



# Alabama State Board of Veterinary Medical Examiners

Winter Newsletter

February, 2012

## Greetings from the President of the ASBVME:

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I am writing this article to inform the licensed veterinarians of Alabama of several issues that deeply concern the Board. On February 7, 2012 a bill (HB 156) was pre-filed in the House of Representatives. A sister bill is also reportedly going to be filed on the Senate side. HB156 is a bill that has been filed and has passed out of committee. This bill (HB156) is an attempt to exempt 501(c)(3)'s from the ownership clause section 34-29-87 (b) of the Alabama Veterinary Practice Act which states "It shall be unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person or other entity not engaged primarily in the practice of veterinary medicine or for any person that is the owner or owners of an active veterinary practice to be other than a veterinarian or veterinarians duly licensed in the State of Alabama." The bill would essentially allow any non-veterinary 501(c)(3) entity to own and operate a veterinary medical facility.

After a thorough review of the Alabama Veterinary Practice Act (Code of Alabama 1975 section 34-29) and the Administrative Code (930-X-1) of the ASBVME, I have found that every new enacted law since 1975, with the exception of HB156, has had the purpose and intent of providing greater protection to the general public and/or provide greater standard of care provisions to the licensed veterinary professionals. It is the opinion of the ASBVME that HB 156 accomplishes neither of these objectives. In fact by providing an environment of non-veterinarian supervision and non-veterinarian management of the entire veterinary facility, as evidenced in our investigations, the standard of care has been greatly compromised thus lending less protection to the public.

For more than a year now, the Board has conducted a thorough and extensive investigation of several of these facilities that appear to be in non-compliance of the Practice Act. The Board in so doing has come under attack from several advocacy groups as being anti-spay-neuter and anti- 501(c)(3). I want to assure you that the Board has not taken either of those positions. Our legislative mandate is to enforce the laws provided for us by the legislature to ensure public protection and regulate licensed veterinarians in the State of Alabama. The action of these groups to push for a bill to change the law begs the question, "If these facilities are in compliance with the current Practice Act, as they allege, why is a change in the law necessary?"

On February 14, 2012, HB 156 was marked up for committee with the Committee of Boards and Commissions. Since I was informed by the leadership of the ALVMA that they would not take a stance on the bill, I requested and was granted a public hearing on HB 156. Dr. Robert Pitman, Dr. R.D. Horne and I attended the hearing to represent the ASBVME to oppose HB156 and to assure the committee that the actions taken by the ASBVME in investigating the afore referenced facilities were to fulfill our mandated purpose and our obligation to enforce the laws of Alabama Veterinary Practice Act to protect the public and regulate veterinary professionals. We adamantly defended our position that we were not and are not opposed to spay-neuters but we are committed to seeing that the standards of care are met wherever the surgical procedures are performed. *Continued on Page 2*

## Greetings from the President of the ASBVME: *Continued from front page*

I reiterate, the bill (HB 156) in its current state has the effect of reducing public protection by essentially deregulating licensed veterinarians and therefore the ASBVME encourages each licensed veterinarian to read and study the bill and if you agree with the ASBVME that this bill is not in the best interest of the public please speak personally with your local Legislator and ask him/her to oppose HB 156. Until current negotiations, currently underway to address these issues and our ASBVME investigations are completed, I encourage each of you to voice any opposition you may have to your legislator and your Board. Please feel free to contact us with any question you have concerning HB 156.

You will find on **Page 6 & 7 a copy of the bill, HB 156, and its amendment**, for your review. I also am including some excerpts from the Practice Act and the Resource Manual for Boards and Commissions that I think you will appreciate. Please feel free to share this newsletter and attachments with your local legislators.

Thank you for your service to our profession and to the pet and animal owning public who deserve your service.

Professionally yours,

*Ronnie Welch*

President, Alabama State Board of Veterinary Medical Examiners

*\*This excerpt is from the Alabama Practice Act*

### FOREWORD

#### TO THE CITIZENS OF ALABAMA AND THE VETERINARY MEDICAL PROFESSION

The Veterinary Practice Act and its Administrative Code is offered to the citizens of Alabama and the members of the profession for their information and convenience.

All information contained in the Veterinary Practice Act and its Administrative Code is a reflection of the records of the board office. Any inaccuracies noted should be called to the attention of the board members or staff in order to correct to correct the records and insure accuracy in correspondence and publications.

To ascertain the status of any veterinarian currently licensed by the State of Alabama, anyone may contact the board office at the above address and phone number (s).

The board directs its activities to protecting the interests of the public which it serves and in aiding the practicing veterinarian in the state by its efforts directed toward maintaining a high standard of integrity and skill in the practice of veterinary medicine and insuring that facilities, where veterinary medicine is practiced, meet all standards set forth in the Veterinary Practice Act and its Administrative Code.

In pursuing its goal, the board welcomes inquiries from the citizens of Alabama and from the members of the profession concerning any phase of its business. You are encouraged to visit the board office at your convenience. Only with the full cooperation of each member can the veterinary profession enjoy the benefits of a closely coordinated profession.

#### **§34-29-62. Legislative intent.**

In order to promote the public health, safety and welfare by safeguarding the people of the State of Alabama against unqualified or incompetent practice of veterinary medicine, it is hereby declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this article. It is the legislative intent that veterinarians who are not normally competent or who otherwise present a danger to the public shall be disciplined or prohibited from practicing in the State of Alabama. *Continued on Page 4*



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ELMORE & COOSA COUNTY

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## HOUSE OF REPRESENTATIVES

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MONTGOMERY, ALABAMA 36130



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Alabama State Board of Veterinary Medical Examiners  
and Alabama Licensed Veterinarians  
8 Commerce Street Suite 910  
Montgomery, Al. 36104

February 24, 2012

Dear Sirs / Madame,

I have reviewed a bill (HB 156) introduced to the House with the purpose of exempting 501(c)(3) spay/neuter clinics from the ownership clause of the Alabama Veterinary Practice Act, Code of Alabama 1975, Section 34-29-87 (b).

After attending the committee meeting last week it is my opinion that this bill as written and amended as of February 15, 2012, does not serve the best interest of the citizens of the State of Alabama. I have several concerns too lengthy to list here, but I would hope the veterinary profession would examine the far-reaching ramifications of this bill closely.

As it's presently written, I would strongly discourage the passage of any bill which does not provide greater protection to the general public and/or provide greater standard of care protocol to the licensed veterinary professionals that serve the citizens of Alabama.

I would encourage licensed veterinarians to discuss this bill with their local legislators and ask that they oppose the bill (HB 156) as it is presently written.

Respectfully,

Barry Mask,  
House District 31.

*Continued from Page 2*

## **SECTION ONE: REGULATORY ENTITIES GENERALLY**

*(this excerpt is from the Resource Manual for Alabama Regulatory Boards and Commission—Alabama Department of Public Accounts)*

### **Important Reasons for the Existence of Regulatory Entities**

There are many reasons for regulatory entities to exist. The most important is public protection. The unregulated practice of a profession or occupation can pose a danger to the health, safety, and well-being of the public.

Protection of the public is accomplished as follows:

- Requiring persons or entities to be qualified before providing services to the public.
- Monitoring the practice of a profession or business to see that it is done in a competent manner according to accepted standards.
- Taking appropriate action when requirements are not met.

**NOTE:** *These items are discussed in greater detail in Section Nine.*

Additional reasons for the regulation of professions and occupations include:

- **Public Acceptance**—If the public is aware of an oversight/regulatory entity for a specific profession or occupation, the public may feel more secure in using the services of that profession or occupation. The public may also gain an authoritative entity to which questions and concerns may be posed and from which to seek redress.
- **Professional Integrity**—A profession or occupation existing without an oversight entity may be perceived with less respect and trust. Incompetent practice can discredit a profession. An oversight entity may help combat incompetent



### **Veterinary Permission Documents** *by Dr. John R. Grider*

The document giving the veterinarian permission to perform dental prophylaxis should make it very clear to the client that previously undiagnosed problems may be discovered during the procedure and list the options the client has. The client should be allowed to choose whether additional procedures are to be performed at this session and if he or she is to be contacted prior to any further work being done. A blanket statement such as “I give Dr. X permission to perform any addition procedures he deems necessary” might hold up in court but in many cases won’t calm a client who is just told that her 8 year old Chihuahua, which has never eaten anything but boiled chicken, has had half of its teeth extracted.

Also, it would be time well spent for the veterinarian or a staff member to take a few minutes prior to the signing of a permission document to verbally go over the document instead of just pointing and saying sign here, here and here. We really need to be getting INFORMED consent. The small amount of time the practice takes doing a better job will be repaid in good will and time saved by not having to talk to irate, uninformed clients and perhaps lawyers and Board of Examiners representatives.

## Alabama Veterinarians - It Is Time To Speak Out ! *by Robert E. Pitman*

As you know, there are issues with a North Carolina group known as “The Alliance” that provides low-cost, low-quality spays and neuters in Alabama. There is a body of evidence that indicates Standard of Care is not being met. Standard of Care issues are being mandated by the non-veterinarian Executive Directors and a non-veterinarian Board of Directors to a veterinarian that has been proclaimed to be the owner. This doesn’t mean the veterinarian owns anything but he/she is the owner of the proclamation which is a violation of our Practice Act.

You may argue that the Standard of Care is a veterinarian issue, but the veterinarian is performing under the ever present threat of being non-renewed by the afore mentioned entities. The average career of a “proclaimed owner” is about 10 months.

Legislation has been introduced and passed out of committee (HB156) that would allow non-veterinarian owned practices in Alabama. The ASBVME adamantly opposes this legislation that would allow every 501(c) (3) non-profit organization to own a clinic, such as humane societies, rescue groups, volunteer fire department, wild turkey federation, bingo club, etc. This is certainly not in the best interest of the pet owning public.

These clinics are touted as non-profit organizations by animal advocacy groups. These groups really tug at the heart strings of caring people to keep funding their projects. It is well known that of the millions of dollars that these groups raised for animal welfare that only 1% actually goes toward animal well being. It also raises the question about the location of these non-profits—Huntsville, Birmingham, Montgomery and Dothan. What about Uniontown, Russellville, Rockford, Goodwater, etc. For every non-profit spay/neuter, I can name you 100 veterinarian owned legal hospitals that provides low cost, high quality procedures every day to low income, Medicaid recipients. Even the City of Huntsville provides \$70,000/year for a spay/neuter program administrated by City Animal Control.

These spay/neuter clinics claim to have performed 80,000 procedures over the last 2-3 years. This number is highly suspect but whatever number is correct, the legal veterinary community has seen a significant decrease over the same period. There is no screening, based on financial need—i.e. certain low income levels and Medicaid recipients. Leaders in many cities—i.e. Athens/Limestone County fund spay/neuter projects the same way.

This begs the questions—are these non-profit clinics really necessary?? I submit to you that they are not. In every community virtually every practitioner provides low cost—no cost services to the needy. That is the make-up of the majority of veterinarians in this state.

The animal rightist have worn out the e-mails of legislators state wide. It is time for you 1600 practicing veterinarians to let your voice be heard. Call or e-mail your senator and representative and let them know that the Practice Act needs to be left alone and the ASBVME needs the authority to enforce the law as written. The over 200 years of experience in practicing veterinary medicine that is represented on this board should stand for something. **VOTE NO FOR HB156!**

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## HB 156

HB156 134145-3 By Representative Todd RFD: Boards, Agencies and Commissions

First Read: 07-FEB-12 PFD: 02/06/2012

SYNOPSIS: Under existing law, each partner of a partnership to practice veterinary medicine is required to be a licensed Alabama veterinarian, a licensed Alabama veterinarian is prohibited from practicing veterinary medicine as an employee of a person not licensed as an Alabama veterinarian, and only a licensed Alabama veterinarian may be the owner of a veterinary practice. This bill would include any veterinarian employed by a 501(c)(3) entity as being exempt from the employment and ownership restrictions, and would specify the procedure for application to the

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 34-29-87, Code of Alabama 1975, relating to the practice of veterinary medicine; to exempt veterinarians employed by a 501(c)(3) entity from certain employment and ownership restrictions; and to specify the procedure for application to the Alabama Board of Veterinary Medical Examiners for a premises permit. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-29-87 of the Code of Alabama 1975, is amended to read as follows:

"§34-29-87.

"(a) Whenever the practice of veterinary medicine is carried on by a partnership, all partners shall be either licensed or holders of temporary licenses to practice veterinary medicine in the State of Alabama.

"(b) It shall be unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person or other entity not engaged primarily in the practice of veterinary medicine or for any person that is the owner or owners of an active veterinary practice to be other than a veterinarian or veterinarians duly licensed in the State of Alabama.

"(c) The following shall be exempt from this section:

"(1) A veterinarian employed by a person treating his or her employer's animals.

"(2) A veterinarian employed by an official agency of the federal or state government or any subdivision thereof.

"(3) A veterinarian employed by any licensed research facility.

"(4) An heir or heirs inheriting under the terms of a will or by intestate succession for a period of two years following the death of the licensee.

"(5) A veterinarian employed by a 501(c)(3) entity, as defined under Section 501(c)(3) of the Internal Revenue Code. A 501(c)(3) entity that desires to own and operate a veterinary medical establishment or limited service clinic shall apply to the board for a premises permit. If the board certifies that the applicant complies with the applicable laws and rules of the board, the board shall issue a premises permit. No permit shall be issued unless a licensed veterinarian is designated to undertake the professional supervision of the veterinary medical practice and the minimum standards set by rule of the board for premises where veterinary medicine is practiced. The permittee shall notify the board within 10 days after any designation of a new licensed veterinarian responsible for such duties."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

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## Amendment to HB 156

### AMENDMENT TO HB 156 BY: BOARDS, AGENCIES, & COMMISSIONS

On page 1, line 17, and on page 2, line 3, delete the language "a 501(c)(3) entity" and insert in lieu thereof the following:

certain 501(c)(3) entities

On page 3, line 8, after the language "Code" insert the following:

, that is a limited services facility that specializes only in providing spay/neuter surgeries and vaccinations given only at the time of surgery

**ALABAMA STATE BOARD  
OF VETERINARY  
MEDICAL EXAMINERS**

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## **Rabies Vaccines** *by Dr. John R. Grider*

The Code of Alabama, Title 3, Chapter 7A, Part 2b states “It shall be unlawful and in violation of the provisions of this chapter for any person to import, receive, sell, offer for sale, barter, or exchange animal rabies vaccine, other than antirabies vaccine intended for human use, to anyone except a duly licensed veterinarian.” In lay terms, **DON’T DO IT**. Not only is letting your clients go home and vaccinate their own pets for rabies against the law, if something goes wrong, the pet has a reaction or the pet later bites someone and the public health officials becomes involved, someone, somewhere is almost certainly going to try to blame the veterinarian and he or she will have very little to say in their own defense.

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