

May 22, 1981

AAAP Board

SUBJECT: Veterinary Licensing Committee Report

The Veterinary Licensing Committee of the AAAP consisted of the following members:

Dr. R. J. Terry  
Dr. E. E. Stuart  
Dr. G. Edwards  
Dr. G. P. Miller  
Dr. M. S. Cover  
Dr. D. M. Wenger

As a committee, we have discussed whether or not a problem exists for U. S. graduate veterinarians to practice poultry medicine in states where the incumbent is not licensed, either as a private consultant or employed by industry.

To determine if a problem exists, the members of this committee obtained the veterinary practice acts of all 50 states to study the definition of veterinary practice to determine if poultry was included. In addition, the committee looked also at the various practice exemptions. A study of these practice acts led to the following conclusions for the non-licensed veterinarians in a given state.

1. The definition of the practice of veterinary medicine does not exclude poultry work based on the nature of the services we perform. We are recognized as veterinarians and perform services included under the practice of veterinary medicine.
2. In the practice acts, very few states list a poultry exclusion clause, or an exclusion which would permit poultry practice (example: consulting permitted if an office is not maintained in state).
3. Most states list an exemption for the treatment of one's own animals. It is our interpretation that veterinarians employed by integrated poultry operations would be exempt on that basis.

Even for those veterinarians employed by integrated companies, veterinary practice acts are violated in those states not listing exemption for treatment of one's own animals.

4. Some states exempt out-of-state veterinarians if work is conducted through veterinarians licensed in that state.

The committee's interpretation of the state practice acts found the following categories to be of interest in defining the extent of the practice problem.

1. Those states with a poultry exemption: Texas, Utah, South Dakota, Minnesota, Nebraska, Connecticut.
2. Those states where an owner cannot treat animals: Alaska, Wisconsin, Rhode Island, New York, Massachusetts, Alabama, Michigan.
3. Those states where out-of-state veterinarians (licensed in some other state) can consult in state if office is not opened: Virginia, California, Maryland.

Considering the fact that many poultry veterinarians are now conducting poultry practice in states not licensed, our committee felt this had the following ramifications:

1. The person conducting poultry practice on a non-licensed basis is open to liability suits. This person has no legally-approved basis for practicing medicine.

The consultation that is done by most of us in industry is accomplished at the request of the farmer-grower and is done without charge; i.e., no fee. Although this does not exempt us from the licensing law, it does place us in a better position.

2. We foresee greater pressure from state veterinary associations and the veterinary licensing boards to curb non-licensed veterinary work as practice areas become saturated with veterinarians. This would include poultry.
3. With the use of veterinary prescriptions, and if the proposed veterinary written orders become law, possessing a veterinary license to practice in a given state is important and may become mandatory.

A consideration of these items led us to the conclusion that our practice of poultry medicine without licensed status is a violation of state law. A satisfactory solution to this problem needs to be achieved.

Options for obtaining a legal basis to practice poultry medicine without having to obtain a state license would include the following:

1. Attempt to change the AVMA Model Practice Act to include a poultry exclusion clause. The AVMA does not control the practice acts put in effect by each state; however, they do influence the various practice acts as evidenced by the number of states that pattern their practice act after the AVMA Model Practice Act. Two possibilities exist for changes:

a. Poultry exemption

- b. Exempt out-of-state veterinarian for poultry practice if office is not opened in the state in question.

Either alternative would be a workable solution to the problem.

2. Present the problem of poultry veterinary practice involving a multi-state area with the American Association of Veterinary State Boards. The AAVSB provides a medium of communication among the separate states to deal with multi-state licensure problems.

The AAAP should work with this association in solving the problem.

3. Work to change the practice acts in the states we are most concerned with. Possible changes to consider consist of the following:

a. Poultry exclusion clause. The committee is not optimistic about the ability to achieve a poultry exclusion clause in the practice acts of various states as exemplified by the recent defeat of a bill by the Illinois legislature which would exempt the treatment of birds from the definition of practice (AVMA Journal, Dec. 1, 1980, page 1105).

b. Establish a state veterinary license limited to poultry practice, acquired annually by application.

The state regulatory officials would thereby retain control over those individuals providing poultry health work.

c. Establish a state veterinary license reciprocity limited to poultry practice. If adopted, one could then become licensed to conduct poultry work in a variety of states without having to pass the normal state board examination.

4. Enlist allied professional association help in solving the licensing problem. Swine Practitioners' Association and Bovine Practitioners' Association would likely be interested in resolving the problem for many of their members also. Therefore, a joint effort may be beneficial in effecting changes in existing laws affecting the legality of veterinary practice.

5. Enlist industry association assistance in changing state laws to exempt poultry practice. Associations such as the National Broiler Council, National Turkey Federation, and other similar organizations may be helpful in effecting the necessary changes. However, it is not likely that veterinary licensing problems would be a high priority item with these associations.

6. The committee pursued two other routes of possible solutions which were determined to be non-viable options:

a. AVMA Council on Veterinary Service has optioned not to become involved in licensure problems because licensure is a function of the separate state governments (correspondence 3/17/81 to D. M. Wenger).

b. The possibility of a board certification for poultry was raised and discussed by the AAAP Board of Directors (letter of 1/28/81 written by Stan Kleven). Board certification would represent a professional standard by which one could practice poultry medicine provided state laws would so recognize this as valid.

The AAAP Board was not interested in this possibility.

In summary, the problem of licensing for poultry veterinarians is a real one. We are violating state laws as we currently practice medicine. This committee recommends that the AAAP Board consider the options listed as well as others in an attempt to achieve a workable solution.

Respectfully,

The Veterinary Licensing Committee