



A Rusty Dilemma

An Ethics Case Study

by Carolyn C. Shadle, PhD, and John L. Meyer, PhD

A CASE STUDY CAN BE DEFINED as “a story with an educational message.” It’s a fictional scenario about something that could have happened in your practice. As the reader identifies with one or more of the players in the case, the reader becomes a participant in that scenario and is, therefore, a participant in the learning that emanates from discussion of the case.

The following case study explores several ethical issues, which can be used to spur discussions among staff at your practice. As in real life, when you are pondering a difficult ethical situation, some information might be irrelevant, while some useful information might be missing. In your discussion, you will need to sort out what is relevant and identify what is missing.

Before You Begin

Here are a few pointers to consider when reading the case study, either individually or as a team:

- Ask: What is the case about?
- Read the case a few times, always looking for new information or focusing on different characters and their needs.
- As you read, begin to develop a hypothesis around a possible definition of the problem, possible explanations, and possible solutions. Consider a contrarian’s position, too.
- Focus on the issue by considering the following:
 - Think about critically injured dogs you have treated.
 - Think about your feelings around euthanasia.

- Recall the views of clients around euthanasia.
- When have you been in the middle of other people’s conflict?

Following the reading of the case, you will find questions to steer your discussion and stimulate thinking.

The Case

Early on a Sunday morning, Rose Mason, DVM, answered her phone. It was an urgent message from her friend, neighbor, and hiking partner, Carla. Rose knew immediately that Carla was distraught.

“Please, please, Rose, come right over! There’s been a horrible accident. Rusty’s been injured terribly.”

Normally, Rose did not make house calls, but Carla lived directly across the street from Rose’s house, and they were such close friends that they were frequently in and out of each other’s houses.

George, Carla’s husband, met Rose at their door. “Thank you so much for coming over. “It’s Rusty!” he choked. “We found him in the alley behind our garage. He’s dying! A garbage truck hit him. We dragged him into the kitchen, but he’s almost dead.”

When Rose entered the kitchen, she found the golden retriever covered in blood, laying on a sheet of cardboard. The middle-aged dog did not move and appeared lifeless.

George came up behind Rose to explain, “It was that damn garbage truck, I’m sure. I think those tandem



wheels must have backed right over him. When I found him, I tried to carry him into the house. His back is broken. His legs are useless. His ribs must all be broken. I don't know how his lungs can keep him breathing."

As Rose leaned down and examined Rusty, she wondered how accurate George's diagnosis was, and whether it did the dog any harm to be lifted and carried. But before Rose could respond, she heard George shouting, "You've got to put him down! Put him out of his misery. Do it now! End his pain! Don't wait! Put him down right now!"

As George's shouting echoed through the house, there was a simultaneous scream from behind George. It was Carla. "No! No! We don't want him to die. You've got to save him!" She pointed a finger at Rose and continued, "If you kill him, I'll never speak to you again." Her last words were almost inaudible, drowned out by her sobs.

George and Carla commenced to argue.

"For God's sake, Carla. It's got to be done!" cried George. "It's the only humane thing to do! We've got to keep Rusty from suffering. He'll never hunt again, and he was the best hunting partner I've ever had. I'd shoot him myself if this happened in the woods."

"That's all you think about—shooting and hunting and killing birds and animals," Carla shouted into her husband's face. "Rusty is our family dog, not just a hunter! He's a member of our family; we love him and we need to keep him alive."

"You're being hysterical, Carla. Be logical. Can't you see Rusty will never walk again?" her husband shouted.

Carla shouted right back. "I am being logical. I've seen dogs run with only three legs and some with only two. They learned how to walk again with one of those wheeled contraptions. We can't give up on Rusty!"

The shouting ended as George and Carla's son, Jerry, walked into the room. Jerry stared at Rusty's bloodied body. He tried to speak, but tears welled up in his eyes and he could not speak. His shoulders shook as he sobbed.

George was moved, too, but he was determined. "Look, someone has to make a decision. He's my hunting dog. I've loved him as much as anyone, but I'll make the decision. It's time to put him down." Turning toward Rose, he said, "Go ahead. Do it now."

Rose looked at Carla, at Jerry, and then back to George. "I need to take Rusty to the clinic for a thorough examination and X-rays."

George exploded, "We don't need a more thorough examination. We can see what needs to be done. Isn't it obvious? He's my dog and I'm telling you to put Rusty down now! Don't just stand there!"

"He's not your dog," Carla countered. "He's our dog, and if anyone has a say in this, it should be Jerry. Don't you remember that Rusty was a birthday present for Jerry on his sixth birthday?"

All eyes turned to Jerry, who was still sobbing and incapable of saying a word.

There was a long silence. Then all eyes turned to Rose.

After the Case

Consider these questions for discussion:

- Is Rose caught in a dilemma? If so, how would you define it?
- What should Rose say or do?
- Where should the line be drawn between friendship and professionalism in veterinary work?
- Should a veterinarian ever recuse himself or herself from a case? When? Why?

- What should Rose consider before responding to George and Carla?
- Who decides in the case of euthanasia of family pets?
- How should the veterinarian behave when faced with a family dispute in which family members are polarized over a veterinary issue?
- Should a veterinarian ever insist on a treatment or course of action? If so, in what case?
- To what extent should a veterinarian engage in an argument in order to convince a client to agree to an intervention for which the practice will be compensated?
- Should the client wish to press charges against the sanitation company, what is the role of the veterinarian?

Experts' Responses

We asked three expert consultants for their thoughts on this case, focusing on the ethics. Below are their responses. See what you think.

Mason Is in a Pickle: A Legal Analysis

by Bonnie Lutz, Esq.

Rose Mason, DVM, is in a pickle. She has responded to her friend and neighbor's urgent calls for help regarding her badly injured dog. Now, she is the central character in a domestic dispute about the fate of the dog. The dilemma for Mason is what hat she is wearing on this Sunday morning and to whom she owes an ethical or legal duty.

It is assumed that Mason is a veterinarian licensed in the state where this has occurred and her license is in good standing with the veterinary medical board in that state. According to the American Veterinary Medical Association's Principles of Veterinary Medical Ethics, Mason has a duty to "provide competent veterinary medical care with compassion and respect for animal welfare."

Notwithstanding Mason's relationship with Carla, Mason's duty as a veterinarian is to determine the best interests of the patient, Rusty. In this scenario, she is conflicted because her friend, Carla, wants her to save Rusty, but Carla's spouse, George, wants her to euthanize Rusty immediately. At this point, with little information about the extent of the injury, Mason should not participate in the decision to euthanize and should not allow threats by Carla or possible opinions regarding the

use of dogs for hunting other animals to interfere with the determination of what is in Rusty's best interest.

Mason should consider the following:

First, Mason does not normally make house calls. If she does not have a house call or mobile practice, it is unlikely that she has euthanasia solution in her possession at home. If she does not have possession of the euthanasia solution, she is unable to follow George's instructions to "put him down right now." The only way for Mason to euthanize Rusty is to transfer him to a veterinary facility or to obtain euthanasia solution from her facility.

Second, despite George's insistence that Rusty's back is broken, his legs are useless, and his ribs are crushed, Rusty's condition is unknown. In fact, George does not know that the garbage truck ran over Rusty, because, apparently, he did not witness the accident. All Mason knows is that the dog is covered in blood, not moving, and that his body seems lifeless. At this point, Mason has a duty to perform a cursory examination to determine the extent of the injury and whether there are first aid measures to alleviate suffering and prevent further injury. If Mason determines that Rusty is deceased, the euthanasia discussion is over. However, Mason should still confirm Rusty's death at another facility.

Third, Mason must transfer Rusty to a facility where pain medication can be administered and his condition can be assessed by a thorough examination and radiographs. After his condition is assessed, the family, in consultation with the treating veterinarian, can make an educated determination regarding treatment or euthanasia.

Fourth, Mason has recommended transfer to "the clinic" for further examination. However, it is not clear to which "clinic" she is referring. It is Sunday, and most veterinary clinics, other than 24-hour facilities, are probably closed. We do not know whether Mason owns the veterinary facility where she works or whether that facility is a 24-hour facility. We also do not know if she is suggesting that they take Rusty to her facility. In any case, Mason should be careful about allowing her interests, personal and financial, to enter into the choice of facility. Another consideration is whether Rusty has been a patient of Mason's in the past. If, despite the

personal relationship between Carla and Mason, George has established a relationship with another veterinarian, that should be considered.

In order to avoid further conflicts of interest, Mason should recommend that Rusty be transferred to a 24-hour facility for a complete examination. Mason should not recommend taking Rusty to her facility unless it is a 24-hour emergency facility equipped to handle a serious injury. The decision regarding euthanasia should be made after Carla and George discuss Rusty's condition with the treating veterinarian at the 24-hour facility. At that point, Mason, as Carla's friend and as a knowledgeable veterinarian, can participate in the discussion.

Finally, if George takes legal action against the garbage company, Mason may be called to be a witness. Unfortunately for George and Carla, if asked, Mason will have to testify that George did not witness the accident ("tandem wheels must have backed right over him") and that he had carried Rusty into the house, possibly exacerbating his injuries. Mason can also testify regarding her observation and initial cursory examination of Rusty, but has no personal knowledge of the extent of his injuries.

In summary, the only ethical and legal way to handle this situation is for Mason to insist on transfer to a facility equipped to handle the injury that Rusty apparently sustained and to remove herself from the euthanasia discussion.

They Have Not Talked

by Debra Hamilton, Esq., mediation attorney

In this hypothetical case study, Rose, who happens to be a veterinarian, faces several serious and potentially fatal problems for both the dog, Rusty, and her friendship with Carla and George.

What We Know

Rose is a longtime friend of George and Carla's. They are neighbors and do things together. One thing George and Carla do not do is use Rose as their veterinarian.

Carla and George, along with their son, Jerry, own a dog named Rusty. The dog was purchased by and is registered to George. Yet, over the years, Rusty became a member of

the family, and, on some level, is considered Jerry's dog. Everyone cared for Rusty and he was beloved by all.

Rusty was injured and found by George. George surmises that a garbage truck hit the dog, but no one saw what happened. They call Rose to come over and help. Due to their friendship, Rose heads over to see what she can do. When she enters the house, she finds herself in a quagmire of emotion. George and Carla are cycling feelings that include anger, fear, and accusation. Rose is asked to help, but in two different ways: either save Rusty or end his suffering.

Three ethical issues come to mind:

- There is no valid veterinary-client-patient relationship among the parties. From this scenario, it appears that Rose is not their veterinarian, so is not aware of the current health of Rusty. She has no idea what other challenges Rusty may have that will be exacerbated due to the injuries from an accident.
- Rose cannot act in the best interests of Rusty, due to the verbal attack on her by George and Carla. Rose cannot act because the parties are at odds on how to proceed. Usually, when faced with a similar predicament, Rose would be able to assist in the objective evaluation of options. In this instance, her friendship is detrimental to her decisionmaking. She may not be able to act as decisively as she would if these were strangers and she had come upon the dog as a Good Samaritan.
- Making a suggestion in such a volatile atmosphere may bring liability upon her actions that she is not willing to expose herself to. Recognizing this, she will also recognize that nonaction may cost Rusty his life and destroy her friendship with Carla. Being ethically sound in the face of such a dilemma is difficult.

If Rose is able to take charge of the situation, she might corral the parties into recognizing that their own argument is prolonging necessary treatment for Rusty.

Acting ethically is not as cut and dried as it seems in a classroom setting. Being able to weigh your options as a veterinarian is important. In taking charge of the situation, one could empower the parties to progress out of fear and anger and into problem solving. This could allow for action in the best interests of the pet to be pursued. This is an art, and can sometimes be trickier than you think.

Who Is the Real Owner?

by Debbie Hill, CVPM, SPHR, SHRM-SCP

Establishing rightful ownership of an animal is a very common problem in veterinary practices. When coupled with an emotional setting and a pet in obvious pain, the need for clear lines in decisionmaking becomes imperative. The veterinarian's experience with a wide variety of medical conditions offers the best insights, and the veterinarians must take the lead in establishing their roles as patient advocates.

The question of who is the rightful owner of Rusty is the main sticking point here. If Jerry is a minor, even if Rusty is his dog, he is not old enough to be legally responsible. Without a medical record, it must be presumed that either George or Carla is the authorized owner. Going with the fact that Carla called Rose in, her word may have the clearest answer. The question can be raised as to whether a veterinary-client-patient relationship been established by her call.

With everyone feeling Rusty's pain in their own way, it is imperative that Rose establish authority and calm things down so that she can adequately assess her patient. George and Carla are both understandably distraught, though displaying it in different ways. Rose is not their relationship advocate, but she does need to speak for Rusty. Her American Veterinary Medical Association oath concerning pain and suffering reinforces her need to focus on his medical condition.

It is doubtful that Rose has any medication with her to treat or euthanize Rusty. Even if a decision is made to euthanize, a basic exam is necessary. Whether or not this takes place in the practice or via house call is a moot point. Recusing herself in an emergency situation is a poor option, and any referral would need to be immediate. She needs to explain that, in her professional opinion and experience, this type of injury can be many things. A real assessment of Rusty's actual injuries is needed, and the cardboard can be used as a stretcher to transport him.

The question of whether a truck hit Rusty is vague, and, at first observation, his injuries are not limited to being "run over" by the truck. There certainly does not appear to be any fact or witness to support a claim against the sanitation

company, and Rose would do well to steer clear of any pressure to make opinion statements on their role. This can be very difficult in an emotionally charged setting.

Practices need to develop ownership guidelines and have clearly understandable forms with signatures noting who has presented themselves as the legal owner of an animal brought in for care. All employees need to understand the vital importance of knowing and documenting legal ownership. Waiting until there is an emergency or other life drama can be avoided by early planning and ongoing training. ✨

Bios of Experts

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