ETHICAL GUIDELINES RELATING TO PRESCRIPTIONS AND SUPPLY OF MEDICINES

May a veterinarian keep an open shop? No, a veterinarian may not dispense scheduled medicines over the counter to a person whose animal/s is not been under his/her treatment/ management. The implication is that a scheduled medicine may only be prescribed for a specific animal/ s or herd which are under the treatment or management of a veterinarian. The issuing of prescriptions is regarded as a veterinary clinical service [practising a veterinary profession].

34. Dispensing of medicine.—(1) A person who is registered or deemed to be registered in terms of this Act to practise a veterinary profession, may personally compound or dispense any medicine which is prescribed by himself or by any other person with whom he or she is in partnership or with whom he or she is associated as a principal or an assistant or a locum tenens, for use in the treatment of an animal which is under his or her professional care: Provided that he or she shall not be entitled to keep an open shop or pharmacy.

(2) A person referred to in subsection (1) shall not accept or obtain any commission or other reward from a pharmacist or other supplier in connection with medicine which is compounded or dispensed by virtue of a prescription.

Rule 10 of the rules : “Whenever a veterinary professional administers medicine to an animal or subject to the provisions of sub rule (1A) prescribes the administering thereof, he/she shall satisfy himself that the administering thereof is justified with due allowance for the benefits and risks which that medicine may hold for (a) the animal to which it is administered; (b) the person by whom it is administered; and (c) the consumer of the products of that animal if the residues of the medicine concerned should be present in those products”

May a veterinarian render a clinical service without having registered a facility with the SAVC? No. The facility must be registered with the SAVC whether a consulting room, hospital, mobile facility or as a consultation service [production animals].

4.(5) The place at or from which a person practises a veterinary profession shall comply with the applicable minimum standards for a consulting room, or an animal hospital, as the case may be, which are specified in these rules, and be registered with Council.

Rule 28 (7) Lock-up facilities shall be available for schedule drugs in accordance with the relevant rules.

Must a mobile unit or consultancy have a back-up, fully equipped and registered back-up facility [Clinic, Hospital]?

29.(1) The primary purpose of mobile animal services is to deliver a range of primary and secondary health care services and these facilities shall -
(a) be operated by personnel registered with the Council;
(b) maintain professional standards at all times; and
(c) be attached or affiliated to a fully equipped back-up veterinary facility able to provide advanced secondary and tertiary health service as well as emergency care.

Under what circumstances services may be rendered without affiliation with a fully equipped back-up facility? The applicant must have a valid reason. Inputs need to be obtained from other registered facility principals within the area where the services will be rendered

Policy guidelines for exemption of the rules pertaining to facilities are amongst other reasons based thereon that there is no other veterinary service available in the area; the closest veterinarian is situated too far away for clients to travel to the veterinarian with their animals and the community to whom the intended services will be rendered is an indigent community. It is therefore for these reasons that the submission of the confirmation by the veterinarians in a particular
area is required and the facts confirmed, but also to alert all role players of the available services in the area.

May a veterinarian share fees with a non-veterinarian or person not registered with the SAVC? No it is not permissible. That is a veterinarian may not share his /her fees or profit on fees of prescriptions with any non-veterinarian.

6.(1) Subject to rule 6 (2) a veterinary professional shall not -
(a) pay or offer any commission to any person as a consideration for clients that are referred to the veterinary professional, by such person;
(b) accept any commission from any person as a consideration for referrals of any clients by such veterinary professional to such person;
(c) share with any person, fees charged for a service unless -
(i) such sharing is commensurate with the extent of such other person's participation in the rendering of the service concerned; or
(ii) he/she is a veterinary professional associated with the veterinary professional as a partner, shareholder, employee or locum tenens ; and
(d) charge or accept any fee for the examination of an animal from both the buyer and the seller of that animal or both the insurer and the owner of that animal.

4.1(c) he/she will not seek any personal advantage at the expense of any colleague in the profession;
(d) he/she will not permit himself/herself to be exploited in a manner which may be detrimental to an animal, his/her client, the public or the profession; and

May a veterinarian during the course of his /her work [as promoter/ manager/ agent/ employee of a wholesaler / cooperative] issue prescriptions if s/he is not rendering a clinical service and doing so without a registered facility? By implication this may not happen from an unregistered facility as a base, and certainly not a part of sharing of fees or facilities with a non –veterinarian/ organisation/ company.

Covering
8.(1) A veterinary professional shall not -
(a) enter into a partnership in his/her practice with another person;
(b) offer a professional appointment in his/her practice to another person;
(c) employ another person in a professional capacity at his/her practice; or
(d) share his/her waiting and consulting rooms with another person;

unless such other person is also registered or deemed to be registered in terms of the Act to practise a veterinary or a para-veterinary profession, as the case may be.

(2) Subject to rule 8 (3) a veterinary professional shall not
(a) place his/her professional knowledge at the disposal of a member of the public or a lay organisation; or
(b) be involved in co-operation or collaboration with a member of the public or a lay organisation;

if unlawful or irregular practices are or may be encouraged thereby or it may adversely affect a veterinary professional

May the clients of another facility/ veterinarian be approached with a view to render services to them and make them clients of the veterinarian [or his/her agent ] who approaches them whether a clinical service is rendered or not? No, this is regarded as " canvassing and tout ing" for work.

7.(1) Nothing in these rules shall be construed as authorising a veterinary professional to canvass or tout, directly or indirectly, for work commonly performed by a veterinary professional.
(2) For purposes of rule 7(1) a veterinary professional will be deemed to be canvassing or touting for work, but not limited thereto, if he/she -
(a) approaches a person who is not a client with a view to persuade such a person to make use of his/her professional services;
(b) solicits custom or work directly from any person;
(c) with a view to attract clients, grants or undertakes to grant any person, firm, association or other body, a discount on the fee usually charged for a service;
(d) makes unsolicited visits or telephone calls or sends unsolicited letters or printed material to any person, with a view to establishing a professional relationship with such a person; or
(e) enters into an arrangement with any person, whether employee or not, for the introduction of a client to his/her practice; but this will not apply to any arrangement between a veterinary professional and another veterinary professional for the referral of work in the normal course of either's practice.

Intrusion
12. (1) If a veterinary professional has obtained any confidential information regarding the nature and extent of the practice of a colleague in the profession, such veterinary professional shall not use that information to promote his/her own practice.
(2) If a veterinary professional, renders professional services to an employer on a part-time basis, he/she shall not use his/her connection with such employer in any manner whatsoever to promote his/her own practice at the expense of those of his/her colleagues in the profession.

16. (1) Subject to rule 16 (2) the name of a veterinary professional shall not in any manner whatsoever, whether direct or indirect, be used –
(a) as part of the name of any business or organisation;

Is a client a bona fide client when the veterinarian pays him a visit within a period of three years. No, the rules above explain the required bona fide relationship. It is self-explanatory that the crux of the matter lies with the clinical service when it comes to the issuing of prescriptions. By merely seeing a farmer/ client within a three year period does not qualify the farmer as a bona fide client. The sale of medicines does not mean that there is a required veterinarian/ patient / client relationship.

It became clear that veterinarians are transgressing a number of ethical rules relating to the issuing of prescriptions during the course of their employment with companies/ cooperatives or for compensation on behalf of these entities.