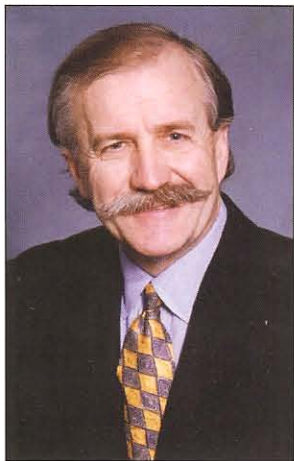


code of ethical conduct



By Mati Jarve
Attorney

CAN A VETERINARIAN REFUSE TO TREAT MY HORSE IN AN EMERGENCY? The answer is - it depends. From a legal standpoint, a veterinarian is only obligated to treat a horse if there is a duty imposed by law. That obligation, or duty, can be imposed by the relationship between the veterinarian, the horse, and the owner of the horse. That relationship has been defined by veterinarians themselves. The American Veterinary Medical Association (AVMA) has adopted a code of ethical conduct known as the Principles of Veterinary Medical Ethics. All member veterinarians are expected to adhere to this code of ethical conduct. In addition, the American Association of Equine Practitioners (AAEP) expects its members to comply with the code of ethics of the AVMA, as well as other laws, rules and regulations. Although the code of ethics does not necessarily define the standard of care applicable to veterinarians, it is certainly evidence of what veterinarians expect of themselves.

The AVMA defines the relationship as follows:

The veterinarian-client-patient relationship (VCPR) is the basis for interaction among veterinarians, their clients and their patients. A VCPR exists when all of the following conditions have been met:

- 1. The veterinarian has assumed responsibility for making clinical judgments regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions.*
- 2. The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), or by medically appropriate and timely visits to the premises where the animal(s) are kept.*
- 3. The veterinarian is readily available, or has arranged for emergency coverage, for follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen.*

At the same time, the code of ethics goes on to explain that:

Veterinarians may choose whom they will serve. Both the veterinarians and the client have the right to establish or decline a Veterinarian-Client-Patient Relationship (VCPR) and to decide on treatment. The decision to accept or decline treatment and related cost should be based on adequate discussion of clinical findings, diagnostic techniques, treatment, likely outcome, estimated cost, and reasonable assurance of payment. Once the veterinarians and the client have agreed, and the veterinarians have begun patient care, they may not neglect their patient and must continue to provide professional services related to that injury or illness within the previously agreed limits. As subsequent needs and costs for patient care are identified, the veterinarians and client must confer and reach agreement on the continued care and responsibility for fees. If the informed client declines further care or declines to assume responsibility for the fees, the VCPR may be terminated by either party.

Nevertheless, the Principles of Veterinary Medical Ethics recognizes that:

In emergencies, veterinarians have an ethical responsibility to provide essential services for animals when necessary to save life or relieve suffering, subsequent to client agreement. Such emergency care may be limited to euthanasia to relieve suffering, or to stabilization of the patient for transport to another source of animal care.

What, if anything, the phrase "subsequent to client agreement" adds to the analysis is open to debate.

So, can a veterinarian refuse to treat your horse in an emergency? From a legal viewpoint, it will largely depend on the circumstances of the VCPR, however from the viewpoint of an ethical veterinarian, the answer is self evident.

Mati Jarve is the managing partner of the Marlton, New Jersey law firm of Jarve Kaplan Granato, LLC. He is certified by the New Jersey Supreme Court as a Civil Trial Attorney and the National Board of Trial Attorneys as a Trial Advocate. Licensed in New Jersey, Pennsylvania and Arizona, he maintains a national practice in civil litigation, including equine related issues. This article is for informational purposes only and is not intended to be legal advice. If you have a specific legal question or problem you should consult with an experienced and knowledgeable equine law attorney. Questions, comments or suggestions can be e-mailed to mjarve@nj-triallawyers.com, by visiting www.nj-triallawyers.com or writing to The Way To Go.