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# Disclaimer

I am not a lawyer.

This information is my own opinion expressed as considerations for further discussion. Persons or entities should seek legal counsel regarding their own circumstances in local jurisdictions.

# ZAA Requirements

## Veterinary Care

- 3.2 Facility's written protocols are available to animal care staff for the use of prescribed animal drugs. Displays appropriate security of drug inventory.
- 3.3 Facility's controlled drugs are secured in an appropriate locked container.
- 3.4 Facility's trained, emergency capture personnel have access to appropriate chemical immobilization drugs.

## Safety and Security

- 6.3.1 (regarding animal escapes) ..... If the veterinarian uses vet techs or directs others to assist in the delivery of immobilization drugs, they should be identified in writing and practiced at least once a year or as recommended by the veterinarian.

# AZA Requirements

2.2.1- Written, formal procedures must be available to paid and unpaid animal care staff for the use of animal drugs for veterinary purposes, and appropriate security of the drugs must be provided.

VC-6- Submit your institutions written protocol regarding the use of [potent narcotics], including emergency procedures when a licensed veterinarian is not present.

Are there appropriate protocols established for the use of such animal drugs (i.e., procedures established in the event the veterinarian is not present to administer the drugs)?

# AAZV Guidelines

“Personnel safety standards should conform to all local, state, and federal regulations concerning occupational health and safety in the workplace.”

“[Workers] must be familiar with the chemicals (anesthetic agents, medications, disinfectants, etc.), microbiological (including allergens) and physical hazards (radiation, etc.) found in the workplace.”

# OSHA

No specific requirements

Should include employee training, PPE, administrative controls (protocols, SOPs), and standard procedures and methods for calling for emergency medical care when needed

# Considerations when making a protocol

Every state has different regulations, every protocol will look different.

Look into your own situation and assess when making a plan.

Consider:

- Medical practice regulations
- “Good Samaritan” laws
- Duty to Act laws

# Practicing Medicine

....The diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities (CA)

....Prescribes or administers legend drugs or controlled substances to another person (KY)

....The diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental condition. (FL)



# Practicing Medicine

Creative Solutions Include:

- Medical staff on site when potent drugs are used
- Pre-written prescriptions for staff who may be exposed to potent drugs
- Staff working under the direction of a physician (EMTs/Paramedics)

# Good Samaritan Laws

Usually protect from liability a person who *voluntarily* performs care in an emergency.

Generally exclude a person who acts expecting payment for service- Including someone who is “on the job” following an established workplace protocol.

Many state Good Samaritan laws include only certain healthcare providers working within the scope of their training and knowledge

# Duty to Respond/ Duty to Rescue

Sometimes called “Bad Samaritan” laws

Oblige a person to act or render aid in an emergency.

For lay person, may simply require calling 911.

Providing emergency medical care generally restricted to healthcare practitioners (as defined in state practice laws).

Example of an exception:

A person who knows that another is exposed to grave physical harm shall...give reasonable assistance to the [person]. (Vermont)

# Questions to Ask as an Institution

Do we provide appropriate PPE, training, and written protocols for employees working with potent veterinary drugs?

Does our response protocol violate state medical practice laws? What can we legally ask an employee to do? What creative solutions can we implement to overcome this problem?

Does our state have a “duty to rescue” law for employers? What does it require us to do in the event of an employee medical emergency?

What is the best way to minimize risk to our institution while ensuring the safety of employees?

# Questions to Ask as an Individual

Am I ready? Do I know what to do?

Would my actions violate state medical practice laws? At what point does first aid within the scope of my knowledge and skill, “cross the line”? Oxygen administration, drug injection, iv placement, intubation.... ? What repercussions could violating practice law have (Loss of license? Civil liability?)

What are my state’s good Samaritan laws? Are veterinary professionals covered? Does being on or off the job make a difference?

Do veterinary professionals have a Duty to Act in my state? To what extent?

How can I work with my institution to limit personal liability in the event of an incident?

What are my personal moral obligations to provide care?