



ETHICAL CODE OR PROFESSIONAL CODE OF CONDUCT

As accepted as part of the Constitution of this Association in 1983 and to be read in conjunction with the relevant sections of the Veterinary and Para-Veterinary Professions Proclamation, 1984 (Proclamation AG 14 of 1984). Although some of the facts and statements made here are not binding, they are thought to be correct and an example of the type of behaviour expected of a professional person, and should be accepted as such. Words importing the **singular** number only, **include the plural** number and vice versa. Words importing the **masculine gender include the feminine gender**.

1. INTRODUCTION

Ethics has been defined as "the science which treats of the nature and grounds of moral obligation; moral philosophy which teaches men their duty and reason for it." Veterinary ethics would thus set out a standard of conduct or behaviour for veterinarians with particular reference to their calling.

It must be acknowledged that there are certain customs or forms of etiquette which although not always in writing, yet constitute conduct which is right and proper for a veterinarian and a gentleman to observe.

In notifying all registered veterinarians of the acts and omissions which will constitute **conduct of which the Veterinary Council will take cognisance**, the Veterinary Council desires to emphasise that it must be clearly understood by all concerned that the acts and omissions specifically enumerated in the Guide to Professional Conduct are not, nor are they intended to constitute, a complete list of the acts and omissions of which the Veterinary Council may take cognisance under section 31 of the Veterinary and Para-Veterinary Act of 1984, or which may be punishable by reprimand and caution, suspension or erasure from the register as provided by section 33 of that Act.

It should also be noted that it is obviously impossible for the Council to envisage each and every circumstance or act or omission which is or might reasonably be regarded as professional misconduct or a break of professional etiquette on the part of a registered veterinarian. Should such a circumstance arise it shall be dealt with by the Council as set out in the regulations.

The Council may either as a result of a complaint or charge or allegation lodged with it, or of its own accord, institute an inquiry into the conduct of a person registered or deemed to be registered in terms of the Act. In such a case the person shall be notified in writing by the registrar of the matter to be inquired into and such person may furnish the Council with a written explanation, in the form of an affidavit, concerning it.

If such conduct forms or is in the opinion of the Council likely to form the subject of criminal or civil proceedings in a court of law, the Council may postpone an inquiry until such proceedings have taken place. The acquittal or conviction by a court of law shall not however bar an inquiry as mentioned above.

At such an inquiry the Council may appoint one or more persons to advise it on matters pertaining to law, procedure or evidence. The Council may also summon any person who, in the opinion of the Council is able to furnish information of material importance to the inquiry. At the same time, the person against whom an inquiry is instituted, shall be entitled either in person or through his legal representative to answer the charge and to be heard in his/her defence.

Note: For a more detailed description of the procedure at an inquiry and the disciplinary powers of the Council, members are advised to refer to the regulations pertaining to the Act.

2. ETHICAL RELATIONSHIPS BETWEEN VETERINARIANS

A guide to professional conduct can never be so comprehensive that it covers every possible contingency which may arise in the future regarding the relationships between individual members of the profession. In establishing a sound relationship with a colleague, a member's behaviour and attitude towards a colleague should be that which is expected from a fellow member of an honourable profession.

It is undesirable that professional relationships should lead to disputes which may harm the reputation of the profession. Veterinarians must attempt by every means to settle a dispute within the profession. The Association will be glad to do what it can to help in such matters and will, if requested, nominate a mediator or arbitrator to aid such circumstances.

Every registered veterinarian has a right to practice. It is essential that one protects this right to practice by means of correctly drawn up legal documents relating to partnerships, assistantships or locum tenens. It is important that such documents, amongst others, makes appropriate provision for a reasonable restrictive covenant or binding out clause so that in the event of a dissolution of a partnership or in the event of an assistant or locum resigning from a practice or leaving a practice at the termination of the contract, no dispute can arise with regards this right to practice. A fixed period of restriction must be stated. When fixing this period regard must be made to the density of the population of the said area and thus the need for another practice in that area and whether you are dealing with a rural or urban practice. This period must not be so unreasonable so as to have the contract cancelled by a court of law.

In the same light, when one is **negotiating for a practice, partnership or assistantship**, it would not be correct for the individual to use knowledge gained from such negotiations and set up practice in opposition. In order to protect oneself from this happening, a written agreement should be signed by the veterinarians concerned during these negotiations in which the interested party is restrained from doing such for a fixed period of time, taking into account the previously mentioned considerations, should the negotiations fall through. This agreement should also prevent the seller, in the case of a practice, from doing the same.

Where a veterinarian who has held a full time public or private appointment wishes to enter private practice, it is advisable that he should discuss this with those colleagues presently engaged in private practice within that area, as it is possible that he has gained knowledge about these practices as a result of his previous work and may use this to his advantage. By having these discussions any dispute can be clarified and agreement can be reached on any restrictions of practice, if any.

When one does set up in practice, it would be correct and proper of the veterinarian concerned to advise his other colleagues in the area of this fact and to furnish them with his address and telephone number.

It is essential that all veterinarians practising for gain are registered with the Registrar of Veterinarians as set out in the Act. It is also essential that a veterinarian employing another veterinarian ensures that the latter is registered in terms of the said Act.

In the case of **second opinions**, it is also essential that a veterinarian acts in a professional manner. No veterinarian should decline a request by a client to obtain a second opinion. The veterinarian involved should aid the client in this respect, and if asked to do so, should make the necessary arrangements with a colleague to obtain such a second opinion. Where a client prefers to take the case to a veterinarian of his own choice, this should not be denied. In both cases the veterinarian in attendance must supply his colleagues with the full history of the patient and any information which may be of importance to the case. At the same time, should a veterinarian be confronted with a second opinion without having been approached by the attending veterinarian, or without the attending veterinarian's knowledge, he should not attend to such a case, except in an emergency, without the prior consent of the attending veterinarian.

There must also be good **co-operation between colleagues in private practice and those employed by commercial and industrial firms**. When the latter veterinarians are involved in feed trials, medicinal tests or investigations of any other nature on farms which are normally served by another veterinarian, it is recommended that the veterinarian involved be informed of this prior to the commencement of such trials or tests. Where the above mentioned work is carried out by lay staff, it should still be the duty of the veterinarian under whose control the lay staff work, to inform the attending veterinarian of the same. After such tests or investigations are completed, should facts arise that are of specific importance to the health and or productivity of the animals on that farm, it is desirable that the veterinarian in attendance on that farm be notified of these facts. Any opinion related to the farmer should also be passed on to the attending veterinarian. It must be remembered by the veterinarian that although he may service a client's animals, this does not acquire him the sole rights of entry to his clients premises as against all other veterinarians.

The client has his right to choose his professional advisers and if he wishes to collaborate in the above mentioned tests or take advantage of disease control schemes for example, it is the duty of the veterinarian to co-operate with him in all proper proposals.

Where a client wishes to stop using the services of a veterinarian and wishes to make use of another veterinarian, the latter should insist that the client informs the former of such. Also, the latter veterinarian should contact the former veterinarian so as to ascertain the case history of the patient, failure to do this may be regarded as negligence.

3. ETHICAL RELATIONSHIPS BETWEEN VETERINARIANS AND THE PUBLIC

The veterinarian must remember at all times that in carrying out his profession it is the welfare of the animals which is of utmost importance. In carrying out his duties he must be courteous and considerate to his clients and appreciate their relationship with their animals.

A client is free to select the veterinarian of his choice to attend to his animals. In the same light a veterinarian is free to accept or refuse a person as a client, except in such cases as an emergency or where he is the only source of veterinary assistance in the immediate area.

Once a veterinarian has undertaken a case he should not abandon the case without a good reason. Where veterinary services can not be provided in any practice for whatever reason, alternative arrangements must be made to ensure the welfare of the patients and these arrangements must be conveyed to the clients.

Where a veterinarian is confronted with a species of animal with which he normally does not deal with, for treatment, he should, unless such a case is an emergency, refer the case to a colleague who is more conversant with such a species.

When a veterinarian has a certain expertise in a field of veterinary science he may be called upon to advise a client or treat the animals of a client many kilometres distant from his practice or work. It is essential in such circumstances that the veterinarian involved discusses the possibility of his unavailability in emergencies with the client due to this distance from the client's premises or due to the nature of his work. Alternative arrangements must be made in advance. Where possible a colleague in that area should be approached so that he may be able to help in such circumstances.

The maintenance of proper records is essential in the carrying out of practice. All records of consultations, visits, treatments, vaccinations, operations and laboratory results must be kept for a minimum of five years. During this period, should a client or colleague require information in this regard, it should be readily available.

The issuing of certificates, be it certificates of health, vaccination certificates, certificates of soundness or certificates of any other nature, must be approached conscientiously by the veterinarian. He must ensure that all the information on such documents are to the best of his knowledge correct and all such certificates must bear his signature, qualifications and address. A certificate signed on his behalf by a third party, who is not a veterinarian, shall be regarded as invalid.

Veterinary Fees, necessary as they are, is the one area where the veterinarian must give his full consideration. In charging out his fees, the veterinarian must be able to justify the charging of such fees. Charges must always be discussed with the client, especially in the case of expensive procedures or long-term therapy. The fee charged for a procedure or therapy must also be weighed up against the value of the animal, especially when dealing with economic units such as cattle. Only if this is done can the veterinarian answer to such complaints such as exorbitant fees or the carrying out of unnecessary procedures.

4. ADVERTISING

The quality of a veterinarian's work is his only means of advertising and enhancing his image. A veterinarian may not attempt to attract clients to himself by such means as newspaper reports, radio and television exposure or any other means which would give him unfair advantage over his colleagues.

Canvassing, touting and tendering are definitely not permissible and is regarded as unethical behaviour. In view of this, and especially the latter, when advertising a professional post it is essential that a minimum salary be stated.

Radio, press and television interviews on professional matters should always be referred to those bodies who have been elected to deal with such matters e.g. National or Group elected public relation committees. It is up to these bodies to make the necessary arrangements to satisfy the media. The veterinarian involved in such interviews may allow his name to be used, but it must be stressed that he is representing the Association or Group and is not involved as an individual as such. Where the veterinarian concerned is in private practice, he should ensure that the location of

his practice is not mentioned, and where he is connected with industry, that the company or business with which he is associated, is not mentioned. Where an interview has taken place for printing in the press, the veterinarian should ensure that such features are published in a professionally acceptable form and where possible obtain such for approval first.

When a veterinarian is asked to address a **lay organisation** on veterinary subjects, he must abide by the code of ethics and not use such opportunities to advertise and promote himself or his company. In giving such an address he must ensure that he does not appear to give the impression in any way that he knows more about a certain subject than his colleague. It should be understood that the responsibility of self-advertisement rests with the veterinarian concerned if he is called upon to answer such allegations.

The owning of a grooming parlour, pet shop, boarding kennel or any similar establishment by a registered veterinarian is not permissible.

5. ETHICAL RELATIONSHIPS BETWEEN VETERINARIANS AND LAY PERSONNEL

A veterinarian must understand that **veterinary nurses** are also bound by regulations and a code of conduct. These regulations set out the type and nature of work a veterinary nurse is permitted to carry out. In view of this a veterinarian must ensure that the nurse:

- Does not undertake anything in relation to veterinary work except under direct supervision of a registered veterinarian;
- Shall not under any circumstances advertise the employer or the practice or products of the employer;
- Regards any information acquired during the course of employment as confidential; and
- Maintains the highest standard of conduct and efficiency

Furthermore a veterinary nurse may not:

- Evaluate or make a diagnosis;
- Communicate diagnoses or treatment to the public except under specific instruction; and
- Dispense any unregistered products.

Veterinary students when seeing practice with a veterinarian, may however do a number of things which the ordinary lay person is not permitted to do, by virtue of the Veterinary Act. It must be understood that it is not permissible for students or non-registered veterinarians to practise for gain, even if they are under the supervision of a registered veterinarian.

The carrying on of a private veterinary practice by a lay person or persons (which includes a company) through a veterinarian as manager, director, partner or employee is unacceptable and any veterinarian so employed or so acting will have to answer charges of disgraceful conduct in a professional respect. At the same time it is also unacceptable that any veterinarian in the conduct of a practice should be subject to the directions or control of a lay person or persons. It is however permissible for a lay person to own a veterinary hospital, clinic or consulting room and lease the same to a veterinarian as long as the terms of the lease are not on a profit sharing basis.

Although only persons registered in the Register of Veterinary Surgeons may practice veterinary science, it is permissible for veterinarians to turn themselves into limited companies in order to practice through such companies. In such cases however, the veterinarians involved still remain responsible for their own acts and omissions.

6. THE PRESCRIBING, USE AND SALE OF VETERINARY MEDICINES

The prescribing, administering and selling of veterinary medicines are largely controlled by the Medicines and Related Substances Control Act of 1965 (Act 101 of 1965) together with the relevant regulations and it is incumbent on every veterinarian to be fully conversant with the requirements of this Act, its amendments and its regulations.

The privileges and obligations under which a veterinarian may handle veterinary medicines are contained in section 22A (15)(9) of the Act. Amongst other things inter alia, according to this section, a veterinarian may sell, use, administer or prescribe (literally authorise the sale of) Schedule 1 to Schedule 7 substances in the course of the lawful execution of his professional activities for an animal under his care or treatment.

A veterinarian may thus only sell or prescribe a medicine to a **bona fide client** for a patient under his professional care. In this context a "client" could be defined as "the owner of, or his fully authorised representative in charge of, an animal or group of animals being examined, or being treated for a specific condition". Similarly, "a patient" would be "an animal or group of animals under examination or treatment for a specific condition."

When a veterinarian accepts an animal(s) as his patient(s) it can only be done on the basis of a **consultation**. This entails:

- A full **ante or post-mortem examination** of the animal(s); and/or
- The examination of specimens from such animal(s) e.g. blood smears, faecal or milk samples; and/or
- An interview with the client where his particular problem(s) are discussed. Usually the interview will be a personal one but in exceptional cases it may be conducted by telephone or even by correspondence.

During such a consultation the veterinarian will either:

- Make a diagnosis of some unwanted condition in the animal or group of animals; or
- Determine a need for specific medication or treatment e.g. the preventative use of drugs or vaccines or the use of drugs for management purposes like oestrus synchronisation or game capture.

Only now can the veterinarian institute treatment, supply medicines or issue a prescription. He now fully accepts responsibility for the advice given regarding the treatment, prophylaxis or care as well as the consequences thereof. He must be satisfied that:

- A. The use of the drug is justified after the risk-benefit ratio in relation to the following has been assessed:
- The animal under treatment;
 - The person applying the medication; and
 - Residues for the consumer (in the case of food animals)
- B. If a prescription is given or medicines are supplied that the client has been fully informed regarding:
- The use of the drug; and
 - Any precautionary measure affecting the animal(s), the client or the public. It is particularly important that the client be pertinently warned as to withdrawal period

after the use of any medical substances used in food animals where meat, milk or other products from them are intended for human consumption.

In general the veterinarian's conduct in relation to the prescribing and sale of medicines should be such that he could reasonably justify and defend his actions before the Veterinary Council or in a court of law.

Irresponsibility in handling medicinal substances may lead to the veterinarian losing his privilege to obtain and handle them in addition to facing disciplinary proceedings.

Veterinarians who advise the use of medicinal products for a racehorse or greyhound which might conceivably in any way affect its performance, or falls into any of the categories of prohibited substances listed by the controlling authorities, are under an obligation to give instructions that the product should be discontinued at such a period prior to the race that the residue of the medicament has been eliminated.

The same general principles are applicable to the use of drugs and tranquillisers for certain show animals.

Veterinarians are asked to comply strictly with the advice contained in the above paragraphs and should not administer listed stimulants or tranquillisers to any racing or show animals unless they are absolutely certain that the residues will be eliminated prior to the race or show. With some drugs the elimination times are far from certain, and if they are to be administered to an animal without the certain knowledge that all residues will have been eliminated before the race or show, the owner should be advised in writing that the animal should not be raced or shown on the occasion in question.