

Volume 3



Manual for Experts

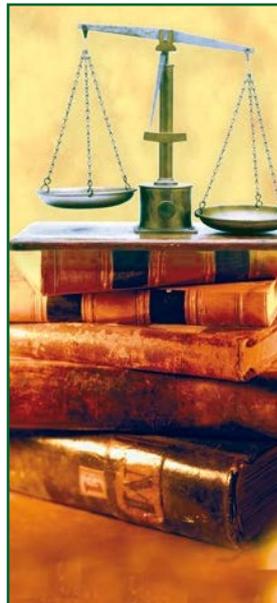
Veterinary Legislation Support Programme

Working Examples of Primary Veterinary Legislation

Code
compliance



Legislation
reform



Effective
enforcement



Serve the
public good



2016

2nd edition



WORLD ORGANISATION FOR ANIMAL HEALTH

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**Veterinary Legislation Support Programme
Manual for Experts**

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Volume 3: Working Examples of Primary Veterinary Legislation

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Introduction to the use of this volume

The working examples of legislative texts included in this volume should not be viewed as, or used as, model laws. Models, although useful in some particular and limited cases, have several disadvantages that can adversely affect the external quality of veterinary legislation if they attempt to cover the whole of the subject, for the following reasons:

1. Models give the impression that veterinary legislation is autonomous and often disregard interrelations with other areas of law (civil, penal, commercial, etc.). If countries lack the means for adequate legal coordination, this can lead to conflicting legal texts and legal uncertainty.
2. Models cannot take into account the legal systems of all countries and may lead to a mixture of regulatory and legislative provisions that contradict state constitutions.
3. Models impose technical and legal choices in situations for which there may be other solutions that are more relevant to the local context.
4. Models do not factor in time and cost and give the impression that legislation is mainly a question of drafting and can be introduced in a matter of months.
5. Models cannot take into account the criterion of applicability, which is highly dependent on the context and is a key factor for the quality of norms.

Rather than being viewed as models, the texts that follow should be considered as *working examples* of primary veterinary legislation that can be used to help illustrate and communicate key points about legislative drafting, legal quality and effective coverage of particular aspects of the veterinary domain.

While the use of footnotes is generally discouraged in the drafting of legal texts, these working examples of primary veterinary legislation are annotated with numerous explanatory footnotes to assist OIE experts with the effective communication of the content and character of the text to their counterparts during VLSP missions, with the goal of improving the capacity for drafting good-quality veterinary legislation in the local context. In other words, the footnotes are for instructional and explanatory purposes only and are not to be viewed as an integral part of the texts.

PART 1.

VETERINARIANS AND VETERINARY PARA-PROFESSIONALS

Corresponds to Article 3.4.6 of Chapter 3.4., 'Veterinary Legislation',
of the OIE *Terrestrial Animal Health Code*

An Act on the regulation of veterinarians and veterinary para-professionals

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An Act on the regulation of veterinarians and veterinary para-professionals¹

Preamble

It is important to safeguard and improve the health and welfare of animals, and the health, welfare and livelihoods of those who manage or keep animals, as well as to protect those who consume animal products. It is also necessary to ensure that the practice of veterinary medicine is conducted by qualified veterinarians and veterinary para-professionals in accordance with the highest technical and ethical standards.

Therefore, this Act has been introduced to regulate the practice of veterinary medicine by making provisions for the training, registration and licensing of veterinarians and veterinary para-professionals.

Chapter 1. Preliminary

Article 1. Shorttitle

This Act is called the Veterinary Professions Act.

Article 2. Definitions²

‘[National] Veterinary Council’ refers to the autonomous³ statutory body established in [name of country] for the purpose of regulating the veterinary profession.

A ‘veterinarian’ is a person with appropriate education registered by the veterinary statutory body of a country to practice veterinary medicine/science in that country.

‘Veterinary medicine’ refers to the examination of animals with regard to health, fitness or soundness; the diagnosis of animal disease and the provision of advice on the basis of such diagnosis (consultation); the prescribing, compounding and dispensing of medicinal products, therapeutic devices or treatments; certification, including regulatory compliance assessments; the delivery of care or preventative, curative or other appropriate medical or surgical procedures, including the insertion of subcutaneous implants in animals; and representing oneself directly or indirectly as a veterinarian.

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- 1- In developing legislation for the regulation of the veterinary profession, effort must be guided by a clear understanding of the situation in the country and the desired outcome that best serves the public good relative to the delivery of Veterinary Services. In light of this, the following points need to be considered:
 - the required levels of qualification for veterinarians and veterinary para-professionals;
 - the geographical availability of the different levels of veterinary practitioners; and
 - the economic accessibility to, and of, the veterinary practitioner (affordability or profitability).Each country situation will be different, depending on whether there are too many or not enough veterinary practitioners; whether or not they are sufficiently qualified; whether or not demand is professionalised; whether veterinary medicine has long been privatised or is in the process of privatisation; whether or not there is illegal practice and unfair competition; etc.
 - 2- These are only a sample of potentially useful definitions. When actual legislation is being developed, there may be a need for more definitions and some of those listed in this sample may not be needed. The person responsible for drafting the legislation will add to and delete from this list as necessary.
 - 3- The OIE definition of a veterinary statutory body (VSB) includes the expectation that the VSB may be autonomous. This expectation should be viewed as aspirational. The intention is to ensure that the VSB can make transparent decisions that are independent of undue political, financial or other outside interests. For this reason, the VSB would ideally be structurally independent from government and also financially independent. This is, of course, often not possible, particularly in the case of financial independence. For example, a country with 30 veterinarians will not be able to obtain sufficient operating funds from license, registration and continuing education fees so they will need support from outside sources, usually government, but sometimes industry. In such circumstances, the VSB should be structured in such a way as to foster independent decision making as much as is possible.

A 'veterinary para-professional' is a person who is authorised by the veterinary statutory body to carry out certain designated tasks in a territory, and delegated to them under the responsibility and direction of a veterinarian⁴. The tasks for each category of veterinary para-professional are defined by the veterinary statutory body depending on qualifications and training, and according to need⁵.

A 'veterinary statutory body' is an autonomous body established for the regulation of veterinarians and veterinary para-professionals.

Chapter 2. The [National] Veterinary Council

Article 3. Establishment of the [National]⁶ Veterinary Council

There is hereby established an autonomous veterinary statutory body to be known as the [National] Veterinary Council, henceforth referred to as 'the Council'.

The Council shall be a juristic person.

Article 4. Objectives of the Council

The objectives of the Council are to:

- a) regulate the practice of the veterinary profession and the veterinary para-professions, and the registration and licensure of persons practising such professions;
- b) determine the minimum standards of training required for degrees, diplomas and certificates entitling the holders thereof to be registered to practice as veterinary professionals or veterinary para-professionals;
- c) determine the continuing education requirements for veterinarians and veterinary para-professionals to ensure that they remain current with regard to relevant technical advances in the practice of veterinary medicine;
- d) exercise effective control over the professional conduct of persons practising the veterinary profession and the veterinary para-professions;
- e) determine the standards of professional conduct of persons practising the veterinary profession and the veterinary para-professions;
- f) advise the Minister in relation to any matter affecting the veterinary profession or veterinary para-professions.

4 - Presently, in this example and in keeping with the OIE definition, veterinary para-professionals are expected to work under the responsibility and direction of a registered veterinarian. Should policy-makers decide to allow veterinary para-professionals greater autonomy, for example to enable them to open their own practice in order to perform some designated/identified routine veterinary procedures, this definition would need to be changed to reflect this greater autonomy.

5 - While this is a requirement according to the OIE *Terrestrial Animal Health Code*, consideration may be given in the legislation to allow veterinary para-professionals autonomy to perform certain veterinary procedures under specific circumstances identified in the legislation, for example routine and simple procedures in a given geographical area in which there is a shortage of veterinarians. Alternatively, the legislation might allow for incentives or subsidies for veterinarians to take up practice in such underserved areas.

6 - The country name can be entered here to provide the name of the national statutory body, for example the Vetopia Veterinary Council. Other names, for example the Vetopia Board of Veterinary Medicine, may also be suitable.

Article 5. Powers and functions of the Council

In order to achieve its objectives, the Council may:

- a) acquire or hire movable or immovable property;
- b) develop, mortgage, let, sell or otherwise dispose of or burden movable or immovable property of the Council;
- c) accept, draw, endorse, issue, make, pay or perform any other act in respect of negotiable instruments;
- d) spend and invest funds of the Council;
- e) enter into contracts;
- f) exercise or perform any power or function conferred or imposed upon it by or under this Act or any other law;
- g) generally take such other steps and perform such other acts as may be necessary for or conducive to the achievement of the objects of the Council.

Article 6. Composition of the Council⁷

The Council shall consist of:

- a) the Chief Veterinary Officer of the country or his or her designated representative, either of whom must be a veterinarian;
- b) five veterinarians initially selected by the Minister at the Council's inception and then subsequently elected by vote of the veterinarians who are registered with the Council;
- c) one veterinary specialist from each category of veterinary specialist recognised by the Council, initially selected by the Minister at the Council's inception and then subsequently elected by the veterinary para-professionals in each category who are registered with the Council;
- d) one representative from each category of veterinary para-profession initially selected by the Minister at the Council's inception and then subsequently elected by the veterinary para-professionals in each category who are registered with the Council;
- e) the Dean of a university veterinary faculty that is recognised by the Council and selected by the Minister or a designate of the selected Dean, approved by the Minister;
- f) the Director of a veterinary para-professional training institution that is recognised by the Council and selected by the Minister or a designate of the selected Director, approved by the Minister;
- g) one layperson actively involved with animal health or welfare, selected by the Minister.

⁷ - The composition presented in this section serves as a suggestion. The main points are that the composition of the Council should reflect its activities. For example, if the Council has responsibilities for approving the standards of training or accrediting training institutions, then representatives of training institutions should be included. In addition, the composition should be representational, meaning that if the Council has authority to regulate veterinary para-professionals, then veterinary para-professionals should be included in the decision-making processes by having seats at the table, even if veterinarians remain the majority. Finally, as much as possible, members should be elected rather than appointed by the Minister to foster autonomy and independent decision making.

Article 7. Qualifications of members of the Council

No person shall be designated as a member of the Council or elected as a member of the Council if:

- a)** he or she is not a registered veterinarian or veterinary specialist, if required to be so;
- b)** he or she is not a registered veterinary para-professional, if required to be so;
- c)** he or she is not a citizen of the country;
- d)** he or she is not permanently resident in the country;
- e)** he or she suffers from mental illness as defined by law;
- f)** his or her estate has been sequestrated or surrendered or he or she has entered into a composition with his or her creditors;
- g)** he or she has at any time been convicted of an offence in respect of which he or she was sentenced to imprisonment without the option of a fine and such sentence;
- h)** he or she has not been suspended;
- i)** he or she does not satisfy the prescribed requirements with regard to the election of members of the Council.

No person shall qualify to be a member of the Council if such person has been found guilty of unprofessional, improper or disgraceful conduct after an inquiry of the Council has exercised its disciplinary powers.

Article 8. Tenure of office of members of the Council⁸

A member of the Council shall hold office for a period of three years and shall, at the expiration of his or her period of office, be eligible for redesignation or re-election.

Article 9. Vacation of office and filling of vacancies

A member of the Council shall vacate his or her office if:

- a)** he or she ceases to comply with any of the relevant requirements identified in Article 7;
- b)** he or she is absent from two consecutive meetings of the Council without the permission of the Council;
- c)** he or she tenders his resignation in writing to the Minister;
- d)** the Minister, at the request of or after consultation with the Council, in the public interest terminates his or her membership.

⁸ - This section can be tailored to meet local needs or wishes. For example, term lengths can be shorter or longer than three years. Another option to consider is wording that allows the staggering of the terms of Council members, so that all terms of all members do not expire simultaneously. This would favour the maintenance of 'institutional memory' in the Council.

Any vacancy on the Council arising from a circumstance referred to in the preceding paragraph, or any vacancy caused by the death of a member, shall be filled within three months by designation or election, as the case may be, in consultation with the Council, in the manner in which the member who vacates his or her office or dies, was required to be designated or elected, and any member so designated or elected shall hold office for the unexpired portion of the period for which the member who vacates his or her office or dies was designated or elected.

Any vacancy on the Council arising from the expiration of the period of office shall be filled within three months of such expiration.

Article 10. President and vice-president of the Council

At the first meeting of every newly constituted Council, the members of the Council shall elect a president and a vice-president from their number.

If the office of president or vice-president becomes vacant for any reason other than effluxion of time, the members of the Council shall, at the first meeting after such vacancy occurred or as soon thereafter as may be convenient, elect from their number a new president or vice-president, as the case may be, and the member so elected shall hold office for the unexpired portion of the period for which his or her predecessor was elected.

No member of the Council shall hold the office of president or vice-president for longer than two consecutive terms of office.

If for any reason the president is not able to act, the vice-president shall perform all the duties and exercise all the powers of the president.

The president or vice-president of the Council may vacate his or her office without terminating his or her membership of the Council.

Article 11. Meetings of the Council

The Council shall meet at least twice every year at such places as the president may determine.

In addition, the Council may hold special meetings. A special meeting of the Council shall be:

- a)** convened by the president at the written request of the Minister or of at least three members of the Council with the written request clearly stating the purpose for which the meeting in question is to be convened;
- b)** held at such place as the president may determine, within 30 days of the receipt of such request by the president.

The majority of the members of the Council shall constitute a quorum for a meeting of the Council.

The president, or in his or her absence the vice-president, of the Council shall preside at all meetings of the Council at which he or she is present, and if both the president and the vice-president are absent from any meeting, the members present shall elect one of their number to preside at that meeting, and the person so elected may, during that meeting, perform all the functions and exercise all the powers of the president.

The person presiding at a meeting of the Council shall determine the procedure at the meeting.

The decision of a majority of the members of the Council present at any meeting thereof shall constitute the decision of the Council, provided that in the event of an equal number of votes the member presiding at that meeting shall have a casting vote in addition to his or her deliberate vote.

Article 12. Executive committee

There shall be an executive committee of the Council consisting of the president and two other members of the Council, designated by the Council.

Subject to the provisions of this Act and the directions of the Council, the executive committee may, between meetings of the Council, exercise all the powers and perform all the functions of the Council. However, the executive committee is not empowered to set aside or amend any decision of the Council.

Any decision taken or act performed by, or on the authority of the executive committee shall be of full force and effect, unless it is set aside or amended by the Council either of its own accord within one year after such decision or act or at the request, within that year, of a person affected thereby, at any time after such a decision or act.

Article 13. Other committees

The Council may, from time to time, establish such other committees as it deems necessary, in order to exercise such powers and perform such functions that may from time to time be conferred or imposed upon or delegated to them by the Council.

Each 'other committee' shall consist of such a number of persons, appointed by the Council, as determined by the Council.

The Council shall designate a member of a committee, who shall also be a member of the Council, as the chairman of that committee.

Article 14. Allowances of members of the Council and committees

Members of the Council or of any committee referred to in section 12 or 13 may be paid out of the funds of the Council in respect of their services as such members, such as travelling and subsistence allowances as the Council determines.

Any such allowance so paid to any member who is an officer shall be in accordance with the laws governing his or her employment by the state.

Article 15. Appointment of registrar and staff

The Council shall appoint a registrar for the purposes of this Act.

Any power conferred upon, function assigned to or duty imposed upon the registrar by or under this Act or any other law, may be exercised, performed or carried out by the registrar personally or by another person appointed by the registrar with the approval of the Council, who acts under the delegation, control or direction of the registrar.

The remuneration and other conditions of service of the registrar and any other person referred to in the preceding paragraph shall be determined by the Council.

The Council may with the approval of the Minister and on account of incapacity or neglect of duty reduce the remuneration of, suspend or dismiss the registrar or any other person appointed by the registrar and approved by the Council.

Article 16. Funds of the Council

The funds of the Council shall consist of:

- a)** fees collected for registration, licensing and examinations;
- b)** fines imposed and recovered in terms of this Act;
- c)** the advances referred to in the following paragraph;
- d)** moneys obtained by way of loans raised by the Council with the approval of the Minister;
- e)** any other moneys received by the Council in terms of this Act;
- f)** any moneys accruing to the Council from any other source.

The Minister may, with the concurrence of the Minister of Finance⁹:

- a)** advance to the Council out of moneys appropriated by Parliament such amounts that he or she may deem necessary in order to enable the Council to perform its functions;
- b)** determine the conditions of such advance and the times at which such advance shall be repayable.

The Council shall use its funds to defray the expenditure incurred in the achievement of its objectives and the performance of its functions under this Act.

The Council may invest any unexpended portion of its funds.

Article 17. Bookkeeping and auditing

The Council shall ensure proper records are kept of all moneys received or expended by it, of all its assets and liabilities, and of all financial transactions entered into by it, and shall, as soon as possible after the end of each financial year, ensure that statements of account and a balance sheet are prepared showing, with all appropriate particulars, the moneys received and the expenditure incurred by it during, and its assets and liabilities at the end of, that financial year.

The records, statements of account and balance sheet referred to in the preceding paragraph shall be audited by an independent certified public accountant nominated by the Council and approved by the Minister.

Copies of such documents so audited shall be open for inspection at the office of the Council during office hours by persons who are registered or deemed to be registered in terms of this Act.

⁹ - While ideally the VSB should be autonomous, in some situations it may be necessary for the VSB to receive financial support from the government in order to function. This would be justifiable at least in the sense that maintaining the quality and integrity of the professions supports the public good. Nevertheless, as much as possible, autonomy for the VSB should be facilitated, with the VSB being structured independently from the Ministry or Veterinary Department. See footnote number 3 for further discussion.

Article 18. Reports by the Council

The Council shall, within six months of the end of a financial year, submit a report to the Minister on its activities during that financial year.

Copies of such report shall be:

- a)** open for inspection by the public at the office of the Council during office hours;
- b)** obtainable at the office of the Council on payment of such amount as may be determined therefor by the Council.

Chapter 3. Regulation of veterinary medicine

Article 19. Practice of veterinary medicine

No person, except a registered and licensed veterinarian, a student authorised by the Council to work under the direct supervision of a registered and licensed veterinarian, or a registered and licensed veterinary para-professional authorised by the Council to work in a defined supervisory relationship with a registered and licensed veterinarian as described in Article 31, shall practice veterinary medicine.

Article 20. Non-application of Act

Nothing in this Act applies to or affects¹⁰:

- a)** farriers for hoof conditions and hoof trimmers within the context of usual trimming operations;
- b)** the owners or keepers of farm animals or their supervised employees who, in compliance with legal or regulatory provisions and especially those governing animal protection, administer treatments or perform procedures related to animal husbandry on the said animals (e.g. dehorning, castration, tail docking);
- c)** veterinary medicine students, within the framework of training provided by their educational institutions;
- d)** officials specialising in apiculture pathology, authorised by the Competent Authority, and engaging under its responsibility, in bee disease control activities;
- e)** officials specialising in aquaculture pathology, authorised by the Competent Authority, and engaging under its responsibility, in disease control activities for aquatic animals.

¹⁰ - This list of exempt individuals and acts is illustrative. Each country will have to decide on its own terms with regard to whom and what can and should be exempt from the practice of veterinary medicine. For example, the status of artificial inseminators and animal identifiers could vary from country to country depending on local perceptions and conditions.

Chapter 4. Registration, licensure and authorisation

Article 21. Registration of veterinarians

The Council shall keep a register, called the Veterinary Register¹¹, and enter in it the name of every person who is registered under this Act as a veterinarian, the class or category of registration of the person, and the conditions attached to each class or category of registration¹².

The Council may register an applicant as a registered veterinarian if the applicant:

- a) has not been convicted of a criminal offence by a court of competent jurisdiction; and
- b) holds and provides documentation of a diploma or a certificate of veterinary medicine from a university, college, school, body or association approved by the Council; **or**
- c) holds and provides documentation of a diploma or certificate of veterinary medicine from a university, college, school, body or association not approved by the Council, but has passed an examination set approved by the Council.

The Council may assign a class or category to a registration.

The Council shall establish the procedures for the registration of veterinarians.

Article 22. Grounds for refusing registration

The Council may refuse to register an applicant if, in its opinion, the applicant does not meet the requirements for registration.

The Council shall give written reasons for the refusal to register an applicant.

An applicant whose application for registration is refused may appeal against the decision¹³.

Article 23. Modification of registration

If any information provided in an application for registration changes, a veterinarian ceases to practise veterinary medicine, changes the conditions¹⁴ under which they practice, or move their practice, the veterinarian shall, in writing, notify the Council within two months of the date of the occurrence of the event.

On receipt of the notification, the Council shall amend the register accordingly.

11- - The name is chosen only as an example; policy-makers may decide to choose a different name.

12- - The references to the class of registration and the conditions attached to each class would allow different classes to be created. For example, there could be unlimited registration for those who are in active practice; a retired veterinarian whose registration has lapsed may be granted a temporary registration in the event of an epizootic; or a final year student may be granted a limited registration to practice without supervision or if needed, by the Competent Authority, to assist. This allows the VSB to assess the competency of every person it registers.

13- - As the decision to refuse registration is highly prejudicial, it should be subject to an appeal. Policy-makers must decide who the appeal should be directed to and if the appeal decision is final or subject to a higher authority.

14- - These conditions may include those attached to the registration, for example from limited or temporary to an unlimited registration.

Article 24. Licensure and renewal of license

A registered veterinarian will be provided a license to practise veterinary medicine by the Council at the time his or her registration is initially confirmed. That license is valid for one full year from the date of issue and renewal is contingent on completion of the continuing education requirements prescribed by the Council.

In order to legally practise veterinary medicine, a veterinarian must be in possession of a valid license issued by the Council and which is renewed on an annual basis. According to rules established by the Council, in order to renew the license, the veterinarian must:

- a)** submit a completed application form for renewal within the prescribed period;
- b)** provide evidence of successful completion of the prescribed continuing education requirement for the veterinarian's assigned class or category;
- c)** submit payment of the prescribed renewal fee or late renewal fee.

Article 25. Titles

No person shall use the title of veterinarian or any abbreviation thereof unless the name of that person has been entered in the Register by the Council.

Article 26. Reference to academic titles

A veterinarian registered with the Council must, on the use of an academic title, follow the title with the name of the institution or examining body that awarded it¹⁵.

Article 27. Registration of veterinary para-professionals

The Council shall establish various classes or categories for registering veterinary para-professionals that reflect the needs of the country for Veterinary Services.

The classes and categories so established shall be based on the level of training required by the veterinary para-professionals within each class or category so defined.

The Council shall determine the activities and services that can be carried out by veterinary para-professionals in each class or category as well as the nature of the supervision required.

The Council shall keep a register, the Veterinary Para-Professional Register¹⁶, and enter in it the name of every person who is registered under this Act as a veterinary para-professional, according to the class or category determined by the Council.

¹⁵ - This is an example of a provision intended to help prevent illegal veterinary practice and to inform the clientele. Not all countries might set this requirement.

¹⁶ - This name is chosen as only an example. Policy-makers may decide to choose a different name.

The Council may register an applicant as a veterinary para-professional if the applicant:

- a) has not been convicted of a criminal offence by a court of competent jurisdiction; and
- b) holds and provides documentation of a diploma or a certificate from a college, school, body or association approved by the Council; or
- c) holds and provides documentation of a diploma or certificate from a college, school, body or association not approved by the Council, but has passed an examination set approved by the Council.

The Council shall establish the procedures for the registration of veterinary para-professionals.

Article 28. Refusal to register

The Council may refuse to register an applicant if, in its opinion, the applicant does not meet the requirements for registration.

The Council shall give written reasons for the refusal to register an applicant.

An applicant whose application for registration is refused may appeal against the decision¹⁷.

Article 29. Modification of registration

If any information provided in an application for registration changes, or any condition¹⁸ upon which the person was registered changes, the veterinary para-professional shall, in writing, notify the Council within two months of the date of the change.

On receipt of the notification, the Council shall amend the register accordingly.

Article 30. Licensure and renewal of licence

A registered veterinary para-professional will be provided with a licence to practise veterinary medicine by the Council at the time his or her registration is initially confirmed. That licence is valid for one full year from the date of issue.

In order to legally practise veterinary medicine, a veterinary para-professional must be in possession of a valid licence issued by the Council and which is renewed on an annual basis. According to rules established by the Council, in order to renew the licence, the veterinary para-professional must:

- a) submit a completed application form for renewal in the prescribed period;
- b) provide evidence of successful completion of the prescribed continuing education requirement for the veterinary para-professional's assigned class or category;
- c) submit payment of the prescribed renewal fee or late renewal fee.

¹⁷ - As the decision to refuse registration is highly prejudicial, it should be subject to an appeal. Policy-makers must decide who the appeal should be directed to and if the appeal decision is final or subject to a higher authority.

¹⁸ - An example of a condition would be if, subsequent to the registration, the person is convicted of a criminal offence.

Article 31. Supervision of veterinary para-professionals¹⁹

Registered veterinary para-professionals who are actively working must be accountable to a registered veterinarian in some form of supervisory relationship as determined by the Council.

The Council shall determine the required supervisory relationship between a veterinarian and a veterinary para-professional for each category of veterinary para-professional that the National Veterinary Council establishes for purposes of registration. The accepted categories of supervisory relationships are as follows:

- a) Direct supervision – the supervising veterinarian must be physically present when the veterinary para-professional is carrying out his or her activities.
- b) Indirect supervision – the veterinary para-professional must be in contact with or have access to the supervising veterinarian by means of telecommunication while carrying out his or her activities.
- c) Control – the daily activities of the veterinary para-professional are approved by the supervising veterinarian in writing and the veterinary para-professional may carry out the day's activities independently.
- d) Reporting – if the veterinary para-professional carries out his or her activities remotely and, therefore, independently, those activities must be recorded in an activity log, the format of which is approved by the Council. The activity log is submitted to the supervising veterinarian on a periodic basis for approval, the frequency of which is determined by the Council.

Regardless of the nature of the supervisory relationship, no veterinary para-professional shall perform activities or provide services outside the scope of the activities and services of the class or category of veterinary para-professional in which he or she is registered, as determined by the Council.

Article 32. Supervision in declared emergencies or other special circumstances

In declared emergencies or under special circumstances approved by the Minister, the established supervisory relationships for each category of veterinary para-professional may be suspended or modified by decision of the Council until such time as the declared emergency or special circumstances have ended, as ordered by the Minister.

Article 33. Veterinary students

The veterinary statutory body may authorise a student enrolled in a veterinary institution that is accredited or recognised by the Council to practice veterinary medicine under the direct supervision of a registered veterinarian in private practice²⁰.

¹⁹ - The issue of supervision is a challenging one that must be addressed in the context of the country situation. The OIE *Terrestrial Code* glossary definition of 'veterinary para-professional' includes the statement that veterinary para-professionals be authorised by the veterinary statutory body to carry out certain designated tasks 'under the responsibility and direction of a veterinarian'. 'The key point here is the requirement for a relationship of accountability between the veterinary para-professional and a veterinarian. However, the supervisory relationship that provides the basis for that accountability will, as a practical matter, have to vary based on conditions on the ground. There are situations in which graduate veterinarians cannot or will not work in certain locations for economic or security reasons, but a demand exists for Veterinary Services. In such cases, it will be necessary to permit registered veterinary para-professionals to work under a more loosely defined category of supervision. The suggested categories described in Article 31 can be adapted to local circumstances.

²⁰ - The procedures to be laid down in the regulations may specify periods or limits for the supervision. It is possible for only some acts to be authorised.

An application for authorisation by the Council shall be submitted by the registered veterinarian and shall include:

- a) the name of the student;
- b) the accredited institution in which the student is enrolled;
- c) the anticipated year of the student's graduation;
- d) the terms of employment of the student;
- e) a brief outline of the duties and responsibilities that the student will be required to assume.

The Council may approve the application if it is satisfied that the student will work under the direct supervision of the registered veterinarian.

Article 34. Civil liability

A registered veterinarian who employs a veterinary para-professional or a veterinary student shall be liable for work performed by the veterinary para-professional or student in the course of the veterinary para-professional's or student's employment²¹.

Chapter 5. Veterinary oath

Article 35. Requirement for an oath

A registered veterinarian shall give a solemn undertaking, under oath, to practise veterinary medicine with diligence and integrity, and a commitment to preventing animal suffering²².

Chapter 6. Discipline

Article 36. Professional discipline

Every registered veterinarian, veterinary para-professional or student authorised to practise veterinary medicine by the Council shall be governed by the disciplinary rules of Council.

The Council shall establish a mechanism²³ for the purpose of investigating any complaint made against a registered veterinarian, veterinary para-professional or student with respect to any alleged malpractice, unprofessional or improper conduct.

21- Note that this makes the veterinarian liable for acts that he or she has authorised the veterinary para-professional or student to perform, and prevents the veterinarian from hiding behind the authorisation for actions improperly or illegally authorised. At the same time, it does not exempt the veterinary para-professional or student from disciplinary action by the veterinary statutory body for unprofessional conduct, including actions that are not authorised or conduct that is outside the terms of employment but brings the integrity of the profession into disrepute.

22- This Article is effectively normative since 'under oath' has legal force. A veterinary para-professional should also be required to give a similar oath if the profession is regulated by the veterinary statutory body.

23- For a registered veterinarian, the mechanism could be a tribunal, a board or an office internal to the veterinary statutory body, or, in a jurisdiction with only a few veterinarians and if bias or an objective investigation could be an issue, the mechanism could be a board, a tribunal or an office outside the veterinary statutory body, for example, a magistrate in the judiciary. For a veterinary para-professional or student, the mechanism could be a registered veterinarian who is not the employer of the veterinary para-professional or the student. The mechanism should also include the right of appeal from a decision of the first instance.

Article 37. Sanctions

The Council may apply disciplinary sanctions that may include restrictions or a ban on exercising functions within the Council, suspension and cancellation of registration, or suspension and cancellation of student authorisation.

Chapter 7. Professional code of conduct

Article 38. Development and adoption

The Council shall develop and adopt a professional code of conduct.

Article 39. Application of the professional code of conduct

The provisions of the professional code of conduct shall apply to:

- a) every veterinarian and veterinary para-professional who is registered with the Council;
- b) every student authorised by the Council to practice veterinary medicine under the direct supervision of a veterinarian;
- c) every veterinarian or veterinary para-professional who teaches in a veterinary school and practises in clinics within the said school²⁴, with regard to those of their veterinary activities that form an integral part of their teaching or research duties.

Chapter 8. Regulations

Article 40. Scope of regulations

Regulations may be made²⁵ generally for carrying out the purposes and provisions of this Act, including regulations governing:

- a) the procedures for electing members of the Council;
- b) the accreditation or acceptance of a university, college, school, body or association;
- c) classes or categories of registration of veterinarians and veterinary specialists and conditions attached thereto;
- d) classes or categories of registration of veterinary para-professionals and conditions attached thereto;

24- The word 'school' in this context refers to a university, college, school, body or association which awards a degree, certificate or diploma in veterinary science or for practice of para-veterinary science.

25- The usual means of drafting regulation-making powers is in the active voice by which a named position holder, for example the Cabinet or the Minister (or even the veterinary statutory body) is granted powers to make regulations. Thus, for example, the provision could be 'The Minister may make regulations generally for carrying out the purposes and provisions of this Act, including regulations governing '...'. It should also be noted that the regulation-making power may be conferred on more than one named position holder. For example, the cabinet may make regulations for certain provisions in the legislation and the veterinary statutory body may make regulations for, for example, the payment of fees.

- e) the procedures for application to register as a registered veterinarian, veterinary specialist or veterinary para-professional;
- f) the qualifications of engineers or technicians for activities related to animal husbandry;
- g) the authorisation of a student to practise veterinary medicine;
- h) the terms of employment and supervision of a veterinary para-professional or student;
- i) a list of diplomas and certificates that different classes or categories of veterinary para-professionals may possess;
- j) the acts of veterinary medicine that students and veterinary para-professionals may perform;
- k) procedures and forms related to registration, licensure and fee payment;
- l) disciplinary hearings and measures;
- m) the setting up and functioning of the disciplinary body;
- n) the procedures for appeals of decisions of the Council or disciplinary body;
- o) the content of the professional code of conduct.

Chapter 9. Penal provisions

Article 41. Penalties

Every person who contravenes any provision of this Act or regulations is guilty of an offence and is liable, for the first²⁶ offence, to a fine or a term of imprisonment or both²⁷, and for any subsequent offence, to a fine or a term of imprisonment or both²⁸.

26- Staggering the offences and penalties is only an example.

27- The amounts of fines and the length of terms of imprisonment are usually provided as between a minimum and a maximum value or length of time. The policy-makers will have to determine these ranges and provide details in the legislation, or regulations may be authorised to be made with respect to the range.

28- In some jurisdictions, the penal provisions are not specifically dealt with in veterinary legislation but rather in the Criminal or Penal Code. If that is the situation, the offences and punishment provisions must still be mentioned in the veterinary, and the Criminal or Penal Code must be referenced as the source of prosecution and punishment. Decision makers should verify that the offence they wish to subject to the Criminal or Penal Code is provided for in that law.



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