

Welfare of stray animals – veterinarian rights and responsibilities

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Background

Veterinarians are occasionally presented with injured or sick animals that do not have a known owner, or where the owner cannot be contacted. Clinicians should be familiar with their rights and responsibilities regarding these animals under the Animal Welfare Act and the Veterinary Council of New Zealand (VCNZ) Code of Professional Conduct.

The VCNZ Code of Professional Conduct Section 4 states:

- Veterinarians have a professional and legal duty to take steps to relieve unreasonable or unnecessary pain or distress in animals under their care. This includes **the need to administer first aid and adequate pain relief (and even euthanasia) whether or not payment can be made at the time of the treatment.**
- When euthanasia is necessary it must be carried out humanely. In situations where an animal's owner is not known or cannot be contacted, veterinarians must exercise their duty under **section 138 of the Animal Welfare Act 1999** to euthanise severely sick or injured animals responsibly.
- **The over-riding priority is to ensure that animal welfare is not compromised.**

Veterinarians must be prepared to exercise clinical judgement in these cases and ensure that they are meeting the welfare needs of their patient. Excellent, high-level, rapid analgesia options are available (some of these are described in Table 1) and if it is believed that the animal is in pain, these should be employed promptly by the veterinarian while making assessments and deciding on next steps.

Emergency euthanasia under Section 138 of the Animal Welfare Act 1999

The below information has been taken directly from the joint NZVA/MPI/SPCA/BVA *The Practice* guidance document for Emergency euthanasia of non-client animals:

Veterinarians have the legal authority (and a legal obligation) to euthanase an animal when they are satisfied that:

1. The animal is severely injured or sick; and
2. The animal should be destroyed because reasonable treatment will not be sufficient to make the animal respond; and
3. The animal will suffer unreasonable or unnecessary pain or distress if it continues to live.

These decisions are made in accordance with section 138 (s138) of the Act.

A veterinarian does not require the opinion or presence of an inspector to make a euthanasia decision pursuant to s138. The only time an inspector must be consulted before a euthanasia decision is if the animal is part of an investigation.

Consulting the owner/guardian

Once the veterinarian is satisfied that the above threshold is reached, they must consult with the owner/guardian of the animal if that person can be contacted within a reasonable time.

What constitutes a ‘reasonable time’ will vary depending on the urgency of the euthanasia decision. This will be decided by the veterinarian and is a matter of professional judgement and opinion.

All attempted steps to locate an owner/guardian should be documented. Documentation should include:

- Where the animal was found
- Who found it
- Any identifying features on the animal (such as collar/collar marks, ear tattoos, desexing scars etc)

Recommended minimum steps to locate an owner/guardian

- Scan for a microchip
- Use Lostpet.co.nz to both review lost pet listings and list the animal
- Check on social media groups – there are several New Zealand missing pet websites and Facebook groups, as well as community groups specific to your area

One of the following must then occur:

- If the owner/guardian cannot be found and consulted or the time taken to find the owner/guardian is unreasonable given the circumstances, then the veterinarian must euthanase the animal or cause it to be euthanased without delay, pursuant to s138 of the Act. If available within a reasonable timeframe, the opinion of another veterinarian within the same veterinary practice may be sought and documented.
- If the owner/guardian is found and consulted and agrees that the animal should be euthanased, the veterinarian or owner must euthanase the animal or cause it to be euthanased without delay.
- If the owner/guardian is found and consulted and asks for a second veterinary opinion as to whether the animal should be euthanased, the owner/guardian must be allowed to obtain the second veterinary opinion. It is important to note that the amount of time the owner/guardian can take to seek this second opinion must be reasonable in the circumstances. A second veterinary opinion may be obtained from another veterinarian within the same veterinary practice.
 - If a second veterinary opinion is sought within a reasonable time and that veterinarian agrees that the animal should be euthanased, then the veterinarian or owner/guardian must euthanase the animal or cause it to be euthanased without delay.
 - If the amount of time agreed upon has passed and no second opinion has been obtained, then the veterinarian must euthanase the animal or cause it to be euthanased without delay.
 - If a second opinion is sought within a reasonable time and that opinion recommends actions other than euthanasia, then the two veterinarians would be expected to consult and agree on an appropriate action plan. There is also the possibility of obtaining a third veterinary opinion if this does not unreasonably impact the animal's welfare.

If the professional decision is that the animal must be euthanased without delay, it is vital that the immediately available veterinarian has the necessary skills and resources to euthanase the

species. If the particular skills required are outside the veterinarian's competence, this must be identified, and an alternative veterinary service must be sought in a timely manner. Any decision to euthanase an animal that is subject to an SPCA or Ministry for Primary Industries (MPI) animal welfare investigation must be considered in consultation with the inspector in charge of the case.

When to contact SPCA or MPI

Where a member of the public brings a severely injured or sick animal to a veterinary clinic and emergency euthanasia is being considered, the person should be asked whether they were directed to bring the animal to the veterinary clinic by the SPCA. If that is the case, the veterinarian would be right to expect some assistance from the SPCA, such as helping the veterinarian with their s138 consultation obligations to try and locate a possible owner/guardian.

If the animal can be safely stabilised, the veterinarian may wish to do so while waiting to contact the SPCA (for example overnight). However, a veterinarian can still make a euthanasia decision under s138 without contacting the SPCA if the criteria are met. The veterinarian should clearly document their justification for a euthanasia decision under s138, including documented attempted steps to locate an owner/guardian.

For more guidance on how the SPCA and veterinary practices work together, refer to section 7 of the Memorandum of Understanding between Royal New Zealand Society for the Prevention of Cruelty to Animals and New Zealand Veterinary Association.

References

- Giordano T, et al.** Postoperative analgesic effects of intravenous, intramuscular, subcutaneous or oral transmucosal buprenorphine administered to cats undergoing ovariohysterectomy. *Veterinary Anaesthesia and Analgesia* 37(4): 357-66, 2010
- Murrell J.** Choice of premedicants in cats and dogs. *In Practice* 29(2): 100, 2007
- Shah MD, et al.** A comparison between methadone and buprenorphine for perioperative analgesia in dogs undergoing ovariohysterectomy. *Journal of Small Animal Practice* 59(9): 539-546, 2018
- Steagall PV, et al.** Pharmacokinetics and analgesic effects of intravenous, intramuscular or subcutaneous buprenorphine in dogs undergoing ovariohysterectomy: a randomized, prospective, masked, clinical trial. *BMC Veterinary Research* 16(1): 154, 2020

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Thank you to the NZVA for allowing reproduction (in part) of their "Section 138 Animal Welfare Act 1999 – Emergency euthanasia of non-client animals" guidance documents. Excerpts have been taken from the publicly available VCNZ Code of Professional Conduct.

Table 1. Quick reference first-line analgesia options.

| Drug | Properties | Cat dose | Dog dose | Lasts | Notes |
|---|--|--|---|--------------|--|
| Methadone | High-level analgesia, some/variable sedation, rapid onset | 0.2-0.5mg/kg IM (Suggest: 0.2-0.3mg/kg) (Murrell 2007) | 0.3-1mg/kg IM/IV/SC (Suggest: 0.3mg/kg) (Shah <i>et al.</i> 2018) | ~ 4 hours | A go-to for painful animals on arrival while making a plan. Sedative effect is often useful for examining distressed animals. Unlike morphine, vomiting is uncommon <i>Cost ~\$1.20 for 4kg cat</i> |
| Buprenorphine | Moderate analgesia, longer duration but slower onset than methadone (Shah <i>et al.</i> 2018) | 0.01-0.03mg/kg IM/IV (Suggest: 0.03mg/kg) | 0.01-0.03mg/kg IM/IV (Suggest: 0.03mg/kg) | ~ 8-12 hours | Okay for less painful animals. Note that common formulations are all licensed for IM and IV use, not SC. SC dosing is significantly less effective for analgesia than IM or IV (Giordan <i>et al.</i> 2010, Steagall <i>et al.</i> 2020) <i>Cost ~\$0.94 for 4kg cat</i> |
| Fentanyl (+/- ketamine, lidocaine) Continuous Rate Infusion (CRI) | Rapid onset (IV bolus), sustained high level analgesia Ketamine and lidocaine can be added for a multimodal approach if needed Excellent calculators available on VASG.org website | Basic fentanyl CRI: 600µg (12ml of 50µg/ml fentanyl) per 500ml bag @1-1.5ml/kg/hr Loading: 1-5µg/kg IV/IM Half the strength (6ml fentanyl/500ml) and double the rate to meet fluid demands if needed | Basic fentanyl CRI: 1200µg (24ml of 50µg/ml fentanyl) per 1L bag @1-4ml/kg/hr Loading: 1-5µg/kg IV/IM Half the strength (12ml fentanyl in 1L) & double the rate to meet fluid demands if needed | CRI | Good option for painful strays while looking for an owner. Given the low cost of fentanyl (and ket/lido), these are quite economical, especially over longer periods vs repeat dosing of methadone or buprenorphine, particularly if you are routinely using these bags for painful surgeries and just changing extension sets Great for overnight care, but otherwise may not be needed for strays in general practice if you have the option to transfer to SPCA promptly (within the dosing window of the above injectable options) <i>Cost ~\$13-16 for 4kg cat (incl.fent loading & 500ml bag, ~ 3-days' worth)</i> |