



FLORIDA ALLIANCE FOR ANIMAL OWNERS RIGHTS

1912 Hoot Owl Hill • Tallahassee, Florida 32317

info@faaor.org

Supporting Choice in Animal Health Care • Promoting Optimal Animal Health

TESTIMONY TO THE FLORIDA BOARD OF VETERINARY MEDICINE

March 2, 2004

Mr. Chairman and Members of the Board:

Thank you for the opportunity to appear before you today. My name is Nancy Stephens. I am the President of the Florida Alliance for Animal Owners Rights and appear before you as a volunteer for our association.

The Alliance is comprised of animal owners, some of whom are veterinarians and their family members.

I'd like to begin by telling you our members have the greatest respect for the knowledge and skills of veterinarians in this state. Our request and purpose is not about disparaging or replacing veterinarians.

On August 13, 2003, we asked for clarification of the veterinary practice act so that we will know whether or not certain types of animal care are considered veterinary medicine in Florida. In our opinion the law is both broad and vague. Lawyers who have looked at the veterinary practice act for us have advised us that it is unclear as to whether or not the modalities we question would be considered veterinary medicine by a court of law.

Because people in Florida are performing and using these modalities, we need official clarification so Floridians do not inadvertently become felons when they either offer or utilize these services for their animals. We understand this Board has the ability to provide the clarification on which we may rely

Today we'd like to narrow the focus of our original request to just a subset of the former list. In our opinion these modalities complement veterinary medicine, are not an alternative to it, and do not replace it. Let me give you a copy of the revised list.

They are:

- Acupressure – Applying pressure to specific points to promote optimum energy flow
- Aromatherapy – Inhalation, ingestion, or topical application of essential aromatic oils from plants to promote good health
- Animal communication – Interpreting the thoughts of an animal
- Farriery – Trimming and placing shoes on horses' hooves
- Flower essence therapy – Ingestion of distilled extracts from flowers to enhance emotional health
- Hands on healing – Laying hands on the body to channel energy
- Homeopathy –The use of plant, mineral or other substances in minute, diluted amounts to stimulate self-healing
- Light therapy – Shining red and infrared light on the body to promote energy flow and circulation
- Magnet therapy – Using magnets to create a magnetic field that increases circulation, oxygen utilization and energy flow
- Nutritional counseling – Offering advice about nutrition

The devices, providers, education or substances needed for these modalities are readily available to the public directly from private and public schools, producers, manufacturers, willing service providers, or from health food stores. No research exists that finds that these modalities cause any harm.

Important to this issue is the word “diagnosis” and the phrase “determination of the health, fitness or soundness of an animal.” Neither of these terms are defined in the veterinary law. Webster’s Dictionary defines “diagnosing” as “the act or process of identifying or determining the nature of a disease through examination.” Both of these

terms work well with conventional, traditional veterinary medicine and procedures, but don't have a place with the modalities we are discussing today. The use of these modalities on a regular daily basis stems not from diagnosis, but from:

- a) wellness and prevention
- b) observations
- c) opinions
- d) education
- e) recommendations
- f) sharing of information

For instance, when a farrier trims a horse's hoof, he does so based on his observations of the horse's conformation and weaknesses or problems with the hoof. It is not a veterinary diagnosis, however a strict reading of the statute would preclude this.

We'd like recognition from the Board that the use of these modalities by non-veterinarians does not presume a veterinary diagnosis was made.

I'd like to quote a famous internationally renowned horse trainer in Florida named Pat Parelli. Mr. Parelli says that "Science is nature explained." The fact that many of these modalities have not been scientifically proven seems to be problematic for some in the veterinary community. Some modalities cannot be substantiated by scientific research, either because the cost of the research is not justified for the type of modality or the modality is based upon the subjective or emotional state of the individual subject and cannot be quantified. Just because scientific experiments are lacking for many of these modalities does not mean that use of them by non-veterinarian individuals should be illegal.

Many things in life cannot be explained, but we don't legally prohibit those things because of it! Some of the modalities we are asking about may be modalities of nature that have not been explained to your satisfaction, not scientifically proven, there may be no evidence that they work, and you may not believe in any of them, but none of those

are valid reasons for claiming jurisdiction over them and prohibiting non-veterinarians in Florida from providing or using them for their animals. **The only question that really matters is whether or not they cause an imminent risk of significant harm.** We have no information to that effect.

In the *Tallahassee Democrat* on February 24, 2004 an article entitled “More Moms Take an Organic Approach.” ran. In it Dr. Howard Schlachter, a pediatrician in New Jersey is quoted saying “I think that as practitioners of allopathic (traditional) medicine and alternative medicine begin to work together more, we will see, to the benefit of everyone, a fused, or integrative approach that works much better.” While he is talking about human health care, we believe the same goes for animal health care.

The Florida Sunrise Act, s. 11.62(2), is relevant to this discussion. It provides that no profession or occupation be subject to regulation by the state unless the regulation is necessary to protect the public health, safety or welfare from significant and discernible harm or damage and that the police power of the state be exercised only to the extent necessary for that purpose.

The Sunrise Act also provides that no profession or occupation be regulated by the state in a manner than unnecessarily restricts entry into the practice of the profession or occupation or adversely affects the availability of the professional or occupational services to the public. The Act also asks whether the potential for harm is recognizable and not remote. (s. 11.62(3)(a).

There is another consideration in this decision. This is about the many freedoms we enjoy by being citizens of the United States.

Many of the therapies we have asked about have a long history of use in Europe, Asia and the United States. Animal owners are using these modalities for themselves and their families and want to use them for their animals. Unless they invest the time to acquire

the knowledge themselves, the current vet law, without clarification, would lead them to believe they cannot access those services unless a vet offers them.

Animal owners want these services. They can acquire these services at will for their human family members but not for their animal family members. Many animal owners don't care whether the provider of the services is a licensed veterinarian or not. Furthermore, most veterinarians do not provide these services and may never do so because a) they have no interest or b) it is not cost effective.

Does that mean that this freedom should be denied Floridians? We think not. In fact in our members' minds, this freedom to choose health care modalities for their animals ranks right up there with religious freedom, freedom for women to vote, and equal opportunity.

In January of this year, the House of Representatives recognized nutrition, homeopathy, health risk assessment, botanical medicine, counseling, aromatherapy, therapeutic touch, nutritional counseling and guidance, and other health practices as non invasive and not required to be licensed under Florida Statutes.

In the past 10 years over 140 people who are not veterinarians have been investigated by the Florida Department of Business and Professional Regulation. Among those are animal communicators, equine massage therapists, and energy workers. Many of these individuals have received cease and desist orders. This demonstrates our need for clarification.

The Florida Veterinary Practice Act states in its purpose "The Legislature finds that the practice of veterinary medicine is potentially dangerous to the public health and safety if conducted by incompetent and unlicensed practitioners." We don't believe that the modalities we are asking about are considered dangerous. Therefore, they should not be confined to the jurisdiction of veterinarians.

Coincidentally, one of your Florida colleagues wrote a treatise a few years ago on this subject for some clients in Pennsylvania who winter and show horses in Florida. In this document she states that her clients feel a great deal of fear, frustration and anger because they believe they are being denied options for their animals and are limited in their choices. They believe that the choices made for their animals should rest in their hands.

In closing, we are asking for a binding opinion that has the force of law stating that these modalities do not constitute veterinary medicine in Florida.

Thank you for your attention in this matter which is of great importance to animal owners in Florida. We look forward to your determination. I have brought some items to illustrate these modalities if you have questions about them.

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