

## Vet exemption raises questions

By: ERIK NEELY : The Post and Courier

Originally Published on: 8/18/00

Page: B 1

The case against a Charleston veterinarian has raised questions about the extent of the exemption for vets from prosecution on animal cruelty charges.

Veterinarians can lose their licenses or be sued for malpractice for treating animals badly, but under state law are shielded from criminal prosecution during veterinary practice.

Some local vets say those punishments are sufficient, and that exposing veterinarians to animal cruelty charges would chill interest in the profession.

John Ancrum SPCA executive director Dr. Robert Carlson says vets should be held to the highest standard of animal treatment, but they have to be allowed to do their job. Carlson, who has lobbied for tougher penalties for animal abuse, said practices like ear cropping or neutering are deemed cruel by some animal rights groups. "Half the things (vets) do would be ill-treatment according to them," Carlson said. "They would probably charge veterinarians all the time."

The subject has been pushed to the forefront by charges made recently against a Charleston vet, Dr. Thomas Sheridan. Magistrate Brian Rawl ruled Tuesday that Sheridan's actions in two instances fell within veterinary practice and could not be criminally prosecuted. One charge against Sheridan of ill treatment not handled by Rawl remains to be heard in General Sessions Court next week.

Veterinarians and state officials say it is the only incident in their recollection when a vet has been charged with animal cruelty. State law says that the animal abuse law "does not apply to fowl, accepted animal husbandry practices of farm operations and the training of animals, the practice of veterinary medicine."

Within the past day, Carlson said, state SPCA officials contacted the National Humane Society office asking for their opinion on the South Carolina law.

Carlson, who worked with police on the Sheridan case but expressed no position on it, believes there is room within the current law for vets to be charged with abuse.

"I don't think malpractice and animal brutality are the same thing," Carlson said.

Assistant Solicitor Matthew Modica argued this week in magistrate's court that the alleged actions in Sheridan's case "don't fall within the exemption because they don't fall within the practice of veterinary medicine. You can't use the exemption to do things if they are illegal or inhumane."

Joe Qualey, one of Sheridan's lawyers, said earlier this week that the accusations against Sheridan were unfounded and were made by two disgruntled former employees who have no formal training or education in veterinary medicine.

But Charleston magistrates contacted by The Post and Courier said they would be loathe to judge any action taken by a vet inside his office as outside the practice of veterinary medicine.

The action would have to be so brutal it could not be construed as having any medical

purpose, even euthanasia, magistrates said. One said the law was "without ambiguity" on the exemption.

Goose Creek resident Bettina Boydston relies on the exemption. Boydston raises rabbits with her husband in her backyard. Customers invariably want to buy her New Zealand hares as pets, but Boydston butchers the surplus for the dinner table.

That requires clubbing them over the head before skinning them. She said she meets the occasional customer who is appalled at that side of her business.

"I love my rabbits," she said. "They're totally cute. But once in while that's what we have for dinner."

The state Veterinary Medical Examiners Board deals with charges of malpractice or fraud against licensed vets.

Officials with the vet board said they have investigated 69 complaints in the past two fiscal years against licensed vets. Sheridan is currently suspended from practicing medicine by the board.

Sharon Dantzler, a state attorney for the board, said the board is not opposed to the prosecution of veterinarians for animal cruelty and would be unlikely to intervene in such a prosecution.

In fact, Dantzler said, state law lists a conviction of animal cruelty as one of the things that can cost a vet his license.