

### Ethics: a moral dilemma?

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In their role as claims assessors, VPIS board members get a unique insight into things that go wrong in practice. In most cases, insurance claims arise because of human error, errors in diagnosis or treatment, or poor communication. If these things lead to an untoward sequel, the client may feel aggrieved and seek redress. Many situations that arise can be considered accidental or plain bad luck and as such represent the constant danger of practice and demonstrate why we take insurance cover.

However, regrettably, a percentage of claims arise when veterinarians have acted unethically. These can be avoided.

What are ethics? Two of the definitions in the *Shorter Oxford Dictionary* are pertinent:

- the moral system of a school of thought;
- the rules of conduct in certain limited departments of life.

For veterinarians practising in this country, the ethical principles they are expected to uphold are spelled out in Section 3 of the Code of Professional Conduct in the VCNZ Handbook (page 229 of the 2004 edition). If you have read this far in this article, I strongly recommend you take the extra time to browse through the Code.

The Veterinary Council of New Zealand is responsible for formulating the Code. In addition to it, the NZVA develops standards through position statements, guidelines, policies, and codes of practice on a wide range of subjects. The Code and the NZVA policies set the standards acceptable to the profession at large.

One way of considering whether a course of action you propose taking is ethical is to ask, 'Is what I am going to do right or wrong?' The answer should, I hope, be obvious.

The VPIS is not primarily involved in formulating ethical standards or principles. Its concern is risk management, and if insureds act ethically at all times, this is one certain way of reducing risk.

The VPIS position in assessing claims is to determine if the actions of the insured were consistent with those of a prudent, competent veterinary practitioner. Note they do not have to be the actions of a specialist or an academic.

One example of a recent breach of ethical standards was the case in which a veterinarian discussed with a client the possibility of removing only the retained testicle in a monorchid dog so the animal could be used for breeding. The advice given was that this could be done. A subsequent communication breakdown led to both testicles being removed at surgery and the owner subsequently laid a complaint.

There is no doubt that ethical standards had been breached in this instance. The VCNZ Code (see S1.9 paragraph 6), the NZVA policy on castration of cryptorchids, along with the New Zealand Kennel Club standing rules are clear that such activity is unethical. Had the veterinarian given the owner advice in accordance with accepted ethical principles at the time of the initial discussion, the situation and the claim would never have arisen.

Evidence of unethical supersession is not uncommon in cases assessed by board members. It is your responsibility, if asked to take over a case from a colleague, to contact the primary veterinarian and discuss all aspects of the case before undertaking treatment. You are acting unethically if you fail to do so, and run the risk of a complaint being made to the VCNZ with subsequent disciplinary action.

Practitioners who prescribe PARs for animal that are not under their immediate care are acting unethically. In the last 12 months the VCNZ has clarified the definitions of **veterinary consultation** and **immediate care** so there should be no doubt as to standards of performance in this area.

At times ethics and ethical standards may seem nebulous concepts. However, they do represent the collective wisdom of the whole of the profession and as such should be accorded due respect. Ethics are our rules of conduct.

The VPIS acts independently so any breach of ethical standards seen at the time a claim is received goes no further than the Board. However, it is quite clear the Society expects all practitioners to abide by the standards formulated by both the VCNZ, and the NZVA as the representative body for the profession at large.

If all practitioners uphold the professions' ethical principles, not only will the incidence of insurance claims be lowered but also the prospect of outcomes favouring the veterinarian will be greatly improved.