



Annual Practising Fee at its current level for the 2007-2008 practising year

At its November meeting the Council decided to leave the annual practising fee at its current level for 2007-08 and to retain the rebate for early payment, despite a budgeted deficit for the 2007 year. The Council has a reasonable level of reserves and is guided by the Veterinarians Act to cap its reserves.

Veterinarians will receive application forms for their 2007-08 annual practising certificate in mid-January which should enable plenty of time to get the rebated payment completed by the end of February.

Election regulations & election year

2007 is election year for the three elected veterinary positions on the Council. The Council is anticipating holding the election in November 2007 with nominations being called for in late June or early July.

The drafting of the Elections Regulations has been the responsibility of the Ministry of Agriculture & Forestry and the Parliamentary Counsel Office. The Regulations under the new Act are very similar to those that existed under the previous legislation, with two main changes. The first is that most of the tasks which were previously undertaken by the Secretary are now moved to the Returning Officer.

The second is that because of the definition of a veterinarian under the Act as a person with a practising certificate, those on the non-practising list are not eligible to vote, stand or nominate others. Under the previous legislation, the Council had been able to interpret its regulation as inclusive of non-practising persons.

The Council can appreciate that some on the non-practising list may be disappointed. However, the current Act applies the principle that those sitting as veterinary members of the Council, and those voting or nominating them should be practising veterinarians, since they are the people affected by the standard setting and other decisions of the Council.

Proposed Minimum Standards for Practising as a Veterinarian

Under Section 75(i) of the Act the Council has the power to prescribe, by Gazette notice, the minimum standards for practising as a veterinarian. The draft proposed standards which focus on fitness to practice, 'recency of practice' and the compulsory recording of continuing

professional development are set out on the back page of this Newsbrief. The Council welcomes comments which should be provided by 12 February 2007. The Council expects the consultation exercise to continue throughout 2007.

Note that included in this Newsbrief are invitations to consult on Changes to the Code of Conduct and the proposed minimum standards for practising as veterinarian, as well as advice about the use of titles which may imply specialisation

Inside this Issue

1. Annual Practising Fee at its current level for the 2007-2008 practising year
Election regulations & election year
Proposed Minimum Standards for Practising as a Veterinarian
2. Farewell to Peg Loague
Chief Examiner steps down
3. Results of the New Zealand National Veterinary Examination
Notice to Veterinarians and practice managers
Immediate care over the internet
4. Complaints Report
Investigation into veterinarian's role in advertisement
New Website and Christmas closure
5. Competence Assessment did not proceed
Emergency response especially with bad debtors
6. Referral situations
Testimonials
Use of titles of specialist registration
7. Specialist Profiles Scott McDougall, Joe Mayhew
8. Proposed minimum standards document

Contact

Veterinary Council
of New Zealand
PO Box 10-563
Wellington
Level 8
138 The Terrace
vet@vetcouncil.org.nz
www.vetcouncil.org.nz

Farewell to Peg Loague



Peg Loague

At a function in late November, the Council farewellled Peg Loague. Peg has been layperson on the Council for six years. The government guidelines are that members on statutory boards are not appointed for longer than two three-year terms.

Peg was appointed to the Council because of a track-record of achievements that reflect her commitment to Animal Welfare over many years. She has been a member of the Taupo SPCA for almost 40 years, remaining a life member and serving in most executive positions. She was elected to the National Council in 1973 and was there until 2003. During that time she spent fifteen and a half years as National President. She has been a warranted animal welfare inspector for 25 years. She was a founding member of the National Animal Ethics Advisory Committee and served 11 years on that committee as well as six years on the National Animal Welfare Advisory Committee.

She also held positions on The Australian and New Zealand Council for the Care of Animals in Research and Teaching, the World Society for the Protection of Animals, the Australian and New Zealand Federation of

Animal Societies and she was a safety representative for the American Humane Film & Television Unit Safety Representative for four years. She is highly respected within the community of animal welfare, and has developed broad community networks. This has been particularly useful in assisting the Council's awareness of public and stakeholder expectations of standards of care.

Peg has sat on the Judicial Committee several times and chaired it on one occasion. She has also for the last two years served on the Competency Review Committee. She has always served diligently and with a genuine concern for the public interest.

The Council valued Peg's ability to see the wood and the trees. She is pragmatic, has good judgement and is also very sensitive to the individual. She understands the realities of ordinary people's lives, and what is possible and sensible. In veterinary judicial situations those in judgement need to consider and balance the rights of humans and non-humans. Peg, like other Council members displays characteristics that take years to hone - fairness, transparency, confidentiality and integrity.

At her farewell David Bayvel, Director of Animal Welfare with Biosecurity New Zealand and Murray Gibb, CEO of the New Zealand Veterinary Association also spoke of Peg's excellent, long-standing and under-recognized contribution to the welfare of animals in New Zealand.

Chief Examiner steps down

After eight years of service Professor Dave West has stepped down from his position as Chief Examiner for the New Zealand National Veterinary Examination for overseas graduates.

Dave West replaced Bill Manktelow on the Registration Committee in 1998. In 1996 he and Bill Manktelow had set up the written and clinical examinations for the New Zealand National Veterinary Examination based on their observation of the Australian examination. The introduction of this clinical test immediately improved the quality of assessment of overseas graduates who, prior to this point, had only had to pass a multiple choice examination in order to gain registration.

The Zealand National Veterinary Examination is a rigorous assessment of a range of knowledge and skill areas. Dave has worked hard to ensure that the examination is valid and reliable and that candidates are given a fair opportunity to prove their competency.

Dave has sat on the Board of Examiners of the Australasian Veterinary Boards Council. He has assisted

in improving the accuracy and reliability of the questions in the multiple choice question bank.

Dave has also liaised closely with the Australian Chief Examiner (Prof. Reg Pascoe) to ensure that the examinations in Australia and New Zealand are equivalent. This liaison included reciprocal visits over the last two years, which resulted in adjustments to both examination processes. In New Zealand Professor West established a further station in the New Zealand examination to improve the testing of radiology and radiation safety and the candidates' knowledge of companion animal surgery.

The Council congratulates and thanks Professor West for his excellent stewardship of this important function of the Council.

The Council is fortunate that Sandra Forsyth has accepted appointment to replace Dave. She has been a member of the Registration Committee for ten years and is an experienced examiner in the NZNVE.

Results of the New Zealand National Veterinary Examination

Five candidates sat the written/clinical examination at Massey University in November and all five passed well. This is the first time that all candidates for an examination have passed it fully and the Chief Examiner commented that it reflects the high standard

of candidates this year. This brings to 62 the number of people who have successfully passed the New Zealand National Veterinary Examination since its inception in 1996.

Notice to veterinarians and practice managers

Veterinarians and practice managers are asked to be on the lookout for people, who do not seem to be usual customers, wanting to buy MSM (methyl sulphonyl methane).

The issue initially came to the notice of the police in the Waikato area and then to the notice of the Council following reports of 'dodgy' characters trying to buy large amounts of MSM from animal product supply companies and veterinary clinics. The activity is nationwide.

Methyl sulphonyl methane (also called dimethyl sulphone) is a legitimate product that is used as a component in a number of other animal and human products as well as being sold on its own, e.g. as an anti-inflammatory that can be mixed with horse feed. MSM

is not used as a component of the manufacturing process for 'P' but because it looks similar to the crystallised methamphetamine, drug manufacturers are using it as a cutting agent to bulk up the drug being sold.

The police have asked for veterinary practices to note and report any instances where people one would not normally expect to be purchasing the product are doing so, or where unusual amounts are being purchased. Useful information that could be passed on to the local police include names, number plates and descriptions. The police also ask veterinary practices to be aware of how they are stocking the product in their premises, as there have been several reported cases of the product being shoplifted.

Immediate care over the internet

The Professional Standards Committee recently considered a query about whether a veterinarian can provide consultation nationally and internationally via 'internet consultations' including recommending which natural remedies or therapies would be of benefit to their animal. The Discretionary Use Code is the relevant guidance for prescribing compounded remedies, and a

veterinarian would need to ensure that the requirements for immediate care of the animal are satisfied.

Additionally if a veterinarian is providing advice outside of New Zealand they should make themselves aware of the registration requirements and the legal obligations, requirements or liabilities where the patient is located, since they would effectively be practising in that country.



Charlie and Delta, cheetahs at Wellington Zoo, just one of the workplaces of veterinarians in New Zealand

The Veterinary Council of New Zealand wishes you a Merry Christmas and Happy New Year.

Complaints Report

At the end of November 40 complaints had been received, compared to 48 at the same time in 2005. Only one complaint from 2005 remains uncompleted. Twenty three of the 40 complaints involve matters in relation to the treatment of small animals, two involve large animals.

Seven different complaints committees have been active this year. There are currently 3 different committees active.

With three complaints the committee has yet to decide whether they meet the threshold to investigate. Six complaints are proceeding in the early stages of waiting for all of the initial correspondence. Twelve are currently under investigation.

In terms of origin of the 40 complaints received, nine

have been referred to CAC under s39 of the Act (i.e. information received by the Council). Eight complaints were made by veterinarians against other veterinarians (the majority of those alleging lack of consultation or immediate care prior to the prescribing of animal remedies).

So far this year one complaint has been referred to Judicial Committee. Mediation between veterinarian and complainant has been used to attempt resolution of issues in two complaints. One complaint has been referred to the Competency Review Committee and in one complaint matters arising during the complaint investigation were referred to the Health Committee.

Investigation into veterinarian's role in advertisement

The Complaints Assessment Committee recently completed an investigation which followed the receipt of information received from an anonymous source. The issue was an 'infomercial' article in which comments from a veterinarian about a condition were used to infer support for a prescription animal remedy used to treat that condition.

Anonymous complaints are not generally investigated because of the principle that the person complained of should know who is complaining about them. However the article itself was information which the Council thought appropriate to refer to the Complaints Assessment Committee under Section 39 of the Act as 'information received'.

When asked for advice, the ACVM Group of the New Zealand Food Safety Authority considered the release of the news article to be an inappropriate advertisement according to the statutory instrument (the labelling guide) used to control advertising. The Code of Conduct places responsibility on veterinarians to be responsible for

the possible ethical implications of any views expressed. The Committee agreed that in this case the veterinarian had the opportunity to query and correct the ethical implications of the press release from which the article was derived. The CAC also considered that primary responsibility lay with the registrant of the product as originator of the material. The veterinarian had neither editorial control over the article nor did they make direct comments about the product itself, only about the condition. After thorough consideration and analysis the CAC found that there had been transgressions of the Code, but that these were not substantial and did not meet the threshold of professional misconduct.

Patrick Poletti, Chairperson of the Committee for this investigation said that the CAC acknowledged the emerging scenario of veterinarians conducting 'clinical experience studies' on behalf of drug companies and the consequent relationship and marketing opportunities that subsequently arise. The Code cannot provide prescriptive advice for every scenario encountered and therefore veterinarians should note that the application of ethical principles must guide their professional behaviour.

New Website

The Council's website has been updated, to reflect the new legislation with a new format and to provide quicker access to the online register. The address remains the same:

www.vetcouncil.org.nz

Christmas closure

The Council office will close on 22 December and reopen on 8th January 2007. Telephone messages will be checked regularly during this time.

Competence Assessment did not proceed

In July this year, following a complaint investigation, the Complaints Assessment Committee recommended to the Council that a veterinarian be required to undergo a competence assessment. This is a new process available under the Veterinarians Act 2005 and it was the first time the CAC had taken this action. In line with its draft policy at the time, the Council asked the Competency Review Committee (CRC) to make a recommendation to the Council on whether a competency assessment should occur.

The CRC considered information provided from the CAC and sought further information. The veterinarian and their legal advisor also made submissions. The Committee recommended to the Council that it did not require the veterinarian to undergo an assessment. The context of the particular situation of the veterinarian

created many variables which did not allow for sufficient identification of competence deficiency.

The Committee recommended that publicity on related competence matters could be provided to the profession and this will occur in a future Newsbrief.

Finally, the Committee recommended a change in policy which has been accepted by the Council. In future the Council will not ask the Competency Review Committee to consider whether a competence assessment should take place, as this puts the CRC in the position of needing to revisit the complaint investigation. In future, on receipt of a recommendation from the Complaints Assessment Committee, the Council will refer the matter directly to the CRC for assessment.

Emergency response especially with bad debtors

In its last Newsbrief the Council asked for feedback from veterinarians on the issue of providing treatment when the client is a bad debtor, particularly in emergency situations.

Vince Peterson has responded saying that that section 6.6 of the Code (which outlines a veterinarian's responsibilities in an emergency situation) does not take a holistic look at the question of the veterinarian/client relationship and this is to the detriment of the veterinarian when disputes arise. He says that the ethical obligations of the veterinarian must always be discharged without equivocation but the owner also has responsibility. The veterinarian, after establishing a diagnosis should outline courses of action for the client to choose, says Dr Peterson. These could be a) do nothing and observe progress (unlikely in an emergency situation); b) undertake remedial action c) refer the case or d) euthanasia. The owner has responsibilities which are a) authorise the chosen course of action; b) carry out instructed follow-up tasks c) seek a re-examination of the case if it does not progress as expected and d) pay the fees. Dr Peterson argues that the situation changes when a known bad debtor requests further treatment or emergency treatment. In this case, he says, the

veterinarian should be able to restrict their offer of service to c) & d) of the veterinarian's choices above. "Irrespective of the circumstances the veterinarian is not the sole arbiter of treatment choice. Where the owner is present, the veterinarian cannot, for example, administer any pain relief without their consent. The corollary to this is that the veterinarian has no obligation to provide a 'complete' service where the cost will be borne not by the owner but by the clinician."

Discussing Vince's comments led the Professional Standards Committee to consider the wider ethical question of the provision of emergency services and other issues such as the fact that the burden of responding in emergency situations is not evenly shared within the profession. The public and veterinarians expect a veterinary response. But to what extent should non-payment, inexperience or lack of current competency affect that response?

The Committee will host a focus group to consider whether it is time to consider a change to the professional requirements in emergency situations. Further comment from veterinarians is welcome.

Referral situations

The first sentence of Section 7.2 of the Code states that it is preferable that the referral veterinarian should examine the patient in the presence of the original veterinarian. The question has been asked of the Professional Standards Committee as to whether it is still relevant to state that the presence of the original veterinarian is preferable. The Committee agreed that the first paragraph of 7.2 could be deleted and is suggesting that this occur.

However, it agreed that it would place this proposal in the Newsbrief and would welcome any comment. It would also confer with the Complaints Assessment Committee before making a recommendation to the Council that this section be amended. Comment on the proposed change is welcome and should be provided by 12 February 2007.

Testimonials

A suggestion has been made by the NZVA that the last paragraph of section 5.9 of the Code (Advertising or endorsements of products and services) should be amended by deleting the last sentence of paragraph 3. This sentence currently suggests the NZVA as being the body most proper to comment on beneficial products. In reality this occurs infrequently. The Professional Standards Committee acknowledged that there are times when veterinarians may comment on products, but did not wish to support wording that would provide a loophole within which testimonials could occur.

The revised paragraph would read:

On the other hand, there may be other occasions when it is in the public interest for a product or procedure to be brought to the attention of the public. Any public interest comment given in these circumstances must be limited to technical or clinical information about the product or procedure and must not include any endorsement of it.

Comment on this suggested change is welcome and should be provided by 12 February 2007.

Use of titles of specialist registration

In the October Newsbrief we said that the Council was seeking legal advice on use of terms such as 'dermatologist' and 'pathologist' by veterinarians who are not registered specialists. This arose from concern expressed that members of the public might reasonably expect persons using those terms to be specialists.

A range of veterinary specialties has been gazetted by the Council, that includes specialties in areas such as dermatology, neurology, cardiology, pathology and anaesthesia. The Register of Veterinarians identifies specialists in defined vocational areas.

The legal advice received is that a specialist registration category should not be used by those only registered as a veterinarian. Whilst Section 33 of the act refers to the term 'specialist', the section also provides grounds for wider interpretation by including the phrase "any words, titles or abbreviations of the title 'specialist'". This would be capable of being read as referring to the specialty titles

gazetted by the Council. Otherwise there would be little point in the Council gazetted specialist areas only to have those titles used by general veterinarians who do not hold the appropriate qualifications.

At its recent meeting the Council discussed the advice and the correspondence received and concurred that a veterinarian who is generally registered, as opposed to being registered as a specialist, could certainly hold themselves out as being a generally registered veterinarian with an interest in a particular area, but could not hold themselves out as being, for example, a veterinary dermatologist. Only those who have specialist registration under a category designated by the Council as a specialist registration category may use titles that infer, in a public context, that the person is a specialist.

Veterinarians who use such titles and who do not have specialist registration in the relevant category could be in breach of sections 7 & 33 of the Act.

Specialists

One of the functions of the Council is to promote and encourage high standards of professional education and conduct among veterinarians. For this purpose we have been profiling veterinarians who have recently gained specialist

registration with the Council. We are also now starting to profile those who have been New Zealand registered specialists for some time.

Scott McDougall: Veterinary Reproduction (Large Animal)

Scott McDougall graduated from Sydney University in 1986 with a first class Honours degree as well as an earlier BSc (also first class honours). He worked as a clinical veterinarian in mixed practice in New South Wales before taking up a residency at the University of Sydney from 1989 where he was responsible for the university's herd health system and lectured in ruminant reproduction.

In 1990 he took up a research fellowship with the Dairy Cattle Fertility Group of the Dairying Research Corporation (now Dexcel) in Hamilton. He worked there examining the epidemiology, physiology, nutrition and treatment of postpartum anoestrus in dairy cows as part of his PhD studies with Massey University under the supervision of Prof Norm Williamson and Prof Jock Macmillan. During this time he was winner of the Junior Scientist Awards of the Australian Society of Reproductive Biology in 1994 and the New Zealand Society for Animal Production in 1992.

Since 1995 Dr McDougall has been employed by the Animal Health Centre at Morrinsville. Initially his role was as a clinical veterinarian, but has now evolved to a predominantly clinical research role. Recent areas of research have included relationship of body condition score to fertility, risk factors for pregnancy loss, risk factors for and treatment of endometritis, risk factors for and treatment of clinical mastitis and the prevalence and incidence of mastitis in dairy goats.

Dr McDougall has been involved with providing continuing education for veterinarians including undertaking ultrasonography training courses and mastitis management courses. He has also been an invited speaker at various local and international veterinary and science conferences. His contributions to wider veterinary issues include periods of time on the executive of the Society of Dairy Cattle Veterinarians and the Epidemiology Branch of the NZVA.

Specialist Registration approved for Ian (Joe) Mayhew

In October the Council approved specialist registration in both Equine Medicine and Veterinary Neurology for Dr Ian Mayhew. Dr Mayhew graduated from Massey University in 1968 and spent three years in clinical practice in Wanganui. In 1972 he took up a residency in medicine at the Veterinary Medical Teaching Hospital at the University of California at Davis. From 1977 to 1988 he worked at the University of Florida in the Department of Medical Sciences and the Department of Experimental and Comparative Pathology. For this time he was Chief of the Large Animal Medicine Service at the Veterinary Medical Teaching Hospital.

In 1983-84, on sabbatical, he studied for six months on neuropathology and aspects of myelination and remyelination with Drs Bill Blakemore and Tony Palmer at the University of Cambridge in England, and another six months working on electrophysiologic and ultrastructural correlates in the ovine model of ceroid-lipofuscinosis (Batten's Disease) with Dr Bob Jolly at Massey University in Palmerston North.

From 1988-94 Dr Mayhew was Head of the Department of Clinical Studies at the Animal Health Trust in Newmarket, England, and from 1992-94 he was also Associate Lecturer at the University of Cambridge in England. In 1994 he took up the William Dick Chair of Veterinary Clinical Studies and was Director of the Large Animal Hospital at the Royal (Dick) School of Veterinary Studies

in Edinburgh. In 2006 Professor Mayhew returned home, accepting an appointment as Professor in Equine Studies and Head of Massey Equine at Massey.

Prof. Mayhew has won numerous awards including Teacher of the Year Award for two years running at the University of Florida, Large Animal Clinician of the year award at the University of Florida, DLT Smith Honorary Visiting Scientist, University of Saskatoon, and the Frank Milne Honorary Lecturer, American Association of Equine Practitioners. He has sat on numerous professional committees, such as credentials and certifying examination committees of the ACVIM. He also sat on the RCVS Council as well as its committees for three years.

He was made a Diplomate of the American College of Veterinary Internal Medicine (Internal Medicine and Neurology) in 1975 following his residency training at UCD. He completed a PhD at Cornell University in 1978, his thesis topic being 'Spinal Cord Disease in the Horse'. In 2005 he was awarded the Degree of Doctor of Science (DSc) from Massey University. This is awarded for a significant original contribution to science, in Dr Mayhew's case it was his work on 'Domestic Large Animal Neurology'. Clinical work continues to be in equine medicine and veterinary neurology and his research interests are comparative neurology, neuropathology and electrophysiology.

Proposed minimum standards document

Under Section 75(i) of the Veterinarians Act the Council has the power to prescribe, by Gazette notice, the minimum standards for practising as a veterinarian. At its recent Council meeting the Council discussed this matter and has decided to propose the following as minimum standards, in the areas of fitness to practise and the maintenance, examination, or improvement of the overall competence of a veterinarian to practise. The Council welcomes comment on the draft below, which the Council emphasises is in draft form.

Veterinarians should note in particular that the Council proposes to require a fitness to practise statement, that it is setting a potential 'recency of practice' boundary of five years, and, most importantly, that it proposes that the recording of continuing professional development becomes compulsory. The Council welcomes initial comment which should be provided by 12 February 2007. The Council expects this important consultation exercise to continue throughout 2007.

1. Minimum Standards in the areas of fitness to practise and the maintenance, examination, or improvement of the overall competence of a veterinarian to practise.

Fitness to practise

A veterinarian must be fit in order to maintain his or her practising certificate and to practise as a veterinarian in New Zealand. Matters that may bring a person's fitness to practise into question can include:

- + the contracting of any addictive, mental or physical condition
- + any addictive or inappropriate taking of drugs or alcohol
- + a formal competence enquiry from an employer
- + an adverse finding in any disciplinary action by an employer or licensing or professional body
- + guilty finding in any criminal proceeding (including traffic offences involving alcohol or drugs for which the maximum penalty is not less than 3 months' imprisonment)

All persons are required to provide the Council with a statement about their fitness to practise when they apply for registration or for a practising certificate. The Council may also examine a person (25(a)), require statutory declarations (25(b)), require other information (25(c)) and take various actions under specific, relevant sections of the Act.

2. Minimum Standards for Maintenance, examination, or improvement of the overall competence of a veterinarian to practise

a) Recency of practice

Veterinarians have the responsibility to ensure that they maintain their skills at the current minimum standards (i.e. standards expected of a reasonable and competent practitioner). For any person who has not worked as a veterinarian for five consecutive years, or has not worked as a veterinarian for five consecutive years in the area in which they intend to practise, the Council may examine the person (sections 11(a) and 25(a)) and may if it is necessary place conditions upon the person's practising certificate (section 26(3)(c)).

b) Continuing professional development

Veterinarians have the responsibility to ensure that they maintain their skills at the current minimum standards (i.e. standards expected of a reasonable and competent practitioner). The Council requires veterinarians to record and report their professional development.

Under section 25, when considering an application for a practising certificate, the Council may require the applicant to provide any document or information that the Council considers, on reasonable grounds, is necessary to assess his or her application. The Council may use this section and section 26 where veterinarians have not reported on their professional development for more than two consecutive years.