

BRITISH COLUMBIA VETERINARY MEDICAL ASSOCIATION

BYLAWS - APPENDIX A

CODE OF ETHICS

**NOTE:** This Code of Ethics has been revised and consolidated up to, and including the October 3, 2009 Annual General Meeting of the BCVMA.

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## **BRITISH COLUMBIA VETERINARY MEDICAL ASSOCIATION**

# **CODE OF ETHICS**

### **Purpose**

1. The purpose of this Code of Ethics is to give a general statement of the principles of ethical conduct required and expected of the members in order to fulfill their duties to the public, their clients and patients, the profession and their colleagues.
2. The purpose of this Code of Ethics is further to maintain the honour, dignity and competence of the profession and to thereby protect and serve the public interest in the highest medical and ethical standards of the profession in B.C.

### **Interpretation**

3. This Code of Ethics may be referred to herein as "this Code" or "the Code".
4. The headings in this Code are provided for guidance and ease of reference only and do not limit the breadth of the plain meaning of the terms of any provision.

### **Broad Principles**

5. It is the duty of every member to conduct themselves in accordance with the spirit of this Code.
6. This Code is a general guide and does not limit the duty of members regarding appropriate conduct.
7. A veterinarian should keep in mind that the practice of veterinary medicine is an honourable and learned profession and not purely a business concern.
8. A veterinarian's conduct should at all times be characterized by courteousness, respectfulness and professionalism generally, towards

clients, the public, colleagues in the veterinary profession, and members of other professions.

9. A veterinarian must not in extra-professional activities or professional practice engage in dishonourable or questionable conduct that casts doubt on the veterinarian's professional integrity or competence, or reflects adversely on the integrity of the veterinary profession.
10. Every member must bear in mind that the ability of the profession to regulate and discipline itself is a privilege granted by the legislature rather than a right, and accordingly must at all times conduct themselves in a manner that demonstrates understanding of, respect for and a readiness to be bound by, all requirements and expectations set out in the Act as well as all other statutes, federal and provincial, and all subordinate legislation governing the profession.
11. Every member should use their knowledge and skill to improve the health, safety and well-being of their patients, clients and the public.

#### **Duty to Public**

12. All veterinarians as members of a learned medical profession, owe a duty of service to the public and in fulfilling this duty must maintain the highest standards of integrity and ethical conduct.
13. Members should make efforts to contribute to the education of the public in matters relating to and promoting the health and safety of animals and thereby the public; but members must do so in accordance with generally recognized standards of integrity and professionalism.

#### **Duty to the Association**

- 14.1 Every member must respond promptly and appropriately to any communication from the BCVMA where a response is requested.
- 14.2 The BCVMA newsletter is an official publication of the BCVMA and serves as an official means of communication to its members. All members are expected to be familiar with and adhere to the information relating to the required standards, procedures and rules regarding the practice of veterinary medicine in the Province of British Columbia.

15. Every veterinarian has a professional responsibility to use their best efforts to meet financial obligations incurred to the Association.
16. A member charged with an offence under the Criminal Code of Canada or against whom any legal action is filed in a civil court or before an administrative tribunal, that could reasonably be expected to have relevance to the suitability of the member to practice veterinary medicine, must immediately advise the Registrar.
17. It is unprofessional for a member to commit an act or omission punishable by law in Canada or elsewhere that reasonably affects the confidence of the public or his fellow members in the member or the veterinary profession.
18. A member should report to the Registrar without fear or favour of the Association, a concern about unprofessional conduct or misconduct by any other veterinarian.
19. Members must advise the Registrar without delay if they have reasonable grounds to believe that a current or former member:
  - (a) has contravened the Act;
  - (b) has failed to comply with a limitation, term or condition imposed under the Act;
  - (c) has been convicted in any jurisdiction of an offence that is relevant to the practice of veterinary medicine;
  - (d) has engaged in unprofessional conduct or any conduct unbecoming a member;
  - (e) has incompetently practiced veterinary medicine; or
  - (f) is suffering from a physical ailment, emotional disturbance or an addiction to any substance that impairs his ability to practice veterinary medicine.

### **Duty to the Profession**

20. Every member has the duty to uphold and advance the honour and dignity of the profession and its high standards of ethical conduct.
21. Every member should strive to maintain their own level of competence and to increase the competence of the profession overall.
22. Members should encourage the advancement of the profession through local, provincial and national organizations.

23. Every member must accept full responsibility for their professional decisions and actions and make veterinary services available to the public in a manner that will command respect and confidence.
24. Every member must establish, conduct and maintain their practice and practice facilities in accordance with all requirements of the BCVMA.
25. Without limiting the provision immediately above, every member shall ensure that they at all times conduct their practice from premises that are clearly neat, clean and in good repair.

#### **Duty to Colleagues**

26. Every member should respect the dignity and professional status of their fellow members.
27. Every member's interactions with other members should at all times be characterized by the hallmarks of professionalism, including respect, courtesy, candor and good faith.
28. A veterinarian must never make attempts to procure the business of any identifiable person who the veterinarian knows is a client of another member, except through or with the consent of the other member.
29. A member must not compare their professional competence to that of any other member.
30. No member shall belittle, injure or make careless critical comment on the professional standing or actions of another member.

#### **Duty to Patients and Clients**

31. Every member in every case shall strive to use and exceed the level of care, skill and knowledge expected of a competent practitioner.
32. When a member agrees, expressly or by implication including by actions, to render care to an animal, a Veterinary Client Patient Relationship is thereby established.
33. A Veterinary Client Patient Relationship gives rise to all of the duties pertaining thereto, including but not limited to those expressly set out in this Code.

34. Every member must in every case make reasonable effort to be readily available, or make appropriate arrangements, for the provision of follow-up evaluation, treatment or any care appropriate in the case of an adverse reaction or ineffectiveness of the prescribed treatment regime.
35. Every member must be forthright, objective and impartial in serving their clients.
36. Every member's duties to the client include at all times the duty to obtain informed consent as to the services to be provided to a patient, by providing the client with the information including advice, reasonably required to enable the client to make informed choices concerning the health care of their animals.

#### **Fees**

37. A veterinarian is entitled to reasonable compensation for the services rendered; however, a veterinarian should avoid controversies with clients regarding fees so far as is compatible with self-respect and the right to receive reasonable recompense for services.
38. A member must prior to obtaining consent to perform services, inform the client in clear terms of the nature of and reasons for the services recommended and provide as appropriate, an estimate of the fee for the same.
39. A client's ability to pay should not reflect on the fees charged for the services rendered.
40. A member must, in rendering charges for services rendered, including prescriptions or other dispensed items:
  - (a) generally determine the fees fairly;
  - (b) refrain from imposing fees that are excessive in relation to the nature and quality of the services provided;
  - (c) inform the client in clear terms of the nature of and reasons for the services provided and their relation to the fee charged;
  - (d) record and report promptly to the client the receipt of any monies from the client; and
  - (e) upon the client's request, provide an itemized statement setting out each separate fee item and its accompanying cost.

## **Referrals & Taking Over Care**

41. Members must ensure that they provide only those services with respect to which they are confident that they are qualified and competent to provide.
42. Members must be ready and willing to check their examination, findings, diagnoses, treatment plans and prognosis with fellow practitioners including specialists where appropriate.
43. A veterinarian must offer to refer patients to another practitioner where it is in the patient's best interest to do so.
44. If a patient has been referred for consultation, a second opinion or treatment, the member to whom the patient is referred must render only the services that are reasonably necessary for the purposes of the referral or clearly in the better interests of the animal where the referral work has led to the discovery of a problem that is of such an urgent, critical or compelling nature that appropriate medical action should be taken immediately.
45. The client must be referred back to the referring member when the consultation, second opinion or treatment services are completed.
46. A member who is asked to participate in or assume the care of a patient that has been in the care of another member, should use his best efforts to obtain the identity of, to have relevant discussions about the animal with, and obtain all relevant records from, the previous practitioner.
47. (1) The newly involved practitioner shall as far as possible avoid comments on the previous care rendered unless and until he has discussed the same with the previous practitioner.  
(2) Regardless, the newly involved practitioner shall at all times as far as possible avoid comments that are unnecessary and critical of the former practitioner.
48. The newly involved practitioner may, if in their medical judgment it is in the patient's or client's best interests to do so, raise additional concerns and must in such a case use their best efforts to advise the previously involved member as early as possible.
49. The previous practitioner shall in a forthright and thorough manner provide information upon request to the newly involved practitioner.

### **Practices Generally**

50. Every facility and practice shall post the degrees of every veterinarian who carries on the practice of veterinary medicine there.
51. A member shall not conduct the practice of veterinary medicine at or from a facility in respect of which there is no Designated Member.
52. It is unprofessional for a member to breach or fail to comply with any condition, restriction, or direction imposed upon the member by Council.

### **Security of Controlled Drugs**

53. Members must ensure the security of narcotics, barbiturates and other controlled drugs used in their practices. Record keeping (inventory and use logs) must be current. Controlled drugs must be kept in a secure environment that is not accessible to practice staff with the exception of those identified by the veterinarian acting as the Designated Member.

### **Outside Consultants**

54. A member who uses the services of a consultant from outside the jurisdiction for the purposes of the member's veterinary practice shall be responsible for the activities of that consultant, including ensuring that the consultant's actions do not contravene the Act, or any subordinate legislation of the BCVMA.
55. Without limiting the provision immediately above, the member shall pay for the consultant's services directly and shall not directly bill the member's client for the same.
56. A member who intends to retain a consultant shall advise the Registrar in advance of the consultant's name, qualifications, jurisdiction of practice and the nature and scope of services that the consultant will provide for the member.

### **Unauthorized Practice**

57. It shall be the duty of every member to report to the Registrar any activity of which they become aware that they believe constitutes the

unauthorized practice of veterinary medicine; that is, activities or the provision of services that fall within the definition of the practice of veterinary medicine by persons who are not duly registered and licensed under the Act.

58. Without limiting the foregoing provision, members shall advise the Registrar of any such activity by individuals in other professions.
59. Without limiting the foregoing provision, members shall advise the Registrar of any such activity by a member who does not hold an appropriate category of membership in the Association.
60. Every member shall ensure that no individual provides services in contravention of the Act from or in connection with the member's practice.
61. No member shall knowingly aid, abet or acquiesce in the unauthorized practice of veterinary medicine by any individual.

#### **Veterinarians as Employees**

62. Any member employed by a lay person, including a corporate person, must regardless of the direction of that employer, conduct themselves in accordance with the Act, the Bylaws including the Code of Ethics and all other applicable rules and guidelines of the Association.
63. It is unprofessional for a member to conduct the practice of veterinary medicine as an employee, agent or partner of a person, including a company or a society, who is not a member and who is in breach of the Act or who would be in breach of the Act, the Bylaws or the Code of Ethics of the Association, if the person were a member.

#### **Employees of Veterinarians**

- 64.(1) A member may delegate procedures or treatments to an employee or other person.
  - (2) No member shall direct or permit an employee or any other person to undertake any procedure or treatment for which they are not demonstrably competent.
65. The term "Animal Health Technologist" is a defined term under section 1 of the Bylaws.

66. (1) There are three levels of supervision of employees or other persons who are performing delegated tasks, which are:
1. Indirect Supervision;
  2. Direct Supervision; and
  3. Direct Personal Supervision.
- (2) The terms "Indirect Supervision", "Direct Supervision" and "Direct Personal Supervision" are defined terms under section 1 of the Bylaws.
67. Without limiting the foregoing, no member should direct or permit an employee, or any other person, unless that person is qualified to be registered with the Animal Health Technologist Association, to undertake any procedure or treatment that requires "Direct Supervision" or "Direct Personal Supervision" under the Bylaws.
68. Members may permit employees or other persons to perform only the following procedures or treatments or other tasks that are comparably similar in nature to any of those listed such that their delegation to a competent person would meet the standard of practice of the profession:
- i) under "Indirect Supervision": radiographic procedures, collect specimens for laboratory analysis, perform diagnostic laboratory procedures, administer medications by whatever route except narcotics, vaccines or other controlled drugs;
  - ii) under "Direct Supervision": monitor anaesthetized patients, administer vaccinations, clean and prepare surgical sites including wounds, ear flush, apply bandages and splints, perform dental procedures other than dental surgery;
  - iii) under "Direct Personal Supervision": induce and maintain anaesthesia, suture skin, administer narcotics and controlled drugs where otherwise allowed, collect and transfer embryos.
69. Members of the Association shall be responsible for the actions of every person to whom they delegate a task and shall have sole responsibility of assessing a person's competence to perform such procedures and treatments as may be assigned to them in accordance with the above.
70. The provisions above apply equally to persons who are hired on a short-term basis, including on contract, to perform tasks that can be delegated under this Code.

### **Sales of Drugs**

71. No member shall sell, supply, prescribe, or in any way assist in the supplying of a pharmaceutical or biological product to a warehouse, pharmacy or lay outlet, or any other person who intends to resell the product, unless the member is an employee of a manufacturer or distributor of the said product.

### **Conflicts of Interest**

72. A veterinarian shall not act, without the clear, express and informed consent of each client, where there is a conflict of interest between the veterinarian and a client or between clients.
73. No member shall at any time allow their objective medical judgment and advice to a client, a colleague or the public to be compromised by any circumstances that could give rise to a conflict of interest.
74. The veterinarian shall disclose all the circumstances of their involvement to each client that might influence whether the client would retain the veterinarian.

### **Prepurchase Exams**

75. Any member who is invited by a buyer to conduct a pre-purchase examination on a current or former patient must disclose the relationship to the buyer and advise the seller of this obligation.
76. Any member who conducts a pre-purchase examination shall use their best efforts to obtain all relevant information about the animal prior to reaching a conclusion about the animal's health.
77. Any member who is invited by a buyer to conduct a pre-purchase examination must not accept a fee from the seller unless the existence and amount of the fee is disclosed to the buyer.
78. Any member who conducts a pre-purchase examination at the invitation of a buyer must not disclose their findings to the seller unless the buyer and seller expressly agree otherwise, and must advise the seller of this obligation.
79. A member shall not offer to provide any treatment during a pre-purchase examination, nor undertake any invasive tests, which might

put the animal at undue risk. Any tests beyond clinical examination shall only be taken with the knowledge and consent of the seller.

### **False Declarations**

80. A member must not, or induce or permit a client to, make any statement or declaration or sign any document, which they know or ought to know to be untrue, misleading or otherwise improper.

### **Medical Records**

81. Every member shall in a timely manner create, maintain and keep current, a medical record containing appropriate detail of the history, examination, diagnoses, recommendations and treatment including medications prescribed and administered, referrals and any other pertinent information pertaining to every client.
82. The author of an entry in the medical record must in every case write or record their initials next to or close to the entry in a manner that clearly identifies the entry to which the initials relate.
83. Members must retain every medical record for a period of 6 years after the last service provided to the relevant patient, unless the record is transferred to another member.
- 83.1 In the event of a pending or transpired closure of a practice or practice facility, the designated member shall comply with any rules enacted by the Council from time to time dealing with the handling of closed office records.
84. Members must take reasonable measures, including implementing procedures, to safeguard the security, integrity and the confidentiality of the information in client's files.
85. Members must keep in mind at all times that the owner of the animal to whom a record pertains is the owner of the information in that record.

### **Disclosure of Information**

86. Subject to section 91 herein, the owner of the information in a record has the sole authority to authorize the release of information in the resulting medical record to any party.

87. An authorization by the client can be verbal, written and can be conveyed by an agent of the owner including another member.
88. Upon receiving an authorization for the release of medical information, a member must forthwith:
  - (a) provide the information, or
  - (b) provide a copy, transcript or a summary that is certified to be complete and accurate of the relevant information, to the recipient requested.
89. Members must except where there is a reasonable expectation of harm resulting to a patient, client or some person, permit clients full access to their animal's medical records. In this section "full access" means the opportunity to examine and obtain full copies of the original record.
90. A member must respond forthwith to any client's request for access to medical records, by either providing the records, or providing written reasons for the refusal to provide the records.
91. Notwithstanding any of the above, the records, a copy thereof or the information therein must be released forthwith to:
  - (a) any party that has an urgent and compelling need for the information in order to ensure the well-being of any animal(s);
  - (b) any party that has an urgent and compelling need for the information in order to ensure the health or safety of the public or any person(s);
  - (c) the BCVMA for the purpose of an inspection, investigation or inquiry;
  - (d) any government agency or its designate as required by law; or
  - (e) any party on the basis of a court order or subpoena.
92. Members may charge clients for the reasonable costs incurred in creating copies of medical records.

### Testimonials

93. No member shall, for anyone's marketing purposes, give an oral or written testimonial or endorsement concerning the effectiveness or any other attribute of any commercial product, including but not limited to veterinary foods and medications.

94. The provision immediately above does not apply to a member's objective comments on or reporting of the results of experiments or clinical studies that are delivered for the purpose of the advancement and sharing of knowledge in the veterinary sciences and through a journal or meeting established for that purpose.
95. No member shall permit their name to be displayed or used in connection with any practice or premises in a manner that could reasonably be expected to suggest that the member recommends or endorses the custom of the public at the same practice or premises.
96. The provision immediately above does not apply to a member's own practice premises.

#### **Guarantees**

97. No member shall guarantee a cure or the effectiveness of any treatment recommended to the public generally or to any client or person.

#### **Public Appearances**

98. When making or engaging in any public communications of any kind connected in any way with the practice or science of veterinary medicine, every member shall state clearly whether the member is communicating on behalf of the BCVMA.
99. No member shall make or engage in a public communication on behalf of the BCVMA, unless and until the member first obtains the approval of the Council, the Registrar or the Director of Member Services with respect to the content and other aspects of the communication.

#### **Marketing**

100. No member shall compete or market for clients or patients with any method or content that is contrary to or could undermine the honour and dignity of the profession. Every member must keep in mind that a veterinarian's best advertisement is the establishment of a well-merited reputation for competence and trustworthiness.
101. No member shall expressly or by inference claim to have superior knowledge or ability in veterinary medicine.

102. No member shall refer to themselves as or infer that they are a specialist unless they possess a certification of diplomate status in the relevant area of veterinary medicine.
103. No member shall advertise any professional services related to the practice of veterinary medicine whatsoever that is reasonably capable of being misleading to the public or is unverifiable.
104. (1) Any marketing undertaken or authorized by a member must
  - (a) be true and objective;
  - (b) be accurate and verifiable;
  - (c) not be reasonably capable of misleading the public or any person(s);
  - (d) not be in bad taste, offensive, or self-laudatory; or
  - (e) otherwise contrary to the honour and dignity of the profession.
- (2) For greater certainty and without limiting the above, no member shall use any comparative statements in any aspect of their practice including fees, services, facilities or qualifications.
105. The member shall at all times have the onus of demonstrating that the above requirements and any other applicable requirements of this Code have been complied with in any marketing undertaken or authorized by the member.
106. (1) The member or Designated Member of the facility who undertakes or authorizes any marketing must retain records and data sufficient to demonstrate that the marketing meets the above requirements and any other applicable requirements of this Code.
- (2) Such records and data must be retained and made available to the Association on request for a minimum of two years after the final publication of the marketing.
107. Without limiting the foregoing, a member who includes a fee-related offer in any marketing must ensure that the marketing sufficiently and clearly describes the fees and the services involved as to enable the recipient or intended recipient of the marketing to understand:
  - (a) the nature and extent of the services to be provided and the cost to the client for the services,
  - (b) whether there are any fees or other charges for other services or goods that would commonly be provided in connection with the

- services that are not included in that cost, and if so, the additional costs of those other services or goods; and
- (c) the time period during which the services will be available under the offer.

### **Fee Splitting**

108. A member shall not enter into an agreement with any person or corporation which involves the person or corporation directing clients to the member in return for receiving from the member a portion of the fee paid by the client to the member, or any financial or other reward, direct or indirect.

### **Naming of Practices**

109. A practice name may describe the type of facility, practice or services offered.
110. No member shall employ a facility or practice name that is contrary to section 104 of the Code.
111. Without limiting the provision immediately above, a name of a facility or a practice in veterinary medicine shall not be so similar to the name of any existing facility or practice in veterinary medicine so as to reasonably cause confusion to the public.
112. A practice name shall not suggest or imply that any member of the practice holds a specialty unless Council, pursuant to the Bylaws, has duly certified the member.
113. A name of a facility or a practice in veterinary medicine shall not explicitly or implicitly claim superiority over any other member, facility, or practice of veterinary medicine.
114. No member or members shall take or use a name for a facility or a practice of veterinary medicine prior to the Council providing its written approval of the name.

### **Soliciting Former Clients**

115. (a) For the purposes of this section, a person who uses the professional services of a member who is in the employ of another member is deemed to be the client only of the employer.

- (b) A member who has left employment in a practice shall not by any express statement made directly to any person, or through marketing, solicit the clients of the former practice or employer.

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