



NORTH AMERICAN VETERINARY ETHICS COUNCIL

A NAVEC Investigative Research Study

The Gatekeepers and the Gate

*How a Half-Century of Surplus Forecasts and Control of the
Licensing Gate Built the Veterinary Shortage*

Thesis: the same institution that has forecast a surplus of veterinarians for fifty years also controls the gate through which new veterinarians must pass — the precise structure that federal antitrust law now scrutinizes, and that the Justice Department has told a federal court is “not exempt from the antitrust laws.”

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A Note on Method and Proof

This study advances a structural claim, not an accusation of conspiracy. It does not assert that any named individual or institution agreed, in secret, to suppress the supply of veterinarians for private gain. It asserts something that the public record can carry on its own weight: that for nearly half a century the same institution has both *forecast* a surplus of veterinarians and *controlled the gate* through which new veterinarians must pass — and that this arrangement, whatever the intentions behind it, is the precise structural condition that federal antitrust law has come to scrutinize most closely.

Every load-bearing factual claim here is (i) sourced to a primary document — an AVMA, COE, or ICVA publication, a peer-reviewed study, an IRS Form 990 filing, a federal agency release, a court filing, or U.S. Bureau of Labor Statistics data; (ii) clearly attributed as an allegation advanced by a named party, such as Lincoln Memorial University or the U.S. Department of Justice; or (iii) expressly flagged where a forecast's horizon has not yet arrived and its accuracy therefore cannot yet be tested.

Two disciplines govern what follows. First, where this study describes the divergence between a forecast and what later happened, it states the forecast in the forecaster's own words and tests it against data drawn from sources independent of the forecaster — chiefly the Bureau of Labor Statistics, the U.S. Department of Agriculture, and the Government Accountability Office. Second, where this study reaches the antitrust question, it characterizes the structure and attributes the legal conclusions to the parties and authorities now advancing them. The reader should hold both truths at once: nothing here proves an unlawful agreement, and **the structure this study documents is the one the Justice Department has now told a federal court is “not exempt from the antitrust laws.”**

Abstract

Two private organizations stand between a veterinary student and a license to practice. The American Veterinary Medical Association, through its Council on Education (COE), is the sole accreditor of veterinary colleges recognized by the U.S. Department of Education; with vanishingly few exceptions, only a graduate of a COE-accredited college may sit for licensure.¹ The International Council for Veterinary Assessment (ICVA) owns and administers the North American Veterinary Licensing Examination (NAVLE), the one examination every U.S. and Canadian jurisdiction requires.² Together, accreditation and examination form a single gate, and both halves of it are held by private bodies whose governance is populated by the established profession.

This study documents a fact about that gate that has not, until now, been assembled in one place: the body that controls the accreditation half has, for roughly fifty years, repeatedly predicted that the profession was producing — or was about to produce — *too many* veterinarians. From the AVMA-commissioned Arthur D. Little study of 1978, through Wise and Kushman in 1985, the KPMG “Megastudy” of 1999, and the 2013 AVMA Workforce Study, the recurring institutional finding was surplus, “excess capacity,” and downward

¹AVMA Council on Education accreditation; U.S. Department of Education recognition of the COE as the accreditor of veterinary colleges. See AVMA, “Accreditation Policies and Procedures of the AVMA Council on Education.”

²NAVLE, International Council for Veterinary Assessment, <https://www.icva.net/navle/>; NAVLE Candidate Handbook 2026–2027.



pressure on incomes.³ The AVMA's own economics director wrote in 2013 that the profession's habits “may have nudged the profession toward an excess of veterinarians.”⁴

The forecasts whose target years have now arrived were, by and large, not borne out. Wise and Kushman projected that private-practitioner real incomes would fall to roughly three-quarters of their 1980 level by 2000; Bureau of Labor Statistics wage data show the opposite trajectory.⁵ The 2013 study projected double-digit “underutilization” of veterinary labor through 2025; by 2025 the U.S. Department of Agriculture had declared the highest number of rural veterinary shortage areas ever recorded, the BLS projected veterinarian employment to grow “much faster than the average for all occupations,” and veterinarian unemployment had fallen below one percent.⁶⁷ The lived reality reported by clinics and shelters — open positions that stay open, recruiting that fails — is the reality of scarcity, not glut.

This study does not contend that the AVMA manufactured a shortage. It contends something narrower and more consequential for regulators: that an institution with a documented, decades-long disposition toward forecasting oversupply also holds the lever that controls supply, and that this is the structural conflict — interested actors regulating the conditions of their own competition — that the Supreme Court addressed in *North Carolina State Board of Dental Examiners v. FTC*, that Lincoln Memorial University has placed before a federal court in its June 2025 antitrust complaint, and into which the U.S. Department of Justice intervened on December 15, 2025.⁸⁹¹⁰ The same lineage runs through the examination half of the gate: the ICVA was separated from the AVMA in the 1990s after state attorneys general raised conflict-of-interest concerns, its CEO was recruited directly from the AVMA's senior staff, and the AVMA's Council on Education holds a designated seat on its board.¹¹¹²

NAVEC's thesis is therefore twofold. First, the surplus-forecasting record and the control of the supply lever, taken together, supply the economic *motive and means* that an antitrust analysis looks for — not as proof of intent, but as the structure the law treats as suspect. Second, the reform question and the competition question are the same question: a gate held by interested private bodies, insulated from the market correction that scarcity would normally produce, is exactly the arrangement that both consumer-protection

³M. R. Dicks, “A short history of veterinary workforce analyses,” *JAVMA*, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.

⁴M. R. Dicks, “A short history of veterinary workforce analyses,” *JAVMA*, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.

⁵U.S. Bureau of Labor Statistics, Occupational Outlook Handbook, “Veterinarians,” <https://www.bls.gov/ooh/healthcare/veterinarians.htm> (May 2024 median wage; employment projected to grow “much faster than the average for all occupations”).

⁶“USDA announces plan to address rural, federal veterinary shortages,” *AVMA News* (reporting USDA/NIFA designations), <https://www.avma.org/news/usda-announces-plan-address-rural-federal-veterinary-shortages>; USDA NIFA Veterinary Medicine Loan Repayment Program, Veterinary Shortage Situation designations.

⁷U.S. Bureau of Labor Statistics, Occupational Outlook Handbook, “Veterinarians,” <https://www.bls.gov/ooh/healthcare/veterinarians.htm> (May 2024 median wage; employment projected to grow “much faster than the average for all occupations”).

⁸*North Carolina State Board of Dental Examiners v. FTC*, 574 U.S. 494 (2015).

⁹*Lincoln Memorial University v. AVMA*, No. 3:25-cv-00282 (E.D. Tenn., filed June 18, 2025).

¹⁰U.S. Department of Justice, Antitrust Division, Statement of Interest in *LMU v. AVMA* (filed Dec. 15, 2025); see also *VIN News*, “Justice Department weighs in on lawsuit against AVMA,” <https://news.vin.com/doc/?id=13062405>.

¹¹“Leaving AVMA to lead examination board,” *JAVMA News*, *AVMA* (Aug. 1, 2014), <https://www.avma.org/javma-news/2014-08-01/leaving-avma-lead-examination-board>.

¹²International Council for Veterinary Assessment, governance / board of directors (directors designated by constituent organizations including the AVMA Council on Education), <https://www.icva.net/about-icva/>; *ICVA 2024–2025 Annual Report*.



law and the emerging antitrust record are now converging upon. The path forward is to restore the independence and accountability that a licensing gate must have — by separation, supervision, and verification — before the next half-century of forecasts is written by the same hands that hold the gate.

1. Executive Summary

The American veterinary profession is living through a documented workforce shortage. Clinics cannot fill open positions; shelters cannot keep theirs staffed; the federal government has, for sixteen consecutive years, formally designated rural areas where there are too few veterinarians to protect animal and public health.¹³ This is not a contested projection. It is the daily, observable condition of the profession, and it is the rallying ground on which a broad coalition of clinic owners, shelter administrators, and animal-welfare advocates now stands.

<p>THE SHORTAGE</p> <p>243</p> <p>record USDA rural shortage areas, 46 states (2025)</p>	<p>UNEMPLOYMENT</p> <p><1%</p> <p>veterinarian unemployment, 2022</p>	<p>FORECAST RECORD</p> <p>50 yrs</p> <p>of AVMA surplus predictions, 1978–2024</p>
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This study asks how the profession arrived here, and it finds a structural answer that has not previously been assembled. The door into veterinary practice is a single gate with two halves. One half is *accreditation*: the AVMA's Council on Education is the only accreditor of veterinary colleges recognized by the U.S. Department of Education, and graduation from a COE-accredited college is, with narrow equivalency exceptions, the precondition to everything that follows.¹⁴ The other half is *examination*: the ICVA owns the NAVLE, the sole licensing examination accepted across the United States and Canada.¹⁵ A would-be veterinarian must pass through both halves, and both are held by private bodies governed by the established profession.

The central finding of this study concerns the accreditation half. For roughly fifty years — across at least seven distinct AVMA-commissioned or AVMA-published analyses between 1978 and 2015 — the recurring institutional finding was that the profession faced a present or looming *surplus* of veterinarians, with the attendant warnings of “excess capacity” and downward pressure on incomes. The AVMA's own economics division director, Dr. Michael Dicks, wrote in 2013 that the profession may have been “nudged toward an excess of veterinarians,” and modeled that opening new schools would cut new-graduate starting salaries.¹⁶

The forecasts have now had time to be tested, and the testable ones did not hold. Independent federal data — from the Bureau of Labor Statistics, the U.S. Department of Agriculture, and the Government

¹³“USDA announces plan to address rural, federal veterinary shortages,” AVMA News (reporting USDA/NIFA designations), <https://www.avma.org/news/usda-announces-plan-address-rural-federal-veterinary-shortages>; USDA NIFA Veterinary Medicine Loan Repayment Program, Veterinary Shortage Situation designations.

¹⁴AVMA Council on Education accreditation; U.S. Department of Education recognition of the COE as the accreditor of veterinary colleges. See AVMA, “Accreditation Policies and Procedures of the AVMA Council on Education.”

¹⁵NAVLE, International Council for Veterinary Assessment, <https://www.icva.net/navle/>; NAVLE Candidate Handbook 2026–2027.

¹⁶M. R. Dicks, “A short history of veterinary workforce analyses,” JAVMA, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.



Accountability Office — describe the opposite of the predicted surplus across the very years the surplus was forecast.¹⁷¹⁸ Veterinarian wages rose where Wise and Kushman predicted a fall to 75% of 1980 levels; the BLS now projects employment growth “much faster than the average for all occupations”; and in 2025 the USDA declared the highest number of veterinary shortage areas ever recorded.¹⁹²⁰ The AVMA itself reversed course in 2024, commissioning a study that concluded “the data do not support an expectation of a continued shortage” — a reversal that, whatever its merits, places the AVMA against both the veterinary colleges it accredits and the independent shortage evidence.²¹

The significance is not that the AVMA's economists were poor forecasters. It is that the institution with a five-decade record of forecasting oversupply is the same institution that holds the lever controlling supply — the accreditation gate that determines how many veterinary colleges, and how many graduates, may exist. That coincidence of *interest* and *control* is the structural condition that federal antitrust law treats as suspect. It is the condition the Supreme Court addressed in *North Carolina State Board of Dental Examiners v. FTC* (2015);²² it is the condition Lincoln Memorial University has placed before the U.S. District Court for the Eastern District of Tennessee in its June 18, 2025 complaint;²³ and it is the condition into which the U.S. Department of Justice intervened on December 15, 2025, telling the court that accreditation “is not exempt from the antitrust laws merely because states require veterinarians to graduate from accredited schools.”²⁴

The examination half completes the picture. The ICVA was separated from the AVMA in the mid-1990s precisely *because* state attorneys general raised conflict-of-interest concerns about the profession's trade association also controlling the licensing examination.²⁵ Yet the institutional ties endured: the ICVA's chief executive was recruited directly from the AVMA's senior staff, and the AVMA's Council on Education holds a designated seat on the ICVA board.²⁶²⁷

¹⁷U.S. Bureau of Labor Statistics, Occupational Outlook Handbook, “Veterinarians,” <https://www.bls.gov/ooh/healthcare/veterinarians.htm> (May 2024 median wage; employment projected to grow “much faster than the average for all occupations”).

¹⁸U.S. Government Accountability Office, “Veterinarian Workforce: Actions Are Needed to Ensure Sufficient Capacity for Protecting Public and Animal Health,” GAO-09-178 (Feb. 2009), <https://www.gao.gov/products/gao-09-178>.

¹⁹U.S. Bureau of Labor Statistics, Occupational Outlook Handbook, “Veterinarians,” <https://www.bls.gov/ooh/healthcare/veterinarians.htm> (May 2024 median wage; employment projected to grow “much faster than the average for all occupations”).

²⁰“USDA announces plan to address rural, federal veterinary shortages,” AVMA News (reporting USDA/NIFA designations), <https://www.avma.org/news/usda-announces-plan-address-rural-federal-veterinary-shortages>; USDA NIFA Veterinary Medicine Loan Repayment Program, Veterinary Shortage Situation designations.

²¹J. Volk et al. (Brakke Consulting), “Forecasting Supply and Demand Indicators for US Veterinarians 2024–2035,” JAVMA (Nov. 25, 2024); AVMA press release, “Existing veterinary colleges adequate to meet US companion animal veterinary needs,” <https://www.avma.org/news/press-releases/existing-veterinary-colleges-adequate-meet-us-companion-animal-veterinary>.

²²*North Carolina State Board of Dental Examiners v. FTC*, 574 U.S. 494 (2015).

²³*Lincoln Memorial University v. AVMA*, No. 3:25-cv-00282 (E.D. Tenn., filed June 18, 2025).

²⁴U.S. Department of Justice, Antitrust Division, Statement of Interest in *LMU v. AVMA* (filed Dec. 15, 2025); see also VIN News, “Justice Department weighs in on lawsuit against AVMA,” <https://news.vin.com/doc/?id=13062405>.

²⁵“Leaving AVMA to lead examination board,” JAVMA News, AVMA (Aug. 1, 2014), <https://www.avma.org/javma-news/2014-08-01/leaving-avma-lead-examination-board>.

²⁶“Leaving AVMA to lead examination board,” JAVMA News, AVMA (Aug. 1, 2014), <https://www.avma.org/javma-news/2014-08-01/leaving-avma-lead-examination-board>.

²⁷International Council for Veterinary Assessment, governance / board of directors (directors designated by constituent organizations including the AVMA Council on Education), <https://www.icva.net/about-icva/>; ICVA 2024–2025 Annual Report.



This study's recommendation follows from its structure. The reform question and the competition question are one question. A licensing gate held by interested private bodies — and insulated, by its control of supply, from the market signal that scarcity would otherwise send — must be made independent, supervised, and verifiable. The remainder of this report documents the forecasting record, tests it against independent reality, maps the legal architecture, and sets out the case for reform.

2. The Crisis on the Ground: A Shortage the Public Can See

Begin with what is not in dispute. Independent veterinary clinics report that they cannot hire. Animal shelters report that they cannot keep veterinarians on staff. Emergency and rural practices report vacancies that remain open for a year or more. These are not modeled projections contested between economists; they are the reported, lived conditions of the profession, and they are corroborated by the one actor with no stake in the veterinary labor market's internal debates: the federal government.

Since 2010, the U.S. Department of Agriculture, through its Veterinary Medicine Loan Repayment Program, has formally designated rural “veterinary shortage situations” — geographic areas where there are too few veterinarians to meet animal-health and public-health needs.²⁸ The number has not fallen toward zero, as a profession with genuine excess capacity would predict. It has risen. In 2025 the USDA declared **243 rural veterinary shortage areas across 46 states — the highest number of shortage areas ever recorded.**²⁹ Beef-cattle medicine is, year after year, the discipline identified as most acutely short-staffed.³⁰

The federal labor statistics tell the same story from a different direction. The Bureau of Labor Statistics projects that employment of veterinarians will grow “much faster than the average for all occupations” over the current decade.³¹ Veterinarian unemployment, which the AVMA itself measured at 1.8% in 2021, fell to roughly 0.5% by 2022 — a figure that describes a labor market in which essentially every licensed veterinarian who wishes to work can.³² Industry hiring surveys through the early 2020s documented full-time veterinarian positions remaining open for a year or more, and starting-salary offers climbing well into six figures — the textbook market signature of scarcity, not surplus.³³

NAVEC takes care to separate two things that are easily and damagingly conflated. The *lived shortage* — clinics that cannot hire, shelters that cannot staff, federal shortage designations at record highs — is uncontested and is the proper foundation for any reform coalition. Precise numerical projections of a *future shortage*, by contrast, are modeled figures, contestable like any forecast, and this study does not rest its

²⁸USDA NIFA, Veterinary Medicine Loan Repayment Program, Program Summary, <https://www.nifa.usda.gov/grants/programs/veterinary-medicine-loan-repayment-program>.

²⁹“USDA announces plan to address rural, federal veterinary shortages,” AVMA News (reporting USDA/NIFA designations), <https://www.avma.org/news/usda-announces-plan-address-rural-federal-veterinary-shortages>; USDA NIFA Veterinary Medicine Loan Repayment Program, Veterinary Shortage Situation designations.

³⁰“USDA announces plan to address rural, federal veterinary shortages,” AVMA News (reporting USDA/NIFA designations), <https://www.avma.org/news/usda-announces-plan-address-rural-federal-veterinary-shortages>; USDA NIFA Veterinary Medicine Loan Repayment Program, Veterinary Shortage Situation designations.

³¹U.S. Bureau of Labor Statistics, Occupational Outlook Handbook, “Veterinarians,” <https://www.bls.gov/ooh/healthcare/veterinarians.htm> (May 2024 median wage; employment projected to grow “much faster than the average for all occupations”).

³²AVMA Census of Veterinarians (veterinarian unemployment 1.8% in 2021, ~0.5% in 2022).

³³“Why the Veterinarian Shortage is About to Become More Severe,” The VET Recruiter (citing BLS data and hiring conditions), <https://thetvetrecruiter.com/veterinarian-shortage-about-to-become-more-severe-recent-bls-data/>.



argument on them. What matters for the argument that follows is the uncontested baseline: the door into the profession is narrow at the very moment the public most needs it wide.

3. What NAVEC Has Already Documented: The Unauditable Examination

This report extends a line of investigation NAVEC opened in its earlier studies, and it is worth restating where that line stands.

In *The Gatekeeper No One Can Audit* (Report No. 2, June 2026), NAVEC documented that the examination half of the licensing gate cannot be independently verified for fairness.³⁴ The ICVA exercises total control over the NAVLE's content, scoring, equating, and outcome data; it does not run or publish the differential-item-functioning analysis that is the standard fairness check across comparable high-stakes examinations; and its Candidate Agreement arms it with sole-discretion authority to invalidate scores, compel cooperation, and ban candidates, alongside non-disclosure terms that reach the candidate who merely wishes to report a flawed question.³⁵ The consequence is a structural one: the serious, well-corroborated allegations that the NAVLE is opaque and discriminatory in effect can neither be conclusively proven nor credibly disproven by anyone outside the ICVA — including the state boards that condition licensure on it.

That report's central regulatory question — *how may a state lawfully bar a person from a profession on the basis of an examination whose fairness it cannot verify?* — remains open and is not relitigated here. What this report adds is the other half of the gate. If Report No. 2 examined the door's *lock*, this report examines who built the *doorframe*, how narrow it has remained, and why the institutions that hold both the lock and the frame now face the same legal scrutiny.

The two inquiries converge on a single point. Whether one looks at the examination (which cannot be audited) or at accreditation (which controls how many may approach the examination at all), the structural feature is the same: a private body, governed by the established profession, holds a chokepoint over entry — and holds it without the independent supervision that would make its exercise of that power accountable.

4. The Gate: How Accreditation and Examination Interlock

To see the conflict, one must first see the gate as a single mechanism rather than two separate institutions.

ACCREDITATION	EXAMINATION	PUBLIC SUPERVISION
1	1	0
sole U.S. accreditator of veterinary colleges (AVMA COE)	sole licensing exam across the U.S. and Canada (NAVLE/ICVA)	active state supervision of either gate

³⁴NAVEC, "The Gatekeeper No One Can Audit: ICVA, the NAVLE, and the Case for Independent Verification," Integrity & Accountability Research Series — Report No. 2 (June 2026), www.navec.org.

³⁵NAVEC, "The Gatekeeper No One Can Audit: ICVA, the NAVLE, and the Case for Independent Verification," Integrity & Accountability Research Series — Report No. 2 (June 2026), www.navec.org.



A person who wishes to practice veterinary medicine in the United States must, in nearly every case, do three things in sequence. First, graduate from a college of veterinary medicine accredited by the AVMA Council on Education — the only veterinary accreditor recognized by the U.S. Department of Education.³⁶ (The narrow alternatives — the AVMA's own ECFVG program for foreign graduates, and the AAVSB's PAVE program — are themselves equivalency pathways defined against COE accreditation, not independent of it.) Second, pass the North American Veterinary Licensing Examination, owned and administered by the ICVA, which every U.S. and Canadian licensing jurisdiction requires.³⁷ Third, obtain a license from a state board, which conditions that license on the first two steps.

Each link in this chain is a control point, and the first two links are held by private bodies. The COE controls how many veterinary colleges exist and therefore, in significant part, how many graduates the pipeline can produce. The ICVA controls the single examination every one of those graduates must pass. The state board — the only public actor in the chain — largely ratifies determinations made upstream by the two private bodies, conditioning a person's right to practice their profession on an accreditation it does not perform and an examination it cannot verify.

This interlock matters to everything that follows because it means the supply of veterinarians is not set by an open market or by a public regulator. It is shaped, at its two narrowest points, by private institutions whose governance is drawn from the established profession — the incumbent practitioners whose economic interests are most directly affected by how many new veterinarians enter. That is the structure. The next sections show what the body controlling the accreditation half of it has said, for fifty years, about how many veterinarians there ought to be.

5. The Half-Century of Surplus Forecasts

The AVMA's preoccupation with veterinarian oversupply is not an inference; it is a documented, recurring feature of its commissioned research across five decades. The most authoritative catalog of this lineage is internal to the AVMA itself: Dr. Michael Dicks, then director of the AVMA's Veterinary Economics Division, published in 2013 a review titled “A short history of veterinary workforce analyses,” which traces the institution's forecasting record and concludes that the profession's habit of measuring “need” without asking who would pay for it “may have nudged the profession toward an excess of veterinarians.”³⁸

<p>1978 → 1990</p> <p>Surplus</p> <p>Arthur D. Little: ~8,300-veterinarian surplus predicted</p>	<p>1985 → 2000</p> <p>75%</p> <p>Wise & Kushman: real incomes to fall to 75% of 1980 level</p>	<p>2013 → 2025</p> <p>11–14%</p> <p>AVMA study: labor 'underutilization' projected through 2025</p>
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The pattern Dicks catalogs, supplemented by the primary studies themselves, runs as follows.

³⁶AVMA Council on Education accreditation; U.S. Department of Education recognition of the COE as the accreditor of veterinary colleges. See AVMA, “Accreditation Policies and Procedures of the AVMA Council on Education.”

³⁷NAVLE, International Council for Veterinary Assessment, <https://www.icva.net/navle/>; NAVLE Candidate Handbook 2026–2027.

³⁸M. R. Dicks, “A short history of veterinary workforce analyses,” JAVMA, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.



In **1978**, the AVMA-commissioned Arthur D. Little study projected that by 1990 the United States would have roughly 53,000 veterinarians available but need only about 41,600 — a surplus of some 8,300.³⁹

In **1985**, Wise and Kushman, analyzing AVMA data in the *Journal of the American Veterinary Medical Association*, projected that excess capacity would rise from 24% in 1980 to 29% by 2000, and — most strikingly — that the real incomes of private practitioners would fall to roughly 75% of their 1980 level by 2000, with the Northeast facing a real-income decrease of up to 50%.⁴⁰

In **1997**, the economist Malcolm Getz wrote in *Veterinary Medicine in Economic Transition* that “the market for veterinarians is already saturated,” supply having outgrown demand for two decades.⁴¹

In **1999**, the KPMG “Megastudy,” commissioned jointly by the AVMA, the American Animal Hospital Association, and the Association of American Veterinary Medical Colleges, found “evidence that in purely economic terms there is an excess of veterinarians,” projecting downward price pressure and stagnant incomes over the following decade.⁴² The concern was severe enough that the three sponsoring organizations created the National Commission on Veterinary Economic Issues in 2000 specifically to address it.⁴³

In **2013**, the AVMA's own U.S. Veterinary Workforce Study — conducted by IHS Healthcare and the Center for Health Workforce Studies at SUNY Albany — found 12.5% “excess capacity” in 2012, equivalent to the labor of about 11,250 full-time veterinarians, and projected that this underutilization would persist at 11–14% through 2025.⁴⁴ The AVMA's own press release was headlined to confirm “excess capacity.”⁴⁵

In **2015**, the AVMA Report on Veterinary Capacity (Dicks and Johnson) found excess capacity in private practice as high as 17.2% in the 2012 survey data, and a companion report warned that “excess capacity in the market for veterinary education may be on the near horizon.”⁴⁶

Across this span, the through-line is unmistakable and consistent: the recurring finding, in the AVMA's own commissioned and published work, was that the profession had — or was about to have — too many veterinarians. This study does not characterize that disposition with an adjective. The frequency is the evidence. At least seven distinct analyses over thirty-seven years reached, in substance, the same conclusion. The question the next section asks is simply whether they were right.

³⁹M. R. Dicks, “A short history of veterinary workforce analyses,” *JAVMA*, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.

⁴⁰M. R. Dicks, “A short history of veterinary workforce analyses,” *JAVMA*, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.

⁴¹M. R. Dicks, “A short history of veterinary workforce analyses,” *JAVMA*, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.

⁴²M. R. Dicks, “A short history of veterinary workforce analyses,” *JAVMA*, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.

⁴³M. R. Dicks, “A short history of veterinary workforce analyses,” *JAVMA*, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.

⁴⁴AVMA U.S. Veterinary Workforce Study (2013), conducted by IHS Healthcare & Pharma and the Center for Health Workforce Studies, SUNY Albany; AVMA press release, “AVMA Workforce Report Confirms Excess Capacity in U.S. Veterinary Profession” (Apr. 23, 2013); “Service surplus,” *JAVMA News* (June 1, 2013), <https://www.avma.org/javma-news/2013-06-01/service-surplus>.

⁴⁵AVMA U.S. Veterinary Workforce Study (2013), conducted by IHS Healthcare & Pharma and the Center for Health Workforce Studies, SUNY Albany; AVMA press release, “AVMA Workforce Report Confirms Excess Capacity in U.S. Veterinary Profession” (Apr. 23, 2013); “Service surplus,” *JAVMA News* (June 1, 2013), <https://www.avma.org/javma-news/2013-06-01/service-surplus>.

⁴⁶M. R. Dicks & S. R. Johnson, 2015 AVMA Report on Veterinary Capacity (AVMA Economics Division, 2015).

6. Prediction Against Reality: The Record from Independent Sources

A forecast whose target year has passed has a rare and valuable property: it can be checked against what actually happened. And because the AVMA's forecasts named specific horizon years — 1990, 2000, 2009, 2025 — the record can now be examined against data drawn entirely from sources independent of the AVMA.

Wise and Kushman (1985), horizon 2000 — incomes. Their central, falsifiable prediction was that private-practitioner real incomes would fall to roughly 75% of their 1980 level by 2000.⁴⁷ The independent record contradicts it. Bureau of Labor Statistics wage data show veterinarian nominal mean wages rising steadily across the 1990s, 2000s, and 2010s — from roughly \$84,000 (mean, 2007) to about \$104,820 (mean, 2019) to a median of \$125,510 by May 2024.^{48,49} Across the period in which Wise and Kushman predicted a one-quarter real-income *decline*, the documented trajectory was a sustained *increase*, and the increase continued well beyond their horizon. The forecast was directionally wrong. (As a verification note, the exact BLS mean for 2000 should be drawn from the BLS OEWS tables and CPI-adjusted before this finding is stated quantitatively in print; the directional conclusion, however, is not in doubt.)

Arthur D. Little (1978), horizon 1990 — surplus. The predicted glut of the early 1990s did not produce the wage stagnation or unemployment a genuine surplus would generate. Veterinarian unemployment remained low throughout, and the profession continued to be characterized, by the federal government's own subsequent assessments, by shortage in key sectors rather than surplus.⁵⁰

The 2013 AVMA Workforce Study, horizon 2025 — underutilization. This is the cleanest test, because its horizon has just arrived. The study projected 11–14% “underutilization” of veterinary labor persisting through 2025.⁵¹ What 2025 actually delivered, by independent measure, was the opposite of underutilization: the USDA's record 243 rural shortage areas, BLS employment projections of growth “much faster than the average for all occupations,” and veterinarian unemployment below 1%.^{52,53,54} A profession with 11–14% of its labor going unused does not simultaneously post record federal shortage designations

⁴⁷M. R. Dicks, “A short history of veterinary workforce analyses,” JAVMA, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.

⁴⁸U.S. Bureau of Labor Statistics, Occupational Outlook Handbook, “Veterinarians,” <https://www.bls.gov/ooh/healthcare/veterinarians.htm> (May 2024 median wage; employment projected to grow “much faster than the average for all occupations”).

⁴⁹U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistics (OEWS), “Veterinarians” (29-1131), May 2019, <https://www.bls.gov/oes/2019/may/oes291131.htm>.

⁵⁰U.S. Government Accountability Office, “Veterinarian Workforce: Actions Are Needed to Ensure Sufficient Capacity for Protecting Public and Animal Health,” GAO-09-178 (Feb. 2009), <https://www.gao.gov/products/gao-09-178>.

⁵¹AVMA U.S. Veterinary Workforce Study (2013), conducted by IHS Healthcare & Pharma and the Center for Health Workforce Studies, SUNY Albany; AVMA press release, “AVMA Workforce Report Confirms Excess Capacity in U.S. Veterinary Profession” (Apr. 23, 2013); “Service surplus,” JAVMA News (June 1, 2013), <https://www.avma.org/javma-news/2013-06-01/service-surplus>.

⁵²“USDA announces plan to address rural, federal veterinary shortages,” AVMA News (reporting USDA/NIFA designations), <https://www.avma.org/news/usda-announces-plan-address-rural-federal-veterinary-shortages>; USDA NIFA Veterinary Medicine Loan Repayment Program, Veterinary Shortage Situation designations.

⁵³U.S. Bureau of Labor Statistics, Occupational Outlook Handbook, “Veterinarians,” <https://www.bls.gov/ooh/healthcare/veterinarians.htm> (May 2024 median wage; employment projected to grow “much faster than the average for all occupations”).

⁵⁴AVMA Census of Veterinarians (veterinarian unemployment 1.8% in 2021, ~0.5% in 2022).



and sub-1% unemployment. The two pictures cannot both be true, and the independent federal data describe scarcity.

The Government Accountability Office (2009), as an independent check on the surplus era. While the AVMA's commissioned work was forecasting excess capacity, the GAO — an independent federal auditor with no stake in the veterinary labor market — reached the opposite conclusion. Its February 2009 report, *Veterinarian Workforce: Actions Are Needed to Ensure Sufficient Capacity for Protecting Public and Animal Health* (GAO-09-178), found “a growing national shortage of veterinarians,” with federal food-safety agencies unable to fill veterinarian positions and more than a quarter of the relevant federal veterinary workforce eligible to retire within three years.⁵⁵

The pattern across these tests is consistent. Where the AVMA's commissioned research forecast surplus and excess capacity, the independent record — BLS wages and employment projections, USDA shortage designations, GAO audit findings, and the sub-1% unemployment the AVMA itself measured — describes a profession marked by scarcity in the very years the surplus was predicted. (A fair-minded caveat belongs here: “excess capacity” and “shortage” are not perfect logical opposites; the AVMA measured underused service *hours* rather than unemployment, and even the 2012 National Research Council report noted low veterinarian unemployment alongside its findings. But low and falling unemployment, rising real wages, and record federal shortage designations are jointly very difficult to reconcile with a genuine surplus, however the surplus is defined.)

7. The Reversal of 2024

In 2024 the AVMA's posture changed. The AVMA-commissioned Brakke study — *Forecasting Supply and Demand Indicators for US Veterinarians 2024–2035*, lead author John Volk, published in JAVMA on November 25, 2024 — concluded that the existing veterinary colleges are adequate to meet demand through 2035, and stated flatly that “the data do not support an expectation of a continued shortage.”⁵⁶

Two features of this reversal matter for the present analysis, and neither requires impugning the study's methods.

First, it is a reversal. For five decades the AVMA's commissioned research had warned of surplus and excess capacity; the lived early-2020s reality was shortage; and the 2024 study now concludes there is no continued shortage and warns instead against the supply growth that new veterinary schools would bring.⁵⁷⁵⁸ The institution has, in effect, moved from “we have too many” through a period in which reality showed “we have too few” to a new position of “we will have enough, so do not build more.” Across all three phases, the policy implication points in the same direction: caution about expanding the pipeline.

⁵⁵U.S. Government Accountability Office, “Veterinarian Workforce: Actions Are Needed to Ensure Sufficient Capacity for Protecting Public and Animal Health,” GAO-09-178 (Feb. 2009), <https://www.gao.gov/products/gao-09-178>.

⁵⁶J. Volk et al. (Brakke Consulting), “Forecasting Supply and Demand Indicators for US Veterinarians 2024–2035,” JAVMA (Nov. 25, 2024); AVMA press release, “Existing veterinary colleges adequate to meet US companion animal veterinary needs,” <https://www.avma.org/news/press-releases/existing-veterinary-colleges-adequate-meet-us-companion-animal-veterinary>.

⁵⁷J. Volk et al. (Brakke Consulting), “Forecasting Supply and Demand Indicators for US Veterinarians 2024–2035,” JAVMA (Nov. 25, 2024); AVMA press release, “Existing veterinary colleges adequate to meet US companion animal veterinary needs,” <https://www.avma.org/news/press-releases/existing-veterinary-colleges-adequate-meet-us-companion-animal-veterinary>.

⁵⁸“Vet colleges set to meet pet care demand through 2035, study finds,” Veterinary Practice News, <https://www.veterinarypracticenews.com/veterinary-colleges-meet-demand-2035/>.



Second, the 2024 conclusion sets the AVMA against the very colleges it accredits. The Association of American Veterinary Medical Colleges — the body representing the schools — commissioned its own 2024 analysis finding that new-graduate output would satisfy only about 73% of need through 2030, and the AVMA publicly criticized that finding.⁵⁹ An accreditor publicly arguing that there is no shortage, against the assessment of the schools it accredits, is a posture worth noting precisely because the accreditor also controls whether new schools may open.

This study draws no conclusion about the Brakke study's internal validity; its horizon (2035) has not arrived and cannot yet be tested. What can be observed is structural: the body holding the accreditation lever has now produced a forecast whose policy use is to counsel against pulling that lever toward expansion — at the same moment that its control of the lever is under antitrust challenge.

8. The Conflict at the Center: Forecasting Supply While Controlling It

Assemble the pieces. One institution — the AVMA — has, for fifty years, repeatedly forecast that the profession has or will have too many veterinarians. The same institution, through its Council on Education, holds the only accreditation lever the U.S. Department of Education recognizes, and that lever substantially determines how many veterinary colleges exist and how many graduates the pipeline produces. The institution that believes supply runs to surplus is the institution that controls supply.

It is essential to be precise about what this does and does not establish. It does **not** establish that the AVMA restricted accreditation *in order to* limit supply, or that any individual acted with anticompetitive intent. NAVEC makes no such claim and the public record does not support one. What the record establishes is the *structure* — and the structure is what antitrust law has learned to treat as the locus of risk.

Antitrust analysis classically looks for *motive* and *means* . Here the public record supplies both in their structural form, without any need to allege a secret agreement. The *motive* is the documented, decades-long institutional disposition toward viewing new veterinarians as a source of “excess capacity” and downward pressure on incumbent incomes — a disposition expressed in the AVMA's own commissioned studies and in its economists' own words.^{60,61} The *means* is exclusive control of the accreditation gate.⁶² The law does not require proof that the means was used corruptly to find the *combination* suspect; the combination of interested actors and control over the conditions of their own competition is itself the hazard the doctrine addresses.

This is the lesson of *North Carolina State Board of Dental Examiners v. FTC*, 574 U.S. 494 (2015).⁶³ There, the Supreme Court held that when a body controlled by active market participants regulates the conditions of competition in their own market, it cannot claim immunity from the antitrust laws unless the state actively

⁵⁹J. Volk et al. (Brakke Consulting), “Forecasting Supply and Demand Indicators for US Veterinarians 2024–2035,” JAVMA (Nov. 25, 2024); AVMA press release, “Existing veterinary colleges adequate to meet US companion animal veterinary needs,” <https://www.avma.org/news/press-releases/existing-veterinary-colleges-adequate-meet-us-companion-animal-veterinary>.

⁶⁰M. R. Dicks, “A short history of veterinary workforce analyses,” JAVMA, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.

⁶¹AVMA U.S. Veterinary Workforce Study (2013), conducted by IHS Healthcare & Pharma and the Center for Health Workforce Studies, SUNY Albany; AVMA press release, “AVMA Workforce Report Confirms Excess Capacity in U.S. Veterinary Profession” (Apr. 23, 2013); “Service surplus,” JAVMA News (June 1, 2013), <https://www.avma.org/javma-news/2013-06-01/service-surplus>.

⁶²AVMA Council on Education accreditation; U.S. Department of Education recognition of the COE as the accreditor of veterinary colleges. See AVMA, “Accreditation Policies and Procedures of the AVMA Council on Education.”

⁶³*North Carolina State Board of Dental Examiners v. FTC*, 574 U.S. 494 (2015).



supervises it. The Court's concern was structural, not motivational: a regulator staffed by competitors will, whatever its intentions, face the constant temptation to regulate in the competitors' interest, and the law responds by demanding active state supervision as the price of immunity. The AVMA Council on Education — a private body whose work is performed by members of the profession it accredits, operating without the active state supervision *North Carolina Dental* requires — sits squarely within the structural concern that decision identified.

And there is a further feature here that the dental-board case did not present. In the ordinary market, scarcity sends a price signal that pulls new entrants in and corrects the shortage. In veterinary medicine, that corrective signal is blunted: no matter how acute the shortage, the number of new veterinarians cannot rise faster than the accreditation gate permits, and the gate is held by a body that has spent fifty years warning against expansion. The market's self-correcting mechanism is precisely the mechanism a controlled gate suppresses. That is why the shortage on the ground and the antitrust question in the courtroom are the same story told from two ends.

9. The Examination Half: The AVMA–ICVA Lineage

The accreditation half of the gate is now in federal litigation. The examination half has its own history of conflict-of-interest concern — one that the public record documents and that bears directly on the independence of the gate as a whole.

The ICVA was not always independent of the AVMA. The body that became the ICVA began life in 1948 as the National Board of Veterinary Medical Examiners, created by the AVMA itself; for decades the examination function was an AVMA committee.⁶⁴ That arrangement ended in the 1990s for a reason directly relevant to this study: as the AVMA's own JAVMA News later reported, a negotiated separation occurred in 1994 *after attorneys general in several states raised concerns about a possible conflict of interest* in the profession's trade association also controlling the licensing examination.⁶⁵ The examination body incorporated independently in 1994, became fully independent by 1996, and was eventually rebranded as the International Council for Veterinary Assessment.⁶⁶

The separation was real, and this study does not understate it: the ICVA is today a legally distinct 501(c)(3) entity (EIN 36-3992537).⁶⁷ But the institutional ties did not vanish, and two are a matter of public record.

First, *personnel*. The ICVA's chief executive, Dr. Heather Case, was recruited directly from the AVMA's senior staff. Per the AVMA's own JAVMA News (“Leaving AVMA to lead examination board,” August 1, 2014), Case left her position as director of the AVMA's Scientific Activities Division to become executive director of the examination board, effective August 1, 2014; she now serves as the ICVA's CEO.⁶⁸ This is not an obscure connection but a documented, direct movement from a senior role at the trade association to

⁶⁴“Leaving AVMA to lead examination board,” JAVMA News, AVMA (Aug. 1, 2014), <https://www.avma.org/javma-news/2014-08-01/leaving-avma-lead-examination-board>.

⁶⁵“Leaving AVMA to lead examination board,” JAVMA News, AVMA (Aug. 1, 2014), <https://www.avma.org/javma-news/2014-08-01/leaving-avma-lead-examination-board>.

⁶⁶“Leaving AVMA to lead examination board,” JAVMA News, AVMA (Aug. 1, 2014), <https://www.avma.org/javma-news/2014-08-01/leaving-avma-lead-examination-board>.

⁶⁷ICVA IRS Form 990 (EIN 36-3992537), ProPublica Nonprofit Explorer, <https://projects.propublica.org/nonprofits/organizations/363992537>.

⁶⁸“Leaving AVMA to lead examination board,” JAVMA News, AVMA (Aug. 1, 2014), <https://www.avma.org/javma-news/2014-08-01/leaving-avma-lead-examination-board>.



leadership of the supposedly independent examination body. (A second, earlier figure followed a parallel path: Dr. John Boyce, who led the examination organization for some twenty-seven years, had himself previously served in the AVMA's scientific-activities education function.)⁶⁹

Second, *governance*. The ICVA's board is composed of directors designated by its constituent organizations — and one of those constituent organizations is the AVMA's Council on Education.⁷⁰ The same body that holds the accreditation half of the gate holds a designated seat on the board of the body that holds the examination half.

The point of assembling these facts is not to allege coordination; it is to observe that the conflict-of-interest concern that drove the 1994 separation — the trade association's entanglement with the licensing examination — was never fully resolved, only restructured. The examination body was made legally separate while remaining institutionally tied to the accreditor through both its leadership and its governance. A gate is only as independent as its least independent half, and both halves trace back to the same institution.

10. The Legal Architecture: What the Law Already Says

The structure this study documents is not a novel legal theory NAVEC is advancing. It is the structure that established law already addresses and that federal enforcers are now actively litigating. This section maps the architecture; the next shows how NAVEC's documentation strengthens the case already underway.

The constitutional and antitrust baseline. Three principles frame the question. First, the right to practice one's chosen profession is a protected interest; a state may condition it only on requirements that bear a rational relationship to fitness to practice (*Schwartz v. Board of Bar Examiners*, 353 U.S. 232).⁷¹ Second, where a private body controlled by market participants regulates competition in their own market, it forfeits antitrust immunity absent active state supervision (*North Carolina State Board of Dental Examiners v. FTC*, 574 U.S. 494).⁷² Third, the delegation of public licensing power to self-interested private actors has long been viewed with suspicion (*Carter v. Carter Coal Co.*, 298 U.S. 238).⁷³

The live litigation. On June 18, 2025, Lincoln Memorial University filed suit against the AVMA in the U.S. District Court for the Eastern District of Tennessee (No. 3:25-cv-00282), alleging that the AVMA uses its COE accreditation monopoly to impose “arbitrary, unreasonable, and impossible-to-meet” requirements that restrict the number of accredited schools and, by extension, the number of veterinarians.^{74,75} LMU's president framed the complaint in terms that track this study's structural finding: “one economically interested group controlling the market.”⁷⁶ Notably, LMU seeks no money damages — only an injunction and

⁶⁹“Leaving AVMA to lead examination board,” JAVMA News, AVMA (Aug. 1, 2014), <https://www.avma.org/javma-news/2014-08-01/leaving-avma-lead-examination-board>.

⁷⁰International Council for Veterinary Assessment, governance / board of directors (directors designated by constituent organizations including the AVMA Council on Education), <https://www.icva.net/about-icva/>; ICVA 2024–2025 Annual Report.

⁷¹*Schwartz v. Board of Bar Examiners*, 353 U.S. 232 (1957).

⁷²*North Carolina State Board of Dental Examiners v. FTC*, 574 U.S. 494 (2015).

⁷³*Carter v. Carter Coal Co.*, 298 U.S. 238 (1936).

⁷⁴*Lincoln Memorial University v. AVMA*, No. 3:25-cv-00282 (E.D. Tenn., filed June 18, 2025).

⁷⁵“Largest U.S. Veterinary School Takes Legal Action to Protect Consumers and Their Pets,” PR Newswire (LMU statement), <https://www.prnewswire.com/news-releases/largest-us-veterinary-school-takes-legal-action-to-protect-consumers-and-their-pets-302484550.html>.

⁷⁶*Lincoln Memorial University v. AVMA*, No. 3:25-cv-00282 (E.D. Tenn., filed June 18, 2025).



the structural separation of the COE from the AVMA, the same separation logic that state attorneys general applied to the examination body in 1994.⁷⁷

The Justice Department's intervention. On December 15, 2025, the U.S. Department of Justice, Antitrust Division, filed a Statement of Interest in the LMU case.⁷⁸ The DOJ took no position on the ultimate merits but rebutted the AVMA's threshold defenses, asserting that accreditation standards and procedures “are subject to antitrust scrutiny” and “are not exempt from the antitrust laws merely because states require veterinarians to graduate from accredited schools and the AVMA has been recognized as an accreditor under federal law.”⁷⁹ The filing observed that the United States has had only about thirty-four accredited veterinary colleges for decades, all accredited solely by the AVMA.⁸⁰ The Deputy Assistant Attorney General framed the Division's interest as “ensuring that accreditation standards and procedures do not unnecessarily restrict competition.”⁸¹

The doctrinal fit. What the DOJ has begun to argue is the legal expression of what this study documents factually. *North Carolina Dental* supplies the framework: an interested private body regulating the conditions of its own competition, without active state supervision, is subject to antitrust scrutiny. The LMU complaint supplies the application: the COE is such a body, and its accreditation standards are the regulatory instrument. What has been missing from the public record — and what this study supplies — is the *economic motive evidence*: the fifty-year documented disposition toward forecasting oversupply, which converts an abstract structural concern into a concrete account of why an interested gatekeeper would have reason to keep the gate narrow.

11. Strengthening the Case the Justice Department Has Begun

NAVEC is an advocacy organization, not a party to the LMU litigation, and offers the following as a public-record analysis of how the antitrust case might be reinforced — the kind of analysis a state attorney general or the Antitrust Division could develop further. Three contributions follow directly from this study.

First, the motive record fills the gap between structure and effect. A *North Carolina Dental* analysis establishes that an interested board regulating its own competition is suspect, but a court assessing competitive harm benefits from evidence of *why* the structure would produce anticompetitive effects. The forecasting ledger in Appendix A supplies exactly that: a documented, half-century institutional record of treating new veterinarians as “excess capacity” and a source of downward pressure on incumbent incomes.⁸²⁸³ This is not speculation about motive; it is the AVMA's own commissioned research, in its own

⁷⁷“Largest U.S. Veterinary School Takes Legal Action to Protect Consumers and Their Pets,” PR Newswire (LMU statement), <https://www.prnewswire.com/news-releases/largest-us-veterinary-school-takes-legal-action-to-protect-consumers-and-their-pets-302484550.html>.

⁷⁸U.S. Department of Justice, Antitrust Division, Statement of Interest in LMU v. AVMA (filed Dec. 15, 2025); see also VIN News, “Justice Department weighs in on lawsuit against AVMA,” <https://news.vin.com/doc/?id=13062405>.

⁷⁹U.S. Department of Justice, Antitrust Division, Statement of Interest in LMU v. AVMA (filed Dec. 15, 2025); see also VIN News, “Justice Department weighs in on lawsuit against AVMA,” <https://news.vin.com/doc/?id=13062405>.

⁸⁰U.S. Department of Justice, Antitrust Division, Statement of Interest in LMU v. AVMA (filed Dec. 15, 2025); see also VIN News, “Justice Department weighs in on lawsuit against AVMA,” <https://news.vin.com/doc/?id=13062405>.

⁸¹U.S. Department of Justice, Antitrust Division, Statement of Interest in LMU v. AVMA (filed Dec. 15, 2025); see also VIN News, “Justice Department weighs in on lawsuit against AVMA,” <https://news.vin.com/doc/?id=13062405>.

⁸²M. R. Dicks, “A short history of veterinary workforce analyses,” *JAVMA*, Vol. 242, Issue 8 (Apr. 15, 2013), <https://avmajournals.avma.org/view/journals/javma/242/8/javma.242.8.1051.xml>.



words. It answers the question a skeptical court will ask — *what interest would the gatekeeper have in restricting entry?* — with the gatekeeper's own documents.

Second, the prediction-versus-reality record rebuts the likely justification defense. An accreditor defending restrictive standards will argue they serve quality and public protection, not competition. The independent federal record complicates that defense in a specific way: the AVMA's stated rationale for caution about expansion has, for decades, rested on a forecast of oversupply that the independent data did not bear out.⁸⁴⁸⁵⁸⁶ When the predicate for a restrictive posture is repeatedly contradicted by BLS, USDA, and GAO data, the restriction's claimed connection to genuine need — as opposed to incumbent protection — becomes a question a factfinder can legitimately probe. The 2024 reversal sharpens this: the accreditor now argues against expansion on a “no shortage” basis at odds with both the schools it accredits and the record shortage designations.⁸⁷

Third, the active-supervision question is concrete and answerable. *North Carolina Dental* makes active state supervision the dividing line between immunity and exposure.⁸⁸ The question for the COE is therefore narrow and factual: does any state actively supervise the substance of COE accreditation decisions, with power to review and veto them? If the answer is no — if state boards simply ratify COE accreditation without independent substantive supervision — then the structural immunity defense fails on its own terms, and the analysis proceeds to the merits. This is the same supervision logic that applies, on the examination side, to a state board that conditions licensure on a NAVLE it cannot independently verify.

A consumer-protection framing reinforces the antitrust one. State attorneys general possess independent authority, under their consumer-protection statutes, to examine whether a private gatekeeper's control of entry harms the public — here, the pet-owning and food-supply-dependent public that bears the cost of a veterinarian shortage. That authority does not depend on proving a federal antitrust violation; it depends only on a demonstrable public harm traceable to the gatekeeper's structure. The record shortage designations supply the harm; this study supplies the structural account of its cause.

None of this asks a court to find intent that the record does not show. It asks only that the structure — interested control of a supply-limiting gate, unsupported by an oversupply predicate that reality confirms, and unsupervised by any state — be examined under the law that already governs it.

⁸³AVMA U.S. Veterinary Workforce Study (2013), conducted by IHS Healthcare & Pharma and the Center for Health Workforce Studies, SUNY Albany; AVMA press release, “AVMA Workforce Report Confirms Excess Capacity in U.S. Veterinary Profession” (Apr. 23, 2013); “Service surplus,” JAVMA News (June 1, 2013), <https://www.avma.org/javma-news/2013-06-01/service-surplus>.

⁸⁴U.S. Bureau of Labor Statistics, Occupational Outlook Handbook, “Veterinarians,” <https://www.bls.gov/ooh/healthcare/veterinarians.htm> (May 2024 median wage; employment projected to grow “much faster than the average for all occupations”).

⁸⁵“USDA announces plan to address rural, federal veterinary shortages,” AVMA News (reporting USDA/NIFA designations), <https://www.avma.org/news/usda-announces-plan-address-rural-federal-veterinary-shortages>; USDA NIFA Veterinary Medicine Loan Repayment Program, Veterinary Shortage Situation designations.

⁸⁶U.S. Government Accountability Office, “Veterinarian Workforce: Actions Are Needed to Ensure Sufficient Capacity for Protecting Public and Animal Health,” GAO-09-178 (Feb. 2009), <https://www.gao.gov/products/gao-09-178>.

⁸⁷J. Volk et al. (Brakke Consulting), “Forecasting Supply and Demand Indicators for US Veterinarians 2024–2035,” JAVMA (Nov. 25, 2024); AVMA press release, “Existing veterinary colleges adequate to meet US companion animal veterinary needs,” <https://www.avma.org/news/press-releases/existing-veterinary-colleges-adequate-meet-us-companion-animal-veterinary>.

⁸⁸*North Carolina State Board of Dental Examiners v. FTC*, 574 U.S. 494 (2015).



12. Conclusion: Reform or Replace

The shortage the public can see and the antitrust question the Justice Department has joined are not two stories. They are one structure viewed from two ends.

At one end stands the pet owner who cannot get an appointment, the rancher who cannot find a large-animal veterinarian, the shelter that cannot staff its clinic. At the other stands a gate into the profession held, in both its halves, by private bodies governed by the established profession — an accreditor that has forecast oversupply for fifty years while controlling the supply lever, and an examination body separated from that accreditor only after attorneys general raised the alarm, yet still tied to it by leadership and governance. Between the two ends runs the mechanism that connects them: a controlled gate suppresses the market signal by which scarcity would ordinarily correct itself, so the shortage persists while the gate stays narrow.

The structure was not, on this record, built by conspiracy. It was assembled over decades, study by study and committee seat by committee seat, each step defensible on its own terms, until the cumulative result was a profession whose entry is governed by interested private actors insulated from market correction and unsupervised by any state. That cumulative result is the subject of *North Carolina Dental*, of the Lincoln Memorial University complaint, and of the Justice Department's December 2025 intervention. It is also, this study contends, the cause of the shortage now visible to every clinic and shelter in the country.

NAVEC's position is reform or replace. Reform, where the existing institutions can be made independent, supervised, and verifiable — where the accreditation gate can be separated from the trade association whose members it serves, where the examination can be opened to genuine external audit, and where the state boards can reclaim the supervisory role the law assumes they hold. Replacement, under the boards' own authority, where reform fails. The half-century of forecasts that never arrived should not be permitted to write the next half-century from behind a gate that no one outside the profession can open, supervise, or verify.

13. Recommendations and the Path Forward

Immediate — Separate the accreditation gate from the trade association. The remedy Lincoln Memorial University seeks — structural separation of the Council on Education from the AVMA — is the same remedy state attorneys general applied to the examination body in 1994.⁸⁹⁹⁰ An accreditation function that determines the supply of veterinarians should not be housed within, or governed by, the trade association of the incumbent profession. Separation is the cleanest cure for the structural conflict *North Carolina Dental* identifies.

Supervisory — Restore active state supervision of both halves of the gate. State boards condition licensure on COE accreditation and the NAVLE, yet exercise little independent substantive supervision over either. Boards should establish — individually or through a multistate compact — the capacity to review the

⁸⁹“Largest U.S. Veterinary School Takes Legal Action to Protect Consumers and Their Pets,” PR Newswire (LMU statement), <https://www.prnewswire.com/news-releases/largest-us-veterinary-school-takes-legal-action-to-protect-consumers-and-their-pets-302484550.html>.

⁹⁰“Leaving AVMA to lead examination board,” JAVMA News, AVMA (Aug. 1, 2014), <https://www.avma.org/javma-news/2014-08-01/leaving-avma-lead-examination-board>.



substance of accreditation standards and to verify the fairness of the licensing examination, so that the private gatekeepers are supervised in fact and not merely ratified.

Diagnostic — Commission an independent assessment of the accreditation standards' competitive effects. Just as the examination warrants an independent forensic and item-bank audit (Report No. 2), the accreditation standards warrant an independent assessment of whether specific requirements bear a genuine relationship to graduate competence or instead function chiefly to limit the number of accredited programs. The question is answerable with the COE's own published standards and the record of programs delayed or denied.

Evidentiary — Develop the motive-and-reality record for enforcers. The forecast ledger and the independent reality check assembled in this study should be developed into a form usable by the Antitrust Division and by state attorneys general: the documented oversupply-forecasting record as motive evidence, and the BLS/USDA/GAO record as rebuttal to the quality justification. This study is a foundation, not a finished evidentiary package.

Contingency — Preserve the boards' inherent authority to convene alternatives. Should reform of either half of the gate fail, the state boards retain the inherent authority — as the actual public licensing authorities — to recognize alternative accreditation pathways and to convene or accept an alternative examination. That authority is the ultimate check on a private gatekeeper that will not reform, and it should be preserved and, if necessary, exercised.

Appendix A — The Forecast Ledger, 1978–2024

The following ledger consolidates the AVMA-commissioned and AVMA-published workforce analyses identified in this study, with each forecast's horizon year and whether that horizon has passed as of mid-2026. Where a horizon has passed, the independent reality is summarized; full sourcing appears in the footnotes to Sections 5–7.

Study / Author	Year	Core forecast	Horizon	Passed?	Independent reality where testable
Arthur D. Little (AVMA-commissioned)	1978	~53,000 available vs. 41,600 needed by 1990 = surplus ~8,300	1990	Yes	No surplus signature; low unemployment; sector shortages
Wise & Kushman, JAVMA 187:358	1985	Excess capacity 24% → 29%; real incomes to 75% of 1980 level by 2000	2000	Yes	BLS wages rose, not fell; forecast directionally wrong
Getz, Vet. Medicine in Economic Transition	1997	"The market for veterinarians is already saturated"	open	—	No school closed; profession later shortage-marked
KPMG "Megastudy" (AVMA/AAHA/AAVMC)	1999	"Excess of veterinarians"; stagnant incomes ~10 yrs	~2009	Yes	GAO-09-178 found "growing national shortage"
2013 AVMA U.S. Veterinary Workforce Study	2013	12.5% excess capacity; 11–14% underutilization through 2025	2025	Yes	2025: record 243 USDA shortage areas; <1% unemployment
Dicks, JAVMA 242(8)	2013	Profession "nudged toward an excess of veterinarians"	n/a	n/a	Interpretive
2015 AVMA Report on Veterinary Capacity	2015	Up to 17.2% excess capacity in private practice (2012 data)	2025	Yes	Same as above
2024 Brakke study (Volk), JAVMA	2024	"Data do not support an expectation of a continued shortage"; adequate to 2035	2035	No	Horizon not yet reached; opposed by AAVMC



Table 1. The AVMA veterinary workforce forecast ledger, 1978–2024. Forecasts whose horizon year has passed are tested against independent federal data. Figures are as documented in the sources cited in Sections 5–7.

Appendix B — Source Notes and Verification Posture

Primary / verifiable (AVMA and affiliated publications). AVMA U.S. Veterinary Workforce Study (2013) and the AVMA press release confirming “excess capacity”; M. Dicks, “A short history of veterinary workforce analyses,” JAVMA 242(8) (Apr. 15, 2013); 2015 AVMA Report on Veterinary Capacity (Dicks & Johnson); Brakke study (Volk et al.), JAVMA (Nov. 25, 2024) and the accompanying AVMA press release; JAVMA News, “Leaving AVMA to lead examination board” (Aug. 1, 2014); historical studies as cataloged in Dicks (2013), including Arthur D. Little (1978), Wise & Kushman (1985), and the KPMG Megastudy (1999).

Primary / verifiable (independent public records). U.S. Bureau of Labor Statistics Occupational Outlook Handbook and OEWS data for veterinarians (SOC 29-1131); U.S. Department of Agriculture / NIFA Veterinary Medicine Loan Repayment Program shortage-situation designations; GAO-09-178, *Veterinarian Workforce* (Feb. 2009); ICVA IRS Form 990 (EIN 36-3992537) via ProPublica Nonprofit Explorer; DOJ Statement of Interest and press release in *LMU v. AVMA* (justice.gov); *LMU v. AVMA* complaint, No. 3:25-cv-00282 (E.D. Tenn.).

Third-party allegations and positions (named). Lincoln Memorial University antitrust complaint and public statements; U.S. Department of Justice, Antitrust Division, Statement of Interest (Dec. 15, 2025); Association of American Veterinary Medical Colleges 2024 supply-and-demand analysis; Mars Veterinary Health / Lloyd shortage projections (2021, 2023). These are advocacy, legal, and commissioned-research documents; their contentions are attributed to their authors and not independently verified by NAVEC.

Legal authority (for the issues framework only). *North Carolina State Board of Dental Examiners v. FTC*, 574 U.S. 494 (2015); *Schwabe v. Board of Bar Examiners*, 353 U.S. 232 (1957); *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936). Cited for the legal framework only; NAVEC asserts no holding as applied to specific facts.

Verification items flagged for completion before quantitative print use. The exact BLS OEWS mean wage for 2000 and 2010 (to state the Wise & Kushman real-income comparison numerically after CPI adjustment); the current *LMU v. AVMA* docket status (whether the motion to dismiss has been ruled upon); and the current ICVA board roster from the most recent Form 990 (to confirm the COE-designated seat and any further AVMA cross-membership). The directional and structural findings of this study do not depend on these items; they are flagged for precision before any figure is asserted in final published form.

Prepared by the North American Veterinary Ethics Council (NAVEC). This document is a research study compiled from primary sources and named third-party positions. It does not assert that any individual or entity entered an unlawful agreement or acted with anticompetitive intent; its thesis is that the structure of the veterinary licensing gate — interested private control of both accreditation and examination, insulated from market correction and unsupervised by any state — is the structure that established antitrust and consumer-protection law now scrutinizes, and that this structure warrants reform. This study uses only public, citable data and maintains a firewall between NAVEC's public advocacy and any private interest. It identifies issues for examination by regulators and counsel and is not legal advice. NAVEC's position is reform or replace.