

The Illegal Practice of Equine Veterinary Dentistry by Non-Veterinarians in the State of Washington

Prepared by Washington State Veterinary Medical Association
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Background

Non-veterinarians are illegally engaging in the practice of veterinary medicine in Washington by performing dental procedures on horses and collecting money for their services.

According to the Revised Code of Washington (RCW) 18.92.010, animal dentistry is the exclusive practice of veterinary medicine along with diagnosis, prognosis, prescribing and treatment. When non-veterinarians, herein called "lay floaters," perform dental procedures on horses, there is a risk of both immediate harm as well as the creation of long-term health problems. In order to perform these procedures, some lay floaters are alleged to administer sedatives to the equine patient, often with drugs they are not licensed to use in violation of state and federal drug laws. Owners of horses that may be injured through illegal dental practice have no recourse through the normal regulatory body for veterinary medicine. Instead, they must seek a civil judgment for damages or file a criminal complaint if they feel they have been defrauded.

The intent of this document is to:

1. Inform the Washington State Department of Health (WSDOH) about the nature of equine dentistry and the people who illegally perform dental procedures;
2. Inform WSDOH that some of the same people are illegally administering legend and controlled drugs, where the source of those drugs is unknown and is likely in violation of state and federal law;
3. Voice concern for the welfare of the equine patients on which these non-licensed animal dentists work and collect fees;
4. Voice concern for the risk to public safety in that equine owners who hire lay floaters often do so unwittingly with no license-administered recourse; and
5. Encourage the WSDOH to enforce the law to its fullest extent when dealing with lay floaters who are reported to the Unlicensed Practice Division.

The Law in Washington as it Pertains to Veterinary Medicine and Equine Dentistry

The practice of veterinary medicine includes, but is not limited to, diagnosis, treatment, prescribing, surgery, and disease prevention. RCW 18.92.010 specifically includes dentistry within the definition of the practice of veterinary medicine. Therefore, licensed veterinarians are the sole providers legally granted the authority by the State of Washington to provide dentistry services to animals and collect fees for their services.

Licensed veterinarians are uniquely qualified to provide veterinary care due to their extensive and rigorous veterinary medical education, in-the-field experience along with the required continuing education needed to update their skills. Furthermore, a license to practice veterinary medicine in Washington provides the means by which the public holds the veterinarian accountable.

Licensed veterinary technicians, according to WAC 246-935-050, are granted the authority to extract teeth under the immediate supervision of a veterinarian and to float teeth and perform dental prophylaxis under the direct supervision of a veterinarian.

Lay Floaters

Unlicensed dental practitioners represent themselves to the public as “equine dentists,” implying a professional designation, education and the authority to perform the services for which they’ve been hired. Many lay floaters obtain education and achieve “certification,” but this is a misleading term and creates confusion with the public. While veterinarians complete standardized training from educational institutions with oversight from the U.S. Department of Education and the American Veterinary Medical Association, there is no such standardization or oversight for the lay floater’s certification process. In addition, lay floaters are not required to continually update their skills through continuing education. The public is therefore fraudulently led to believe the lay person they’ve hired is highly trained and legally qualified to perform their tasks as are veterinarians.

Lay persons practicing any form of veterinary medicine illegally lack the expertise to recognize possible signs of ill health in a horse that they may be treating. A physical exam should be performed before initializing any treatment and they have no training to conduct even this basic requirement. Non-veterinarians have neither the expertise nor the legal authority to perform any form of physical examination ensuring the health status of the horse before treating it. Missing important medical conditions before any animal undergoes any medical procedure is a significant risk factor.

Unlicensed dental practitioners have no accountability to a veterinary disciplinary authority in Washington because they are not veterinarians, a fact intentionally withheld from the public. If the equine patients suffer harm by any unlicensed practitioner, the owners have no veterinary disciplinary recourse and are left to pursue criminal charges of animal abuse or a civil judgment for damages. Furthermore, lay floaters carry no liability insurance to compensate owners in a claim of negligence should the horse suffer harm.

Equine Health and Dental Care

Dental care and disease in horses is similar to humans and impacts overall health. Horses suffer periodontal disease, nerve pain, impacted teeth, abscesses and tooth loss. Horses suffer from the pain and discomfort associated with these conditions, too.

An adult male horse has 40 permanent teeth approximately four inches long that erupt throughout the life of the horse. Required maintenance of equine teeth is known as “floating.” Floating is the process of removing and smoothing excess enamel points and elongations from the teeth and corrects and balances malocclusions, or problems with the meeting of upper and lower teeth.

If quality dental care is not provided, serious conditions can develop. Infections of the teeth and gums, broken or lost teeth, and overgrown enamel hooks require advanced care which can only be provided by a properly trained veterinarian.

Sedation of the Equine Patient

In Washington, licensed veterinarians and licensed veterinary technicians under the direct supervision of a veterinarian are the sole providers granted the legal authority to administer legend and controlled drugs (RCW 69.41.010 (16a), RCW 69.50.101 (w1) and RCW 18.92.013 (1)). Lay people operating illegally as veterinary dentists must obtain and administer controlled drugs requiring illegal acquisition and/or administration.

Because many horses experience behavioral stress during the process of floating teeth, veterinarians assess the horse’s health status and often recommend sedatives to calm the horse, ensure access to the entire mouth to provide quality care and a safe working environment for the equine patient, the veterinarian and all involved. The regulated drugs commonly used include Xylazine, Dormosedan and Butorphanol. Correct, legal, medical sedation (standard of care) by a veterinarian requires:

- A prior physical exam of the patient by the veterinarian, taking into consideration the horse’s overall health. In this exam, cardiovascular function, possible infection, nutritional state, level of parasitism and behavioral tendencies are evaluated.

- A discussion and evaluation of the equine patient's drug reaction histories.
- A careful assessment of the horse's ability to stand with comfort and in a safe, stable position with a full-mouth speculum in place.
- Active monitoring of levels of sedation to allow for the safe manipulation of powered dental equipment in the patient's mouth and a safe and uneventful recovery by the animal.

Sedatives commonly used during dental procedures suppress the cardiovascular function and alter the behavior of the horse, causing dangerous risks to the patient, practitioner and client if not conducted by a licensed veterinarian. Possible risks include:

- Unpredictable drug reactions. The least of these drug reactions may range from a mild allergy causing hives to anaphylaxis and death.
- Difficulty standing. The desired result of administering a sedative is a relaxed animal that allows examination and treatment. An undesired consequence that accompanies sedation is a lack of coordination with difficulty standing and perhaps collapse that can injure the veterinarian, the owner and all who are in attendance.
- Hyperexcitation. Sedation can have an opposite effect in some patients, where an aggressive violent reaction occurs. Veterinarians are professionally trained to watch for signs of such a reaction and when they do occur, they are the only professionals trained to medically manage such an event.

Should a Washington veterinarian conduct practice in the way lay floaters do in Washington, they would be in a position to be investigated and sanctioned by the Washington Veterinary Board of Governors. Yet lay people who are practicing medicine without a license are not under the same authority and therefore avoid investigation and possible sanctions.

Summary

The WSVMA is concerned for any animal's health and welfare that undergoes any medical procedure by people other than veterinarians. Currently, the most egregious example of this is dental treatment of horses by non-veterinarians. The risk to equine health and welfare is entirely preventable if:

- Current laws governing all aspects of the practice of veterinary medicine including equine dentistry are more actively and aggressively enforced;
- Prosecution of unlicensed veterinary practice is conducted to the fullest extent of the law;

- There is active aggressive investigation of the source of controlled drugs obtained and used by unlicensed veterinary dentists followed by appropriate prosecution for drug crimes where appropriate; and
- The public is actively warned about the inherent risks when using non-veterinarians in the medical care of their horses as well as their liability for doing so if they are conducting livery or boarding services.

References

Chapter 18.92 RCW Veterinary medicine, surgery, and dentistry. RCW 18.92.01, Veterinary practice defined.

Chapter 246-935 WAC Veterinary Technicians. WAC 246-935-050 2, (3c) and (5c) Animal health care tasks.

Chapter 69.41 RCW Legend drugs — prescription drugs. RCW 69.41.010 (16a) Definitions.

Chapter 69.50 RCW Uniform controlled substances act. RCW 69.50.101 (w1) Definitions.

Chapter 18.92 RCW Dispensing of drugs by registered or licensed personnel. RCW 18.92.013 (1) Definitions.