



PC/PLLC Names that Contain the Names of a Species

NYSVMS Position:

NYSVMS supports a realistic policy for the naming of veterinary practices, which includes the ability to use species names in the name of a practice.

NYSED's current policy dictates that any professional practice claiming to be a "specialty" must be owned by a veterinarian who is board-certified in that medical specialty. Section 59.10 of the Regulations of the Commissioner speaks to this by stating in relevant part:

"...

c. A certificate pursuant to Business Corporation Law, section 1503 (b) (ii) may be issued when:

1. the proposed name of the corporation appropriately describes the profession practiced and the services to be provided; and

2. if the proposed name of the corporation includes a reference to a specialized area of professional practice, satisfactory evidence is submitted of compliance with any provision of Part 29 of this Title, rules of the Board of Regents restricting or regulating the use of specialty titles or announcements of limitations of practice in the particular profession."

Section 29.6 of the Rules of the Board of Regents states in relevant part:

"...

a. Unprofessional conduct in the practice of veterinary medicine shall include all conduct prohibited by Section 29.1 of this Part except as provided in this section, and shall also include the following:

5. claiming professional superiority or special professional abilities, attainments, methods or resources, except that a specialist may indicate a specialty that has been recognized as such by the Board of Regents. This provision shall apply in lieu of Section 29.1(b)(12)(i)(f) of this Part;"

In 2013, NYSED extended this rule to a practice name that is species-specific. It is the NYSVMS position that NYSED is wrongly applying the human medicine model of "board certification" of medical specialties in this instance. While a licensed veterinarian may work with all animal species, NYSED has been concerned that practices limited to single-species are viewed by the public as "specialists" and has been holding species-specific practices to "specialist" standards requiring board certification in order to list the species name in the name of the practice.

Currently, there are 22 AVMA-recognized veterinary specialty organizations comprising 40 distinct medical specialties, with poultry as the only species-specific credential. Board certification exists for veterinary medical disciplines including, but not limited to, internal medicine, surgery, dermatology and cardiology.

No national credentialing entities exist to award board certification in a single species; therefore veterinarians can-

not meet this rule imposed by NYSED. Furthermore, veterinarians are denied the ability to name their practice in a way that will inform the public about the type of animals that will be treated at their hospital. In addition, it places new graduates and new practice owners at a disadvantage when they enter a marketplace where hundreds of other practices having species-specific names were approved by NYSED prior to 2013.

The AVMA position on this issue states that the veterinary profession should strive to comply with generally accepted perceptions as to the level of care provided by facilities when using descriptive terms like avian, feline, equine, dairy, swine, and others. The name of a veterinary facility should represent the type of practice conducted.

NYSED's continued support of this new position is likely to cause an adverse economic impact directly to veterinary students today. It would mandate longer educations and severely deepen student indebtedness in a profession that is reeling from this problem. Further, these graduates would face having to charge higher fees for services because they are carrying higher debt burdens. This will more significantly affect rural areas of NYS, who depend greatly on equine and bovine practices, which will now have to be staffed by these more highly indebted veterinarians in order to advertise competitively. Higher fees for veterinary services would lead to lower quality of care for many animals across NYS. Worse yet, veterinarians may elect not to obtain this additional education and opt-out of practicing in NYS, impacting animal welfare statewide but specifically impacting New York's dairy industry and quality milk supply across the state.

The NYSVMS is working with the NYSED to develop a policy on naming veterinary practices to allow practices to indicate, in the practice name, whether they limit their veterinary care to a single species of animal, without claiming specialty or diplomat status.

NYSVMS urges NYSED to adopt a policy that benefits veterinary consumers and is not overly restrictive to veterinary businesses. This is a poorly researched policy that will create greater economic struggles in veterinary education, compromise animal care within the state, place undue pressure on an already strained dairy industry, and drive out some of the top educated veterinary students from staying in NYS because they face unfair competition and restraint of trade to do business.