

CONTACT

POLICY DEPARTMENT
MARIA CILENTI
212.382.6655 | mcilenti@nycbar.org
ELIZABETH KOCIENDA
212.382.4788 | ekocienda@nycbar.org

**REPORT ON LEGISLATION BY THE
ANIMAL LAW COMMITTEE**

**A.680
S.4449**

**M. of A. Rosenthal
Sen. Boyle**

AN ACT to amend the education law, in relation to providing free spaying and neutering services in lieu of self-instructional course work for the continuing education requirements for veterinarians

THIS BILL IS APPROVED

BILL SUMMARY

The Animal Law Committee of the New York City Bar Association (the “Committee”) supports A.680/S.4449 which amends Chapter 135 §6704-a, §1, Subdivision 2 of the Education Law, as added by Chapter 328 of the laws of 2010. The proposed legislation amends the Education Law for the purpose of providing free spay and neutering services to animals in lieu of self-instructional course work as part of continuing education requirements for veterinarians.¹ A veterinarian providing such free spay or neutering services shall be required to provide free follow-up service for any post-operative complications related to the surgery within twenty-four hours of performing the surgery. The Department is given discretion to reduce in part, an application by a licensee to offset credits of continuing education.

The proposed legislation allows veterinarians the option to fulfill part of their continuing education (CE) requirements with “free spaying and neutering and other veterinary services in connection with a municipality, duly incorporated not-for-profit society for the prevention of cruelty to animals, duly incorporated humane society, or duly incorporated animal protection association” in lieu of such self-instructional coursework.

If enacted, the New York State Department of Education (the “Department”) may offset up to three hours of the requisite number of hours of continuing education, at a rate of one-half of one hour of continuing education for each hour of free spaying and neutering, provided that a veterinarian shall still be required to complete the core requirements established by the Department. Additionally, the Department is given discretion to reduce in part, an application by

¹ During each triennial registration period, veterinarians are currently required to complete “a minimum of forty-five hours of acceptable formal continuing education, a maximum of twenty-two and one-half hours of which may be self-instructional coursework acceptable to the department...” N.Y. Educ. §6704-a.

a licensee to offset credits of continuing education, if the Department finds, in its discretion that the applicant requires formal continuing education in order to maintain or restore professional competence, or may deny all applications if the Department finds that continuing formal education is necessary because of developments in science or technology.

JUSTIFICATION AND CONCLUSION

The Justification and Fiscal Implications sections of the proposed legislation maintain that amending the required CE hours currently allowing for self-instructional course materials to also include the option of community service by veterinarians augments the value of the current CE requirements. Spaying and neutering of all pets helps reduce the number of unwanted litters and may result in decreased shelter intakes and animal shelter crowding. This helps reduce the need for euthanasia and results in lower sheltering costs for municipalities (including New York City).

The Committee would modify the Justification section and emphasize the significance of the proposed legislation. Allowing veterinarians to obtain CE credit by performing qualified spay/neuter surgeries is likely to increase the number of veterinarians willing to provide such services. This would result in positive net effects on the individual animals upon which surgery is performed, on the species as a whole through the reduction in unwanted births and overpopulation, and on shelters.

Overpopulation, particularly of cats, is a major cause of shelter intakes in New York City and New York State. High intake rates frequently result in overcrowding, which in turn results in a number of negative impacts and undesired outcomes on animal health and well-being. Spayed or neutered animals are at lower risk of relinquishment to shelters by their owners. Surgically sterilized animals are incapable of producing unwanted litters of puppies and kittens that often end up in animal shelters. As a result, widespread spay/neuter decreases shelter intakes, leading to a lower population of animals coming to and residing in the shelter, thereby reducing costs associated with spay/neuter surgery, thereby allowing such organizations to re-direct those resources to provide additional services and/or care for more animals. Veterinarians benefit by having a positive impact on the health and wellbeing of animals in their community while maintaining or enhancing their surgical skills.

Shelters in New York State are required by law to ensure that animals adopted through their efforts are spayed or neutered. Because of their lack of financial and veterinary resources, many shelters are unable to have such surgeries performed prior to adoption and must rely on a voucher or deposit program coupled with intensive monitoring and follow-up to ensure that the adopted pet actually has surgery in the future. Such programs often have a moderate to fair compliance rate and require a significant investment of time and resources by the shelter to track, monitor, and manage. As a result, animals adopted from shelters, unsterilized, may remain in the community reproducing, further contributing to shelter intake. With greater veterinary support, shelters would be able to ensure that a larger proportion (ideally 100%) of animals adopted from their facilities are spayed or neutered prior to release, thereby eliminating the risk of accidental or intentional breeding.

There is a New York City law that requires shelters permitted by the NYC Department of Health and Mental Hygiene to spay or neuter animals before adoption or placement.² Veterinarians who volunteer their services would aid in the enforcement of this law. In addition, greater veterinary support would help reduce the animal's length of stay awaiting surgery in the shelter (thereby helping to reduce shelter crowding) and would allow the organization to re-direct precious veterinary resources to providing preventive and wellness care as well as treatment for animals in need.

In further support of the proposed legislation, precedent for offering free services towards veterinary CE credit was established in New Jersey in 2010 when a law was passed that allows veterinarians to earn CE credits providing free services for low-income clients, animal shelters, or groups that manage colonies of feral cats.³ In addition, offering free services towards CE credit is customary in other professions. In New York State, the Continuing Legal Education ("CLE") Board allows attorneys to earn credit for performing eligible pro bono services in New York State for including a calculation for receiving pro bono CLE credit.⁴ Such guidelines are practices are applicable to veterinary medicine and continuing veterinarian education.

Ultimately, the proposed legislation lends itself to ethical and humane practices by veterinarians-a purpose for which they should strive in their actions.

For these reasons, the Committee supports this bill.

Reissued May 2016

² §17-804 of the Administrative Code of the City of New York provides that "No full-service shelter or other shelter for homeless animals required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York City Health Code shall release a dog or cat to a person claiming ownership thereof, or to a person adopting such dog or cat, unless such dog or cat has been sterilized by a licensed veterinarian."

³ New Jersey Statutes Title 45:16-9.4a. Continuing veterinary education coursework and topics; board authority to set requirements; off-set of credits.

- a. The State Board of Veterinary Medical Examiners shall establish, through the promulgation of regulations, any specific courses or topics which are to be required for continuing veterinary education, and designate which are the core requirements for continuing veterinary education, including the numbers of required hours, subject matter and content of courses of study. For purposes of this section, "core requirements" means the continuing veterinary education determine by the board to be necessary to maintain currency in professional knowledge and skills in order to delivery competent veterinary care.
- b. The board may offset up to 10 percent of the requisite number of hours of continuing veterinary education required pursuant to section 4 of P.L. 1952, c. 198 (C.45:16-9.4) by the number of volunteer veterinary services rendered by licensees, at a rate of one half of one of hour of continuing veterinary education for each hour of volunteer veterinary services, provided that a veterinarian shall be required to complete at least the core requirements established pursuant to subsection a. of this section.

L.2010, c. 89 § 3, eff. May 29, 2011.

⁴ Continuing Legal Education, Part 1500 Mandatory Continuing Legal Education Program For Attorneys In The State of New York, §3 Mandatory CLE Program For Attorneys Other Than Newly Admitted Attorneys, subsection 11 Pro Bono Legal Services.