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May, 2009

FROM THE HORSE'S MOUTH™ MAGAZINE

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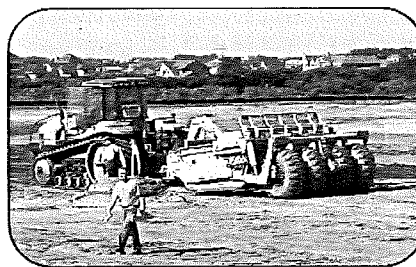
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Legal Bits

By Yvonne C. Ocrant
Attorney at Law



The Debate on Equine Dentistry: Should the vet be a dentist or the dentist be a vet?

We may not all agree on the same training methods, feed products, or nutritional programs. However, we can agree that proper equine dental care ensures proper eating, biting, and even body carriage leading to performance changes and even serious lameness's due to compensatory posture. Horses in the wild benefit from grasses containing natural abrasives. Our domestic horses, however, eat less abrasive feeds such as oats and alfalfa thus inhibiting natural leveling of horses' teeth and resulting in painful sharp points. Horse teeth never stop growing and therefore require periodic trimming with a rasp

known as a float; hence the term "floating" teeth. It goes without saying that a bad "float" job by a careless or inexperienced individual can have the same, if not more, detrimental results as no care at all.

If filing of teeth is a procedure that, when performed on humans, requires the skill of a professional, should only a professional be permitted to float/file the teeth of an equine? The question of whether routine dentistry can be performed by anyone other than a licensed practicing veterinarian has arisen in several states. The law on whether to license or not license equine dentistry is in a state of flux and the answer depends on the law of the jurisdiction in which the activity is performed.

Section 15 of the Illinois Veterinary Medicine and Surgery Practice Act of 2004 provides that equine dentistry is legal in Illinois under veterinary supervision. Therefore, an equine dentist must be a licensed equine veterinarian *or* work under direct supervision of a veterinarian. (A non-veterinarian equine dentist cannot legally administer sedatives or tranquilizers, although many do.) The Act will be eligible for amendments in 2014. Therefore, reviewing other state court decisions, and understanding laws, rulings, and professional opinions on the subject, we gain a valuable insight into how government and the industry views the dental care of horses. With this information, we can encourage fair and necessary legislation in the best interest of our horses here in Illinois.

THE COURT'S OPINION

TEXAS: The Texas State Board of Veterinary Medical Examiners (the "Board") passed regulations in 2007 expanding the definition of "veterinary medicine" to include dentistry. The new regulation meant that equine dental practitioners who had previously performed equine dental services (including teeth extraction and "floating") could no longer practice their trade. After passage of the regulation, the Board began sending "stop work" letters to known non-veterinarian equine dentists. A group of equine dentistry practitioners filed suit alleging that the regulations were unconstitutional. The court dismissed the case agreeing with the Board that the lawsuit was premature and that the practitioners had to wait until the Board had taken formal final action. The practitioners appealed and the appellate court found that the practitioners could pursue their constitutional claims against the Board without waiting for a final action.

The case was sent back to the trial court to hold proceedings on the legal question of whether the Texas Board can require individuals who practice equine dentistry to possess veterinary licenses. The court has not yet rendered its decision.

MINNESOTA: On June 23, 2008, the Hennepin County trial court ruled that Chris Johnson, a third generation, non-veterinarian equine dentist, must forego working in his family business unless he attends veterinary college (where allegedly only 30 minutes of training over 4 years is dedicated to basic dentistry) or passes a specialized test not offered in Minnesota. Johnson filed suit challenging a licensing requirement essentially prohibiting equine dentistry by non-veterinarians. Johnson alleged that the license "scheme" was intended solely to benefit politically connected veterinarians afraid of competition from equine dentists. The Institute for Justice Minnesota Chapter is considering an appeal on Johnson's behalf.

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NEW YORK: Chris Brown practiced equine dentistry for 30 years and was well renowned for his work on thoroughbred race horses. His services were limited to the filing and floating of horses' teeth, removing baby caps to allow adult teeth to mature, and applying non-prescription applications such as salt, myrrh, and baking soda to treat cuts. His services were sought by trainers of Kentucky Derby and Belmont Stakes winners, as well as those training for the Queen of England and the Crown Prince of Saudi Arabia. While Brown performed the services under the "supervision" of veterinarians, it was apparent that veterinarians were usually not present when Brown carried out his work. In December of 2005, Brown was ordered to participate in an investigative interview conducted by the New York State Racing and Wagering Board (the "Racing Board"). While the New York Education Law makes no inclusion of dentistry or the treatment of dental conditions in its definition of veterinary medicine, the Racing Board advised Brown that he needed a veterinary technician license from the New York State Education Department (the "Education Department"). Brown sued to stop the Racing Board and Education Department from prohibiting him from practicing equine dentistry. The trial court held that the dental services performed by Brown did not "involve matters of judgment reserved exclusively for licensed veterinarians, but rather address themselves to ordinary and standard care necessary for the good health and well-being of the horse." The Racing Board appealed this ruling arguing that Brown was actually "diagnosing" or "treating" horses, which requires a veterinary license under the Education Law.

On January 17, 2009, the appellate court ruled in favor of Brown stating that the Racing Board and Education Department's construction of the statute would "blur the distinction between licensed veterinary care and responsible equine health care and maintenance." The Judge explained that Brown, who performed tasks similar to the "level of routine care and maintenance provided by groomers, trainers, and blacksmiths" did not violate the Education Law, which does not include dentistry or the treatment of dental conditions in the definition of veterinary medicine. The Judge stated, however, that state laws in New Jersey, Connecticut, and Pennsylvania do include dentistry as a specific activity requiring veterinary licensing. He suggested that the legislature could amend the applicable statute to include animal dentistry within the definition of veterinary medicine. Nevertheless, under the current law, Brown is not required to possess a license in veterinary medicine in order to provide routine equine dentistry and maintenance in New York.

OKLAHOMA: On March 4, 2009, professional rodeo rider and equine dental school graduate, Bobby Griswold, was arrested in Oklahoma City by an Oklahoma Board of Veterinary medical Examiners investigator and Oklahoma City Police charged with practicing equine dentistry without a veterinary medical license. The charge carries penalties of between \$1,000 and \$10,000 in fines, one to four years' imprisonment, or both. He is free on bond, and no court date has been set. Griswold is the first person charged under the 2008 law that amended Oklahoma's Veterinary Practice Act allowing felony charges against equine dentists who do not hold a veterinary license.

THE VET'S OPINION

Veterinary licensing boards in most states view dentistry as a branch of veterinary medicine and they regulate who performs dental services on animals. Some completely prohibit non-veterinarians from practicing equine dentistry. Others allow them to perform dental procedures under veterinary supervision. As a matter of policy, both the American Veterinary Medical Association and the American Association of Equine Practitioners (AAEP) maintain that their diagnostic, treatment, and pharmacological training uniquely qualify veterinarians to perform dental procedures on horses. "AAEP's position is that equine dentistry is the practice of equine medicine, and it should be performed by a veterinarian," said AAEP Director of Industry Relations Keith Kleine.

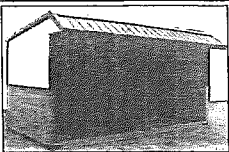
Not all veterinarians agree that equine dentistry should be left solely to graduates of veterinary school. Tom Allen, DVM, who is also certified through the International Association of Equine Dentistry, argues that non-veterinarians who complete equine dental school programs master specific skills some veterinary school graduates never acquire. "Graduates of equine dentistry schools put in hundreds of hours studying dental technique," he said, "Veterinarians are not required to demonstrate any proficiency in equine dentistry in order to be licensed."

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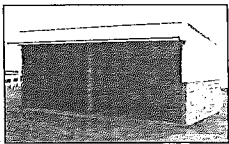
THE NEXT OPINION

Decisions regarding the boundaries of veterinary medicine are not limited to the subject of teeth floating. In 1998, an appeals court in Michigan determined that a doctor of chiropractic may not legally perform diagnoses or structural adjustments on horses without either a license to practice veterinary medicine or the strict supervision of a licensed veterinarian as defined under Michigan law. The next edition of "HEADS UP!" will explore the state of law on services provided by chiropractors, equine massage therapists, farriers, animal communicators, and other equine industry professionals that you may not have considered are engaging in the practice of veterinary medicine.

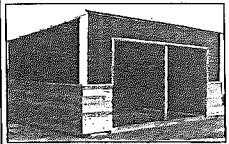
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Open Shelter with Awning



Open Shelter with Awning

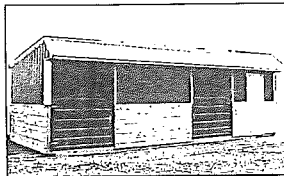


Open Shelter
Optional - wrap around
on front side

West Side Buildings

217 - 543 - 2908

Sullivan, Illinois

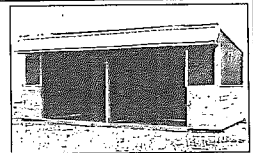


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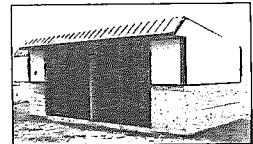
- All styles of buildings available in various sizes.
- Awnings for added rain protection.
- Gates and center wall configurations.

BUILDING FEATURES:

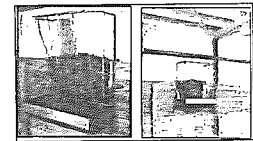
- Roofing and siding G Rib Panel configurations fastened with screws.
- Treated 2x6 tongue and groove for solid kick board fastened with screws.
- Steel bracing in every corner.
- Pulling brackets on all corners.
- Local and long distance delivery.



Open Shelter Deluxe



Open Shelter Deluxe



Galvanized Portable
Feed Bunks

A Note from the Editor

My apologies to the 2009 Coloring Contest Winners, age group 9 - 12, whose names got cut off in our announcement in the April, 2009 issue. Here they are corrected.

**First Place: Sydney Denton, Second Place: Desare' Techmanski and
Third Place Savannah Hight.**

Subscription Winners:

Equine Affair - 3/14/09 - Springfield, IL - Abbie McCage & Lisa Jensen

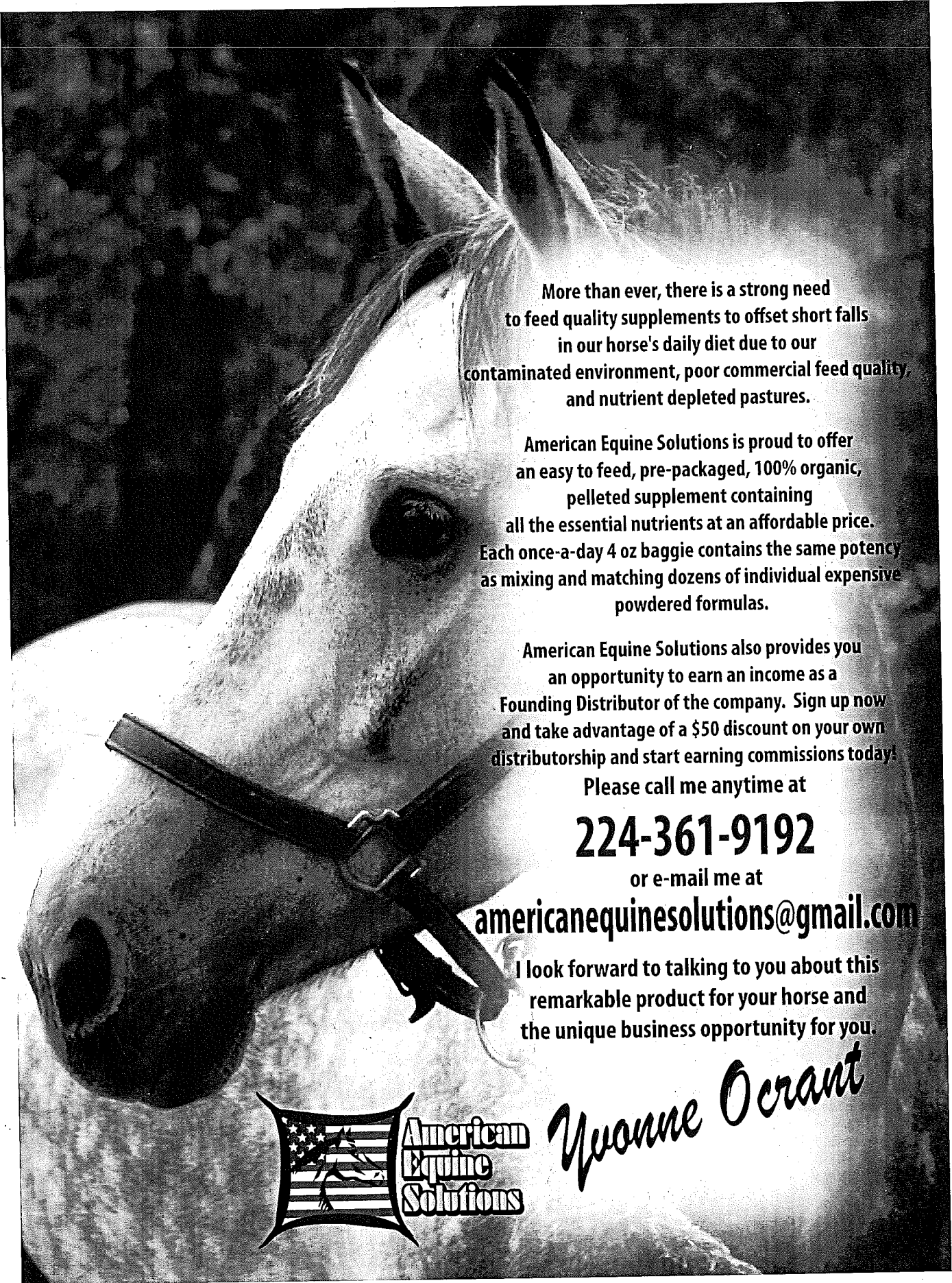
Leinginger Clinic - 3/21/09 - Crown Pt, IN - Kim Brough & Lisa Way

Pekin Riding Club Event - Linda Thoreson & Brian Parrish

"Our Readers Stories" column - Mary Lynne Carpenter

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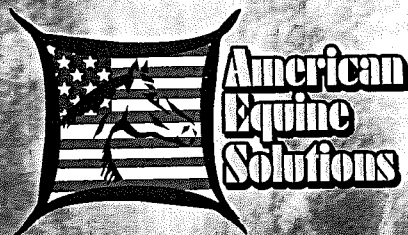
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Yvonne Ocrant