

## Explanatory Notes Client Relationships

### 1. Understanding Section 1

#### (i) Trust

- a. Mutual trust is the cornerstone of the client-veterinarian relationship. Veterinarians trust that clients will be genuinely seeking veterinary care; that they will give a more or less accurate account of their animal's problems, and that they will be compliant with treatment recommendations. Clients trust that veterinarians are competent and honest. That trust leads to confidence that the veterinarian will be able to assist the client to choose the most appropriate veterinary care for their animals in the particular circumstances.
- b. In the client-veterinarian relationship the balance of power tends to favour the veterinarian. A veterinarian's knowledge and training allows them to potentially exercise influence over a client's animal healthcare decisions. Because of this, veterinarians have a greater responsibility to be trustworthy. Veterinarians must not abuse this position and exploit a client's relative lack of knowledge to encourage them to undertake veterinary treatment or healthcare decisions that are not in the client or the patient's best interests.

#### (ii) Communication

- a. For trust to exist open and honest communication between the parties is required. Veterinarians are expected to be able to communicate effectively with clients. They need to be able to understand from clients what their veterinary needs and expectations are. Being able to listen to a client and identify their concerns are important skills. Being able to articulate treatment choices and options is essential.
- b. Most of Council's expectations around the quality of veterinarian's communications with clients will be managed through Council's competence provisions (<http://www.vetcouncil.org.nz/competence.php>). The ethical aspects of communication relate to the issues identified in this section and include the issues around consent, and breaching client's rights through communicating information that is considered privileged and should be confidential.

#### (iii) Confidentiality

- a. There are longstanding ethical expectations that veterinarians will respect the confidentiality of their client's information collected and stored during the provision of veterinary services. Clients do have the right to decide who should have access to their own personal information, and they trust that veterinarians will keep information pertaining to them, their animals, and their businesses confidential.

Unless confidentiality is encouraged and maintained, clients may be less likely to provide important or relevant information in relation to their animals and this could lead to worse healthcare outcomes for those animals. Inappropriate disclosure by a veterinarian or their staff of a client's records may lead to adverse consequences for that individual's personal or business affairs.

- b. As well as any ethical considerations, there are statutory requirements under the Privacy Act 1993 (<http://www.privacy.org.nz/a-thumbnaill-sketeh-of-the-privacy-principles/>) which govern how a person's information must be managed according to specific guidelines. Privacy principles 8 through 11 place restrictions on how organisations can use or disclose personal information.
- c. Situations may arise where a veterinarian is asked to disclose information about a client, or their animals in the context of an investigation (eg alleged breaches of the Animal Welfare Act) by a recognised and authorised investigator. Privacy principle 11 provides the appropriate guidance on whether it is acceptable to comply with requests associated with such an investigation.
- d. Sections 41 and 42 of the Veterinarians Act 2005 identify situations where veterinarians may be asked to provide information as part of a Complaints Assessment Committee investigation. Veterinarians (and any other person) must comply unless the requested information would be considered privileged in a court of law, or the provision of the information would create a breach of an obligation of secrecy imposed by an enactment other than the Official Information Act 1982 or the Privacy Act 1993.

## 2. Understanding Section 2

### (i) Informed Consent

- a. The authority to consent to or decline a veterinary procedure on one's own animals is a right entitled through ownership. Logically, harm to an owned animal arising from un-consented veterinary treatment would constitute an ethical and potentially a legal breach of the owner's rights in terms of that animal. Veterinarians must not undertake any procedures on animals that have the potential for harm to the animal or that will incur an economic cost to the owner, without the owner's consent first.
- b. Because veterinarians have the potential (because of their training and the trust bestowed on them by their clients) to influence a client's veterinary healthcare decisions, there exists an attendant ethical duty to provide clients with sufficient information in order that the client

can validly consent to treatment. Sufficient information is any information that a reasonable person in the client's position would use to be able to make a considered decision whether to accept or reject a recommended medical procedure. The specific types of information required are identified in subsection 2 of the Code.

- c. There is no duty to disclose minor risks in common procedures when such procedures seldom result in serious ill effects or where the procedure is simple and the danger is remote and commonly understood, by the lay public, to be remote. However, when a procedure inherently involves a known risk of death or serious harm to the animal (e.g. anaesthesia or surgery), it is the veterinarian's duty to explain in lay terms any significant potential complications that might occur. The veterinarian is expected to ensure that this disclosure is able to be understood by the client.
- d. Detailed technical explanations are not required. Most clients will be overwhelmed with lots of technical jargon they are not able to understand or to use in reaching an animal health care decision. In providing the necessary information, the veterinarian should take into account the experience, education and linguistic abilities of the client. For example, a first-time owner may require more information from the veterinarian to make a valid decision than an experienced breeder with much greater animal experience. While the veterinarian is not expected to do a complete background check on clients, they are expected to evaluate the client and to tailor the presentation to their particular needs. Communication of information may be enhanced if the veterinarian supports their verbal explanations with written pamphlets (Samples of client information leaflets can be purchased from NZVA).
- e. Veterinarians are expected to exercise sound professional judgement in determining who is able to consent to treatment. The client may be the owner of the animal, someone acting with the authority of the owner, or someone with statutory or other appropriate authority. Veterinarians and practice staff should ensure they are satisfied that the person providing consent has both the authority and capacity to provide consent. For example, if the person providing consent is not the owner and has not confirmed his/her authority of the owner to act, then only in exceptional circumstances should any procedure be carried out.
- f. Where an owner is less than 18 years of age or has limited capacity to provide consent, veterinarians should consider whether someone else can provide the appropriate consent. It is particularly important

to document the process if there is any question about the person not being the owner or being an authorised representative.

- g. In an emergency, obtaining informed consent may not be possible. The veterinarian is expected to exercise sound professional judgement in deciding how to treat an owned animal where the owner cannot be contacted. Veterinarians should consider whether there is an alternative contact person who could assume responsibility for the decision. The welfare of the animal is paramount and un-consented treatment decisions should be made in the best interests of the animal taking into account the seriousness of the situation and what is known about the client's likely acceptance of the treatment decision.
- h. In discussing alternative treatment options the veterinarian should not tailor the discussion because of their evaluation of the client's financial status. A veterinarian who fails to inform a client of a reasonable medical alternative (e.g. referral) because they think the client can't or won't afford it is unnecessarily exposing themselves to liability.
- i. Following disclosure of the required information, the client's consent must be obtained. Consent can be expressed orally or in writing. Obtaining consent is a process that should be documented and preferably validated with the client's signature. Sample forms are available from NZVA. Consent forms should be stored and kept as a part of the medical record. Obtaining consent can be delegated to staff, especially when the information that needs to be discussed is not complex.
- j. Inadequately or incorrectly completed consent forms are unlikely to demonstrate that the consent process has taken place to an appropriate standard, and as such may not be a support to the veterinarian in the situation that they are investigated. Documentation of the process should ideally include a summary of the discussion that has taken place
- k. Provision should be made when obtaining consent for uncertain or unexpected outcomes to the proposed treatment. Clients should be asked to provide contact telephone numbers to ensure discussions can take place at short notice. Provision for the veterinarian to act without the client's consent if necessary in the interests of the animal should be considered.

- I. Consideration should be given by the veterinarian to obtain the owner's signature to record their decision if they decline to consent to a recommended procedure.
- 3. Understanding Section 3**
- (i) Using the services of more than one veterinarian**
    - a. Clients are entitled to use the services of more than one veterinarian. Over and above the situations where a client is seeking a second opinion or referral, clients may choose to use additional veterinarians who are able to provide particular skills in order to meet specific needs e.g. reproductive services, nutrition, herd health consultancy etc. When it is known that a number of veterinarians are involved with the same client, there is a strong need for those veterinarians to meet high ethical standards in communicating and co-ordinating their services.
  - (ii) Second Opinion and Referral**
    - a. Clients are entitled to request a second opinion or a referral.
    - b. A second opinion is the process of seeking an evaluation by another veterinarian to confirm the diagnosis and treatment plan, or potentially to offer an alternative diagnosis and/or treatment approach.
    - c. A referral is the handing over of the case to another veterinarian (either a registered specialist, or a veterinarian recognised as having particular skills) in order that they will apply their expertise to manage the case.
    - d. Veterinarians are expected to comply with client requests for either option, and facilitate the processing of that request in a timely manner by helping to identify veterinarians who could act in this capacity, providing case histories and records as appropriate, and communicating with the alternative provider as needed.
  - (iii) Client's choice of treatment**
    - a. Veterinarians must give due consideration when a client wishes to choose a course of action for their animal which may not be the course recommended by the veterinarian. The veterinarian must be satisfied that such a decision complies with sections 10, 11 and 12 of the [Animal Welfare Act](#).
- 4. Understanding Section 4**
- (i) Veterinarians are not obligated to provide veterinary services requested by clients as long as animal welfare is not compromised.

Whether a veterinarian should provide a particular requested veterinary treatment (surgical or medical), or to undertake any requested diagnostic investigation depends on the professional judgement of the veterinarian, taking into account all of the relevant circumstances at the time.

- (ii) Veterinarians can ethically end their relationship with a client as long as this decision doesn't conflict with any current responsibility that may exist associated with previous consultations. Veterinarians are advised to notify the client in writing of this decision.
- (iii) Veterinarians must comply with all of the ethical requirements in this code irrespective of whether they are charging fees for the services provided, i.e. if veterinary services are provided pro bono, this does not waive the veterinarian's ethical obligations.