

**Principles of
Veterinary Medical
Ethics**

abstracted and annotated

**Judicial Council
1978**



930 North Meacham Road • Schaumburg, Illinois 60196

PRINCIPLES
OF
VETERINARY MEDICAL ETHICS

OPINIONS AND REPORTS

OF THE
JUDICIAL COUNCIL

Abstracted and Annotated

American Veterinary Medical Association
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Introduction

The Principles of Veterinary Medical Ethics— Annotated

The document that provides for the regulation of professional behavior of veterinarians in the United States is the Principles of Veterinary Medical Ethics. Adopted in 1960, the Principles replaced the 1940 Code of Veterinary Medical Ethics and the 1952 edition of the Principles, both of which lacked specificity and were regarded by many veterinarians as a guide to etiquette rather than statements of principles. Those who had to interpret and enforce the 1940 Code and the 1952 Principles were constantly faced with the task of rendering opinions on individual questions where those documents were not specific, so the Judicial Council, soon after it was formed in 1958, set about drafting a simple, understandable set of ethical principles. The House of Delegates adopted the final document in 1960.

To the 1960 Principles, the Council appended rulings and interpretations to help members and ethics committees attain full understanding of the new concept of setting forth ethical principles. Nevertheless, interpretation and application of the new Principles raised many questions, so the Council has subsequently issued a number of specific and clarifying annotations. With adoption of new advertising regulations by the House of Delegates in 1978, the Judicial Council prepared this new edition of the annotated Principles.

In dealing with questions of ethics, a committee on veterinary medical ethics must attempt to interpret the spirit and intent of the Principles, but it is the annotations that most often serve as the basis for resolving specific problems.

Relationship of Local, State, and National Associations on the Matter of Ethics

Ideally, all questions of ethical behavior on the part of a veterinarian should be considered and dealt with by his local association's ethics or grievance committee, the members of which should be familiar with local customs and circumstances and are in a position to talk to all parties concerned. In some instances, a solution at the local level may be impossible and referral to the ethics committee of the state association may be advisable. Occasionally, a problem not resolved at either local or state levels should be considered by the AVMA Judicial Council, but the Council should not be used by ethics committees as a means of avoiding disagreeable tasks. Nor should the Council be saddled with handling of minutiae. Having issued annotations, it should be left free to deal with such broader problems as admission and dismissal of AVMA members, interpretation of the Constitution and Bylaws and the Principles of Veterinary Medical Ethics, study of professional conditions, and preparation of annotations.

It's Attitude That Counts

The Annotated Principles of Veterinary Medical Ethics are purposely constructed in a general and broad manner, but the veterinarian who accepts the Golden Rule as a guide for his general conduct and makes a reasonable effort to abide by the Principles of Veterinary Medical Ethics in his professional life will have little difficulty with ethics. Those whose aggressiveness and promotional tendencies cause them to run afoul of the Principles would probably have the same difficulty under more specific rules.

Purportedly, veterinary medicine is an ennobling profession. The Principles light the path to that ennoblement.

Principles of Veterinary Medical Ethics

PREAMBLE: The honor and dignity of our profession lies in our obedience to a just and reasonable code of ethics set forth as a guide to the members. The purpose of this code is far-reaching because exemplary professional conduct not only upholds honor and dignity, but also enlarges our sphere of usefulness, exalts our social standards, and promotes the science we cultivate.

Briefly stated, our code of ethics is the foundation of our individual and collective efforts.

It is based on the Golden Rule.

Section I

The principal objectives of the veterinary profession are to render service to society, to conserve our livestock resources, and to relieve suffering of animals. A veterinarian should conduct himself in relation to the public, his colleagues and their patients, and the allied professions, so as to merit their full confidence and respect.

Section II

A veterinarian may choose whom he will serve. Once he has undertaken care of a patient he must not neglect him. In an emergency, however, he should render service to the best of his ability. He should not solicit clients, nor announce his fees and services in such a manner as to be misleading, fraudulent, or deceptive.

Section III

A veterinarian should not employ his professional knowledge and attainments nor dispose of his services under terms and conditions which tend to interfere with the free exercise of his judgment and skill or tend to cause a deterioration of the quality of veterinary service.

Section IV

A veterinarian should strive continually to improve veterinary knowledge and skill, making available to his colleagues the benefit of his professional attainments, and seeking, through consultation, assistance of others when it appears that the quality of veterinary service may be enhanced thereby.

Section V

The veterinary profession should safeguard the public and itself against veterinarians deficient in moral character or professional competence. Veterinarians should observe all laws, uphold the honor and dignity of the profession, and accept its self-imposed discipline.

Section VI

The responsibilities of the veterinary profession extend not only to the patient but also to society. The health of the community as well as the patient deserves his interest and participation in nonprofessional activities and organizations.

Traditional Concepts

The honor and dignity of our profession lie in our obedience to a just and reasonable code of ethics set forth as a guide to the members. The object of this code, however is more far-reaching, for exemplary professional conduct not only upholds honor and dignity, but also enlarges our sphere of usefulness, exalts our social standards and promotes the science we cultivate. Briefly stated, our code of ethics is the foundation of our individual and collective efforts. It is based on the Golden Rule.

It is the solemn duty of all members of the Association to deport themselves in accordance with the spirit of this code.

This code is not intended to cover the entire field of veterinary medical ethics. Professional life is too complex to classify one's duties and obligations to his clients, colleagues, and fellow citizens into a set of rules.

Deportment

Conduct characterizing the personal behavior of a gentleman is expected of all members of the profession.

No member shall use a college degree to which he is not entitled or any degree or title granted by an institution declared unworthy by contemporary institutions of its class.

No member shall belittle or injure the professional standing of another member of the profession or unnecessarily condemn the character of his professional acts.

The veterinarian should first of all be a good citizen and a leader in movements to advance community welfare. He should commit no act that will reflect unfavorably upon the worthiness of his profession.

Frauds

Members of the Association shall avoid the impropriety of employing questionable methods to attract public attention.

When employed by the buyer to inspect an animal for soundness, it is unethical to accept a fee from the seller. The acceptance of such a fee is *prima facie* evidence of fraud. On the other hand, it is deemed unethical to criticize unfairly an animal about to be sold. The veterinarian's duty in this connection is to be a just and honest referee.

Guarantee Cures

It is unethical to guarantee a cure.

Alliance with Unqualified Persons

No member shall willfully place his professional knowledge, attainments, or services at the disposal of any lay body, organization, group or individual by whatever name called, or however organized, for the purpose of encouraging unqualified groups and individuals to diagnose and prescribe for the ailments and diseases of animals. Such conduct is especially reprehensible when it is done to promote commercial interests and monetary gain. Such deportment is beneath the dignity of professional ethics and practice; it can be harmful to both the welfare of the animal-owning public and the veterinary profession; it violates principles of humane animal care; it may cause great economic loss and endanger public health and is, therefore, contrary to sound public policy.

Testimonials and Endorsements

Members of the Association shall not issue endorsements or testimonials pertaining to products, services, or equipment except to report the results of properly controlled experiments or clinical studies, such reports to be given publicity through a scientific journal or at a scientific meeting of a professional association.

No member or employee of the American Veterinary Medical Association shall use the name of the Association in connection with the promotion or advertising of any commercial product or commercial service, or in any way that would imply American Veterinary Medical Association endorsement of such a product or service without written permission from the Board of Governors or the Executive Board.

Consultations

When a fellow practitioner or laboratory worker or officially employed veterinarian is called into consultation by the attending veterinarian, findings and discussions with the client shall be handled in such a manner as to avoid criticism of the attending veterinarian by his client.

Consultations should be conducted in such a spirit of professional cooperation between consultant and attendant veterinarian as to assure the client's confidence in veterinary medicine.

Consultants shall not revisit the patient or client or communicate directly with the client without the knowledge of the attending veterinarian.

Laboratory workers in the role of consultants shall deport themselves in the same manner as fellow prac-

titioners whether they are private, commercial, or public functionaries.

In no instance and under no circumstances shall a consultant take charge of a case or problem without the consent of all concerned.

Compliance with Law

Members shall comply with the common law governing their obligations to their clients and shall obey, without obvious fault, the official public relations and laws governing their acts.

The issuing of false certificates of health on official documents is punishable by summary dismissal from the membership, and careless compliance with official regulations that the veterinarian is entrusted to enforce is deemed a violation of professional honesty.

It is unprofessional to aid in illegal practices of others.

Members of the Association shall not indulge in illegal practices, such as practicing without procuring a license or teaching others to do so in violation of the laws governing the practice of veterinary medicine.

It is the duty of members of the Association to report illegal practices to the proper authorities and to report such practices by members of the Association to the Executive Board.

Press Relations

Members are encouraged to write articles for the local press announcing the presence of contagious diseases and their seasonal prevention or treatment, provided the motive is a *bona fide* attempt to salvage the livestock of clients, rather than personal gain. Wisely worded articles of this type add to the dignity and usefulness of the veterinary profession.

Advertising Regulations

Advertising means newspaper, magazine, and periodical announcements and listings; professional cards; professional announcement cards; office and other signs; letterheads; telephone and other directory listings; and any other form of communication designed to inform the general public about the availability, nature, or prices of products or services or to attract clients.

Solicitation means advertising intentionally directed to specific individuals.

A veterinarian shall not, on behalf of himself, his partner, his associate, or any other veterinarian:

1) seek to attract clients as a private practitioner (a) by any form of in-person solicitation through the exertion of undue influence, pressure for an immediate response, intimidation or overreaching; or (b) if any nonclient has given the veterinarian notice that he does not want to receive communications from the veterinarian;

2) use, or participate in the use of, any form of advertising or solicitation which contains a false, deceptive, or misleading statement or claim.

A *false, deceptive, or misleading statement or claim* includes, without limitation, a statement or claim which:

1) contains a prediction of future success or guarantees that satisfaction or a cure will result from the performance of professional services;

2) contains a testimonial about or endorsement of a veterinarian or a combination of a veterinarian's name or photograph and his identity as a veterinarian as part of a testimonial, endorsement, or sales promotion of a nonveterinarian product or service;

3) refers to secret methods of treatment or special services which characterize the ways of a charlatan;

4) concerns illegal transactions;

5) is not identified as a paid advertisement or solicitation unless it is apparent from the context that it is a paid advertisement or solicitation;

6) contains statistical data or other information based on past performance or case reports;

7) contains a statement of opinion as to the quality of professional services or a representation regarding the quality of professional services which is not susceptible of verification to the public;

8) states or implies that a veterinarian is a certified or recognized specialist unless he is board certified in such specialty;

9) is intended or is likely to create an inflated or unjustified expectation;

10) contains a material misrepresentation of fact;

11) omits to state any material fact necessary to make the statement not misleading in light of the circumstances under which it is made;

12) would result in the violation of any law or regulation or a contractual or other obligation of any person through whom the veterinarian seeks to communicate;

13) contains a representation or implication that is likely to cause an ordinary prudent layperson to misunderstand or be deceived or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive; or

14) relates to professional fees other than: (a) a statement of the fixed fee charged for a specific professional service, provided that the description of such service would not be misunderstood or be deceptive and that the statement indicates whether additional fees may be incurred for related professional services which may be required in individual cases; (b) a statement of the range of fees for specifically described professional services, provided that there is reasonable disclosure of all relevant variables and considerations affecting the fees so that the statement would not be misunderstood or be deceptive, including, without limitation, an indication whether additional fees may be incurred for related professional services which may be required in individual cases.

Annotations

Principles Applicable to All

1952 Opinion:

1) That all component associations that have not done so, adopt the AVMA Principles or a similar code of ethics, and *all* associations appoint an active committee on ethics.

2) That all state associations endeavor to include in the programs of their state meetings, a paper or discussion on professional ethics.

3) That since a good many violations of the Principles have been observed during the first year of practice, it is suggested that the teaching of ethics and professional morals be intensified in the schools.

4) That the Principles be given a thorough study with a view to clarification of certain sections and amendments to strengthen it.

5) That a more determined effort be made to enforce the Principles in their entirety.

Displays in Waiting Rooms

1954 Opinion: It is considered unprofessional for veterinarians to display leashes, collars, meat, foods, and other nonprofessional products in their offices, hospitals, and waiting rooms.

Communications to the Public

1955 Opinion: Communications to the lay public were considered by the committee and discussed at great length. The following recommendations of the committee were unanimous.

All opinions on veterinary subjects which are communicated to the laity by any medium, whether it be a public meeting, the press, radio, or television, should be presented as from some organized and recognized veterinary medical society or association and not as from an individual veterinarian. Such opinions should represent what is the generally accepted opinion of the veterinary profession and should be presented as such.

Veterinarians taking charge of columns in which answers to correspondence on veterinary questions are printed in newspapers and magazines for the public are apt to cause serious ethical repercussions. Such columns should adhere strictly to making known facts which are the expression of veterinary science generally and not of the author of the column. Authors (writers) should avoid controversial subjects. These topics should be discussed in veterinary medical conventions and society meetings and made public only when organized veterinary medicine has decided upon a just solution.

Veterinarians representing colleges of veterinary medicine and agricultural colleges (extension service) should abide by these basic principles. However, they may report research work being done by

the college they represent, provided the lay audience they address is informed that the report is of research progress and not a fully accepted "fact" from the veterinary profession. Veterinarians employed by the government should adhere to this basic type of presentation also.

Consultations

1956 Opinion: When in the course of his authorized official duty it is necessary for a veterinarian to render service in the field of another veterinarian, it will be considered unethical to offer free or compensated service or advice other than that which comes strictly within the scope of his official duty. Time alone will correct this evil to a great extent, due in part to his own wider understanding and superior training and to the ever-increasing ability of the local practitioner. There is a continuing increase in degree of specialization within the profession, and it pertains to all species. When it is deemed prudent and necessary, it is entirely within the realm of acceptable ethics to make referrals of selected problems to those persons within the profession who have by additional training and experience equipped themselves to render a wider range of professional service. While this may tend in certain instances to have the effect of bypassing the practitioner most conveniently located, it still is of prime importance that the end result be justified for the profession as a whole rather than for individuals. In this way, the best interests of all are served, rather than permitting the livestock owner to gravitate into the hands of untrained commercial promoters.

Records

1957 Opinion: When a veterinarian leaves the salaried employment of another, he is considered not to have patients in that area. The records of the employer are the employer's sole property.

Boarding Kennels

1958 Opinion: The allying of any veterinarian with a private kennel for the purpose of lending his name either in fact or by inference, in order for the kennel to advertise "under veterinary supervision," would perforce be considered unethical. Inasmuch as the veterinarian would not be in continual supervision, such a statement would border on fraud and misrepresentation.

Dispensing versus Merchandising

1958 Opinion: Dispensing versus merchandising has become a problem for the large animal practitioner in recent years. The situation is acute in some areas and less so in others, depending upon the quality and quantity of veterinary service available. The

trend toward merchandising of medical products to the laity, and by the laity, seems to be on the increase. If such is the case, organized action to combat these inroads is overdue.

Dispensing has been interpreted to mean providing veterinary products for lay use, only on the supposition that the veterinarian has had previous knowledge of the particular case or general conditions which apply to the particular farm or kennel. In the veterinarian's office it becomes the distributing of medicine by virtue of verbal information presented by the owner, as an adjunct to the knowledge gained previously by the practitioner. This is in contrast to the written prescription as a service by the pharmacist.

Merchandising on the other hand, is simply a matter of buying and selling medicine for profit, without the due consideration for the patient receiving such products. It leads to radical display advertising, false claims, and a loss of trust in the veterinarian, whose sincerity should never be in a questionable position. In this instance, mercenary tendencies may become paramount to the actual welfare of the patient and its owner.

From the standpoint of ethics, merchandising by the veterinary profession cannot be tolerated.

In like manner, promiscuous dispensing is untenable, for it will lead to the same mercenary tendencies and the same disregard for the patient. It is expedient that organized veterinary medicine take cognizance of the two foregoing concepts, implementing as rapidly as possible a program to combat the inroads of unprofessional schemes. The answer does not lie in more publicity from the higher echelon, but it does lie in the presentation of facts and information directly to the client by way of the local veterinarian's office.

Principles Applicable to All

1958 Opinion: The ethical principles governing a group, clinic, partnership, or association shall be exactly the same as shall apply to the individual.

1959 Opinion: The Principles are intended to aid veterinarians individually and collectively in maintaining a high level of ethical conduct. They are not laws, but standards by which an individual may determine the propriety of his conduct in his relationship with clients, colleagues, and with the public.

The Council does not consider veterinary ownership of biological and pharmaceutical firms as unethical per se. Neither are group endeavors in themselves unethical unless they are found to be contrary to civil law.

The uniting of veterinarians into a business, whether employer, employee or partner, each of whom is subject to principles of ethics, does not relieve them, either individually or as a group, from the obligation they assume as members of the veterinary profession.

Therapy, Determination of

1959 Opinion: Determination of therapy must not be relegated to secondary consideration with remuneration

to the veterinarian being the primary interest. The Council is of the opinion that the veterinarian's obligation to uphold the dignity and honor of his profession precludes his entering into an arrangement whereby, through commission or rebates, his judgment on choice of treatment would be influenced by considerations other than needs of the patient, welfare of the client, or safety of the public. This is a responsibility of personal conduct which each individual member must assume and discharge.

Deceptive Surgery

1961 Opinion: If the veterinarian knows that surgery has been requested with intent to deceive a third party, he will have engaged in an unethical practice if he performs or participates in the operation.

Commercial Use of Reprints

1964 Opinion: After reviewing examples of what appeared to be abuses in the handling of reprints of scientific articles by industrial firms, the Council recommends that the firm be required to obtain the publisher's and author's consent prior to distribution of reprints, and that the publisher in granting permission for a firm to make or distribute reprints should stipulate that the reprint is to remain unchanged, entirely separate, and without any overprint or promotional attachments.

Secret Remedies

1964 Opinion: It is unethical and unprofessional for a veterinarian to promote, sell, prescribe, or use any product the ingredient formula of which has not been revealed to him.

Boarding Kennels

1966 Opinion: A commercial boarding kennel may be owned by a veterinarian but must not be operated under the veterinarian's name, and the telephone number must be separate from that used by the veterinarian in the conduct of his practice. Persons answering the boarding kennel telephone should not answer by giving the name of the veterinarian or his hospital.

Listing of Staff Assignments on Bulletin Boards

1968 Opinion: After thorough review of a presentation from the owner of a veterinary hospital requesting that the Council give an opinion as to the propriety of listing on a bulletin board in the reception room the names of veterinary staff members and their responsibilities and consideration of comments on this subject received from constituent associations, the AAHA, and the Advisory Board on Veterinary Specialties, the Council agreed that the listing of areas of competence of veterinarians on letterheads or on bulletin boards inside or outside the office would be

inconsistent with the Principles of Veterinary Medical Ethics, unless in each case the veterinarian is board certified in the named specialty. However, it was agreed that no exception should be taken to the listing of names with degrees and with an indication that practice is limited to certain species of animals.

Drugs, Practitioner's Responsibility in the Choice of

1969 Opinion: After considering the propriety of a practitioner using a human-label drug in his practice, even though the drug as a veterinary-label product has been withdrawn from the market because of adverse side effects, the Council concluded that the practitioner of veterinary medicine, in common with practitioners in other branches of medicine, is fully responsible for his actions with respect to a patient from the time he accepts the case until it is released from his care. In the choice of drugs, biologics, or other treatments, he is expected to use his professional judgment in the interests of the patient, based upon his knowledge of the condition, the probable effects of the treatment, and the available scientific evidence which may affect these decisions. If the preponderance of professional judgment is, or seems to be, contrary to his, the burden upon the practitioner to sustain his judgment becomes heavier. Nevertheless, the judgment is his and his alone.

Specialist Designation

1969 Opinion: A veterinarian should not hold himself out in any way to be a specialist unless he is board certified in a named specialty.

Policy Pertaining to Corporate Ownership and Management of Veterinary Practices

1970: The following policy statement, adopted by the House of Delegates in 1970, has been included among the annotations to the Principles of Veterinary Medical Ethics at the request of the House of Delegates.

In recent years, veterinarians have organized corporations, associations, and similar legal entities in order to obtain tax benefits or related advantages which physicians and members of other professions now enjoy. The decisions concerning the legal form used in the particular situation naturally depend upon state laws, financial factors, and other considerations peculiar to individual veterinarians. Because this trend apparently will continue in the future, the AVMA suggests that its members be guided by the following statement of policy:

Veterinarians' participation with other persons in corporations and associations can be divided into two categories. First, professional organizations may be formed in order that their members may practice veterinary medicine. The AVMA believes that the public interest will be served best when decisions affecting the care and treatment of animal patients are made by veterinarians. Having obtained extensive professional education and training, only veterinarians are properly equipped to diagnose disorders and to analyze each patient's complete health

requirements. Therefore, the AVMA recommends that private practices of veterinary medicine be governed by veterinarians rather than by nonprofessional individuals. Superior veterinary medical care is most likely to result when the controlling interests of professional corporations, associations, or partnerships are owned by veterinarians.

Second, veterinarians may join organizations created merely to own equipment or the physical assets of a veterinary hospital or to perform business functions. For example, veterinarians may lease a hospital or obtain accounting services from a nonprofessional organization. Since this kind of joint enterprise does not determine the professional treatment which animal patients receive, the public interest will not be jeopardized.

Since the preceding two types of joint veterinary organizations are sometimes combined, the AVMA recommends that veterinarians be particularly careful to distinguish between enterprises which merely supply ancillary services and organizations which attempt to influence veterinarians' professional responsibilities. So that all animal patients will secure the best possible medical care, veterinarians should retain full control over all professional corporations whose members practice veterinary medicine. Only in this way will the present high professional standards be maintained and will the welfare of animal patients remain the principal concern of veterinarians.

Some states have passed professional practice acts providing that only persons licensed to practice their profession in those states may incorporate and that they may not sell or transfer the stock in such corporations to nonlicensed persons. The Association views these provisions as desirable.

Redemption Coupons

1970 Opinion: After reviewing a plan under which a dog food manufacturer provided veterinarians with dog food redemption coupons to distribute to their clients, the Council concluded that the veterinarians were put in the position of participating in the sales promotion of a commercial product and that the plan was therefore unacceptable.

Certificates or Diplomas, Continuing Education, Display of

1972 Opinion: Because the display of continuing education course certificates or diplomas might lead the public to infer that the veterinarian to whom they are issued is a specialist in the subject matter, the public display of such documents is in poor taste and should be discouraged.

Commissions, Rebates, or Kickbacks

1972 Opinion: It is unethical for a veterinarian to solicit or accept a commission, rebate, or kickback in connection with his recommendation of, or referral of a client to, purveyors of merchandise or services such as dog food, cremation or burial services, caskets, urns, insurance, breeding stock, and livestock supplies.

Emergency Service

1972 Opinion: Every practitioner has a moral and ethical responsibility to provide service when because of accidents or other emergencies involving animals it is necessary to save life or relieve suffering. Inasmuch as the veterinarian cannot always be available to provide this service, he has an obligation to join with his colleagues in the area to see that emergency services are provided consistent with the needs of the locality.

Pet Cemeteries and Pet Crematoriums, Veterinary Ownership-Operation of

1972 Opinion: The ethical aspects of ownership-operation of pet cemeteries or crematoriums by veterinarians should not be significantly different from the veterinarian's involvement in other nonveterinary business activities such as pet shops, boarding kennels, and feed mills. Ideally, the enterprise should be a business entity completely separated from the veterinary practice, with the telephone number, the telephone directory listing, the name of the enterprise, and the mailing address indicating no connection with a veterinary hospital, and with separate business records.

The veterinarian who does not own or operate a cemetery or crematorium as a separate business but does provide such service on request should in no way announce or advertise the service.

The veterinarian who renders a disposal, burial, or cremation service should take special care to avoid the impression that veterinarians are caretakers of the quick and the dead. There is potential for unfavorable public relations and questions of ethics when the healer is in a position to profit from the disposition of deceased patients.

Inasmuch as the pet-owning public views burial and cremation in terms of human reference, these services, when rendered for pet animals, should be fully explained so that the differences, if any, will be understood and the client will not be deceived. For example, if the burial of a client's pet does not include a roughbox or casket, a stone marker, title to the plot of land, and perpetual care, the absence of those details should be clearly stated, preferably in writing.

Pet Health Insurance

1972 Opinion: Application forms, pamphlets, and other promotional material pertaining to pet health insurance may be kept on hand for the purpose of responding to requests from clients, but such materials should not be on display in a veterinary facility.

Professional Relationships with New Clients

1972 Opinion: Great potential for the development of poor client-veterinarian relationships occurs when a dissatisfied animal owner takes the initiative of going from one veterinarian to another without refer-

ral. The second veterinarian's careless or ill-considered comments could even result in a lawsuit against a colleague.

The following suggestions are offered for consideration by veterinarians in dealing with clients with whom they are not acquainted or for whom they have not previously rendered service:

Conduct yourself in word and action as if the patient had been referred to you by a colleague. Try to ascertain by careful questioning whether the client has consulted another veterinarian and if so his name, diagnosis, and treatment. It may be advisable to contact the previous veterinarian in order to ascertain his diagnosis and treatment before telling the client how you plan to handle the case.

Describe your diagnosis and intended treatment carefully so that the client will be generally satisfied with his professional contacts.

Consider the advisability of notifying the previous veterinarian(s) of your diagnosis and therapy.

Handle new clients, their sick animals, and the veterinarians they have consulted previously in a manner consistent with the Golden Rule. To criticize or disparage another veterinarian's service to a client is unethical. If your colleague's actions reflect professional incompetence or neglect or abuse of the patient, call it to his attention and, if appropriate, to the attention of officers or practice committees of the local or state veterinary associations or the proper regulatory agency.

You may refuse to accept a client or patient but do not do so solely on the basis that the client had previously contacted another veterinarian.

It should also be recognized that the first veterinarian to handle the case has an obligation to other veterinarians that the client may choose to consult about the same case. He should readily withdraw from the case, indicating the circumstances on his records, and should be willing to forward copies of his medical records to other veterinarians who request them.

Sale of Ethical Veterinary Products and Veterinary Prescription Drugs

1972 Opinion: Commercial firms that have a policy of sales to veterinarians only are known as "ethical" firms and their products as "ethical" products. Such a sales policy has no legal basis and therefore has no legal protection. However, many veterinarians prefer to use the so-called "ethical" products and believe that the sales policy should be respected by the profession.

The sale of veterinary prescription drugs is regulated by law which requires that licensed veterinarians issue prescriptions for such sales.

The Association has received complaints that product catalogs distributed to animal owners contain listings of both "ethical" products and prescription drugs.

The Council views it as unethical for a veterinarian to use his name or permit the use of his name in connection with the purchase of "ethical" prod-

ucts for resale by a commercial distributor to animal owners. The Council also views as unethical a veterinarian's arranging with a commercial distributor for the mail order sale of prescription drugs directly to animal owners without examining the affected animals and making a diagnosis.

Vaccination Clinics

1972 Opinion: *Definition*—The term vaccination clinics applies to either privately or publicly supported activities in which veterinarians are engaged in mass immunization of pet animals. Usually, animals are brought in to points of assembly by their owners or caretakers in response to a notification that immunization services will be available. Characteristically, these clinics do not provide the opportunity for the participating veterinarians to (1) conduct a physical examination of the individual animals to be immunized, (2) obtain a history of past immunization or prior diseases, or (3) advise individual owners on follow-up immunization and health care.

Scientific and Technical Considerations—Whereas rabies immunization for the purpose of public health protection can be satisfactorily achieved in a vaccination clinic, the effectiveness of vaccination clinics for canine distemper and hepatitis immunization for the individual patient is hampered by biological variables. Examination of individual animals and acquisition of histories are essential steps in assuring proper immunization against these latter diseases.

Fees for Services

1975 Opinion: In determining his fees for services rendered, the veterinarian may be expected to consider the nature of the condition, his time, the expense of other resources applicable to the case, and the client's ability to pay.

It is unethical for a veterinarian to participate in fee splitting and rebating or to accept or pay a fee in connection with referrals.

It is not permissible for a veterinary association to take any action which would have the effect of coercing, pressuring or achieving agreement among veterinarians to conform to fixed fees or a fee schedule.

When a veterinarian agrees to provide veterinary services, the quality of service must be maintained at the usual high professional level, regardless of the fees charged, if any.

Humane Organizations and Spay and Neuter Clinics: Examination and Surgical Sterilization of Pets

1975 Opinion: A veterinarian should at all times exercise his own individual judgment in deciding whether to undertake the care of any particular patient, regardless of whether the patient is referred to him by a humane organization, a spay and neuter clinic, or others. The fees, if any, charged by a veterinarian as a result of any such referral are likewise a matter for his own individual judgment.

Diagnostic Clinics, Guidelines for Conducting

1976 Opinion: The Council reviewed the Guidelines for Conducting Diagnostic Clinics adopted by the AVMA House of Delegates in 1974 and considered comments received from a diplomate of and the secretary-treasurer of the American College of Veterinary Ophthalmologists. The Council agreed to amend the guidelines as follows:

The problems that have arisen when specialists go into communities to conduct diagnostic clinics under sponsorship of breed associations, sometimes with animosity developing between the specialists and local veterinary practitioners, could be largely avoided if the following guidelines were applied. In proposing these guidelines, the Judicial Council recognized that the clinic approach has shortcomings. Animals should be examined in the favorable environment of a properly equipped veterinary facility where adequate equipment is available and ample time can be taken for anamnesis and subsequent discussion between the specialist and the owner.

- 1) A diagnostic clinic should be jointly sponsored by a breed association and a local veterinary association.
- 2) Pertinent information should be recorded for every animal examined at the clinic.
- 3) Results of the examination should be sent in duplicate to the animal owner by the sponsoring organization, so that the owner may give a copy at his discretion to his veterinarian.

Genetic Defects

1976 Opinion: Performance of surgical procedures for the purpose of concealing genetic defects in animals to be shown, bred, or sold as breeding animals is unethical. This should not be construed to prohibit the performance of procedures intended to relieve suffering or pain.

Obligation To Refer

1976 Opinion: If for any reason a client requests referral to another veterinarian or veterinary institution, the attending veterinarian should be willing to honor the request and to facilitate the necessary arrangements.

Veterinarian-Client Relationships

1976 Opinion: The ethical ideals of the veterinary profession imply that a doctor of veterinary medicine and the veterinarian's staff will protect the personal privacy and other legal rights of clients, unless he is required, by law, to reveal the confidences entrusted to him or unless it becomes necessary in order to protect the health and welfare of the individual, his animals, and/or others whose health and welfare may be endangered.

Several changes to the 1978 edition of the Principles of Veterinary Medical Ethics adopted by the AVMA House of Delegates in 1979, 1980, and 1981 are presented below. Please note the changes in your copy and file this addendum sheet with the booklet for future reference.

Advertising Regulations, page 8. In the definition of false, deceptive, or misleading statement or claim, change statement 2 to read:

- 2) (1979) contains a testimonial about or endorsement of a veterinarian or a combination of a veterinarian's name or photograph and his identity as a veterinarian as part of a testimonial, endorsement, or sale promotion of a nonveterinarian product or service, except that this prohibition does not apply to endorsements of valid, nonprofit, charitable organizations whose purpose is to promote veterinary medicine and animal health, provided that such organizations have been recommended for endorsement by a state veterinary association.

Policy Pertaining to Corporate Ownership and Management of Veterinary Practices, page 11. The 1970 statement is superseded by the 1979 statement of policy.

1979: In recent years, veterinarians have organized corporations, associations, and similar legal entities in order to obtain tax benefits or related advantages which physicians and members of other professions now enjoy. The decisions concerning the legal form used in the particular situation naturally depend on state laws, financial factors, and other considerations peculiar to individual veterinarians. Because this trend apparently will continue in the future, AVMA suggests that its members be guided by the following statement of policy:

Veterinarians' participation with other persons in corporations and associations can be divided into three categories. First, professional organizations may be formed in order that their members may practice veterinary medicine. The AVMA believes that the public interest will be served best when decisions affecting the care and treatment of animal patients are made by veterinarians. Having obtained extensive professional education and training, only veterinarians are competent to diagnose disorders and to analyze each patient's complete health requirements. Therefore, the AVMA recommends that the exercise of professional veterinary judgment and skill be governed by veterinarians rather than by nonveterinarians. Superior veterinary medical care is most likely to result when veterinarians in professional corporations, associations, or partnerships retain full control over all professional veterinary judgments.

Second, veterinarians may join organizations created merely to own equipment or the physical assets of a veterinary hospital or to perform business functions. For example, veterinarians may lease a hospital or obtain accounting services from a nonveterinary organization. Since this kind of joint enterprise does not determine the professional treatment which animal patients receive, the public interest will not be jeopardized.

Third, veterinarians, on behalf of nonveterinary corporations, may, wherever

permitted by individual state laws, render veterinary services to the public or to such corporations. Because the principal officers, directors, and executives of such organizations may not be veterinarians, veterinarians who practice for such organizations must be especially vigilant in ensuring that their professional veterinary judgments and responsibilities are neither influenced nor controlled by such nonveterinary individuals to the detriment of the animal patient. Regardless of the setting in which veterinary medicine is practiced, veterinarians must always maintain the quality of veterinary care at the usual high professional level.

Since the preceding three types of joint veterinary organizations are sometimes combined, the AVMA recommends that veterinarians be particularly careful to distinguish between enterprises which merely supply ancillary services and organizations which attempt to influence veterinarians' professional responsibilities. So that all animal patients will secure the best medical care, veterinarians should retain full control over the exercise of professional veterinary judgment and skill in corporations whose members or personnel practice veterinary medicine. Only in this way will the present high professional standards be maintained and will the welfare of the animal patients remain the principal concern of veterinarians.

Pet Health Insurance, page 12. The 1972 Opinion was deleted by the 1980 House of Delegates.

Genetic Defects, page 13. The 1976 Opinion is superseded by the 1980 Opinion.

1980 Opinion: Performance of surgical procedures in all species for the purpose of concealing genetic defects in animals to be shown, raced, bred, or sold as breeding animals is unethical. However, should the health or welfare of the individual patient require correction of such genetic defects, it is recommended that the patient be rendered incapable of reproduction.

Solicitation, page 8. The statement on solicitation is revised to read:

1981 Opinion: Solicitation means advertising intentionally directed to specific individuals. Written solicitation is permissible provided it does not exert undue influence, pressure for immediate response, intimidation, or overreaching. Oral or in-person solicitation, although permissible with the foregoing caveats, is nevertheless undesirable because its very nature provides no evidence that can be examined by a regulatory body.

Fees, page 8. Add after item 14:

1981 Opinion: In advertising by veterinarians, the unqualified use of terms such as "\$20 and up" or "\$20 to \$30" is in violation of AVMA's Advertising Regulations which state that a statement of the range of fees for specifically described professional services must include reasonable disclosure of all relevant variables and causes affecting the fees so that the statement will not be misunderstood or be deceptive. Such statements about fees must also indicate whether additional fees may be incurred for related professional services which may be required in individual cases.

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