

OHIO VETERINARY MEDICAL ASSOCIATION



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Testimony of Robert Knapp, DVM
House Bill 523
House Community & Family Advancement Committee
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Good afternoon Chairman Ginter, Vice Chair LaTourette, Ranking Member Boyd and members of the House Community and Family Advancement Committee. My name is Robert Knapp. I am a small animal veterinarian practicing in Columbus and a Past President of the Ohio Veterinary Medical Association. On behalf of the over 2,700 veterinarians and 600 veterinary student members of the OVMA, thank you for the opportunity to provide interested party testimony on House Bill 523.

As the professionals entrusted by society to provide medical care for animals, animal abuse is something veterinarians take very seriously. Not only are we concerned for the animal, my colleagues and I fully understand the connection between animal abuse and human abuse and are keenly aware of our role in these circumstances. Identifying and reporting suspected animal abuse is an ethical responsibility and goes hand-in-hand with our overall duty to protect and promote animal health and welfare.

HB 523 would require veterinarians and other individuals working in their professional capacity to report all suspected cases of animal abuse. Failure to do would result in a civil penalty. While we understand the desire to provide more protections for animals by increasing the number of individuals required to report animal abuse, we do have some concerns with mandatory reporting for veterinarians.

Unlike human patients, our animal patients cannot speak and tell us what happened. Instead we have to rely upon our clinical judgment and the client's observation and history to determine the source of an animal's injury or condition. Sometimes there is clear and convincing evidence of abuse, other times it is unclear. A fractured limb or burn may be an indication of an abusive environment. Or the injury could be caused by a misstep playing fetch or a cat jumping on a hot stove. While these injuries may be reflective of abuse, they are not always the result of intentional or malicious acts. By mandating veterinarians report all suspected cases of abuse, we will be in the untenable position of reporting a client who could very well be innocent.

If a veterinarian, based on their clinical judgment, is unsure if animal abuse is the cause of an injury or condition, and fails to make a report and is penalized, their reputation would be tainted in their community. The fine in the substitute bill for failure to report is obviously minimal but the prospects of being found negligent in our professional judgment has the

potential for significant consequences. These include loss of employment, loss of respect and status within the community and with our clients, and standing with respect to licensure with state and federal regulatory agencies.

Instead of requiring reporting even when there may not be clear evidence of abuse or neglect, it is our recommendation that Ohio law reflect the majority of other state laws on this issue. Of the 36 states with veterinary related animal abuse reporting rules or laws, 21 states do not include a mandate with a penalty to report but approach it thru means such as providing civil immunity. This approach removes a potentially significant obstacle for reporting in a manner that allows the veterinarian to use their professional judgment, without consequence, when the situation is unclear.

Please do not construe our concern with mandatory reporting as a desire to not take action when animals are abused. Reporting animal abuse is a professional obligation veterinarians take seriously. We also feel that there are times when the cause of an injury is difficult to determine and discretion should be provided.

We respectfully encourage you to remove the mandatory reporting provision and instead focus on eliminating any potential barriers to reporting. Thank you again for the opportunity to testify. I would be happy to answer any questions you may have.