PRINCIPLES IN APPROACHING COMPLAINTS

ALL VETERINARIANS ARE MEMBERS OF A PROFESSION!

By definition, its members are governed by codes of ethics and profess a commitment to competence, integrity, and the promotion of the public good within their domain.

These commitments form the basis of the social contract between a profession and society, which then grants the profession autonomy in practice and the privilege of self-regulation.
PRINCIPLES IN APPROACHING COMPLAINTS

That means that we as professionals are accountable to those we serve, to society and to our regulatory body, in exchange for the rights and privileges we have been granted.

The veterinary profession as a whole must take “ownership” of its future and partner with the SAVC in order to protect and guard its right of self-regulation - and to be at all times part of the “solution” in achieving excellence in and quality of veterinary services.
Why Council need to regulate the profession and discipline members

- To guarantee that the ethical standards of the profession are met, the SAVC has always laid down Rules for professional conduct and applied disciplinary measures where needed.

- It must be noted that disciplinary action is a very small part of what Council does.
WHY COUNCIL NEED TO REGULATE THE PROFESSION AND DISCIPLINE MEMBERS

• In the past focus may have been seen to be placed on the guiding Rules
• The SAVC will in future focus more on enhancing standards of professionalism to ensure that minimum standards are maintained

• The questions to answer will be: how did the actions in question impact the profession/the availability of veterinary service/ the delivery of primary animal health care/ the vision and mission of Council/ the oath? As well as: Was harm done to the profession / colleagues/ the public /the patient/ the economy?
HOW DOES COMPLAINTS PROCEDURE WORK?

COMPLAINTS PROCEDURE

1. Complaint received
2. Admin
3. Closed if no affidavit or prima facie evidence received; account not paid; older than 12 months, unless adequately substantiated
4. Complaint to
5. Respondent
6. Investigation
7. Admin
8. Complainant
9. Refer to inquiry
10. Investigation Committee (IC)
   1. Chairperson: Councillor (mixed practice)
   2. Member: large animal practitioner
   3. Member: small animal practitioner
   4. Member: state veterinarian
   5. Refer as a last resort for consideration of a possible suspension in exceptional circumstances

Dismiss complaint
File closed
Complainant may request to have the IC decision not to refer to an inquiry reviewed by:

Inquiry body
1. Chairperson: Councillor
2. Member: co-opted
3. Member: co-opted
4. Member: co-opted

Suspension Committee
1. Chairperson: Councillor
2. Member: registered veterinarian
3. Member: registered veterinarian
4. Member: registered veterinarian

1. Review to Full Council (current process)
2. Appeal to Appeals Committee (new regulations)
1. Chairperson: 10 cumulative years in legal practice
2. One or two registered persons drawn from the profession similar to that of the Respondent

Review to High Court
Respondent

NOTE: A person who served on any one of these committees may not serve on a subsequent committee in the process
HOW DOES COUNCIL ENSURE THAT THE RULES ARE FOLLOWED WHEN CONDUCTING AN INQUIRY?

- The functions of the Investigation Committee, the Inquiry Body and the Review to Council (matters originating prior to 9 November 2015) and the Appeal Committee (matters originating from 9 November 2015) are totally separated from one another and that the same persons may not sit in any of the subsequent inquiries or hearings.
BEFORE LOOKING AT SOME OF THE PENALTIES - PLEASE NOTE

- Each case was looked at individually – and circumstances taken into account
- The difference between **suspension of registration** – when you may not practise your profession for a period of time
- And **suspension of penalty** for a period of time; so where you see that a penalty is suspended, such penalty will only become effective IF a similar offence is committed within that period. Suspension penalties can also be suspended – and often are
WHAT WERE SOME OF THE COLLEAGUES FOUND GUILTY OF AND WHAT WERE THEIR SENTENCES?

- **Prescribing M99 (Captivon) whilst not being the end user**
  
  Fined R20 000, registration suspended for five years, wholly suspended for five years

- **Allowed a registered student, to issue veterinary certificates and failed to submit records**
  
  Fine of R2 000, suspended for three years

- **Signed an insurance certificate, prematurely signed off on certificate**
  
  A reprimand on each of the counts

- **Supplied unregistered medicines**
  
  Registration suspended for six months, suspended for two years
WHAT WERE SOME OF THE COLLEAGUES FOUND GUILTY OF AND WHAT WERE THEIR SENTENCES?

- Rendered veterinary services from an unregistered facility
  Registration is suspended for two years, varied on review to a suspension of six months

- Rendered veterinary services from an unregistered facility
  Fined R15 000

- Rendered veterinary services from an unregistered facility, failed to keep records, failed to ensure that anaesthesia was effected by a registered and trained person
  Registration suspended for six (6) months, wholly suspended for a period of three (3) years
WHAT WERE SOME OF THE COLLEAGUES FOUND GUILTY OF AND WHAT WERE THEIR SENTENCES?

- Allowed foreign veterinarian to practise whilst being neither registered nor authorised
  
  Fine of R20 000 of which R10 000 is suspended for a period of two (2) years

- Prescribed the administering of scheduled medicines
  
  Registration was suspended for one (1) year, wholly suspended for five (5) years, a fine of R100 000, of which R50 000 suspended for five (5) years

  **On review:** Suspension of registration for a period of one year, wholly suspended, vary the sentence to a fine of R 75 000, of which R 50 000 suspended for five years
WHAT WERE SOME OF THE COLLEAGUES FOUND GUILTY OF AND WHAT WERE THEIR SENTENCES?

- Failed to ensure that anaesthesia was effected by a registered trained person, allowed the patient to be discharged whilst not adequately recovered from anaesthesia
  Registration suspended for six (6) months, wholly suspended for two (2) years

- Failure to keep a register or prescription book of schedule 5 & 6 medicines
  A fine of R5 000, registration suspended for three (3) months, wholly suspended for three (3) year, had to maintain a register and write a report on the requirements for keeping a register of the said medicines
WHAT WERE SOME OF THE COLLEAGUES FOUND GUILTY OF AND WHAT WERE THEIR SENTENCES?

• Rendering veterinary services from an unregistered facility, failing to submit records
  Registration suspended for six (6) months, wholly suspended for two (2) years, a fine of R2 500

• Prescribing Schedule 4 medicines, to a client without a veterinarian-client-patient relationship, keeping an open shop, failing to submit records
  Registration suspended for (12) months; wholly suspended for (5) years, fine of R25,000

• Compounding autogenous vaccines without a client-patient-relationship, i.e. under his professional care
  A fine of R 25 000, registration suspended for 2 years, wholly suspended for 4 years
WHAT WERE SOME OF THE COLLEAGUES FOUND GUILTY OF AND WHAT WERE THEIR SENTENCES?

• Allowing an animal health technician (AHT), to issue an invoice and/or recover remuneration for services not rendered by her
  A fine of R 5,000, which is wholly suspended for 2 years

• Failed to obtain the client’s unambiguous permission/consent prior to performing a laparotomy on the patient
  A reprimand and a fine of R10,000, wholly suspended for 2 years
TO WHOM CAN COUNCIL REFER COMPLAINTS NOT PERTAINING TO REGISTERED PERSONS

- **SAPS:** The affidavit of the complainant would be forwarded together with Section 23 Affidavit to the members of the SAPS for them to investigate for referral to the National Prosecuting Authority

- **MRA and other Council:** any allegations of scheduled medicines would be forwarded to them for investigation
TO WHOM CAN COUNCIL REFER COMPLAINTS NOT PERTAINING TO REGISTERED PERSONS

Results from referrals for this Council’s term from 31 July 2013 to date:

2012-2015: contraventions of Section 23 (1) (a)

- Mr JH Van Heerden was cautioned and discharged by the SA Pharmacy Council. He had to pay a fine of R 4000 and costs of approximately R 3000. It was the result of a plea bargain with the SAPC which would hopefully result in string action against a pharmacist who has long been a thorn in the profession’s flesh.

- Mr MM Vosloo was sentenced on 21 August 2015 to R2000 or 8 months’ imprisonment and a further 5 years suspended for 5 years for impersonating a veterinarian
WHAT DIFFERENCE WILL THE INSPECTORATE MAKE (CAME INTO EFFECT ON 9 NOVEMBER 2015)

An inspectorate will help in the following manner:

• We appoint an inspector;

• The inspector obtains an appointment certificate;

• Has the powers to apply for a warrant at the magistrate’s court, so there are no trespassing allegations;

• **If it appears from information on oath or affirmation that there are reasonable grounds to believe that there is evidence available in or upon such premises or facility of a contravention or alleged contravention of this Act or the rules, the inspector may investigate by inspecting the “scene of crime” where the contravention is alleged to be taking place, subject to a warrant being issued by a magistrate or a judge of a court of law with competent jurisdiction**
WHAT DIFFERENCE WILL THE INSPECTORATE MAKE (CAME INTO EFFECT ON 9 NOVEMBER 2015)

• Write a report, if there is evidence at face value of the contravention, we proceed against the registered member or layperson and that report becomes the complaint itself

• With all of the above we are now placed in a position of approaching the relevant bodies (SAPS, MRA, SAPC etc.) with the evidence and having done all that we could to obtain evidence
WHAT WILL THE PROCESS BE TO REFER A MATTER TO THE INSPECTORATE

• The inspectorate is at its trial run phase right now and **only 8 cases can be referred this financial year which have already been identified.** These cases were identified as little evidence which would stand up in court could be obtained as yet.

• Submit affidavits of facts that you experienced first-hand (not hearsay) and assist Council by **not remaining anonymous**, as this cannot be used in criminal courts. If a complainant wishes to stay anonymous, the complainant should accept that evidence can possibly not be obtained via a warrant to enter and search the premises.
THANK YOU

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