

MEMORANDUM IN OPPOSITION

May 19, 2017

**S.5716 - Lanza (On Senate Health Committee Agenda 5/23/17)
A.7812 – Rosenthal (In Assembly Higher Education Committee)**

AN ACT to amend the public health law and the education law, in relation to authorizing emergency medical service personnel to provide certain emergency medical care to cats and dogs under certain circumstances

This memo in *opposition* is written on behalf of our client, the New York State Veterinary Medical Society (NYSVMS). NYSVMS is the acknowledged and respected voice for the veterinary medicine profession. NYSVMS' mission is to protect, promote, and advance the science and profession of veterinary medicine in New York State. The NYSVMS works to ensure that New Yorkers have access to the highest caliber veterinary care available in the most cost effective way.

This legislation would release emergency medical personnel from any civil or criminal liability for rendering a limited set of emergency medical treatments to a dog or cat, unless harm was caused to the animal due to gross negligence. However, the bill does not only create a release from liability for these services, but also amends the definition of the veterinary medicine scope of practice to provide for training to emergency medical personnel for providing emergency medical care to dogs or cats.

NYSVMS is opposed to this legislation as written, because it is too narrow in respect to the animals and treatments allowed, and unnecessarily effects the veterinary medicine scope of practice. Rather than provide for the emergency treatment of any animal in need, the legislation narrowly defines the release from liability to apply only to dogs and cats, and only releases these emergency personnel for certain treatments such as opening and maintaining an airway, administering oxygen, or administering naloxone as directed by a veterinarian. The legislation is too narrow, and should provide for a release of liability for any treatment within a responder's capabilities, and should apply to all animals. Further, this bill applies to the practice of veterinary medicine, without consideration of the veterinarian-client-patient relationship, and would not hold veterinarians harmless for communications made with emergency medical personnel during the provision of care, but only for instruction made within the course of treatment.

While NYSVMS does not oppose the intent of this legislation, to release emergency medical personnel from liability in the treatment of animals, it is problematic as written. The legislation is too narrow in regard to the species and treatments covered, and it unnecessarily effects the practice of veterinary medicine. This legislation should be tailored to provide for a release of liability for emergency medical personnel providing treatment to all animals, without effecting the scope of veterinary medical practice.

For the reasons stated above, our client ***opposes*** this legislation.

Respectfully submitted,

JACKSON LEWIS P.C.