January 6th 2015 was not a particularly good day for Dr. Hines. The Institute For Justice bought him a ticket to New Orleans to watch them argue in court on his behalf. His friend, Sidney, lent him a sports coat and off he went. Hines was booked overnight at the Lafayette Hotel on St. Charles St. It, and the courthouse face a park with the same name. It was an overcast and dreary day. A City crew was erecting bleachers in Lafayette Park, when he arrived at 6 AM. They disturbed a flock of roosting crows that squawked loudly as they circled the courthouse before heading for parts unknown. Hines is a superstitions man - he took that as an ill omen.

Three of the fifteen judges planned to consider his case; Patrick Higginbotham, and Jerry Smith, both Regan appointees, along with James Graves Jr., appointed by Barack Obama. Hines was the last of the four cases on the docket - A straw buyer of weapons for the Mexican drug cartel who was not read his Miranda rights, A sex offender contesting the stipulations of his parole, The disposition of a case where one party died before adjudication and the Texas Veterinary Boards challenge to the ruling of Hines’s local federal judge that he was entitled to exchange emails with whomever he pleased. Hines was the only observer. He sat in the front pew. None acknowledged his presence – he was discussed as if he were 1,000 miles away.

Hines’ attorneys had explained to him that although the judges would not issue a ruling for a number of months, the tone and nature of their questions would indicate what their final decision was likely to be. Judge Higginbotham was the most vocal. Although the acoustics in the hall were poor, this is how Hines interpreted his utterances:

Hines’s speech constitutes the practice of veterinary medicine and, as such, he is bound by the rules of the Texas Board of Veterinary Medical Examiners and subject to punishment, no matter how irrational those rules might be. The judge alluded that if Hines were not a licensed veterinarian, freedom of speech would apply to him. (What the good judge failed to consider was that should Dr. Hines surrender his Texas license, the Texas Boards would most surely punish him for the unlicensed practice of veterinary medicine when he sought to correspond with pet owners over the Internet.)

Since the Veterinary Boards first informed him that he was under investigation, Hines had been curious as to why he was singled out among the many veterinarians who provide identical online advice to pet owners. He worried that, perhaps, he had let some pet owner down. The Board would never tell him. When he was initially fined and placed on probation, he asked his attorney to be sure to request a copy of the complaint that initiated the proceedings. Hines was told through his
attorney “if you were not given a copy of the complaint, then none must exist”.

But there was comfort as well disappointment for Dr. Hines in New Orleans. The attorney representing the Board let slip that a complaint had indeed been received and that it originated in New Hampshire. Hines recalls only helped out one person and his dog, Tisha, in New Hampshire. It was just before Christmas in 2012. This is the email that Hines received:

“My poor therapy Schipperke is at the end w/ CHF. But I am the one that’s suffering. I am considering installing a drain MYSELF, Cruelty? NO, what is cruelty is Vet's that charge unreasonable amounts of cash for unnecessary tests on a dog that is terminal and will not give the poor animal relief without large amounts of money. If she dies, it will be by me trying to help her after all their suggested alternative is euthanasia. I am a double amputee confined to a wheelchair condemned to poverty, and like many pet owners, would do anything I could to help her and I will.”

The man sent Hines $5.00. Hines refunded it and got to work to see what he could do for the dog. The owner’s plan was to pierce the dog’s abdomen with a sharp object in order to let some of the fluid out so his pet could breath easier. Hines talked him out of that. Then Hines reviewed the medication that was being giving to the dog and corrected the dose. Then he called their local Humane Society requesting some help for Tisha. No one returned his calls, so he emailed the president-elect of the New Hampshire Veterinary Medical Society requesting that a veterinarian in Tisha’s town donate a bit of time to the case. After all, it was Christmas. That never occurred. Eventually, he was told that someone from the Humane Society took the dog and had it put to sleep. Hines now supposes that someone in the veterinary community in New Hampshire did not appreciate his meddling and tipped off the Texas Veterinary Boards.

So Hines feels a lot better and he sleeps well knowing he did not let anyone down. He spends his time writing pet health care articles, patches up injured wildlife that the game wardens bring him, and putters in his woodshop and garden. He’s the only veterinarian in South Texas who will do that for wildlife. His email address and phone number are given on the Texas Parks and Wildlife Department Website and TPW refers injured and orphaned wildlife questions to him to answer. What a curious world. One arm of Texas government refers people to him for advice while the other punishes him for giving it. (ref)
Hines knows that eventually things will change. But it won’t be because the AVMA or state veterinary boards become less money hungry. And it won’t be because the AVMA or the courts have become more compassionate and enlightened. It will happen because the Big Human Healthcare Corporations see online consultation as a way to improve patient outcomes and lower their costs. Once it becomes a standard in human medicine, the AVMA and the veterinary boards will begrudgingly fall in at the end of the line. (ref1, ref2)

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It’s April Fools day, 2015.

Dr. H. was told yesterday that Judge Higginbotham and his colleagues issued their formal opinion last week. They overruled his local Judge’s decision that the Constitution gave him the right to correspond freely with pet owners online. The three-judge panel declared that the Constitution gives no protection to licensed professionals like him to express opinions that relate to their profession. Your hairdresser can send you emails regarding your pet’s health – but he cannot.

Dr. H. was told that the IJ intends to appeal those judges’ decision to the US Supreme Court. If the AVMA and the Texas Veterinary Boards win there (or, more likely, the case is not accepted) it will be American veterinarians and American pet-owners that lost. Dr. Hines is old – a man of modest means and aspirations. He and his wife subsist contently on his social security benefits and a modest pension. Kindhearted folks who read his articles send him contributions that are sufficient to keep his website online and pay his veterinary licensure fees. The only thing these shortsighted bureaucrats will have succeeding in doing is outsourcing online veterinary medicine to offshore locations and dubious call centers where the questions of pet owners like you will be answered by poorly trained graduate of Third World Veterinary Colleges.

It is unfortunate that the myopic, and uninspired leadership of the AVMA, and the state boards have cause pet owners to loose the kind of enlightened help many American veterinarians much younger than Dr. Hines have to offer online. These younger animal health professionals will be effectively cut out of important emerging career opportunities as well. Dr. Hines is quite content just writing pet health articles for you to read as long as he has the ability to do so. Letting him know when they were helpful to you continues to mean a lot to him.