

CODE OF PROFESSIONAL CONDUCT (Veterinary Practitioners)



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INTRODUCTION

The Veterinary Council is a statutory body established under the Veterinary Practice Act 2005, the long title of which Act reads as follows: "An Act to establish a body know as Comhairle Tréidlianna na hÉireann or, in the English language, The Veterinary Council of Ireland to regulate and manage the veterinary professions and to provide for its other functions, to provide for establishment of a body know as Bord Altraí Tréidliachta na hÉireann or, in the English language, the Veterinary Nurses Board of Ireland, to dissolve the Veterinary Council established under the Veterinary Practitioners Act 1931, to repeal the Veterinary Practitioners Acts 1931 to 1960 and certain other enactments and to provide for related matters". In 2012 the Veterinary Practice (Amendment) Act 2012 came into force, this Act amends some sections of the 2005 Act.

The principal function of the Council is to regulate and manage the practice of veterinary medicine and veterinary nursing in the State in the public interest. The functions of the Veterinary Council are the protection of the public, in particular by the registration of premises, by the supervision of veterinary education, by the keeping and the publishing of the Register of Veterinary Practitioners and by the taking of disciplinary action when required in cases of professional misconduct.

Definition of Professional Misconduct

Professional Misconduct in relation to a registered person, means any act, omission or pattern of conduct that –

- (a) is connected with the practice of veterinary medicine or veterinary nursing and represents a serious falling short of the standard that could reasonably be expected of a registered person,
- (b) is infamous or disgraceful in a professional respect (notwithstanding that, if the same or like act, omission or pattern of conduct were committed by a member of another professional it would not be professional misconduct in respect of that profession), or
- (c) involves fraud or dishonesty of a nature or degree which bears on the carrying on of the profession of a registered person.

Negligence

Professional misconduct is different from negligence. Negligence arises when a veterinary practitioner has failed to exercise the normal level of skill and judgement which would be expected of the average registered person, consequent on which damage is suffered. Allegations of negligence are typically matters for adjudication by the civil courts and the Veterinary Council has no power to usurp the Courts' jurisdiction in this respect or to award damages or compensation in respect of negligence claims. It may be the case that in some rare circumstances, negligence and professional misconduct overlap where for example the negligence has been so gross as to amount to a serious falling short and therefore professional misconduct.

Code of Professional Conduct

The Code of Professional Conduct, consists of the rules and principles which govern veterinary practitioners in the exercise of their profession. Adherence to the Code of Professional Conduct is frequently more exacting than conformity with the law. This ethical code seeks standards which are, in many instances, higher and more demanding than those required by law.

In order that a proper standard of conduct shall be maintained, the Veterinary Council is empowered under the Act to discipline veterinary practitioners under Part 7 of the Veterinary Practice Act 2005.

Legal obligations

Every veterinary practitioner is bound by the provisions of the Veterinary Practice Act 2005 and the Veterinary Practice (Amendment) Act 2012. In addition, the veterinary practitioner has professional responsibilities under a number of other acts of the Oireachtas most noticeably in relation to the notification of specific disease, and animal welfare. The veterinary practitioner is also bound by other laws that affect professional performance and practice, such as, safety, health and welfare at work legislation. Professional discretion does not take precedence over legal requirements. Every veterinary practitioner, therefore, has an obligation to familiarise himself or herself with legislative and ethical requirements relevant to his or her professional area of operation and to act in compliance.

PRINCIPLES OF THIS CODE OF PROFESSIONAL CONDUCT

A veterinary practitioner shall use his/her scientific knowledge for the benefit of society through the protection of animal health, the relief of animal suffering, the promotion of public health, the advancement of veterinary medical knowledge, the protection of the environment and the conservation of livestock resources.

Veterinary practitioners occupy a trusted, privileged position in society because of unique knowledge and training. This code is intended to ensure that this position is maintained by all veterinary practitioners registered with the Veterinary Council, acting in a manner consistent with the following principles:

- (a) The primary concern of the profession is for the welfare of animals;
- (b) All work performed by veterinary practitioners is to a standard of competence acceptable to their peers;
- (c) That veterinary practitioners, individually, act to promote cohesion within the profession and the trust of the profession by the general public.

**CHAPTER 1
VETERINARY ETHICS**

CODE OF PROFESSIONAL CONDUCT

This Code of Conduct is issued by the Council pursuant to its powers under s13(2) of the Veterinary Practice Act 2005 (VPA). It applies to persons registered under part 4 of the Act. The Code of Professional Conduct consists of the rules and principles which govern veterinary practitioners in the exercise of their profession. In order that a proper standard of conduct shall be maintained, the Council may under Part 7 of the Act take disciplinary action against a registered person who contravenes the Code.

VETERINARY PRACTITIONERS AND THE LAW

Every veterinary practitioner is bound by the provisions of the Veterinary Practice Act 2005 and the Veterinary Practice (Amendment) Act 2012. Appendix One of this Code provides a summary of the Council's fitness to practise procedures. In addition, the veterinary practitioner also has professional responsibilities under a number of other Acts of the Oireachtas, particularly in relation to animal welfare and to the notification of specific diseases. The veterinary practitioner is also bound by other laws that affect professional performance and practise such as health and safety legislation and employment law. Professional discretion does not take precedence over legal requirements. Every veterinary practitioner, therefore, has an obligation to familiarise himself or herself with legislative and ethical requirements relevant to his or her professional area of operation and to act in compliance.

VETERINARY PRACTITIONERS' POSITION IN SOCIETY

Veterinary practitioners occupy a trusted, privileged position in society because of unique knowledge and training. With this privileged position comes certain rights, but also responsibilities.

ANIMAL WELFARE THE PRIMARY CONCERN OF THE VETERINARY PROFESSION

The primary concern of the profession is for the welfare of animals and a veterinary practitioner shall at all times act to protect animal health and relieve animal suffering.

VETERINARY PRACTITIONERS' DUTIES TO SOCIETY

Veterinary practitioners have a duty to society to

1. advance veterinary medical knowledge;
2. promote public health;
3. ensure responsible use of medicines;
4. promote responsible animal ownership;
5. uphold the integrity of veterinary certification;
6. protect the environment;
7. conserve livestock resources and promote biosecurity.

DUTY TO FELLOW VETERINARY PROFESSIONALS

The veterinary profession is highly esteemed in society. Veterinary practitioners have a duty to their professional colleagues to uphold the honour, dignity and integrity of the profession by their words and actions.

DUTY TO CLIENTS

When a client entrusts the care of his/her animal(s) to a veterinary practitioner, he/she has a right to confidentiality and to be treated with respect and courtesy. A veterinary practitioner must ensure that a clinical case is adequately examined and evaluated and that appropriate therapy is provided. Relevant information should be communicated fully and effectively to the client. Where a veterinary practitioner is aware of his/her limitations of knowledge, competence or resources, he/she should take all reasonable steps to avoid exceeding these limitations. Arrangements must be made to provide 24hr emergency cover for the care of animals that during normal working hours could be considered as being under the care of the veterinary practice.

Veterinary practitioners in the course of their work shall maintain high standards of biosecurity and hygiene standards.

DUTY TO KEEP RECORDS

Veterinary practitioners should keep a written record on each consultation he/she has relating to a veterinary matter, whether by telephone, in the practice or on a farm or other location. It need not be dictated and/or typed, handwritten attendances are acceptable. Guidelines notes on keeping records are provided separately.

DUTY TO OWN PROFESSIONAL DEVELOPMENT

Veterinary practitioners have a duty to keep abreast of advances in their professional field by regularly participating in Continuing Veterinary Education (CVE).

CHAPTER 2
VETERINARY PRACTITIONER AND ANIMAL WELFARE

DEFINITION OF ANIMAL WELFARE

For the purpose of this code, animal welfare is defined as: the state of well-being in which an animal is in reasonable harmony with its environment, has adequate fulfilment of physical and behavioural needs and is not subjected to unnecessary pain, fear or suffering. The Five Freedoms in relation to animal welfare are listed at the end of this chapter. The need for society to make use of animals for companionship, work, production, teaching, research, recreation and sport is recognised. However, these uses must not be at the expense of the welfare of the animal.

RESPONSIBILITY OF VETERINARY PRACTITIONER

The veterinary practitioner has a special responsibility for animal welfare. He/she must provide a standard of care that ensures that the needs of animals are met both by the veterinary practitioner and those in charge or purporting to be in charge of the care of animals.

WELFARE IMPLICATIONS OF PROCEDURES

Veterinary practitioners must consider the welfare implications of any procedure involving animals and as appropriate, should act or advise to minimise suffering. Benefit to the animal should transcend personal advantage or monetary gain in decisions concerning therapy.

CLINICAL PRACTICE

Veterinary practitioners in clinical practice have responsibility for recommending appropriate preventative measures and providing suitable management and treatment for disease conditions. The prime consideration when giving advice should be the welfare of the animal under care.

HANDLING AND MANAGEMENT OF ANIMALS

Handling of animals must be carried out with the minimal amount of stress and the maximum amount of care. By their own example, veterinary practitioners should encourage people to handle animals as gently, quietly and safely as circumstances allow.

GUIDANCE TO BE GIVEN REGARDING PROLONGED CARE

Where in the opinion of the attending veterinary practitioner the treatment of an animal may involve a period of prolonged care in the charge of its owner, it is essential that sufficient guidance be provided by the veterinary practitioner to the owner/person in charge of the animal to ensure that the animal's welfare is not compromised. The responsibility for the communication of this advice rests with the veterinary practitioner.

ANALGESIA AND ANAESTHESIA FOR SURGERY

Effective analgesia and anaesthesia shall be utilised on all animals undergoing surgery, including routine animal husbandry type surgical procedures covered under legislation.

GUIDELINES FOR SURGERY

A veterinary practitioner shall not perform an act of veterinary surgery on an animal, which causes it pain or suffering unless it is in the interest of the animal or other animals, or society.

SURGERY NOT TO BE PERFORMED TO CONCEAL GENETIC DEFECTS

A veterinary practitioner shall not perform any surgical operation or medical treatment on an animal, the primary purpose of which is to conceal its true genetic status and/or enhance, by deception its value for sale, breeding or showing in competition

PROVISION OF ADVICE RE HERITABLE DEFECTS

In all cases of defects and diseases that are known to be heritable, the client should be informed of the fact and the implications for breeding programmes discussed. It is not unethical to perform a surgical operation for the correction of a heritable defect or to give medical treatment for a heritable disease, provided that the primary purpose of the operation or treatment is to relieve or prevent pain or discomfort to the animal.

EUTHANASIA

Notwithstanding the emotional bond between the animal and its owner, veterinary practitioners should discuss with the owner, in a compassionate manner, the euthanasia of an animal that is suffering unmanageable pain in a terminal condition. The euthanasia of animals (including farm animals) that are suffering pain or distress, and which have a hopeless prognosis, should always be considered regardless of the value of that animal.

GUIDELINES REGARDING EUTHANASIA

Euthanasia shall be carried out humanely and where possible out of the sight of the general public. It shall not be delegated to lay persons in the veterinary practice. Veterinary practitioners shall bear in mind that euthanasia of companion animals can be a traumatic event for owners and should perform the act with compassion and expertise. Where necessary the veterinary practitioner should consider the use of a sedative for the animal prior to the act of euthanasia if it will alleviate distress to the animal and the owner.

MORTALITY INSURANCE

Where an animal is insured for mortality, the veterinary practitioner should only euthanase the animal when he/she is satisfied that the injury or disease that the animal is suffering is so severe as to warrant immediate destruction and that no other treatment options are available to the animal at that time.

HUMANE CULLING

Veterinary practitioners should promote considerate management of both wild and domesticated animals. If the culling of animals is necessary, it should be carried out as humanely as possible with due consideration to the individual animal and to the group from which it is drawn.

SAMPLING

It is permissible to obtain samples from normal animals, avoiding as much as possible any significant discomfort, pain, suffering, distress or lasting harm to those animals, in order to support a diagnosis, or to provide information relating to animal husbandry or clinical management or in compliance with relevant legislation, provided that it is always done with the informed consent of the animal owner (or the owner's agent) and the veterinary practitioner in charge of the case. None of the foregoing precludes sampling by or on behalf of Statutory Bodies for the purposes of or in compliance with national legislation.

ANIMAL PROCESSING

Veterinary practitioners involved in animal processing industries must use their best endeavours to ensure that:

- (i) Animals are handled, held and slaughtered in a manner which is humane and avoids unnecessary or unreasonable pain and distress;
- (ii) Animals suffering pain or distress at the processing plant through injury or disease are given appropriate attention to eliminate pain or distress without delay;
- (iii) Where an animal is injured at a farm, or any other place, any decision taken to move this animal to an abattoir must ensure the animal's welfare is not compromised in accordance with relevant legislation.

ANIMALS USED IN RESEARCH

Veterinary practitioners involved in experimental research using live animals shall ensure this research is conducted observing the terms and conditions of a licence issued pursuant to the European Communities (Amendment of Cruelty to Animals Act 1876) Regulations 1994. Veterinary practitioners should note that they should not engage in research on live animals unless they themselves possess such a licence permitting them to conduct this research.

RESPONSIBILITIES TO CO-WORKERS IN ANIMAL RESEARCH

Named veterinary practitioners and veterinary practitioners involved in research are responsible for providing sound advice to their employees or co-workers on all animal welfare aspects of any procedure involving animals.

PLANNING OF ANIMAL RESEARCH

Veterinary practitioners should ensure that all research projects that involve the use of animals are well planned and include appropriate biometrical assessment of the number of animals to be used. The use of alternative research procedures that do not involve the use of live animals should be assessed during the planning of all research projects.

RESPONSIBILITIES REGARDING SKILLS AND TECHNIQUES

Veterinary practitioners involved in experimental surgery or other skilled procedures on animals must ensure that they are competent in these procedures and furthermore ensure best welfare practices for the animals

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concerned. Veterinary Ireland has produced a useful reference document for veterinary practitioners involved in experimental research.

USE OF PERFORMANCE-ALTERING DRUGS IN COMPETITION ANIMALS

Veterinary practitioners must not prescribe or administer medicinal products purely to enhance or reduce the performance of animals or birds in competition. Not only does this undermine the basis of fair competition but it may have serious adverse consequences for the welfare of the treated animal or bird.

ADMINISTRATION OF THERAPEUTIC SUBSTANCES TO COMPETITION ANIMALS

Any veterinary practitioner who prescribes, supplies or administers such therapeutic drugs for animals or birds in a period prior to competition or related activities must give instructions that the product should be discontinued at such a point prior to the race that any drug residue has been eliminated.

CONSEQUENCES OF DISCOVERY OF DRUG RESIDUES

The veterinary practitioner must also be aware that the discovery on testing by the integrity services of the bodies governing animals used in competition of any residue of any such drug or its metabolites will have serious consequences for the trainer and for the veterinary practitioner. A document on the prudent use of medicines can be found on the FVE website www.fve.org/news&publications.

OBLIGATIONS OF TEACHERS

Veterinary practitioners involved in education are obliged to emphasise the importance of humane treatment for all animals, by work and example. Animals used for teaching purposes must be handled carefully and must not be subjected to manipulation unless this is part of an approved protocol.

DUTY TO APPRAISE MOST APPROPRIATE TEACHING METHODS

Veterinary practitioners involved in teaching are required to balance the need to provide the best training for their students against the advantages/disadvantages of substitution of alternatives such as audio visual aids for the use of live animals. The techniques should regularly be re-appraised to ensure the most appropriate methods are in current use.

CLINICAL GOVERNANCE

Veterinary practitioners and veterinary nurses must ensure that clinical governance forms part of their professional activities, including monitoring and reviewing clinical outcomes with the aim of improving the quality of the veterinary care they provide.

ARRANGEMENTS FOR 24-HOUR CARE

Arrangements must be made to provide 24hr emergency cover for the care of animals that during normal working hours could be considered as being under the care of the veterinary practice.

REQUIREMENTS FOR 24-HOUR COVER

Note should be taken of section 55 (1-4) of the Veterinary Practice Act 2005 (VPA) in the context of emergency cover. When providing 24hr emergency cover a veterinary practitioner:

- (i) Must not unreasonably refuse to provide emergency first aid and pain relief for any animal of a species routinely treated during normal working hours.
- (ii) Must not unreasonably refuse to provide emergency first aid and pain relief to all species of animal at least until a more appropriate veterinary service accepts responsibility for the animal.
- (iii) Must not unreasonably refuse to provide emergency first aid and pain relief to animals normally under the care of another veterinary practitioner.
- (iv) Must not unreasonably refuse to provide emergency first aid and pain relief to animals where no immediate payment is forthcoming.

DEFINITION OF EMERGENCY COVER

Emergency cover means the provision of at least immediate first aid and pain relief and may be organised in cooperation with other practitioners.

ACTIONS TO BE TAKEN IF ANIMAL IS SUFFERING UNREASONABLE OR UNNECESSARY PAIN OR DISTRESS

A veterinary practitioner who becomes aware of an animal suffering unreasonable or unnecessary pain or distress must take action to ensure that the matter is effectively dealt with*. These actions shall include the following:

- (i) Carrying out a thorough examination of all the circumstances in the particular case and recording same, and
- (ii) Where an animal is presented that has clearly been in a state of unreasonable or unnecessary suffering and distress for some time, enquiring if that animal has previously been presented to a veterinary practitioner, and
- (iii) Offering professional advice on the relief of unreasonable or unnecessary pain or distress or euthanasia, if appropriate, and
- (iv) If the situation still shows no sign of being remedied and the animal is still suffering unreasonable or unnecessary pain or distress, the veterinary practitioner must report the case to the relevant authority such as the District Veterinary Office, Local Authority Veterinary Service or Garda Síochána, and
- (v) Should a case become the subject of an investigation by the Garda Síochána, cooperating with this investigation and proffering an opinion as to whether the case constitutes wilful cruelty or neglect.

* Where the presenting clinical signs are not consistent with the history provided by the clients or there is other evidence he/she should be aware that non-accidental injury could be the cause.

Appendix to Chapter 2

1.1 Five Freedoms

- 1. Freedom from Hunger and Thirst** - by ready access to fresh water and a diet to maintain full health and vigour.
- 2. Freedom from Discomfort** - by providing an appropriate environment including shelter and a comfortable resting area.
- 3. Freedom from Pain, Injury or Disease** - by prevention or rapid diagnosis and treatment.
- 4. Freedom to Express Normal Behaviour** - by providing sufficient space, proper facilities and company of the animal's own kind.
- 5. Freedom from Fear and Distress** - by ensuring conditions and treatment which avoid mental suffering.

1.2 Useful Links

The Farm Animal Welfare Advisory Council (FAWAC) has published several useful documents on the welfare of Beef Cattle, Sheep, Dairy Cattle, Horses, Ponies and Donkeys. These documents may be downloaded from the following website:

www.agriculture.gov.ie/fawac/index.jsp?file=publications.xml

www.agriculture.gov.ie – Department of Agriculture, Fisheries and Food

www.vci.ie – Veterinary Council

www.veterinaryireland.ie – Veterinary Ireland

A useful reference for veterinary practitioners is the ISPCA legal handbook (www.ispca.ie/content/legal.html).

CHAPTER 3
VETERINARY PRACTITIONER AND CLIENTS

PROFESSIONAL COURTESY TO CLIENTS

Veterinary practitioners should at all times treat their clients in a courteous manner.

PROFESSIONAL INDEMNITY INSURANCE

A registrant who practises veterinary medicine or veterinary nursing must have a policy of indemnity insurance in place that provides appropriate cover. The Veterinary Council expects that veterinary practitioners will exercise high standards of professional performance. Such standards should be maintained by regular Continuing Veterinary Education (CVE).

OWNERS' RIGHT TO CHOOSE

Owners of animals have the right to consult with veterinary practitioners of their choice. Veterinary practitioners are not obliged to accept clients, provided that there is a reasonable explanation for the refusal and animal welfare and contractual considerations have been addressed.

ANCILLARY TECHNIQUES AND POST MORTEM EXAMINATION

It is expected that up-to-date technology will be applied as appropriate in the care or management of animals placed under a veterinary practitioner's care. Veterinary practitioners shall advise their clients that laboratory tests, other special tests, or post mortem examination may prove a useful procedure in helping to identify the cause of death; in diagnosing of specific conditions; in assessing the risk to individual or cohort animals; in preventing the spread of disease; and in preventing the contamination of the environment.

FACILITATING ARRANGEMENTS REGARDING ANCILLARY TESTS

The veterinary practitioner concerned should either consent to carry out such examination or assist the client by making alternative arrangements with another veterinary practitioner or veterinary facility.

PROFESSIONAL CONFIDENTIALITY

A veterinary practitioner must consider as confidential to the owner, information concerning an animal under his/her care derived either from the owner or someone acting on the owner's behalf, or by examination of the animal except in the following situations:-

- (i) the communication of information to professional colleagues, lay staff properly involved in the animal's case, or to students receiving instruction in relation to the animal or in research;
- (ii) where he/she has an obligation under the Law;
- (iii) where in an exceptional case he/she is clearly of the opinion that the public interest or the animal's welfare is so endangered as to outweigh his/her primary obligation to the owner;
- (iv) when required to do so by a Court of Law;
- (v) when it is necessary for the investigation and/or control and/or elimination of zoonotic conditions of public health significance;
- (vi) with the owners consent and if applicable the consent of the referring veterinary practitioner.

LAY STAFF/STUDENTS AND PROFESSIONAL CONFIDENTIALITY

The veterinary practitioner concerned must ensure that the lay staff and students are fully aware of the provisions of this part of the Code and abide strictly by them.

DECLARATION REGARDING POTENTIAL CONFLICT OF INTEREST

A veterinary practitioner may be asked for an opinion or a certificate in an area where the veterinary practitioner has, or may be thought to have, a vested interest in the matter. In such circumstances, the veterinary practitioner shall declare a possible conflict of interest or choose not to be involved.

POTENTIAL CONFLICT OF INTEREST IN ANIMAL WELFARE CASES

Where a veterinary practitioner is requested by a member of the Garda Síochána to fully cooperate in investigating a welfare case this assistance should be provided regardless of any conflict of interest. However, the potential for such conflict of interest should be made known.

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BONA FIDE CLIENTS

In the context of this Code a veterinary practitioner may regard an owner or agent to be a bona fide client for as long as the veterinary practitioner, or the veterinary practice to which he/she is attached continues to be consulted by such owner or agent. The frequency with which such consultation takes place will vary widely and will depend, among other factors, on the number and species of animals in the ownership of the client or in the care of the agent. It is feasible for a person to be a bona fide client of more than one veterinary practitioner or practice.

ABANDONMENT OF CASES

Once a veterinary practitioner has undertaken a case it should not be abandoned without good reason and without safeguarding the welfare of the patient.

GIVING NOTICE TO A CLIENT

When a veterinary practitioner wishes to give notice to a client that professional services can no longer be provided to that client, it should always be done in writing and by recorded delivery and a copy of the letter should be kept.

NON-PAYMENT OF FEES

A practice can insist on an outstanding account being paid before providing services to a client who has a record of non-payment. The guideline in this circumstance is, providing there are no active cases with the client, to write to the client, informing them that their account is overdue and that services can no longer be provided and suggesting that they locate a new veterinary practitioner.

PROVISION AT ALL TIMES FOR RELIEF OF PAIN/SUFFERING

Veterinary practitioners, whether in a private or a salaried capacity, who provide a direct veterinary service to the public for their animals, must make proper provision at all times for the relief of the pain or the suffering of those animals and for their further treatment, when necessary, either by themselves or through professional colleagues. Where the veterinary practitioner who attended the case is unavailable, veterinary service may be provided, by arrangement, by a colleague member of the same practice or by another veterinary practitioner.

IF UNABLE TO ATTEND IN AN EMERGENCY

If a veterinary practitioner is requested to attend to a case which is described as an emergency but is already committed to attend to another urgent case he may then decline to attend but should ensure that the owner of the animal is aware of the veterinary practitioner's inability to attend.

CO-ORDINATION OF OUT OF HOURS COVER

Where veterinary practitioners, especially single-handed practitioners, find it difficult to provide a 24 hour service, they should co-ordinate arrangements for the treatment of emergency cases or even all out-of-hours cases so that clients can obtain help from some other member of the profession with whom prior arrangements have been made and who is sufficiently close at hand to be able to provide services for clients of the first practitioner. Referring of out-of-hours cases to other veterinary practitioners, whether in private practice or working for animal welfare charities, without their consent is unacceptable and unethical.

HOUSE CALLS

Where the personal safety of a veterinary practitioner might be at risk in conducting house calls, particularly at night, the situation must be explained to the client who should be asked to bring the animal to the practice base.

ANSWERING SERVICES

Telephone answering machines and similar services may be used when a practice is unattended either out of practice hours or because no one is immediately available to answer the telephone, BUT:

- i) the system must give to the caller information as to how the call will be dealt with and the time within which a recorded message will be listened to or must give an alternative number to ring in an emergency; and
- ii) preferably it should not be necessary for the caller to ring more than one additional number without being able to discuss a case with a person on duty.

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VETERINARY SERVICE TO DISTANT CLIENTS

A veterinary practitioner, especially with particular expertise, may be called upon to provide a veterinary service at a distance that would prove impractical to respond in the event of subsequent complications arising.

The veterinary practitioner may provide the service to distant clients provided that he/she:

- i) makes prior arrangements with a colleague closer at hand to act as substitute should the need arise, and
- ii) makes the client aware of the difficulties which may arise and of the arrangements made to deal with such a situation.

LAY STAFF EMPLOYED BY VETERINARY PRACTITIONERS

Clients seeking veterinary service expect to be treated courteously and that real concern will be shown for their animals. Lay staff are often the first point of contact between the public and a veterinary practice whether directly or by telephone. In addition to being responsible for his/her own professional performance and standards, the veterinary practitioner as the employer is vicariously liable for the actions of lay staff in the course of their employment. Particular attention must be paid to the functions, training and quality assurance procedures of all staff.

PRACTICE MANAGERS

A practice manager who is not a veterinary practitioner must not be permitted to exercise any control over clinical matters. Only a veterinary practitioner against whom a complaint is made can respond. A practice manager cannot make a response on behalf of any veterinary practitioner to a complaint forwarded from the Veterinary Council or to any charges of professional misconduct. A response from a practice manager will not be accepted by the Veterinary Council as the duty of response falls on the veterinary practitioner concerned.

PROHIBITIONS RELATED TO UNREGISTERED PERSONS

Veterinary practitioners shall not permit any act of veterinary medicine to be performed by non-registered persons.

CONVENTIONS RE TRADE NAMES IN ARTICLES

When veterinary practitioners write articles in which trade names are used they should follow the conventions below:

- a) in scientific journals the generic name should be used. But on the first occasion when the generic name is used, the trade name may appear in brackets or as a footnote;
- b) in general or popular articles aimed at veterinary practitioners, the author must make clear in what capacity he or she is writing e.g. a company employee. The trade name may be used but the generic name must appear in a foot note.
- c) in articles intended for the general public the veterinary practitioner should not use his or her qualifications to mislead, to present exaggerated claims about the product or, in any way, to depart from a factual presentation. If the product is not the only one in the field, no impression otherwise should be given.

CHAPTER 4
THE VETERINARY PRACTITIONER AND THE GENERAL PUBLIC

PREMISES ACCREDITATION SCHEME (PAS)

Part 9 of the Veterinary Practice Act 2005 (VPA) obliges the Council to ensure that all non-exempt premises in the State are provided with a Certificate of Suitability in accordance with the Regulations set out by Council for this Scheme. The Certificate of Suitability must be displayed in the premises in view of the public.

HEALTH & SAFETY LEGISLATION AND WASTE DISPOSAL FOR VETERINARY PREMISES

Health and safety legislation and legislation controlling the disposal of waste places very onerous conditions on veterinary practitioners. All veterinary practitioners should ensure that they and their employees fully understand this legislation and keep up to date with current and evolving legislation. The requirements of veterinary hygiene (e.g. control and disposal of possibly infected material) must also be reflected in the design, construction and maintenance of the veterinary premises.

SECURITY OF RECORDS AND MEDICINES

The security of records, medicines, controlled drugs and products such as anaesthetic agents must be reflected in the design, structure and maintenance of the veterinary premises and in the control of public access to them.

CARCASE DISPOSAL IN PRACTICE

The manner of storage and disposal of a dead animal should give the client no cause for complaint and cause no public offence or health hazard.

When a post-mortem examination is to be carried out, express permission of the owner should be obtained beforehand. If the owner decides to collect the body, care should be taken to see that its appearance is neither offensive, nor in any way unacceptable, and to ensure that it is placed in a suitable container.

EMERGENCY ACCESS TO PRACTICE UNIT

The veterinary practitioner and their clients must have access to the practice unit for emergency treatment when the commercial premises may be closed to the public.

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MARKETING AND RIGHT TO INFORM

Veterinary practitioners have the right to inform the public of services offered. No veterinary practitioner is obliged to advertise or promote his/her services. However, in order to ensure a veterinary focus that is client and patient oriented it is useful to develop a marketing strategy. This means identifying user, "needs" and finding the best ways of meeting these needs to the mutual benefit of both user and provider.

MARKETING COMMUNICATION

Promotion must be a component of a clear marketing strategy and must not be a misuse of marketing.

All marketing communications should be legal, decent, honest and truthful.

All marketing communications should be prepared with a sense of responsibility both to the consumer and to society.

All marketing communications should conform to the principles of fair competition as generally accepted in business.

ONUS ON VETERINARY PRACTITIONER TO COMPLY WITH GUIDELINES

In providing any information the onus is on the veterinary practitioner to ensure that the Guidelines laid down in this section are met. The practitioner that undertakes or authorises any advertising or promotional activity must retain records and copies of any advertisement/publicity material sufficient to document the full extent of such activity. Such records and copies must be retained and made available to the Council at its request for a minimum of one year beyond the termination or cessation of the marketing activity.

IDENTIFICATION SIGNS

Signs should be in keeping with the requirements set out in the regulations to the Premises Accreditation Scheme (PAS) and in compliance with planning and local authority bye-laws.

INFORMATION ON SIGNS

The information which may be provided should be limited to the following.

- (a) The name (or names) of the principal(s) of the practice as registered in the Veterinary Register. The sign may provide the names of **all** registered persons. Qualifications and/or specialties as registered in the Specialist Register may also be provided on the sign.
- (b) Telephone number(s), including ones for use in case of emergency when the premises is unoccupied.

ADDITIONAL INFORMATION ON SIGNS

In addition to the above, signage on a veterinary premises may also contain

- (a) The registered title authorised under the Veterinary Council's Premises Accreditation Scheme (PAS).
- (b) Hours of attendance/consultation times.
- (c) A logo.

An identification sign may be illuminated.

Signage on vehicles must conform to the same principles.

PRACTICE NAMES/TITLES

The major consideration in choosing a practice title is that it should not mislead the public as to the nature or extent of the services offered. A practice name shall not be so similar to the name of an existing premises in the area so as to cause confusion to the public. The name shall not contain elements that are in bad taste, offensive, misleading to the public, contrary to the best interest of the public, or contrary to the honour and dignity of the veterinary profession.

COMPLIANCE WITH PAS

Names or titles shall also comply with the regulations laid down under the Council's Premises Accreditation Scheme (PAS).

DIRECTORY LISTINGS

Directory listings shall contain the information allowed in Identification Signs as well as the address, email and fax numbers.

INTERNET

Council recognises that the Internet and Practice Websites can provide valuable services to the general public and clients. Veterinary practitioners must take responsibility for the content of their sites. The content of the site should be evidence based, verifiable and must conform to the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland, laid down by the Advertising Standards Authority of Ireland. Particular care must be exercised with links to other sites and practitioners should ensure that such links are to unbiased informed scientific information sites and cannot be confused as testimonials by the practice in favour of particular products or services.

PROFESSIONAL STATIONERY

The wording of a letterhead of a veterinary practitioner is restricted to the information which is permitted in Directory Listings, along with any legal requirements such as business names, VAT numbers. The veterinary practitioner may specify what type of practice he engages in as long as it is in line with what is on his/her certificate of suitability. Where the veterinary practitioner is included in the Specialist Register he/she is permitted to provide this information on practice stationery.

PRESENTING EVIDENCE

Veterinary practitioners have a responsibility to prepare and present their evidence, whether serving as an expert witness or in any other capacity, in a thorough and professional manner. The veterinary practitioner's primary duty is to assist the Court to reach a conclusion based on a fair and proper interpretation of the facts of the case.

**CHAPTER 5
THE VETERINARY PRACTITIONER AND OTHER MEMBERS OF THE
PROFESSION**

CO-OPERATION BETWEEN MEMBERS OF THE PROFESSION

Professional co-operation between veterinary practitioners should be as constructive and informative as possible and should be governed by the highest ethical standards. This applies not alone in relations between veterinary practitioners engaged in private practice, but also to relations between practitioners in different sections of the profession. The owner of an animal is entitled to consult whomever he/she wishes concerning his/her animal. Veterinary practitioners in practice must remember that they do not have the sole rights of entry on to their clients' premises as against all other veterinary practitioners.

SPEAKING OR WRITING ABOUT OTHER MEMBERS OF THE PROFESSION

No veterinary practitioner shall speak or write disparagingly of a fellow member of the profession to the public. To do so not only undermines the standing of the colleague in question in the eyes of the public but will reduce the public's confidence in the profession as a whole. (This obligation does not cover evidence given in a court of law, which is absolutely privileged).

SECOND OPINIONS

A veterinary practitioner should never hesitate to seek a second opinion when judgement indicates this would be desirable. The client's approval must be obtained for this course of action. When a client requests a second opinion, the veterinary practitioner must agree. A veterinary practitioner must never decline to make arrangements for the obtaining of a second opinion when requested to do so by a client.

PRIVATE CONFERRAL WHERE THERE IS A DISAGREEMENT

If there is a disagreement regarding the diagnosis or treatment, the second opinion veterinary practitioner should confer privately with the original attending veterinary practitioner. If the second opinion veterinary practitioner provides a written statement for the client, the original veterinary practitioner should also receive a copy.

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SUPERSESSION

If a veterinary practitioner is called upon, to treat an animal, which is or has been recently in the care of another veterinary practitioner (as defined by Regulation 43, European Communities (Animal Remedies) (No 2) Regulations 2007), he/she should, where possible, first consult with that veterinary practitioner. However he/she may attend the case if the owner has discharged the first veterinary practitioner. The second veterinary practitioner should always inform the veterinary practitioner who has been superseded. Supersession should be handled with great care so as to protect the interest of the animal and owner and to ensure that confidence is maintained in the reputation of the veterinary profession as a whole.

REFERRAL

Veterinary practitioners should have no hesitation in recommending an animal owner to consult another colleague who has particular skills and/or specialised equipment, or who can provide a service not offered by the first veterinary practitioner. Where a veterinary practitioner refers an animal to another veterinary practitioner there is an obligation to ensure that this individual is registered with the Veterinary Council.

VETERINARY PRACTITIONER TO MAKE ARRANGEMENTS REGARDING REFERRAL

All the arrangements for the second opinion or referral should be made by the veterinary practitioner already in attendance who should normally be responsible for advising the client about the choice of second opinion or referral veterinary practitioner.

OBLIGED TO CO-OPERATE WITH REQUEST FOR A REFERRAL

Where the client has indicated a preference for a particular second opinion or referral veterinary practitioner or even when the original veterinary practitioner is informed by the second veterinary practitioner of a direct approach by the client, it is advisable for the original veterinary practitioner to co-operate fully in making the appropriate arrangements.

ENQUIRY FROM A COLLEAGUE RE SUPERSESSION

The welfare of an animal under the care of a veterinary practitioner being of primary concern, a veterinary practitioner when requested to supersede a colleague in the treatment of a case should enquire of that colleague as to the treatment that has been given and ask for patient records. When so requested it is incumbent on the veterinary practitioner who has been superseded to provide this information.

CONSULTATION WITH SUPERSEDED VETERINARY PRACTITIONER

Circumstances may arise where a professional colleague deems it appropriate to change a diagnosis, alter the interpretation of a test, change the terms of a certificate or modify the treatment sanctioned by another veterinary practitioner, in such cases the veterinary practitioner originally involved must always be informed, and if possible consulted, regarding the change/s made.

SECOND OPINION INTO SUPERSESSION

A veterinary practitioner receiving an animal referred from another veterinary practitioner shall not seek in any way to convert a second opinion or referral into supersession. He/she shall ensure that the animal after completion of his period of examination or treatment returns to its original veterinary practitioner for its other veterinary care.

COVERING FOR A COLLEAGUE IN AN EMERGENCY

Veterinary practitioners may be called in by the owner of an animal in an emergency when for some unavoidable and/or, unusual cause the regular veterinary practitioner cannot attend. In such circumstances the veterinary practitioner called in must do what is immediately necessary and must inform their colleague at the earliest possible opportunity of the action they have taken. They should normally take no further part in the case except with the agreement of the regular veterinary practitioner.

EXAMINATIONS ON BEHALF OF A THIRD PARTY

When veterinary practitioners are asked by an insurance company or similar body to examine on its behalf a case already under treatment, they must first find out the name of the veterinary practitioner in attendance and give that veterinary practitioner adequate notice of the time and date when they propose to make their examination.

STATE VETERINARY PRACTITIONERS TO INFORM PRIVATE VETERINARY PRACTITIONERS REGARDING RELEVANT DISEASE/ANIMAL HEALTH PROBLEMS

Veterinary practitioners in government service should keep their colleagues in clinical practice informed of any significant disease or animal health problems they may encounter in the course of their duties and/or any advice they may give concerning animals normally attended by private practice practitioners.

OBLIGATIONS OF VETERINARY PRACTITIONERS EMPLOYED BY OR ADVISING LAY BODIES

Veterinary practitioners employed in or advising bodies or committees which include non registered persons are obliged to comply with the Code of Professional Conduct regardless of their obligation to these bodies or committees. Veterinary practitioners have a responsibility to advise these bodies on all professional matters, including ethics.

SERVICE, EMPLOYMENT AND PARTNERSHIP AGREEMENTS

When a veterinary practitioner enters a practice as an assistant, partner, contractor or *locum tenens*, the relationship should always be defined clearly in an agreed, fair and correctly prepared contract and the Council recommends that such agreements be in writing. Dispute resolution may not be possible or may be delayed in the absence of a clear written contract.

COMMENCEMENT OF PRACTICE

In the interest of establishing good professional relationships it is recommended that veterinary practitioners contact other veterinary practitioners in the district at the time of commencing practice or establishing a branch practice.

OBLIGATIONS OF THE EMPLOYING VETERINARY PRACTITIONER

Veterinary practitioners must provide appropriate professional support for newly qualified veterinary practitioners whom they employ. A newly qualified veterinary practitioner is one who is within the first year of graduation/registration. A veterinary practitioner employing a veterinary practitioner or veterinary nurse must ensure that they are legally registered in the State with the Veterinary Council (Veterinary Practice Act 2005, Section 57). Guidelines for New or Returning Graduates and their employers are provided separately.

CHAPTER 6
THE VETERINARY PRACTITIONER AND CERTIFICATION

STATEMENT OF FACT

A certificate is a hand-written, printed or electronic statement of fact made with authority, whether or not it contains the word 'certificate'.

OFFENCE TO ISSUE UNTRUE, MISLEADING OR IMPROPER CERTIFICATE

Veterinary practitioners are frequently required to issue certificates signed by them in their professional capacity. It is a grave offence if a veterinary practitioner issues any certificate which is untrue, misleading or improper.

DUTY OF CARE REGARDING CERTIFICATION

When a veterinary practitioner is required to give a certificate, it is vital that the certificate be prepared with care and accuracy after all the necessary steps have been taken to ascertain that the matters to be certified are in fact true. This applies to hand-written, printed or electronic certificates. Misleading, incomplete, inaccurate, or untrue certification reflects adversely on the veterinary practitioner signing and on the general reputation of the profession and may expose the veterinary practitioner concerned to an action for damages. Such certification can adversely affect animal welfare and public health, can result in the spread of disease, result in financial loss to clients and exporters and may cause inter-Governmental difficulties.

CERTIFYING MATTERS OUTSIDE PERSONAL KNOWLEDGE

Veterinary practitioners have a duty to read thoroughly and consider carefully all the implications of a certificate tendered by a client or third party for signature. A veterinary practitioner should not sign any such certificate if he/she would thereby be attesting matters which he/she cannot properly and truthfully certify. A veterinary practitioner may sign a certificate which relates to matters outside his/her personal knowledge if

8. he/she has received in writing from another veterinary practitioner certification of these matters

or

9. the appropriate competent authority has issued guidelines for the filling out of the said certificate and the evidence which will be accepted to ensure the veracity of any statements made therein.

CERTIFICATES MUST BE PROPERLY EXECUTED

A certificate must be properly executed, bearing the name and address of the veterinary practitioner and proper identification of the animal, animal products, service or matter certified and must include the date of examination (if required) prior to signing.

VETERINARY PRACTITIONER MUST NOT SIGN BLANK CERTIFICATES

A veterinary practitioner must not sign a certificate if unsure of any of its contents. A veterinary practitioner must not sign any certificate which relates to events which will or are due to take place in the future and are outside his direct control. A veterinary practitioner must not sign blank certificates. Every certificate which a veterinary practitioner signs could be used in litigation and/or in disciplinary proceedings against that veterinary practitioner.

DUTY TO ASCERTAIN RELEVANT FACTS RE DISEASE-FREE STATUS

Where a veterinary practitioner is required to certify general disease free status in animals on a countrywide or on an area basis, the relevant facts should be ascertained from the relevant Government services prior to certification.

EXTENT OF EXAMINATION AND ANCILLARY TESTS

The extent of examination or the specific protocol followed should be noted on all certificates issued, e.g. where a clinical examination has / has not been supplemented by laboratory tests or by other ancillary diagnostic procedures, this should be stated on the certificate.

FORMAT AND PRESENTATION OF CERTIFICATE

Certificates must be clearly legible and should, where possible, be furnished on notepaper with a printed heading or preferably on a printed form in a recommended format. Only one original certificate can be issued on any matter. Where copies of a certificate are provided there should be a clear indication on each copy to show that it is a copy or duplicate of an original certificate. Where electronic certification is used, the veterinary practitioner must ensure that adequate security arrangements are in place to protect the integrity of the assurances and those who issue them.

TRANSLATION OF CERTIFICATES

A veterinary practitioner shall not sign a certificate in a language he does not understand. If a certificate in a foreign language is required, an Irish or English version, as appropriate, attested as being an accurate translation of the certificate shall be obtained. The veterinary practitioner shall then complete and sign the original certificate, endorsing thereon that he does so on the basis of the translation which he shall attach to the original. The veterinary practitioner shall retain copies of the original and the translation.

RELIABLE IDENTIFICATION OF ANIMALS OR PRODUCT

All certificates, whether relating to live animals or to post mortem examination reports, should include the name and full address of the owner and / or his agent and the certificate should also include clear and reliable identification of the animal(s) or product to which it relates.

FULL DESCRIPTION/PERMANENT IDENTIFICATION MARK

When issuing a certificate, a veterinary practitioner should give as full a description as is reasonably possible of the animal concerned. This must include some form of permanent identification such as tattoo, freeze brand, tag, microchip or marking form certified by a veterinary practitioner. Where there is no clear permanent identification mark or if an alleged identification mark is not legible at the time of inspection or test or sampling, the veterinary practitioner should refuse to issue a certificate until the animal has been re-marked or otherwise adequately identified.

FEATURES TO BE NOTED FOR SECURE IDENTIFICATION

To secure identification the following features should be noted: species and breed of the animal, declared age, sex, colour, pattern of colour or markings, silhouette, and name of the owner.

CERTIFICATES FOR BREEDERS/PET SHOPS

When signing certificates for breeders or pet shops etc, it is not permissible to leave blank the space for the owner's name so that the breeder or pet shop staff can later enter the purchaser's name. The owner at the time of certification is the breeder or the pet shop, and the certificate should be made out accordingly.

WHERE NOT POSSIBLE TO IDENTIFY INDIVIDUAL ANIMALS

Where it is not possible to identify individual animals in a herd or flock then a qualifying statement to that effect should be incorporated in the certificate.

SECURITY OF CERTIFICATES, STAMPS AND SECURITY CODES

Stamps of certification and identification (e.g. code for electronic certification, stamps used on meat) and headed notepaper should be kept carefully under the direct control of the veterinary practitioner.

THE TWELVE PRINCIPLES OF CERTIFICATION

A veterinary practitioner should be guided by the twelve principles of certification as recommended by the Federated Veterinarians of Europe and adopted by the Veterinary Council.

1. A veterinary practitioner should be asked to certify only those matters which are within his/her own knowledge, can be ascertained by him/her personally or are the subject of a supporting certificate from another veterinary practitioner who has personal knowledge of the matters in question and is authorised to provide such a supporting document. Matters not within the knowledge of a veterinary practitioner, and not the subject of such a supporting certificate, but known to other persons, e.g. the farmer, the breeder or the truck driver, should be the subject of a declaration by those persons only.
2. Neither a veterinary practitioner nor any person described in Principle 1 above should be requested or required to sign anything relating to matters which cannot be verified.
3. Veterinary practitioners should not issue a certificate which might raise questions of a possible conflict of interests, e.g. in relation to their own animals.
4. All certificates should be written in terms which are as simple and easy to understand as possible.
5. Certificates should not use words or phrases which are capable of more than one interpretation.
6. Certificates should be:
 - (a) produced on one sheet of paper or, where more than one page is required, in such a form that any two or more pages are part of an

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- integrated whole and indivisible;
- (b) given a unique number, with records being retained by the issuing authority of persons to whom certificates bearing particular numbers were supplied.
7. Certificates should be written in the language of the veterinary practitioner signing them.
8. Certificates should identify animals individually except in cases where this is impractical, e.g. day old chicks.
9. Certificates should not require a veterinary practitioner to certify that there has been compliance with the law of the Community or third country unless the provisions of the law are set out clearly on the certificate or have been provided to him/her by the issuing authority.
10. Where appropriate, notes or guidance should be provided to the certifying veterinary practitioner by the issuing authority indicating the extent of the enquiries he/she is expected to make, the examinations he/she is required to carry out, or to clarify any details of the certificate which may require further interpretation.
11. Certificates should always be issued and presented in the original. Photocopies are not acceptable.

Provided that:

- (a) a copy of the certificate (clearly marked COPY) should always be provided to the authority by whom the certificates were issued - see Principle 6 above; and
- (b) where, for any good and sufficient reason (such as damage in transit) a duplicate certificate is authorised and supplied by the issuing authority, this must be clearly marked DUPLICATE before issue.
12. When signing a certificate, a Veterinary practitioner should ensure that:
- (a) he/she, stamps and completes any manuscripts portions in a colour of

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- ink which does not readily photocopy, i.e., a colour other than black;
- (b) the certificate contains no deletions or alterations, other than those which are indicated on the face of the certificate to be permissible, and subject to any such changes being initialled and stamped by the certifying veterinary practitioner;
 - (c) the certificate bears not only his/her signature but also, in clear lettering, his/her name, registration number and address and (where appropriate) his/her official or practice stamps;
 - (d) the certificate bears the date on which the certificate was signed and issued and (where appropriate) the time for which the certificate will remain valid.

Where 'set format' certificates are issued by bodies, other than an individual practitioner, which do not satisfy all of the 12 principles listed above, they must be accompanied by appropriate notes or guidance (as in 10 above) indicating that it is acceptable to the issuing authority concerned to certify in the absence of such principle/s.

INSURANCE SCHEMES AND PROFESSIONAL INTEGRITY

Insurance schemes rely on the professional integrity of veterinary practitioners. Departure from the obligations relating to certification are therefore likely to lead to potential negligence and/or to allegations of fraud.

DUTY RE INSURANCE POLICY LIMITATIONS/EXCLUSION CLAUSES

It is in the interests of both veterinary practitioners and of their clients to check whether the policy imposes any limitations on cost or makes exclusions which would apply to the treatment they propose. Veterinary practitioners should bear in mind that claims for unusually expensive treatments are likely to be carefully scrutinised by insurers.

VETERINARY COUNCIL OF IRELAND

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