



## Stop Press Veterinarians Bill

Just as this Newsbrief goes to publication the Veterinarians Bill has been passed in the House. The Council has already begun planning for the new rules such as those on limited registration (see inside) and on minimum standards.

The Council will now be able to offer an incentive discount for early payment of annual practising certificate

fees (i.e. for payment by end February). The saving will be around \$25.00.

The APC invoices will be sent out in mid to late January. To receive the early payment discount, payment must be made **NO LATER** than the end of the business day on 28 February 2006. After that time the full practising fee payment of \$275.62 will be required.

## Changes to Code of Conduct

In the April edition of Newsbrief the Council invited submissions regarding the Code of Professional Conduct. Submissions were received and considered by the Professional Standards Committee and by the Council and the reasons for proposed changes were detailed in the September Newsbrief. The Council at its November meeting made the changes to the following sections of the Code of Professional Conduct:

### 6.1 Communication

This section will be amended by the inclusion after the first paragraph of the following:

*Veterinarians should understand the importance of informed consent. Except in the case of an emergency, a veterinarian should not undertake any veterinary procedure on an animal without ensuring that the owner or person in charge of the animal is made aware of the likely extent and outcome of the procedure and of its probable cost and any ongoing costs. An example of an emergency is a circumstance in which there is an immediate threat to the life of the animal concerned.*

### 3.2 Record Keeping

This section will be amended by the inclusion after the first paragraph of the following:

*Veterinarians must maintain adequate records of all treatments carried out. Records of every case should be of such detail that any veterinary surgeon could take over the management of the case at any time.*

### 8.3.1 Judicial alternative (aka Diversion)

This section will be amended by the deletion, in (1) of the words "a recommendation to the Veterinary council that"; by the replacement in (2) of "breach of the Code of Professional Conduct for Veterinarians" with "that their conduct constitutes professional misconduct"; the replacement in (3) of the word "offence" by the phrase "conduct complained of"; and the entire deletion of (4).

### 5.9 Advertising or endorsement of products

Paragraph 4 of this section will be amended by the addition of the following phrase at the end of the last sentence: "unless the product has a specific prohibition as a condition of its registration".

These changes to the Code of Professional Conduct take effect from 24th November 2005.

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## High Court dismisses appeal

At the end of September Justice Alan MacKenzie dismissed an application from a veterinarian for judicial review of actions of the Complaints Assessment Committee.

A veterinarian who is the subject of two separate charges of professional misconduct applied for a judicial review, arguing that when the CAC had interviewed him it had erred in law by cross-examining him, had failed to recognise the application of the New Zealand Bill of Rights Act 1990, had failed to advise him of his rights under the detainment section of that Act (to consult a solicitor, to remain silent and that any statements made by him might be used as evidence against him) and that it had breached principles of natural justice.

Justice MacKenzie found that the manner in which the Committee conducted its meeting was entirely appropriate, that the veterinarian had been given full explanation about legal advice and that the decision to proceed without a lawyer was his.

He also found that warnings about rights to answer questions or that evidence may be used against a person apply in the investigation of criminal offences, but not in matters like disciplinary complaints.

Justice MacKenzie found that the New Zealand Bill of Rights does apply to actions of the Council and the

Committee because it carries out a public function. However he found that there was no breach by the Committee of rights of the veterinarian under this Act. The veterinarian had claimed that he was detained by the Committee when it met with him in his office at his clinic. However, Justice MacKenzie found that the Committee had neither the legal power nor the physical means to detain the veterinarian, and that it was not reasonable for the veterinarian to form the view that he was deprived of his liberty when he could come and go as he pleased.

The veterinarian's counsel had also argued that the Committee attempted to predict the outcome and had predetermined the complaint. Justice MacKenzie found that this ground of review failed, as it was the Committee's function to investigate the complaint. He was satisfied that no member of the Committee formed any predetermined view.

The Complaints Assessment Committee is pleased with the whole decision. The Committee constantly assesses its procedures and the application of these in individual complaints to ensure that the natural justice of parties is protected. The finding now clears the way for the disciplinary hearings arising from the two complaints (received in the early to mid 2004) to proceed.

## Judicial report

2005 has been a busier year than most in terms of judicial action and defence of Council actions.

1. In March 2005 the Council held a judicial hearing following charges of professional misconduct being laid against a veterinarian in relation to prescribing without a consultation. The veterinarian pleaded guilty. The penalties included a series of audits, the first of which has been successfully completed.
2. In June 2005 the Council held a judicial hearing following a charge of professional misconduct being laid against a veterinarian into the manner in which he treated a cat. The veterinarian pleaded guilty to the charges. The penalty included retraining and restriction of hours of work.
3. In August 2005 the Council held a hearing relating to a veterinarian who had been convicted of an offence for which the maximum penalty is not less than three months' imprisonment. The Council decided that the convictions did not affect the person's fitness to practise as a veterinarian and took no further action.
4. In November the Judicial Committee agreed to the withdrawal of charges against a veterinarian following the successful completion of a diversion programme. Charges had been laid regarding the behaviour of the veterinarian, the charges arising from a complaint in 2003. Diversion terms included the veterinarian completing training in behavioural management, and an audit of the veterinarian's response to similar cases.
5. In a separate diversion case a veterinarian challenged the diversion process in the District and High Court. At the High Court the veterinarian agreed to return to the diversion process, however this has yet to be successfully completed by the veterinarian.
6. The Council will be holding a hearing in December relating to convictions against two veterinarians, to consider whether the convictions affect the fitness to practise of those veterinarians.
7. In September 2005 the Complaints Assessment Committee defended its actions in a High Court judicial review (reported on opposite page). The appeal for review was dismissed and the two disciplinary hearings in relation to this case will now take place in March 2006.

## Complaints Report

At the end of November forty nine complaints had been received. This is similar to the 2004 numbers (49 for whole year). Thirty of this year's complaints have been completed, and nineteen are proceeding. Of those completed nine did not reach the criteria for investigation (i.e. were more appropriately dealt with under other legislation than the Veterinarians Act) and four were withdrawn during the complaint process.

One complaint from 2003 and two from 2004 have yet to be completed due primarily to ongoing court action.

Mediation has been undertaken (by an external mediator) in 2 cases and this has proved very successful.

As is usually the case most of the complaints have been made by owners of companion animals (30). Four complaints have been made in relation to large animals

and the remainder arose from concerns about prescription animal remedies, the behaviour of the veterinarian, certification and employment matters.

Nick Twyford, Chairperson of the Complaints Assessment Committee reported to the November meeting of the Council that there had been several committees operating during the year due to one or more regular members standing down as a result of conflict of interest. This had a beneficial effect in that it allowed other individuals to see how the complaint investigative process worked.

Dr Twyford also reported that, apart from one complaint that had resulted in a judicial hearing being held this year, the complaints had generally been neither as complex nor as serious as those received during 2004.

## Case study: Gastric Dilatation-volvulus (GDV)

The death of a dog following gastric dilatation-volvulus led the complainants to eventually make a complaint to the Veterinary Council.

On the first visit the veterinarian diagnosed gastric irritation from the dog eating apples (it later coughed up an apple). At the initial diagnosis there was no evidence of gross signs of gastric dilatation or torsion, such as abdominal distension or tympany. Gastric torsion was indicated as a potential differential diagnosis. The owners were convinced that it was bloat as they had seen the symptoms before.

On the second visit to the clinic the veterinarian operated, but the dog had significant damage to its stomach and subsequently died.

The complainants questioned the quality of the initial diagnosis and why x-rays had not been undertaken. They argued that the significant damage to the stomach indicated that the problems had started much earlier. They also thought that surgery at an earlier point may have saved the dog's life. They asked about the capacity of the clinic to handle operations in the middle of the night.

The Committee sought advice on GDV from a specialist veterinarian. In summary the report indicated that GDV is a very complex and poorly understood condition that carries a significant mortality risk for affected dogs, even when treated at specialist centres. There is not much known about how gastric wall necrosis occurs in dogs with naturally-occurring GDV; or about whether gastric torsion precedes or follows gastric distension in

the clinical setting. Little is known about the mechanisms of gastric wall necrosis and it can be hard to judge just how much of the stomach wall is necrotic at surgery.

Studies have looked at the time interval between the owner observing the first signs of GDV and the initial treatment, and the time delay until surgery. There has been no statistical difference in the mortality rate. Although common sense would argue that delays in treatment might lower a dog's chances of recovery, this was not proven to be the case in the studies.

The Committee found that there was no suggestion of negligence or incompetence on the part of the veterinarian. With the benefit of hindsight one could hypothesise about what may have been the best course of treatment. In the absence of abdominal distension consistent with bloating, the dog's symptoms could have been attributed to problems other than gastric dilatation-volvulus.

The Committee advised the complainant that it can be difficult to achieve a successful outcome when treating this condition especially in an after hours setting in a typical New Zealand general practice veterinary clinic. As the specialist commented—of all of the conditions treated after hours by veterinarians, this one probably exacts the highest toll on owners, dogs and on veterinarians themselves.

## Limited Registration—when and to whom should it apply?

Under the new legislation the Council will have the ability to allow a person, not generally eligible for registration, to apply for limited registration under a 'scope of practice'. A scope is a set of criteria that describe a particular area of practice.

There has been much discussion within the Council and with the Ministry of Agriculture and the New Zealand Food Safety Authority over the criteria that should be used to describe this category of registration. There was concern that this category could result in a lowering of veterinary standards in New Zealand or at least that it could be perceived as such by New Zealand's trading partners.

It is certainly not the Council's intention for this category to be used to allow veterinarians of lesser skills and knowledge to practice in New Zealand. The scopes described below indicate the Council's intention for this category to be used where applicants have obtained significant and relevant post-graduate qualifications.

The Council's registration policy, along with that of its Australian counterparts, focuses on the primary veterinary degree as the minimum standard for entry into the profession. For general registration the Council does not consider post graduate qualifications when it considers applications for registration. It would not be practicable nor financially feasible for the Council to individually assess every post-graduate qualification. However, there are situations where a person has specific and relevant post-graduate qualifications that make them suited to a particular position, which cannot be filled by a person currently trained or registered in New Zealand. In the past the Council has had to decline the registration of these persons.

The Council expects that many overseas veterinarians who do not meet the criteria for general registration will seek limited registration, rather than having to attempt the New Zealand National Veterinary Examination. The Council intends for limited registration to be used in specific instances and a great deal of consideration therefore needs to be given to descriptors for the scopes of practice, as well as to individual applications under those scopes.

The Council has drafted criteria for the scopes of practice under limited registration. They are generally described below and the Council welcomes initial comments. A full round of consultation is required under the new legislation and it will take place when the Veterinarians Act becomes law.

### 1. Teaching scope

This would require an identifiable and specific (to a particular position) need in a teaching institution where the need could not be filled by a veterinarian trained and currently registered in New Zealand. It would require a person with a primary veterinary science degree, who has satisfactory competency in

English language, has obtained significant and relevant post-graduate qualifications and teaching experience in the area in which they will practise. The person must be fit to practise and the employer will have made a submission.

### 2. Industry scope

This scope would have similar criteria to the Teaching Scope. There would have to be an identifiable and specific need not able to be filled by a veterinarian currently registered in New Zealand. A primary veterinary degree would be required along with English language competency. The person needs to have significant and relevant post-graduate qualification and experience in the area in which their practice will be limited and the employer will have made a submission.

### 3. Biosecurity scope

For limited registration to be considered under this scope there would have to be an identified biosecurity alert or urgent or emergency situation that required the person to practise in New Zealand. The person would need to have a primary veterinary science degree, be competent in English, have experience in the area of limited practice and be fit to practise in New Zealand. The period of registration would be limited to the period of the biosecurity situation and the person would only be able to work in that area.

### 4. Temporary visitor scope

For limited registration to be considered under this scope the person would have to be temporarily visiting New Zealand and proposed to practise for a period not exceeding three months. The person would need to have a primary veterinary degree, be appropriately qualified to practise within the scope, be competent in English and fit to practise in New Zealand, and have experience in the area in which their practice will be limited. Restrictions can be placed on the type of work that the person could do. It is intended that this scope would be used for persons on lecture tours and other persons visiting New Zealand for a short period of time.

As stated earlier the scopes are in draft form only, and the Council sees further discussion and amendment. The Council will be required under the new legislation to undertake consultation with veterinarians, organisations that will be affected by the introduction of the scope and statutory bodies responsible for the administration of relevant legislation. The Council will also have to take into account the effect of any proposed scope of practice in relation to New Zealand's economic interests and maintaining consistency with and support of New Zealand's food safety, biosecurity, and animal welfare regimes.

Your comment on this issue is welcomed. Address them to the Registrar at PO Box 10-563, Wellington, email: [vet@vetcouncil.org.nz](mailto:vet@vetcouncil.org.nz)

## Dangerous drugs register

Veterinarians in practice will know the risks to staff and the public of having classified drugs on the premises. There are legal requirements under the Misuse of Drugs Act and its regulations, professional requirements under the Code of Professional Conduct, as well as good practice.

The Misuse of Drugs Act classifies drugs in three classes. Class A are severely restricted drugs and include cocaine, heroin and etorphine. Class B drugs contain those that were previously defined as narcotics and includes amphetamines, morphine and ritalin. Class B drugs are subject to defined requirements for storage and record keeping. Class B drugs can be used by or under veterinary supervision.

Class C drugs include such medicines as Barbiturates, Buphrenorphine and Benzodiazepines. Some class C drugs are subject to storage and record keeping requirements under the Misuse of Drugs Act.

The Misuse of Drugs Regulations deals with the practical requirements. Regulation 28 of the regulations require

veterinarians to keep all those drugs in classes A, B and some in Class C in locked cupboards or in locked compartments constructed of either metal or concrete or both, and fixed to the building. Where the cupboard or cabinet is installed in a building constructed after 1977 it must be of an approved type. The key must be kept in a safe place when not in use.

Regulation 41 of the Misuse of Drugs Regulations provides an exemption for veterinarians from the requirement to maintain controlled drug registers and prescription books.

The Veterinary Code of Professional Conduct sets a higher standard, requiring for class 3 PARS that veterinarians provide adequate security and maintain a system that tracks the purchase, storage and use of such products. There is a lesser but similar requirement for class 2 PARS. It requires that all class 3 prescription animal remedies have adequate security.

Examples of controlled drug registers are available from the NZVA and from the Veterinary Council.

## Veterinarians advertising or promoting alternative remedies/treatments

As reported on in the September Newsbrief the Council asked for and received numerous submissions on the topic of alternative remedies and treatments. Veterinarians have continued to put their case since the last Newsbrief.

At its November meeting, the Council accepted the recommendation of the Professional Standards Committee, that the current wording of 6.8 is quite sufficient and should not be altered. Submitters will be advised that if veterinarians consider that the ACVM Act needs changing they should make submissions to ACVM to argue for a change of regulations.



## New section to be added to the New Zealand National Veterinary Examination

The clinical component of the New Zealand National Veterinary Examination will change in 2006, with the number of 'stations' increasing from eight to nine.

The new station will be in clinical skills and knowledge—companion animal surgery, radiology and radiation safety. Health and safety concerns have led Australasian authorities to ask for more emphasis to be placed on skills and knowledge in radiology and radiation safety. Also companion animal surgery is a significant area of clinical veterinary practice and it was felt it needed more emphasis in the examination. The cost of the examination will increase slightly as will the length of the examination.

Recently there has been an exchange of chief examiners between Australia and New Zealand with the aim of assuring Australasian registration boards that the two examinations are equivalent. Professor Reg Pascoe attended the 2004 NZNVE clinical examination at Massey University, and this year Professor Dave West attended the ANVE Clinical examination at Queensland University.

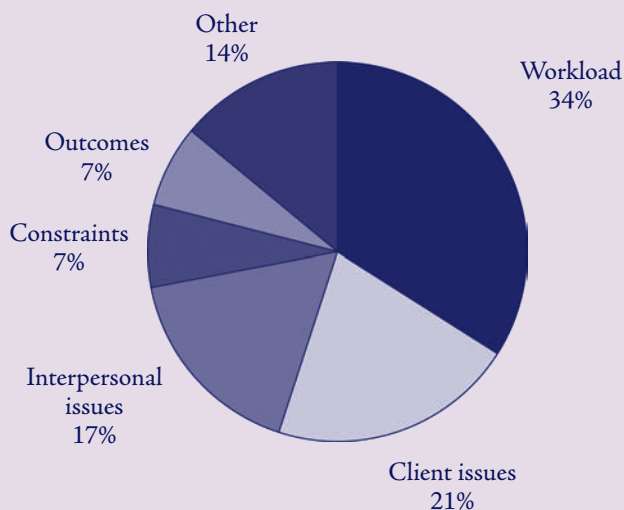
# Stress can be both good and bad

**Dr Dianne Gardner, School of Psychology  
Massey University**

*In September of this year Dr Dianne Gardner from the School of Psychology at Massey University completed a survey into the stressful and satisfying aspects of veterinary work. She reported on this survey in Vetscript and her findings are also summarised below:*

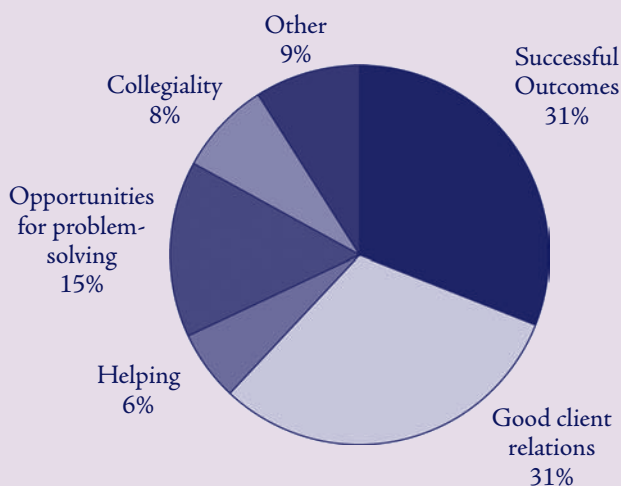
A survey was sent to 1847 veterinarians and 659 provided usable surveys. Respondents were asked to specify a recent stressful situation at work and to answer questions about how that situation was appraised, the coping strategies that were used and the outcomes.

1062 different sources of stress were reported by respondents and these were grouped under the following categories:



Respondents tended to see the stressful situation as a threat rather than a challenge but threat and challenge appraisals of a situation occurred together. Women were slightly more likely than men to appraise the situation as a threat and slightly less likely to appraise it as a challenge.

Respondents gave 1060 sources of work satisfaction. Figure 2 shows the categories of satisfiers and the percentage of times each was mentioned:



There is considerable overlap between the factors that were stressful and those that were satisfying. Two major sources of stress were relationships with colleagues and clients but these were also major sources of satisfaction. Similarly, unsuccessful outcomes were a source of stress but successful outcomes were a source of satisfaction. Finances, lifestyle factors, responsibility and the need to solve challenging problems appeared as both stressors and satisfiers.

This implies that managing stress means identifying stressors and also the potential within a stressful situation for positive outcomes, and then identifying how to achieve those outcomes.

Resources that can help deal with work-related problems might include mentoring, social support, time management, training in business management, conflict resolution skills, assertiveness training, and training in the management of client grief.

There was no corresponding satisfier to the problem of work overload so managing workloads is important in dealing with work-related stress. Overall, then, effectively stress management means addressing demands and building resources so that stressors do not become overwhelming and so that the satisfying aspects of the work are enhanced.





## Vets in Stress Programme

**24 Hour Freephone  
Confidential Counselling Service**

**0508 664 981**

Helps you solve personal and work problems, including:

Relationship problems	Drug and alcohol issues	Work issues
Change	Stress	Grief




## Certification of sick/injured livestock for transport

Veterinary Declarations as to the Fitness of Livestock for Transport are completed for the purpose of ensuring that injured, diseased or otherwise defective animals are not transported to slaughter unless fit for the journey and for purpose of processing into food.



Veterinarians certifying livestock as fit for transport to slaughter premises need to be fully aware of their professional obligations under the Code of Professional Conduct as well as their responsibilities and

those of their clients under the Animal Welfare Act.

High animal welfare and certification standards are vital for the continuance of overseas market access for New Zealand animal products. Moreover veterinarians have a special responsibility for animal welfare. Section 1.9 (para 2) states that "Although subsequent actions may be influenced by consideration of the client's commercial, financial, emotional and/or other interests, veterinarians must not allow or condone continuing unreasonable or unnecessary pain or distress."

Section 1.13 of the Code of Professional Conduct deals with the veterinarian's responsibilities for animals being transported live, and section 2 outlines the principles that must be adhered to when certifying animals for transport

A Veterinary Declaration should not be completed unless the veterinarian has physically examined the individual animal, and has been advised by the owner of the destination and date of transport.

It is also an offence under the Animal Welfare Act 1999 s23 (2) for an owner or person in charge of an animal, to permit the animal to be transported while the condition

or health of that animal is such as to render it unfit for such transport.

Important considerations for Veterinary Declarations include:

- Is the animal fit for transport? Are there any signs of moderate to severe lameness or non-weight bearing lameness, psychological stress, clinical signs of dehydration, scouring or systemic disease; distress or pain as a result of clinical abnormality; weakness, depression or ataxia.
- Identify the processing premises on the form to avoid long distance journeys
- Clear identification of the animal – ear tag numbers
- One animal per declaration
- Signatures of veterinarian **and** animal owner/person in charge required
- Avoid using out-of-date forms
- Expiry dates must be kept short as many conditions can deteriorate rapidly
- Special transport instructions should be noted as appropriate to ensure the animal does not deteriorate during the journey.
- Contact the NZFSA Verification Agency veterinarian at the slaughter premises if in any doubt.

The New Zealand Veterinary Association has developed guidelines to assist veterinarians in their assessment of whether injured, diseased or abnormal animals are fit to be transported for slaughter. This is accessible to members of the NZVA or available to veterinarians from the NZVA office ph 04 471 0484.

## Register Statistics (October 2005)

### Training of veterinarians currently practising in New Zealand

Country of Training	Number	%	Country of Training	Number	%
NZ-Massey	1479	67.8%	Germany	27	1.3%
Trained Australia prior to Massey (estimated)	80	3.67%	Canada	22	1%
United Kingdom	217	9.9%	Ireland	19	0.9%
Australia	112	5.1%	Former Yugoslavia	20	0.9%
South Africa	80	3.7%	Middle East	5	0.2%
Zimbabwe	5	0.2%	Other European (Czech, Romania, Denmark, Switzerland, Poland)	12	0.6%
United States of America	50	2.3%	India	11	0.5%
Netherlands	40	1.8%	Other (Nigeria)	2	.09%

## To all Registered Veterinarians



### Export of live animals and animal germplasm

The public access version of export certificates, Overseas Market Access Requirements (OMARS) can be found on the Biosecurity New Zealand website at the following address:

[Http://www.biosecurity.govt.nz./exports/animals/omars/index.htm](http://www.biosecurity.govt.nz./exports/animals/omars/index.htm).

OMARS outline the health requirements needed to export live animals and animal germplasm to various countries. Please note that exporters are responsible for obtaining importing country requirements where these are not held by the Ministry of Agriculture and forestry (MAF). OMARS are the latest requirements as understood by MAF. These are not necessarily up-to-date. Import permits issued by the importing country contain their latest conditions for importation. These, however, have not necessarily been agreed with MAF. Where import conditions do not agree with those in the OMAR, the Animal Exports Group must be advised in sufficient time prior to export, in order that changes can be made and negotiations undertaken where necessary.

For further information regarding exports of live animals and animal germplasm, please contact: [wendy.newsham@maf.govt.nz](mailto:wendy.newsham@maf.govt.nz)

### Export certification for dogs/cats to Australia

All certifying veterinarians should ensure that reasonable measures are taken so that they are confident that the details on the owner's declaration are correct, particularly with regards to the owner's name, address and the breed of the animal.

### Pets Returning to NZ

Please remind pet owners who are exporting pets overseas and intending to return to New Zealand that it is imperative that they find out the conditions for importing pets back into New Zealand prior to exporting them from New Zealand. The requirements for exporting from overseas may be different to the conditions required to import into New Zealand. Existing import requirements for New Zealand can be found at the following address: <http://www.biosecurity.govt.nz/imports/ihs-search.htm>.

Conditions for import into New Zealand from some countries may not have been developed. The procedure to develop a new Import Health Standard often involves a Risk Analysis and can take a significant amount of time. For further information regarding imports please contact: [imports@maf.govt.nz](mailto:imports@maf.govt.nz)



*The Council members, Committee members, staff and their pets, including Lucy, Anthea's standard poodle, wish you a Merry Christmas and a Happy New Year.*