertheless, throughout the chapter are titillating cameo appearances of important concepts in bioethics and ethology. These are unfortunately masked by the unrelenting sermonizing of the author who concludes a late portion of the chapter with the following quotation (p. 129):

I would not ask anyone "Are you for or against animal rights?" but rather "Are you for or against peace, justice, compassion, and the integrity and future of Creation?"

The other recent addition, entitled "The Bioethics of Animal and Environmental Protection," resolves into a discussion of good and evil. The author's strength resides in his choice of quotations. Andrew Fraser's quotation dealing with animal bioethics as "the pursuit, application, and maintenance of human principles in the care and husbandry of sentient animals, in the interest of their well-being" p. 138) and the use of portions from Albert Schweitzer's *Philosophy of Civilization* carry greater weight than the text which surrounds them. Ultimately, this book consists of four chapters of antiquity frosted with two chapters of philosophical indulgence. A pass.

Saving Molly: A Research Veterinarian's Choices

by James Mahoney, DVM

Chapel Hill, NC, Algonquin Books, 1998

Reviewed by Larry Carbone, DVM, MA

Dr. James Mahoney may be familiar to members of SVME as the head veterinarian (until quite recently) of LEMSIP, NYU's Laboratory for Experimental Medicine and Surgery in Primates. In *Saving Molly*, Jim shows the personal side of being a laboratory animal veterinarian, both in terms of life away from the laboratory, and in the thoughts that come from practicing such an odd profession.

The structure of the book is the simple and moving narrative of Jim and his wife, Marie-Paule, and the runty puppy they name Molly, whom they adopt while on vacation in Jamaica. They take her in and nurse her to health, even resorting to transfusion at one point to treat her flea-bitten anemia, and bring her back to the States with them. Throughout the process, Jim muses on his relationship with animals, as a human being, a veterinarian, a scientific researcher, and that curious hybrid: a laboratory animal veterinarian.

Jim had been a rural veterinarian in Scotland years earlier. He had left that work for a doctoral dissertation in reproductive physiology, and ended up the obstetrician and chief veterinarian for the monkey and chimp colonies at LEMSIP. The straightforward narrative of Molly's path to health alternates with back flashes as Jim is reminded of other animals he has worked with, cattle and mice and dogs and monkeys, but especially the chimps at LEMSIP. As Marie-Paule nurses feisty little Molly from a bottle, as they place her in the cargo of their airplane home, as they find blood and equipment for the transfusion, we learn the stories of Spike, a young orphaned chimp that they had raised at home, Finnegan, a cocky young rhesus monkey, and several others. The book is full of the vivid primates that people LEMSIP: Calvin, the "gracious old gentleman of a chimpanzee," friendly Jojo-M, handsome and haughty Art, and of course, Jim Mahoney himself and his dedicated staff.

Feisty? Cocky? Gracious? Haughty? Are we talking about animals or people here? Though Jim Mahoney has been a research veterinarian for years, his descriptions of the animals and what he presumes to be in their heads is thoroughly unscientific. Sure, he's read the ethological literature on primates, and can relate what he sees to what the behavior specialists have told him, but it is clear that his path to knowledge is empathetic and interactive. He knows chimps as he does because he has spent so many hours and years in them -- their doctor, their nurse, their captor, the man who decides which animals go on to terminal or painful projects, which ones will face lifelong isolation as carriers of the HIV virus, and

which ones, as LEMSIP starts to unravel and the chimps are being farmed out to other research facilities, he will slip out the back door to retirement facilities and sanctuaries. It is clear in Mahoney's writing that he could only do this work if he related to the chimps as fellow individuals, and that anything scientists might tell him about chimp behavior would be merrily tossed aside if it did not ring true to his personal interactions with these animals.

For my money -- a laboratory animal veterinarian myself -- the most fascinating sections are Mahoney's meditations on his profession. He describes his visit to an African hospital, where he sees children stricken with malnutrition, malaria and sleeping sickness. He does not want to halt such research. But from the days of his mouse-based dissertation work, to his nights bottle-feeding orphaned chimps, he likewise knows how wrong it feels to subject animals to the things so many research animals endure. "We, as human beings, have no right but only a pressing need to experiment on them." It is this moral tension about laboratory animal medicine that prompted me for several years to bring veterinary students on field trips to LEMSIP, to see close-up the intelligent eye's of Jim's chimpanzees, and to hear how many research projects chimps, and chimps alone, can fit.

Like so many laboratory animal veterinarians that I have known, Jim is good at displacing his uneasiness about research onto the scientists -- most of whom remain nameless in this otherwise highly personal book. He is caught between the science and the animal subjects, but in the process, often fails to distinguish the scientists from their science. They become almost caricatures, losing their own identities even as they fail to appreciate the animals' "chimpanzeeness." It is they who place the pressures to assign young chimps to studies, prematurely ending their idyllic toddler stage and breaking up their social groups. It is these unnamed scientists who endlessly discuss what to do with retirement age chimps, cannot see why terminal studies and euthanasia would not be the obvious choice, drag their heels in setting up retirement facilities. Armed with such handy villains, Jim Mahoney can claim the high road as the veterinary defender of his animals. To his credit, he rarely takes this easy out, and rarely depicts himself as anyone other than the man who will stay up all night nursing a chimp back to health, and then, once the patient has recovered, assign him or her to an invasive study.

This book offers no easy outs. What it does instead is to create a vividly personal, human, emotional and moral glimpse into animal research. I recommend it highly.

Proceedings of the Plenary Session of the Society for Veterinary Medical Ethics

Baltimore, Maryland

July 25, 1998

Veterinary Ethics: Whom Do We Serve?

Introduction: Professionalism

Mary Beth Leininger, DVM
Former President, AVMA

I think Dr. Boyce made an interesting choice for this morning's speakers who will be presenting concepts about ethics: Drs. Draper and Lewis are or have been in the Dean's position, and for the past 10-12 years I have had intermittent but regular connection with veterinary students at a number of schools. As I considered it, I don't believe that this is a coincidence; rarely do those of us who DO NOT regularly interact with our colleagues in training actually THINK about the future and what it might look like and how what we do today has the opportunity to shape that picture of the future.

Our profession today is held in high public esteem because of the words and works of those who have gone before us -- people like Robert Kirk, Mark Morris, Daniel Salmon, and James Wight (better known as the fictional James Herriot.) They have provided the broad shoulders of sterling, ethical behavior upon which we stand today. Our challenge is to continue that tradition and provide a strong and unsullied platform for those who would follow us.

I have been privileged to participate in a number of commencement exercises in the last several years and I'd like to recommend that if you want to be rejuvenated about the excitement and opportunities of our profession, and to be reassured about the future, attend occasionally a graduation celebration (...a milepost in our service to society, a demonstration of what our future could become, if we but "stay out of the way" of the gifted and dedicated colleagues who follow us).

My theme at these ceremonies is professionalism and what it is that sets us apart. I was out of veterinary school for many years before I could actually put words to my understanding of what it meant to be a "professional." What I finally realized is that it is comprised of four parts:

1. We come to veterinary medicine almost as a calling.
2. We are committed to lifelong learning.
3. We enjoy a feeling of community, of the collegiality that

makes up our professional culture.

4. We are bound by a sense of personal obligation -- a code of ethics.

This final hallmark of a profession, a code of ethics, is what I think of as a sense of service and responsibility to the community. A code of ethics is first and foremost a state of mind. Government regulation does not make us a professional, nor does the diploma conferred by our educational institutions. What defines us as professionals is believing in and acting by a code of ethics, because we professionals require ethics of ourselves.

In a simplistic way, I think of the decisions and actions of professionals as being determined by three layers of judgment. The first is the external law -- the minimum behaviors that our society expects of us (you know, no murders, thefts, or fraud.) The second is the internal personal morality -- values we hold because of our family and religious upbringing and cultural expectations. (Things like generosity of spirit, love of family, commitment to marriage vows.) The third is the middle layer -- this code of ethics -- the behaviors and choices that, as a group, we believe are the correct ways to conduct our professional lives. Ethics are defined by group consensus, altered by group thinking and discussion, and compelled by the force of the high expectations of our peers.

We need look no farther than The Veterinarian's Oath to see what we have committed to become when we enter this profession. We also need look no farther than this Oath to see where we will be challenged, for the Oath speaks of our duties both to the animals we care for and the society we serve. Sometimes our choices may favor one over the other, and that's where our dilemmas lie.

On pages 46-50 of the 1998 version of the *AVMA Directory*, you can find the Principles of Veterinary Medical Ethics, as defined by the Judicial Council and ratified by the House of Delegates of the AVMA. Concepts, generalities, and behavior specifics are outlined, but the spirit is encapsulated by the phrase "accept the Golden Rule as a guide for general conduct."

In this case simpler is surely better, and in a perfect world this would be the only guideline we would need. But we are human and our lives are complicated and we try to make sense of our choices for good or ill. Principles of professional ethics help us define what we believe is expected of us when there are conflicts that pull at us. In our relationship with society, with individual clients, with our patients, serving one group may find us NOT serving another.

Let me describe a few situations that occur in private compan-

ion animal practice and then I'll pick a few to talk through with you.

1. A pet that has been hit by a car is examined at your hospital. When the treatment plan and estimate is presented, the client says she cannot pay for the pet's care.

2. A local non-profit humane organization wants you to provide gratis care for the stray and relinquished pets that they admit into their shelter.

3. A client brings in his dog for euthanasia because of aggressive behavior.

4. A pet is presented by a breeder for repair of an anatomical defect that, uncorrected, will nullify the animal's show potential.

5. A client brings in his severely injured pet for treatment. The injuries are not consistent with the pet-owner's description of the accident. You suspect the pet has been abused.

6. A critical and demanding client has a pet with chronic heart disease that is beginning to decompensate. None of your receptionists will willingly serve the client when she comes to the office because she is troublesome and offensive. You are considering "firing" the client to support your staff and regain some peace in the office.

7. Production-based compensation for veterinary employees. Are there ethical considerations?

Ethical Issues in Academic Veterinary Practice

Donald D. Draper, DVM
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This paper will address some of the ethical responsibilities of veterinary colleges in preparing students to meet personal and societal needs. Veterinary colleges serve many stakeholders. Students are one of the key stakeholders of any college. What ethical responsibilities do colleges have to these students? Are veterinary colleges responsible only for the science of veterinary medicine or do they also have an ethical mandate to expose them to the elements of professionalism? Do we have the responsibility to expose them to some interpersonal and business survival skills?

It is in the latter responsibility that some veterinary colleges have large opportunities. Many students leave veterinary school with no experience or exposure to some of the legal issues involved in owning a practice. Few have any experience in negotiation.

Very few understand financial statements and unfortunately few understand the economics of what it costs to open the practice door every morning. Some do not understand what is required in order for the practice to be able to pay the new graduate a salary every month. Of equal importance, many new graduates will enter practices where they will work with livestock producers whose annual revenues are in the millions of dollars. Frequently these veterinarians are asked by lending institutions to become involved in management. It is critical that these veterinarians have some fundamental knowledge of business planning, accounting, capital budgeting, marketing, and financial management.

Hopefully these examples illustrate the fundamental needs of and changing demands being placed on our graduates. These needs were recognized in a publication entitled *Future Directions for Veterinary Medicine* funded and published by the Pew National Veterinary Education Program. This publication listed some of the most needed changes in veterinary education and suggested thirteen desirable characteristics that veterinarians would need in the 21st century. Four of the thirteen characteristics relate to scientific educational traits. Nine of the characteristics clearly related to life skill needs, professionalism, ethics, and business. Of importance to this discussion, is that one of the characteristics was business and management skills including management of one's personal affairs. Can the veterinary curriculum include these topics?

A Model Veterinary Business Curriculum

An ideal veterinary business curriculum would include experiences with personal legal and financial matters, practice legal and financial issues, and human resource management. Whether the new graduate is to be an employee, manager, or owner of a veterinary practice, they should be able to manage their personal finances in a manner that does not compromise their professional career. Further, they should understand the basic business functions of a veterinary practice and the synergy necessary for the door to be opened every morning and for them to be paid on a regular basis.

A veterinary associate should know and understand what their total cost is to a practice. They should have a working knowledge of different compensation methods, retirement programs, and benefit packages. They should be able to make capital budgeting decisions on whether to purchase new pieces of equipment or hire new employees. They must know the concept of opportunity costs. They should be expected to identify the major profit centers of a practice as well as strategically develop new ones. They must be able to understand and use the concept of time value of money. They should understand and practice risk management strategy including various insurance programs. They should be familiar with employment law, policy and procedures and be in compliance with all federal, state, and or local regulations that affect a

veterinary practice. They should understand or be able to use management information systems for handling medical and financial records as well as other routine practice record functions. One would expect that they develop ethical marketing systems and that they be able to implement quality assurance and assessment programs in their practice.

One can argue that the veterinary curriculum does not have time to include all of these subjects. Perhaps so, and if this is the case then the institution does have the ethical responsibility to provide the student with information on how they might get this knowledge and skills from other sources.

Balancing Profit with Quality Patient Care

We come now to the important question of the role of the academic institution of addressing how to balance profit with quality patient care. My observation is that this is not being done very well. We suspect that in many veterinary institutions students end up confused. First, some veterinary teaching hospitals do not operate like businesses. They are subsidized in the name of "education." In these cases students are not exposed to sound veterinary business practices. A student may be working on a case that requires utilization of special techniques and procedures, all of which are quite expensive. This is usually a neat experience for the student. In many cases, however, the clinician makes a decision that the client can't afford this procedure or that it is of tremendous teaching value so they apply a "teaching discount." What is wrong with this scenario? For one thing it seems to ignore the importance of the human-animal bond and the fact that the client should have the right to decide what they can and will pay for a procedure or service. Secondly, many students are left with the impression that sophisticated and expensive procedures are fun and nice but that they don't work in practice because clients can't afford them.

At an equally fundamental level, students usually are not involved in the determination of what is a fair or reasonable fee. Noted scholar and ethicist Jerrold Tannenbaum has discussed this topic at length in his text and elsewhere. We encourage you to read his thought-provoking treatise on this subject. In most academic institutions, some administrator, middle manager or faculty committee sets fees. Rarely is there opportunity for students to learn from this experience. The student simply applies what they are told if they are told at all. Should the student be taught what it actually costs to perform an ovariohysterectomy, to run a MRI, to implant total hips or any other procedure? What are the fixed and variable costs involved? What is a reasonable profit margin above and beyond total costs? What is the contribution margin? What is the chair cost? How is the student to learn these things? Osmosis it seems. They graduate and enter practice. If they are lucky they will encounter a mentor who has figured out costs and determined reasonable fees. They may, however, enter a system in which the

fees have always been this way and are told, 'our clients can't afford any more.' Under this scenario, how does the new graduate come to value his education and the worth of his services? What does this do to the new graduate's self-esteem? Perhaps this age-old scenario has led to the perceived poor economic plight of the veterinary profession today. Does the profession including veterinary academia have a moral obligation to show and illustrate to young veterinarians what is involved in determining fees? We believe the answer is affirmative. To do otherwise would be unethical.

How do we balance profit and quality patient care? For an engaging and thoughtful discussion on this issue, we refer you to Tannenbaum's discourse on the veterinarian as healer, friend, and businessperson. To some it is a contradiction to have maximum profits and yet have quality patient care. To others, however, this is an ethical mandate. The two go hand in hand. To have maximum profits without quality patient would be unethical, and vice versa to have quality patient care without maximum profits is untenable. Let me attempt to explain.

The paradigm of profit maximization has several interpretations. Many of you are thinking of the bottom line of a profit and loss statement. This is the classical accounting interpretation. Those of you who recall your freshmen economics course know that technically, profit maximization is the point where the marginal cost curve intersects the marginal revenue curve from below. It is only at this point that the practice is operating at a level of efficiency that guarantees the clients the maximum amount of services created from limited resources.

A third interpretation of the profit maximization paradigm is the behavioral one. This defines profit maximization as all the human effort and creativity necessary to produce the right kind and amount of goods and services the clients want at the lowest possible cost. Ethics enters the concept when we consider the phrase "the right kind." When veterinarians use their resources efficiently, clients have more of the services they want, and that is good. When on the other hand veterinarians use scarce resources inefficiently, clients have less of the services they want, and that is bad. Because ethics is the study of good and bad activity, engaging or not engaging in profit maximization is a matter of applied ethics.

Note that the behavioral definition uses the words "lowest possible costs." If we do not have the lowest possible costs, then we have inefficiencies. These inefficiencies represent opportunity costs to the veterinarian. According to the paradigm there are two types of opportunity costs, those involving the internal operations of the practice and those relating to externalities. Internal opportunity costs include those associated with capital (interest), labor and time (wages), land (rent), and creativity entrepreneurship (profit). The veterinary owner must efficiently utilize the staff, doctors, facilities, and capital in order to maximize profits and provide the

services that the clients want. To do otherwise would be unethical. Concerning externalities, the veterinarian must be aware of the norms and mores of the community in which she practices.

They must be cognizant of external concerns that either directly or indirectly impact profits. Further, they must understand the intricate relationship between these externalities and the internal management of the practice. The veterinarian who ignores the externalities creates negative economic consequences that represent opportunity costs of the practice and the community. Veterinarians must consider the geographic, philosophical, social, legal, religious, and cultural sensibilities of the community in which they practice at the same time they consider the costs of providing veterinary health care services. To do otherwise would lead to higher costs and lower profits, which according to the paradigm would be inefficient and unethical. The profit maximization paradigm concerns the personal and social well being of all parties and considers all economic resources as finite, scarce, and limited.

Summary

In summary, we have suggested that one of the moral responsibilities of veterinary colleges is to prepare students to function in society and meet society's needs and wants. This means that colleges not only have to provide traditional medical and surgical knowledge; they also should expose students to life skills including enough exposure to fundamental business information so that they can function personally and professionally. Students entering a practice should know what it takes to operate a practice. They should have some concept of what are reasonable fees to charge. At the same time they must understand the ethical importance of providing quality patient care. One way for colleges to incorporate this material into the curriculum is to involve students in the business and ethical aspects of cases just as they are involved in case management. Where possible, relevant business courses should be offered to the students.

*"Sunshine is the
best antiseptic."*

Louis Brandeis

Ethical Issues Are Not Black and White. Often They Are A Matter of Perspective.

Hugh B. Lewis, DVM
VetSmart

I have learned much during my time at VetSmart, an emerging national practice. We are a four year old private bond-centered pet practice, and have about 250 partners. We operate 105 full-service hospitals in ten states. We are sometimes a target for ethical concerns from our colleagues in the veterinary profession. This usually seems to reflect differences in philosophy and perspective, as I hope to illustrate.

Our Practice Vision

We are a bond-centered practice and are dedicated to making life better for families.

We believe in giving pets the same care we want for ourselves. As such, we are advocates for the pet. We try hard to educate pet owners and to encourage them to do what is best for the pet. We understand how much they care for their pets, and we know that they want to do what is best for their pets and that they rely upon us to advise them. Our practice standards are facilitated by diagnosis and treatment protocols and are supported by a Quality Assurance program.

We believe in making pet health affordable. As such, we emphasize preventive care. It is best for the pet and best for the owner, and is cost-effective when compared to the cost of treatment. We bundle services under wellness plans, and move the cost to budgeted funds, paid monthly. Bundled services are discounted, but pets receive all the services they need. We try hard to help our clients afford our services but we do not give our services away. We are a for-profit organization since we recognize that profit will provide us the means to practice the way we want to practice.

We strive to strengthen the value of pets in families by educating our clients about the value of the human-pet bond. We treat pets like special members of the family, more like a child than merely an animal, and we recognize that people want the very best care for their pet.

Pets and Human Lives

We believe that pets must never be a threat to any member of their family, and we accept responsibility for helping to remove such threats, e.g., zoonotic diseases, by advocating preventive measures. We view this as part of our role in public health. We are conscious that we (DVMs) are the only health professionals that see both pets and people and are in the best position to have top-of-the-mind awareness of zoonotic threats. Also, that the unit of the public is the

g the better for families".

We also believe in stopping euthanasia by keeping pets healthy. So we are rather negative about euthanizing healthy pets. We will try to find homes first. In short, we believe in treating pets like family. "If the pet was a child how would I treat it?"

We try to remain true to our vision, which focuses heavily on wellness and disease prevention.

Here are three examples of how our vision and its implementation sometimes clashes with conventional ethics:

A. Making Life Better for Families. Pet must not be a threat. Last year, the CDC recorded over 10,000 cases of ascariasis in humans. Roughly 10% of these were children who had lost the sight of one or both eyes due to larval migrans. This is just the tip of a much bigger iceberg.

The new status of pets as members of the family allows them to share the family environment, including in many cases, the bedroom. There is often close contact between pets and young children, neither of whom have much sense of hygiene. The life cycle of roundworms is only a few weeks. The CDC advises monthly preventative treatment to obviate the threat. We encourage our partners to pursue a prevention strategy too, particularly when children are present in a pet's family.

Some veterinarians feel that this is "unethical" and accuse us of "pushing drugs," alleging that we are using unnecessary scare tactics that are likely to make people get rid of their pets. In their view, annual treatments are sufficient to control the problem in pets. They may well be correct in terms of the clinical problem in the pet, but they are ignoring the environmental contamination and threat to the humans who share it.

We believe that deworming monthly or every two months is an ethical and responsible approach to our responsibility to families. In line with our vision and commitment to "making life better for families." From our perspective it is unethical not to advise the pet owner of helminth parasites and other zoonotic conditions affecting pets.

Giving Pets the Same Care We Want for Ourselves. Bonded Practice. Advocate for the Pet. The pet owner looks to the veterinarian and his/her team for education and sound advice regarding what is best for the pet (NOT, what is second or third

believe in being an advocate for the pet and recommending preventive care, the best diagnostic regimen, and the most therapeutic treatment strategy.

sometimes accused by other DVM's of "pushing our performing unnecessary tests, in doing more than is people's pets.

It is true that we do not usually offer a smorgasbord of treatments from Cadillac to push-cart, from which owners can choose according to the size of their pocket books. We are advocates for the pet and try to give them the same care that we want for ourselves. If clients cannot afford the best care then, of course we try to still help them. 96% of our clients appreciate that approach and say that they will come back and recommend us to their friends. Very few, less than 1%, complain about services or our prices.

C. We believe that prevention is better than cure. Better for the pet, for the owner, and for our profession. We received a letter from a Northern State VMA a few weeks ago. They accused us of unethical practice because we advocated testing and preventive treatment for heartworm disease in dogs. According to them, the disease was not endemic in the state and therefore it was unnecessary to test for heartworm or place pets on preventive therapy. We were accused of advocating unnecessary services and thus bilking the public and giving the veterinary profession a bad name. What had particularly upset them was a VetSmart pet-owner educational piece that appeared in a PetsMart advertising flier. The title was: "It is not too late to prevent Heartworm!" -- and it advocated heartworm testing and preventive treatment. We practice in 10 states and this was part of a national heartworm awareness campaign.

Well, there is, of course, another side to the story:

We have hospitals in 10 states, and we have an excellent computer-based records system. We were aware that heartworm had become endemic in the adjacent state to the south. Some of our hospitals were seeing 5 to 6 cases per week and the condition was clearly spreading north. We had seen 4 cases this year in a city on the other side of the bordering river, and a retrospective review of our database for the state in question revealed 13 heartworm positive antigen tests in the last twelve months, about half of which were in native dogs that had not, to our knowledge, been out of the state.

We were also aware that two years previously the State Veterinarian had alerted all veterinarians to the fact that two native dogs had been found positive for heartworm, suggesting that an effective vector was present in the state. We also discovered after receiving the State VMA letter, that a survey being conducted by an out-of-state researcher had also uncovered over a dozen positive cases on random screening, and that the region to the north of the state was endemic for heartworm. So it appeared that the state may be in the early stage of endemic heartworm infestation -- perhaps on the way to having a major problem.

In our opinion, this was the ideal time to mount a vigorous preventive program. Following the State VMA's position of no testing and no preventive measures could only have resulted in ignorance and perhaps unintended spread of the disease. From our

perspective, we were being absolutely ethical in recommending testing and preventive treatment. From their perspective, and I quote:

- "Pets in the state do not need to be tested routinely for heartworm, and do not need to be placed on heartworm prophylaxis."

- "We respectfully urge you to stop this alarmist and inaccurate advertising."

- "Our primary concern is that the veterinary profession not be perceived as profiteering with self-serving messages about epidemics that do not exist."

We said nothing about an epidemic, merely advising that it was not too late to prevent heartworm. Given the fact that the disease clearly is endemic in the state, albeit at a low incidence, we think it is unethical and irresponsible to not test and prevent.

This issue revolved around different philosophies:

Ours: Best for pet and family to prevent disease.

Theirs: It is only ethical to treat if there is an established problem, which is akin to saying "Yes, we know the disease is spreading to all corners of the country, but we should wait for it to become firmly established (clearly endemic) before advocating testing and prevention."

Veterinary Ethics: The Perspective of the State Licensing Boards

The Role of the Veterinary Licensing Boards

Nancy L. Collins, DVM

Member, California Veterinary Medical Board

All regulatory boards have three things in common: statutes (the body of laws that create the profession), rules (the instruments that provide the details for implementing and interpreting specific statutes), and enforcement powers (the authority to enact the statutes and rules and impose discipline on licensees after providing due process).

Statutes establish the board's structure and specify board member qualifications. They also grant the board the authority to administer the laws, define the scope of practice, specify qualifications for licensure, and specify grounds for discipline. The statutes

governing the profession are also called the practice act.

Rules have the force of law and are used to provide the details outlined in the statutes. Legislatures have delegated the responsibility of writing rules to boards. The approval process for rules is more expedient and flexible than the process required enacting or amending a statute, which involves action by the legislature.

Licensing boards differ in the actual content of the statutes and rules, the rule-making process, the administrative framework they operate under, the disciplinary process they use, and the degree to which the board's records and actions are considered public information.

Due Process is guaranteed by the 14th Amendment to the US Constitution. Licensees are provided with a mechanism for Due Process when they are accused of violating the practice act. It is important to note that boards can only take action against an individual's license to practice; they do not have the authority to take civil or criminal action.

Licensing boards have four major responsibilities: establishing entry requirements, rule making, discipline of licensees, and assessing continuing competency of licensees.

Beginning in the 1960s, the social value of licensing began to come under attack and licensing boards were increasingly viewed with skepticism by consumers. Critics feel that public protection, which is the purpose of a licensing board, is merely a smoke screen for turf protection and self-interest. Critics point out that boards evolved from trade guilds whose purpose was self-interest. Many question whether the public actually demands regulation of the professions. They note that a large percentage of a board's resources are spent on limiting entry to the profession, with relatively little attention being given to other important matters. Critics also charge that license fees are inadequate to cover the costs of disciplinary actions, and that boards have failed to address the need for continued competency assurance.

As a result of this criticism, many states adopted sunset legislation, which mandates an in-depth review of regulatory boards, requiring them to demonstrate a continued public need in order to exist. Public members have been added to many boards, which used to be composed entirely of members of the profession being regulated. Another step that has been taken in some states is to remove the board's autonomy by placing it under an umbrella state agency controlled by the executive branch of government.

Sunset reviews have placed greater pressure on boards to put more emphasis on discipline and continued competency assurance. The need for increased attention to discipline has led to the creation of national disciplinary data banks for health care professionals. In veterinary medicine, the National Disciplinary Database was established by the American Association of Veterinary State Boards in cooperation with the Professional Examination

Service, and became operational in 1994. The Database contains a record of each licensee in the country, and is updated whenever a disciplinary action is taken by a licensing board. Whenever a licensed veterinarian seeks a license in another jurisdiction, his or her national board scores are accompanied by a report from the Disciplinary Database, indicating whether an action has been taken against his or her license in another jurisdiction. This has virtually eliminated the ability of a "bad apple" to escape trouble in one jurisdiction by moving to a new location and becoming licensed there.

Continued competency is an issue that will not go away. The political clout of consumer groups who are pushing continued competency should not be underestimated. Professional associations argue that mandatory continuing education is the only feasible way to deal with this issue. However, consumers point out the self-serving nature of mandatory CE, arguing that its main purpose is to increase attendance at state professional association meetings. If the profession cannot agree on a workable mechanism for continued competency assurance, legislatures may mandate their own "solutions."

Most practice acts were initially written 80-100 years ago, with the intent of "turf protection," and minimal changes have been made to many of them. Changes in transportation, communication, and demographics make mobility an important issue. However, in the rush to reduce mobility barriers, will the lowest common denominator be selected as the national or global standard? Will the quality of service and level of consumer protection drop within the United States?

"Reciprocity" and "endorsement" are terms that are often used interchangeably, but they represent different concepts. Reciprocity is an agreement for licensure between states. In other words, individuals licensed in one state are automatically eligible for licensure in the other state. However, reciprocity does not address equivalency of entry requirements. License by endorsement, a newer concept than reciprocity, does address equivalency requirements. Typically, license by endorsement allows a state to license a person without additional examinations, if he or she meets certain minimum requirements, such as passing the national examinations and completing a specified amount of time in practice in another jurisdiction without disciplinary actions. However, for license by endorsement to work effectively, the majority of states must adopt comparable licensure standards.

Telemedicine is another new challenge facing licensing boards. What are the standards of care? How will regulators ensure practitioner accountability? How will discipline be carried out? Remember, a licensing board can only discipline its own licensees.

Without regulation, there is anarchy. Certainly, professional regulation is a less than perfect system to protect the public. As

professionals, we have a responsibility to make regulatory laws work as well as possible, and to keep informed about how the system works. Veterinarians should be willing to participate directly by serving on a board, participating in an examination writing workshop or attending a public hearing.

Veterinary Medical Ethics in Oklahoma

Mary G. Ballenger, DVM

Member, Oklahoma State Board of Veterinary Medical Examiners

Our Oklahoma Veterinary Practice Act was updated in the early 90s, and more attention of the Board was placed on ethical violations than ever before since the original adoption of our Practice Act in 1913.

As of July 20, 1998 Oklahoma has 1771 active licensed veterinarians. 1081 reside in Oklahoma and 690 live out of state. We also have 226 active licensed veterinary technicians.

From July 1, 1996 to June 30, 1997 we added 37 complaints to the existing 18 complaints for a total of 55 complaints against veterinarians for ethical practice act violations. FY 98 had a total 38 new complaints. Our Board averages 3 complaints per month; however, 23 of the complaints were received over a 3-month period. This increase was most likely due to media attention, which the Board received over two cases.

The complaints vary in nature. Most all complainants want to incarcerate the veterinarian for what happened to their pet. So when a case is opened for investigation, it is treated with much diligence, professionalism and thoroughness to find the truth. When our investigator feels there is clear and convincing evidence of a Practice Act violation(s), a hearing is held.

In Oklahoma, our Board has a range of disciplinary actions available at the time of our hearing. These actions include revocation of a license or certificate, suspension, probation, reprimand and administrative citation. Our state laws as well as those of other states have specific items for unprofessional or dishonorable conduct. I would like to illustrate some ethical violations through some case studies. These case studies will deal with negligence, fraud, CDS abuse, mistreatment, incompetence, and aiding and abetting the practice of veterinary medicine.

A View from Maryland

A. Cleveland Brown, DVM
Former Member, Maryland State Board
of Veterinary Medical Examiners

Since its inception, our national code of ethics has been used as a guide, and at times used verbatim by non-public constituent organizations for the purpose of adopting standards of professional conduct and by state regulatory boards to promulgate rules and regulations. Certainly, this has been the case in Maryland.

I am going to give a brief review of the history of our code of ethics, noting some of the major changes over the years, and where applicable, relate some of my experiences and impressions from my tenure on the Maryland state board.

The first code of veterinary ethics in this country was adopted in 1867 by the fledgling USVMA. The USVMA was founded in 1863 and would become the AVMA in 1896 by name change.

The original code was part of the constitution and bylaws of our national organization and consisted of seven short sections or paragraphs, each dealing with a different issue. In synopsis, the code:

- 1) prohibited the misuse of titles, degrees, etc.
- 2) prohibited undercharging of a client in order to build practice.
- 3) prohibited speaking disrespectfully of a colleague in a way that would damage his professional reputation.
- 4) enumerated the responsibilities of the various parties when consultants were employed.
- 5) restricted advertising
- 6) prohibited secret medicine
- 7) included an admonishment to obey the above

Minor changes were made in the code from time to time; however, as late as 1940, when there would be a major revision, the code still consisted of seven sections. The prohibition against undercharging clients had been dropped (1917) and a statement that members were to conduct themselves as "professional gentlemen" (1904) had been added.

In 1940, the code of ethics was removed from the constitution and bylaws and expanded to something more closely resembling the present code with a preamble and 33 sections.

Since 1940, the code of ethics (to be renamed the *Principles of Veterinary Medical Ethics*) has been regularly revised, at first by the AVMA Committee on Ethics, and later, beginning in 1959, by the newly formed Judicial Council. Each revision has resulted in a document of greater detail and specificity. Two events had a major impact on revision of our principles of ethics, one a Supreme Court ruling, the other, an investigation of self-regulating professions by the Federal Trade Commission (FTC).

In the early 1970s a Maryland veterinarian permitted his likeness and endorsement to be used in a commercial for Nash Rambler, an action for which he was sanctioned by the Maryland board. Nowadays, we regularly see veterinarians appear, with impunity, in similar ads. What has changed beside the fact that there are no longer Nash Ramblers?

In 1977, the Supreme Court decision in *Bates v. Arizona State Bar* acknowledged the right of commercial speech as a guarantee of the First Amendment. This decision had the effect of eliminating restrictions on advertising and endorsing by members of the learned professions with a caveat that any such speech not be false, fraudulent or misleading. Up to this point, the professions had, for the most part, regulated themselves without challenge.

In 1976, a year before the *Bates* decision, the FTC announced that it would investigate the veterinary profession in search of rules, regulations, or canons that may have the effect of being or fostering anti-competition. That caused a stir throughout the profession that lasted for several years and for us here in Maryland did not end until 1989. We had made changes in our board regulations in response to the Supreme Court decision, but had not audited them for anti-competitive language to the satisfaction of the FTC.

In 1996, the FTC advised us that we were under investigation and cited six regulations of concern. Our attorney general was quick to request an in-house (or instate) review of the regulations in question. He agreed with the FTC that the regulations in question were subject to anti-competition interpretation and, in addition, found two more questionable regulations that the FTC had not. As a result, we deleted the regulations that dealt specifically with house call practices, mobile clinics and satellite practices because they had stipulated requirements in excess of those for so-called stationary practices. The regulation restricting use of language belittling a colleague was stricken. You will recall that was in the original USVMA code of 1867. Restrictions on fee-splitting were stricken. Also stricken were regulations addressing professional judgment and professional standards that had originally been taken verbatim from the AVMA code.

In no instance was it found that the board had enforced a regulation anti-competitively.

It took the Maryland board four months to adopt changes in regulations to accommodate anti-trust concerns. It took Maryland's Attorney General two more months to write a final report and close his case. It took the FTC three full years from the time we had complied to notify us that no action against us was warranted. To my knowledge, and as a practical matter, the board had either a) never used the regulations in question, or b) in the case of one regulation, had discontinued use because of recognized ambiguity and vagueness.

The changes brought about by the Supreme Court decision and FTC activity have not significantly, if at all, changed the nature

of cases coming before our board. We dealt with very few complaints involving advertising before the Bates decision and I am aware of only one case since the Bates decision to come before the board alleging false or misleading advertising. Certainly, Maryland veterinarians are not above a bit of puffery in their ads of the type that characterizes commercial speech in general (e.g., years of excellence, state of the art, complete diagnostic services, etc.).

We have had a few instances of veterinarians advertising reduced fees or discounts (e.g., 20 percent off) without publicizing the regular fee either in the office or in the promotional material. However, once given advice, we have had no problem with compliance.

One final area on the periphery of advertising that I would like to touch upon is the use of reminder cards. For many years, reminders were considered to be solicitations and therefore not permissible advertising. AVMA approved the use of reminders in 1973, four years before the Supreme Court decision would have permitted it.

For a long time, Maryland regulations required a veterinarian to release upon request his records for a given patient to another veterinarian who had assumed care of that patient. Seems innocent enough, doesn't it? Actually, we found that some individuals abused the courtesy by requesting records for animals for which they were not going to be the ongoing care provider. With the regular veterinarian's records in hand, they would send reminders for vaccinations, etc., at times contrary to the wishes of the owner. Presently, the regulations provide that records be transferred at the behest of the owner. For the most part, the system still works as it did in the past with veterinarians communicating directly and in a spirit of cooperation, but the mechanism is in place to help prevent the isolated instances of abuse.

In conclusion, I think many of us viewed with concern and some trepidation the changes imposed upon us at the time, but perhaps we were unduly concerned. On balance, the public is supposed to have benefitted from the resulting changes, and I hope that end has been achieved. Yes, given a choice, I would still opt for self-regulation such as we had for 110 years, but I would also admit that present day veterinary medicine is very much alive and quite well.

One Veterinary Board Member's View of Ethics as it Impacts the Board

Donald R. Watson, DVM
Member, Michigan Board of Veterinary Medicine

When Dr. Boyce invited me to join this discussion I expressed concern since Boards deal ordinarily with legal issues. But are legal issues all they deal with? In running this thought past another

Board member that member agreed with me that Boards ordinarily deal only with legal issues with a smattering of ethical problems. But in expressing this concern to Dr. Boyce he gave me a few hints with the admonition to rethink the project. The more I did so it became apparent that almost all actions by the Board against a veterinarian involve some degree of ethics misapplication. Unfortunately this misapplication may involve anyone in the cycle of Board activities including not only the aggrieved complainant but board members and any of the various personnel from the state.

For a better understanding of our problems with ethics as a focus I will give you a brief overview of the Board complaint process in Michigan.

In Michigan, once a complaint is filed, it comes to the Chairperson of the Board and another veterinarian, a Board member, appointed by the Chair. They comprise the Complaint Committee. In its broadest sense ethics and malpractice can be a violation of our practice act. If the Complaint Committee feels a violation has occurred an allegation is directed to the Compliance section of our Consumer's Affairs Services. They in turn will review the complaint and with their broader knowledge of the law determine whether this could be a violation. If so an investigation begins. If not, the case is closed and the appropriate people are notified of the decision.

Assuming a violation may have occurred, the case is then turned over to an investigator who takes testimony from the complainant and any others the investigator feels may add information concerning the issues involved. Once this process is completed the findings are turned over to the Attorney General's (AG's) office for the legal work up.

The AG's office must believe two things about the case before formally charging the veterinarian: first, that a violation occurred and second, that the evidence is such that it will stand up to judicial review. To aid the AG in this search for legal support a veterinarian expert in that field is often called upon to verify and comment upon the case depending upon the investigator's report, the charged veterinarian's responses along with pertinent medical records, if available. (In Michigan they are not required to be maintained.) If the facts seem to verify that an allegation may be true, it is the allegation is written up and sent to the offender. He or she then comes in for a formal hearing and may bring a lawyer. If both the veterinarian and the state agree the violation occurred they may decide at that point to suggested penalties all the way from a simple fine to suspension. This is called the consent order which would then go directly to the Board of Veterinary Medicine. The Board may then do one of three things: accept it as proposed, reject it, or modify it and send it back to the offender for agreement or disagreement. If the veterinarian disagrees with the proposed consent order and makes a counter offer to the Board it goes back to the Board, which may again do any of the three mentioned

options. If the Board rejects this counter offer the matter goes directly to the Administrative Law Judge (ALJ).

The ALJ then makes a ruling which goes back to the Board of Veterinary Medicine, which the Board may or may not accept; but at least the Board has more information to make a decision based upon the facts as presented in the hearing under oath. It will also go to the ALJ if the Board rejects in toto a prior proposed consent order. The Board is not bound by the ALJ's decision and findings. Although rare, the Board has the power to reject the findings of the ALJ and impose its own set of penalties according to what it feels is proper within the law. The charged veterinarian may accept the consent order or appeal the decision which then goes to a higher court. One can immediately see the cumbersomeness of this process, with many people involved and many chances for legal and ethical miscues to occur. This is not to imply this is intentional.

Two recent cases brought to the Board illustrate and focus substantially upon ethical issues, although the legal ramifications are not to be overlooked either. The facts in these two cases are as follows:

Case One:

1. A cat struck by a car has a fractured mandible.
2. Attending veterinarian quotes a price for repair.
3. Client cannot afford the fee and signed a euthanasia form and pays for the exam and euthanasia fee.
4. Veterinarian fixes mandible and fails to euthanize the animal.
5. The veterinarian subsequently sells the cat to a person who admired it and supposedly for a fee less than that quoted for the mandibular repair to the original owner.
6. The second person who bought the cat discovered it had previously belonged to a friend.
7. When the friend discovered this the friend filed a complaint with the Board of Veterinary Medicine.
8. Without going through all the steps to the final decision the bottom line was this: The state refused to charge the veterinarian on the grounds the evidence didn't support the charges. This, in spite of the fact the veterinarian essentially said this happened as described. (I do give him credit for candor.)

Since the veterinarian admitted the facts were essentially true and the state failed to act it must share in the injustice perpetrated upon the first owner. The state is also guilty of demeaning the complaint process set up by the state with some negative impact upon the Board itself, e.g., reinforcing the public's belief we will protect their own, which is not true.

Case Two:

This involves the classic scenario of one veterinarian making accusations to a client against another veterinarian with the collusion of a veterinary technician who worked for both of them. From the record, there is no doubt there is animosity between these three professionals, the charged veterinarian and the colluding veterinarian and the veterinary technician. A civil suit involving the three occurred prior to these charges with the charged veterinarian the defendant and the second veterinarian and veterinary technician the plaintiffs. This case ended when the Judge ruled in favor of the charged veterinarian. The Judge explained the suit was ill founded, without merit and consequently dismissed it. Although this civil suit was presented to the Board as supporting evidence in the administrative charge it had no impact upon the Board. In fact it should never have been included in the administrative charge.

The charge itself comprised two parts: First, that the veterinarian allowed an unlicensed foreign veterinary graduate to perform surgery without any oversight from the charged veterinarian. Second that the charged veterinarian mishandled the treatment and surgical procedures of a Rottweiler which ultimately led to its death. It is here the other veterinarian and his technician, the same two who filed the civil suit, violated ethical standards by encouraging the owner of the Rottweiler to charge the veterinarian with violations of the practice act, which she did. Objectivity failed here as they overlooked the fact the veterinarian may have done everything possible and within proper veterinary protocols to bring about a healthy response in the animal in spite of some grave medical problems.

The true part of the charge alleged the charged veterinarian allowed a foreign graduate to perform surgery without having been licensed in Michigan. This part went uncontested.

The second part concerned the Rottweiler bitch who recently gave birth to a litter of puppies and was treated by the charged veterinarian. It subsequently had to be euthanized by the second veterinarian when the owner for whatever reason moved the case to the second veterinarian's care, again the same veterinarian who filed the civil suit.

This case is so complicated I'll give you a brief synopsis. The charged veterinarian did 4 surgeries in a short span of time, a mastectomy, a hysterectomy, a repair of a bleeding ulcer and a repair of that surgery. During this time the primary antibiotic used was gentamicin, which later became an issue as having allegedly been used longer than it should have been.

In the compliance hearing to determine the facts the veterinarian and his lawyers felt the state agreed to drop the charges concerning the Rottweiler. They also claim to have a tape recording verifying this agreement with the state. However, when the administrative charge came to the Board it contained the charge with the

Rottweiler. The board originally sought a 6 month and 1 day suspension of the license with a \$500.00 fine which would have put the charged veterinarian out of business for that period of time. The one day past 6 months also made it mandatory that he reapply for his license, which could easily have added another 2-6 months to the penalty. That consent order was rejected. Subsequently he agreed to a consent order specifying a 2 year probation with Board oversight of his veterinary activities and his facility for that period, a \$5000.00 fine and 30 hours of community service.

In discussing the charges with him during the first inspection it became apparent all the facts hadn't been presented in the administrative charge the state had presented to the Board. The state's own expert witness denied he had done anything specifically wrong concerning his handling of the Rottweiler case except one item which the veterinarian had specifically addressed and offered a reasonable explanation. (I should add a state veterinary expert knowledgeable in the type of case was consulted.) But, in short, because of the lack of supporting evidence in favor of this veterinarian along with an incomplete record from the AG's office, including an absence of medical and pathology records, there was substantial agreement within the Board this case should be reopened. Had it been given in toto to the Board the decision may well have been far different. It is likely the Board would have refused to decide or offer a counter offer, in which case it would have been sent to an administrative hearing where all the facts could have been presented. The veterinarian, fearing a suspension of his license, signed the Consent Order, which incidentally mandates the Board may accept all statements in the order as true. The state presently accepted that decision as final. At the moment the state is refusing to reopen it on the grounds the 30 day grace period for an appeal had expired. Also they felt the penalty justified because of the use of the foreign veterinarian.

What went wrong?

A. The administrative charge presented to the Board, which is primarily written by the AG's office in the case, failed to give any serious credence to the veterinarian's rebuttal of the charges against him concerning the Rottweiler. In short only a simple synopsis of the investigator's finding was offered.

B. The failure of the veterinarian's lawyers to contest the administrative charge when it became known to them the charge contained almost nothing supporting the veterinarian in his handling of the Rottweiler.

C. The failure of the lawyers not to appeal within the prescribed time when they knew that the decision was flawed because the facts presented to the Board were incomplete and likely to mislead the Board. (One lawyer, there are two on this case, claims they were not aware of the appeal process.)

D. The failure and incomplete reporting of facts by AG's office from the investigator who had submitted a rather extensive report. The charge almost completely omitted rebuttal evidence

and, with the exception of a minor side note, omitted entirely the pathologist's very detailed report and observations.

E. The state's inclusion of the Rottweiler complaint when it agreed the unlicensed veterinarian charge only would be included.

F. The Board's lack of complete knowledge of the allegation process, especially the latitude given to the Department, e.g. to the AG's office, to present evidence in synopsis form with their belief as to what is factual and what is not. Also the AG's right to determine who may or may not be telling the truth gleaned from the investigator's report, an impossible task. Also since the reviewing Assistant AG is never a veterinarian the exclusion/inclusion of veterinary facts may easily be omitted.

G. The state's refusal to reopen the case in spite of apprehensions the Board has concerning the probability a serious injustice occurred in this case.

H. The presumed animosity of the second veterinarian and the veterinary technician towards the first. There is evidence they seriously encouraged the owner of the Rottweiler to file the complaint. Their objectivity is in serious question since the evidence recently forthcoming seems to deny the allegations.

All of the above in case number one and two are serious breaches of ethical issues, and it is obvious from looking at them in this light ethics should be given more consideration by Board members. I believe it should be noted in any decision and acted upon more forcefully in the future and perhaps even noted in all Board directives. Whether or not any immediate relief from these ethical lapses can occur within the profession on any substantive level remains in question. If meaningful changes are to occur in depth courses of ethics in our schools may be of help.

*** Update as August 20, 1998 on the Rottweiler case: the Attorney General's office has officially refused to grant a reopening of the case in spite of a formal motion by the defending attorneys to do so. The motion is predicated upon an Administrative Law rule which maintains that the Disciplinary Subcommittee of the Board of Veterinary Medicine in Michigan has the power to grant the motion. The AG's office either is not recognizing the rule as preempting their authority or are choosing to purposely ignore it based upon office policy. It is also possible the AG's office has a superseding rule which does give them the authority not to issue a reopen order. The charged veterinarian's only recourse at the moment, according to the AG's office, is to file the motion with the Michigan Court of Appeals -- a very long and very expensive endeavor.