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Veterinary legislation and the veterinary profession

Veterinarians and veterinary para-professionals

Definitions, veterinary public & private sectors, veterinary professional organisations, veterinary jurisprudence capacity and competency



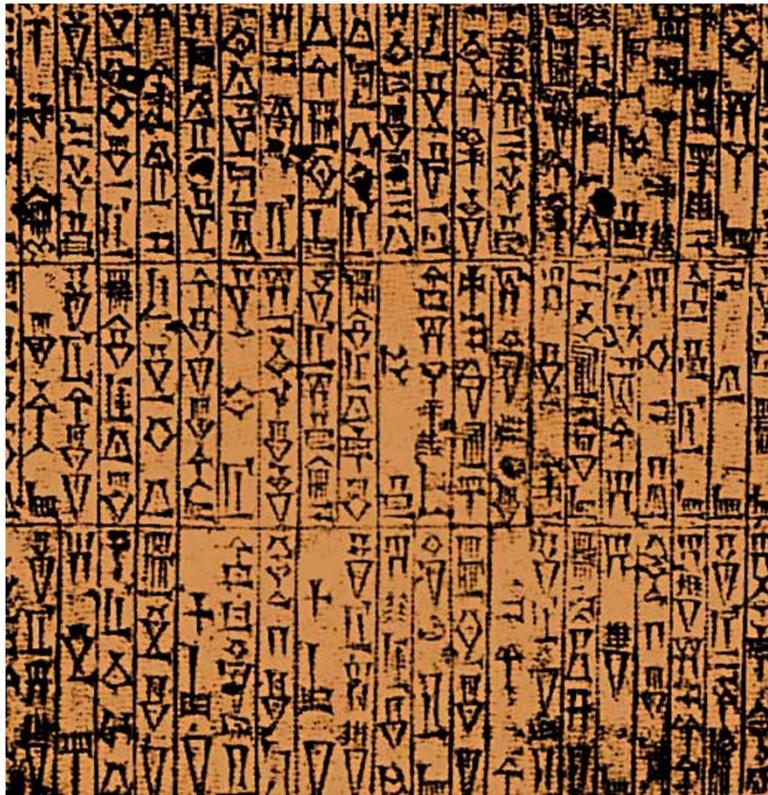
Dr Herbert Schneider
**Chairman: OIE *ad hoc* Group on
Veterinary Services**

OIE Sub-Regional Seminar on Veterinary Legislation: Gaborone,
Botswana, 31 October – 2 November 2011



The general legal environment

The earliest known written legal code, was composed about **1780 B.C.** by **Hammurabi**, the ruler of Bablyon and contains also the **earliest known regulation of veterinary service delivery**



Paragraph 224.

If a doctor of animals perform a serious operation on an ass or an ox, and cure it, the owner shall pay the surgeon one-sixth of a shekel as a fee.

Paragraph 225.

If he perform a serious operation on an ass or ox, and kill it, he shall pay the owner one-fourth of its value.

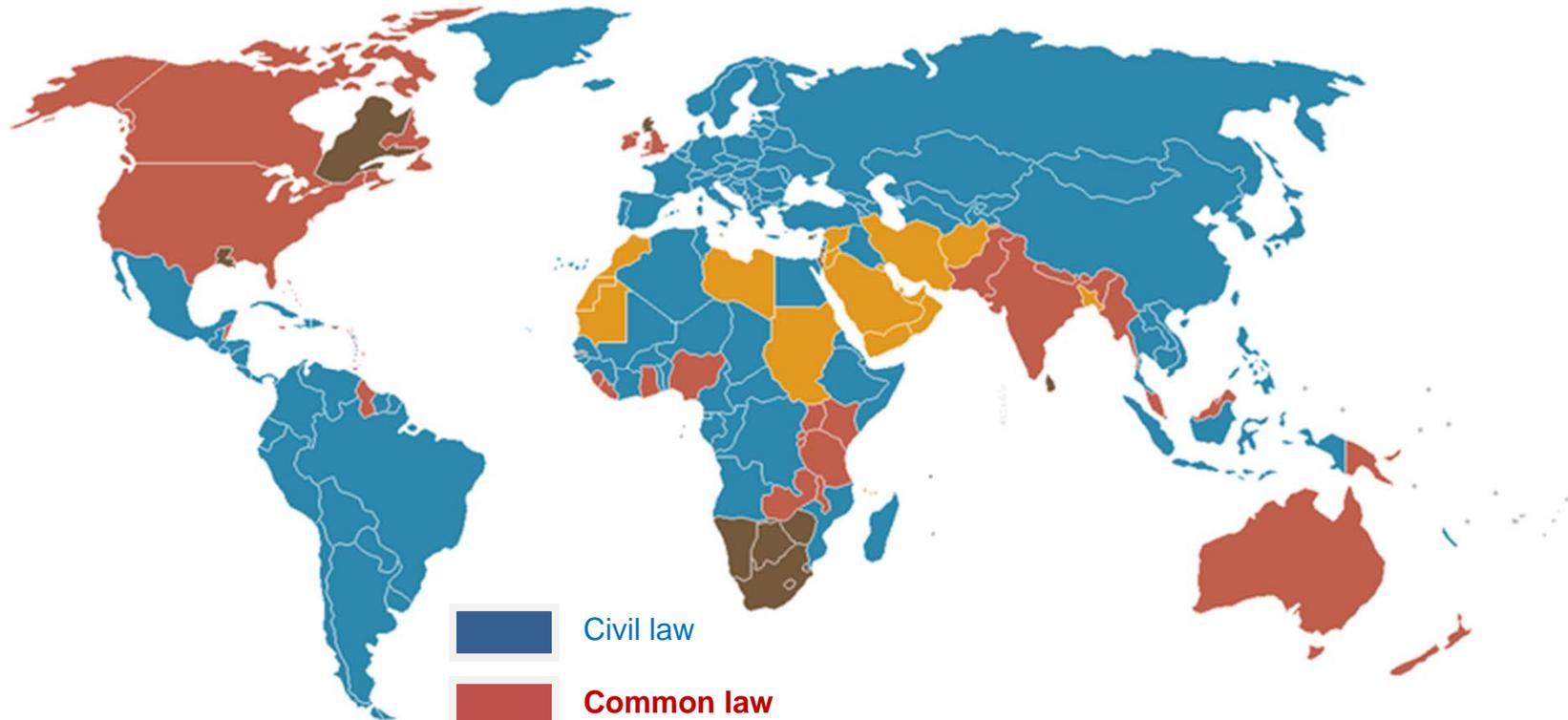
The general legal environment

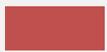
- is country specific
- embraces a multitude of political, social, cultural, religious and economic needs
- is influenced by the principle of the separation of powers in a rule-of-law state, being the
 - Legislature
 - Executive; and
 - Judiciary



The general legal environment

http://en.wikipedia.org/wiki/legal_systems_of_the_world



-  Civil law
-  **Common law**
-  **Bi-juridical (civil and common law)**
-  Customary law
-  Religious law



The general legal environment

- **Common law** and equity law are systems of law whose sources are the decisions in cases by judges. Alongside, every system will have a legislature that passes new laws and statutes. The doctrine of *stare decisis* or *precedent by courts* is the major difference to codified civil law systems.
- **Civil law** is the most widespread system of law around the world. It is also sometimes known as *Continental European law*. The central source of law that is recognized as authoritative are codifications in a constitution or statute passed by legislature, to amend a code. Only legislative enactments (rather than legal *precedents*, as in common law) are considered legally binding.
- **African Customary Law** exists throughout Africa. It is the often uncodified form of law that is developed and practiced by indigenous communities, and exists alongside common or civil law within a national legal system.



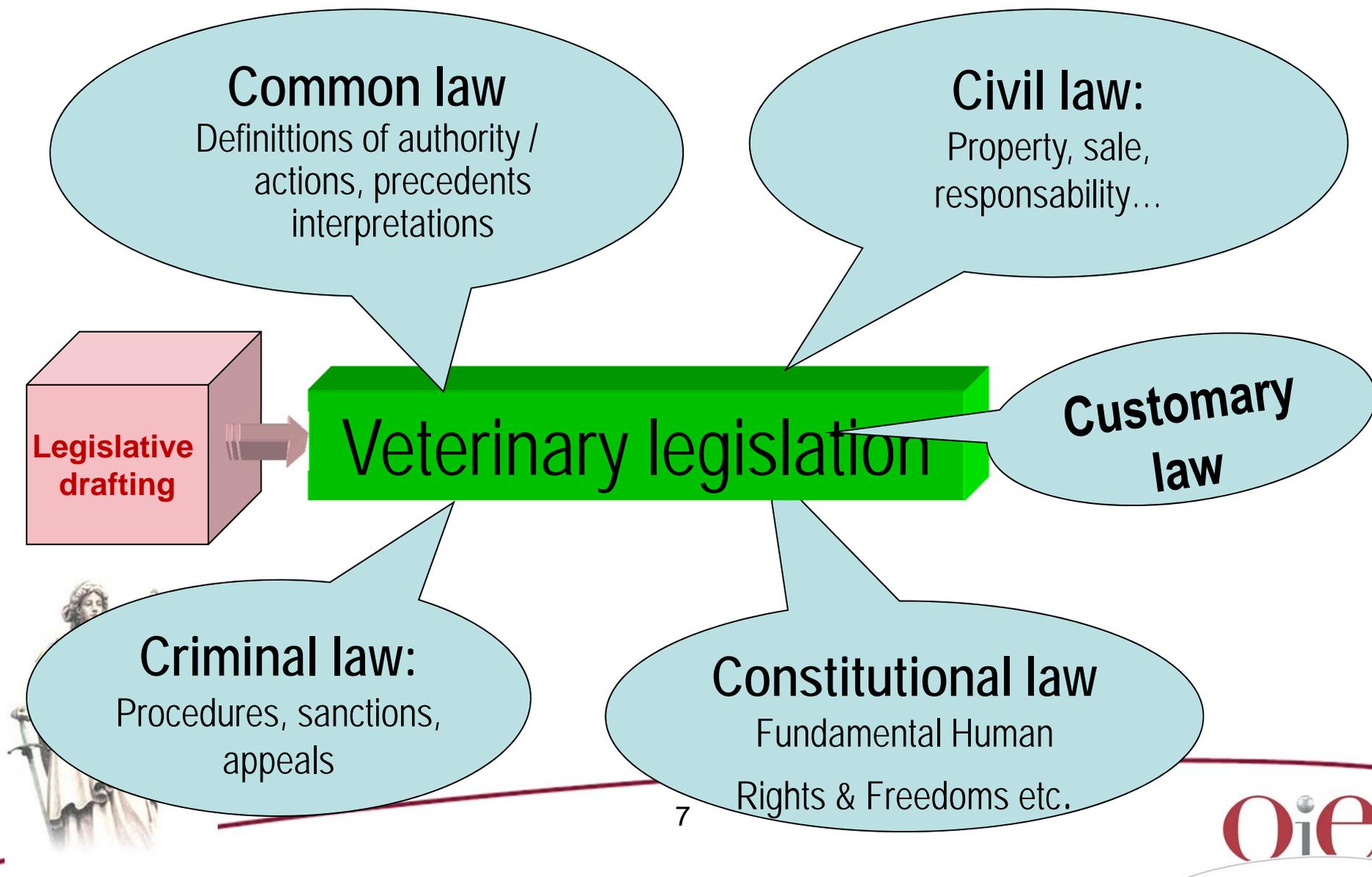
The general legal environment

- **Common law; Civil law and Customary law in Southern Africa**

Country	Description
<u>Botswana</u>	South African law (a mixed system) transferred <i>uno acto</i> through a proclamation of reception
<u>Lesotho</u>	South African law (a mixed system) transferred <i>uno acto</i> through a proclamation of reception
<u>Namibia</u>	South African law (a mixed system) transferred <i>uno acto</i> through a proclamation of reception
<u>Seychelles</u>	The substantive civil law is based on the French Civil Code. Otherwise the criminal law and court procedure are based on the English common law
<u>South Africa</u>	An amalgam of English <u>common law</u> and <u>Roman-Dutch civil law</u> as well as <u>Customary Law</u> .
<u>Swaziland</u>	South African law (a mixed system) transferred <i>uno acto</i> through a proclamation of reception
<u>Zimbabwe</u>	South African law (a mixed system) transferred <i>uno acto</i> through a proclamation of reception



The general legal environment



« Veterinary legislation »

- **Veterinary « legislation »** is not a single Act or Law, but a set of coherent pieces of legislation, linked to the overall judicial system and required to ensure the good veterinary governance.
- It should not re-write the existing legislative system in place, but add-on the necessary specific tools, or, if this is not possible, modify legislation to the extent it is necessary and sufficient.
- **Veterinary legislation** is thus « *The **set of specific legal instruments** required for the good governance of the veterinary sector in general and the veterinary profession in particular* ».
- Overall, veterinary legislation cannot and **should not be isolated from the political, social and economic context**. It must be integrated into the broader judicial framework and must be drafted in compliance with applicable drafting-guidelines and regulations



Terminology & Definitions

Legislation for the **veterinary profession** is not intended to be a “**profession protection activity**” but is part of the concept of **Good Veterinary Governance** to establish a Quality Veterinary Service Delivery System to ensure animal health, the safety of food derived from animals for human use, animal welfare etc.

The core elements of **Good Veterinary Governance** are intimately linked

- to the universal acceptance of a veterinary profession (and not an occupation) since the introduction of formal veterinary education in 1761 (Lyon, France).
- The definition of “**profession**” is thus the **most elementary legal concept** pertaining to the veterinary profession.



Terminology & Definitions

“ ex Australian Code of Professional conduct”

A profession is:

"A profession is a disciplined group of individuals who adhere to high ethical standards and uphold themselves to, and are accepted by the public as possessing special knowledge and skills in a widely recognised body of learning derived from research, education and training at a high level, and who are prepared to exercise this knowledge and these skills in the interest of others.

It is inherent in the definition of a profession that a code of ethics governs the activities of each profession. Such codes require behaviours and practice beyond the personal moral obligations of an individual.

They define and demand high standards of behaviour in respect to the services provided to the public and in dealing with professional colleagues. Further, these codes are enforced by the profession and are acknowledged and accepted by the community.”



Terminology & Definitions

“EU definition for “liberal profession”

In the EU, in terms of the *Professional Qualifications Directive (Directive 2005/36/EC)*, “liberal professions” are defined as being:

....those practised on the basis of relevant professional qualifications in a personal, responsible and professionally independent capacity by those providing intellectual and conceptual services in the interest of the client and the public



Terminology & Definitions

The OIE Guidelines for Veterinary Legislation

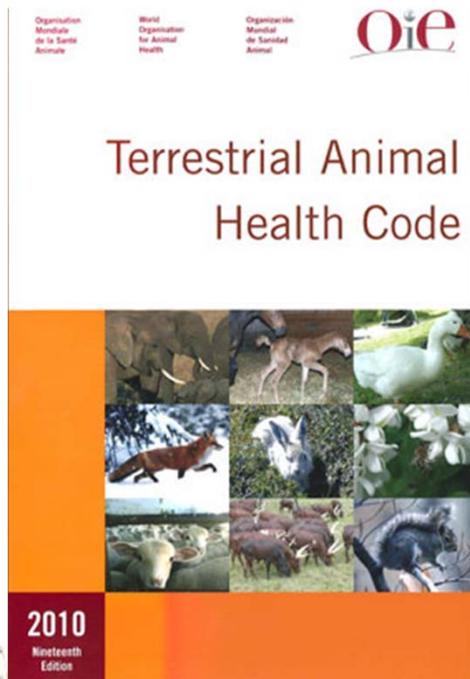
In terms of the OIE Guidelines for Veterinary Legislation to ensure the quality of veterinary medicine, the veterinary legislation should:

1. provide an official definition of veterinary medicine;
2. define the prerogatives of the professionals involved in the practice of veterinary medicine;
3. define the minimum initial and continuous educational requirements for the professionals;
4. prescribe the conditions for recognition of diplomas for veterinarians and veterinary para-professionals;
5. define the conditions for the exercise of veterinary and para-veterinary professions;
6. define the professional responsibilities of veterinarians and persons working under their control;
7. prescribe the situations where persons other than qualified veterinarians can undertake activities that are normally to be carried out by veterinarians e.g. in exceptional circumstances such as epizootics.



Terminology & Definitions

The OIE Terrestrial Animal Health Code - TAHC



The Quality of Veterinary Services (VS) and thus Good Veterinary Governance (GVG) depend on OIE International Standards which are available as and contained in the Terrestrial Animal Health Code (TAHC).

available at

http://www.oie.int/eng/normes/mcode/en_sommaire.htm



- Chapter 3.1. – Veterinary Services
- Chapter 3.2. - Evaluation of Veterinary Services

Terminology & Definitions

The OIE Terrestrial Animal Health Code – TAHC -definitions

The most important single issue in dealing with any of the previous mentioned activities relating to the Quality of the VS in compliance with the TAHC, is to **define a veterinarian and a veterinary para-professional (VPP) for the purpose drafting veterinary legislation.**

Veterinarian

- means a person registered or licensed by the relevant **veterinary statutory body** of a country to practice veterinary medicine/science in that country.



Terminology & Definitions

The OIE Terrestrial Animal Health Code – TAHC -definitions

Veterinary para-professional (VPP)

means a person who, for the purposes of the Terrestrial Code, is authorised by the **veterinary statutory body** to carry out certain designated tasks (dependent upon the category of veterinary para-professional) in a territory, and **delegated to them under the responsibility and direction of a veterinarian**. The tasks for each category of veterinary para-professional should be defined by the veterinary statutory body depending on qualifications and training, and according to need.

The use of the term “**para-veterinarian**” or “**para-vet**” should be avoided and the term VPP be used instead, as “para-vet” has a negative connotation such as “pseudo-vet”; “quasi-vet” or “barefoot vet”.

Examples of veterinary para-professionals would include veterinary nurses, veterinary technicians, animal health inspectors, food / meat inspectors, livestock inspectors etc..



Terminology & Definitions

The OIE Terrestrial Animal Health Code – TAHC -definitions

Veterinary Services

“means the **governmental and non-governmental organisations** that implement animal health and welfare measures and other standards and recommendations in the Terrestrial Code and the OIE Aquatic Animal Health Code in the territory. The Veterinary Services are under the **overall control and direction of the Veterinary Authority.**

Private sector organisations, veterinarians, veterinary para-professionals or aquatic animal health professionals are **normally accredited or approved by the Veterinary Authority** to deliver the delegated functions”



Terminology & Definitions

The OIE Terrestrial Animal Health Code - TAHC

Veterinary Statutory Body (VSB)

means an **autonomous** authority regulating veterinarians and veterinary para-professionals

In a number of Southern Africa countries with common & civil law, legislation to regulate the practicing of the veterinary profession and the establishment of a VSB is an Act of Parliament (with the necessary regulations) parallel and in addition to the veterinary animal health legislation (Namibia, South Africa etc)

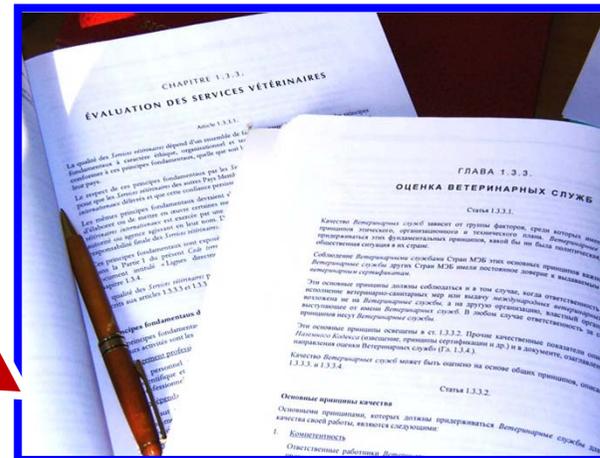


Terminology & Definitions

The OIE Terrestrial Animal Health Code - TAHC

Veterinary Statutory Body (VSB)

Objectives and functions are described in TAHC Chapter 3.2
Article 3.2.12



Taking note of the OIE TAHC standards, the establishment of a VSB in a country is considered to be crucial for Good Veterinary Governance

Objectives & Functions of the VSB

Veterinary legislation establishing a VSB should include the following objectives and functions:-

to regulate veterinarians and veterinary para-professionals through licensing and/or registration of such persons;

to determine the minimum standards of education (initial and continuing) required for degrees, diplomas and certificates entitling the holders thereof to be registered as veterinarians and veterinary para-professionals;

to determine the standards of professional conduct of veterinarians and veterinary para-professionals and to ensure these standards are met.

Chapter 3.2, article 3.2.12 of the TAHC deals specifically with the evaluation of the VSB and defines the respective standards



Objectives & Functions of the VSB

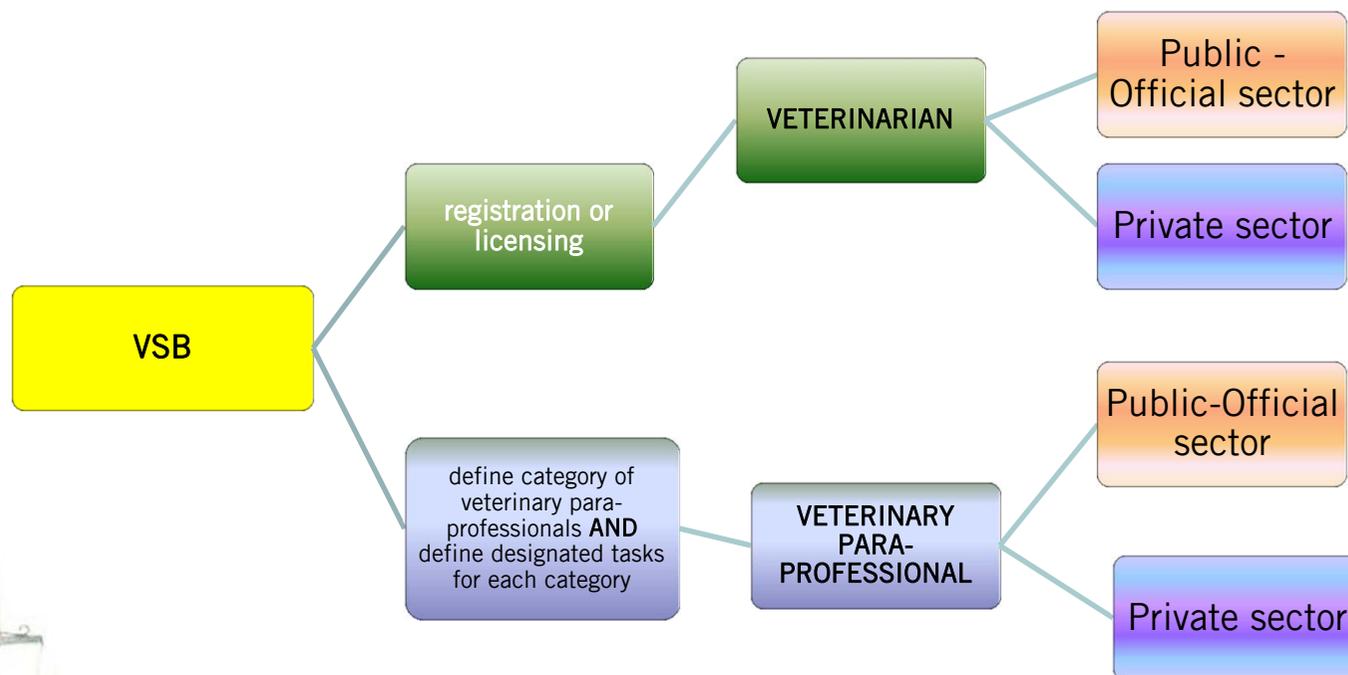
In summary, a **VSB**

- is established by law,
- should be autonomous,
- has a democratically elected membership representing the whole spectrum of the profession,
- determines minimum standards of veterinary education,
- sets standards for professional performance and ethical behavior (**veterinary ethics**) and
- **licenses/registers veterinarians and VPP's** which also implies the authority to withdraw such licenses and de-register following breaches of professional conduct or ethical behavior.



Authority of the VSB

The authority of the VSB regarding licensing / registration of veterinarians and veterinary para-professionals



Terminology & Definitions

The VPP's regulated by the VSB and their relationship to veterinarians

authorised by the **VETERINARY STATUTORY BODY** to carry out certain **designated tasks** (dependent upon the category of *veterinary para-professional*) in a territory



Veterinary para-professional



and delegated to them under the **responsibility and direction of a VETERINARIAN**



Legal relationships between the public and private veterinary sector

Private veterinarians / Veterinary Organizations

To successfully address and meet these challenges it is important that **veterinary associations / organizations** are established to organize veterinary professionals, being in public and private service, in a country in a representative and consultative forum.

This also applies veterinary para-professionals



Legal relationships between the public and private veterinary sector

Veterinary Organizations / Associations

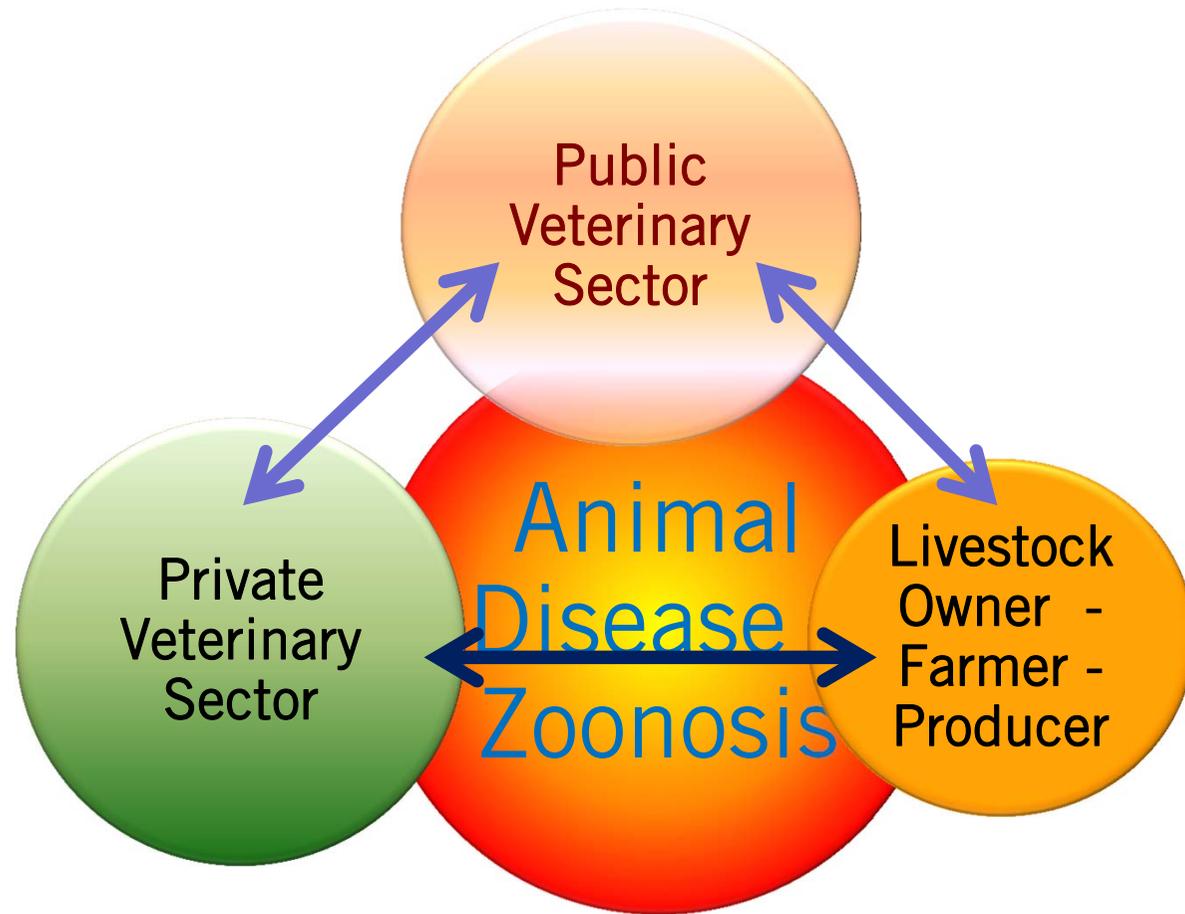
Main responsibilities focus on

- the formal representation of veterinary profession in consultations and discussions;
- the entering into formal recognition agreements;
- supporting and promoting public-private veterinary partnerships;
- the **quality performance of veterinary professional services** rendered;
- and the provision of facilities/platforms for **continuous professional development (CPD)**.

Such professional organizations/associations should operate within a **legally defined constitutional framework**, based on e. g. democratic and transparent administrative procedures, including non-discriminatory membership provisions and financial accountability.



The Veterinary Public – Private Partnership



The Veterinary Public – Private Partnership

There is an urgent need to forge closer relationships and establish linkages between the **official and private veterinary sectors** in order to effectively and rapidly respond to animal disease and zoonoses outbreaks.

Such partnerships, as well as an increased role for veterinary paraprofessionals (VPP's) in surveillance, early disease detection and monitoring and rapid response

- greatly enhances the capacity for animal disease surveillance, prevention and control, and health certification.
- calls for capacity building at all levels, to meet the demands posed.



Legal relationships between the public and private veterinary sector

Veterinary Organizations / Associations

A principle to be embodied in the veterinary legislation governing animal and veterinary public health is the **provision to authorize / delegate designated public veterinary responsibilities and functions to non-public veterinary professionals / veterinary para-professionals**

(“official veterinarians” in the UK or “sanitary mandate” under the French legal system)

In this context it is also considered important that VS build formal links with individual private veterinarians and veterinary para-professionals. Such links could take the form of **legal contracts** for the provision of specific services such as disease monitoring and surveillance, animal vaccination, food inspection and disease prevention and control. Such service contracts should be **within a common law framework**, depending on the legal system of the country in question.



The Veterinary Public – Private Partnership

“Code of Good Veterinary Practice” (GVP)

In order to address the demands for quality of veterinarians in the private sector, veterinary professional organisations have taken the lead to formulate protocols and guidelines for quality management systems for veterinary practices and clinics, based on a **Code of Good Veterinary Practice (GVP)**.

Quality management systems are modern instruments of the free-market system, reflecting the clients/consumers needs for transparency and confidence regarding the services provided meeting high levels of professional competence and ethical behavior.

Such Codes of GVP have been introduced, during the start-up phases mostly on a **voluntary basis**, becoming **compulsory at a later stage**, by national veterinary organizations (e. g. by the Federation of Veterinarians in Europe – *FVE European Veterinary Code of Conduct*). Such Codes of GVP have substantially contributed to GVG in the private veterinary sector.



Veterinary legislation as addressed within an OIEPVS Evaluation

The following **Critical Competencies of the OIEPVS Tool for the Evaluation of the Performance of Veterinary Services** address **legal provisions specifically relating to veterinarians and veterinary para-professionals**:

- CC.**
- I-2 Competencies of veterinarians and veterinary para-professionals - **VSB**
 - I-3 Continuing education - **VSB**
 - I.6 Internal coordination : Chain of command - **Delegation of functions**
 - II.5 Epidemiological surveillance - **Delegation of functions**
 - II.6 Early detection and emergency response - **Delegation of functions**
 - II.7 Disease prevention, control and eradication - **Delegation of functions**
 - II.8 Food safety - **Delegation of functions**
 - III.4 Accreditation/Authorization/Delegation
 - III.5 **Veterinary Statutory Body**
 - IV.1 Preparation of legislation and regulations
 - IV.2 Implementation of legislation and regulations and stakeholder compliance
 - IV.4 International certification - **Delegation of functions**



Capacity building in Veterinary Jurisprudence

Veterinary jurisprudence (*juris prudentia*, which means "the study, knowledge, or science of law") refers to the science of the law as applied to the practice of veterinary medicine and addresses, *inter alia*,

- Principles of law of importance to members of the **veterinary profession as a whole** in a given country
- Animal disease and related regulatory laws and their administration (including enforcement)
- Food safety legislation
- Laws governing all issues relating to veterinary medicines and biologicals
- Laws governing animal welfare, and animal protection (legal actions to counter animal abuse)
- International legislations and conventions relevant to veterinary practice. Examples include *Codex alimentarius*, CITES, OIE , FAO and WHO.

Veterinary jurisprudence should be a core (compulsory) subject in any pre-graduate veterinary teaching curriculum (as is e. g. the case at veterinary schools in North America, South-East Asia, etc. to ensure a **general legal Day-1 competency for all veterinary graduates**)



Competency in Veterinary Jurisprudence

Veterinary Statutory Bodies

have the responsibility to **include knowledge and relevant competency**

- regarding laws governing the exercise of the veterinary profession in general and
- veterinary and related laws in particular in the respective country

as an **important component of applicable licensing or registration requirements** for veterinarians and veterinary para-professionals.



Capacity building in Veterinary Jurisprudence for the Public / Official Veterinary Sector

Veterinarians employed in the official / public veterinary services of a country should have the required legal competencies to understand and administer veterinary and related laws applicable to their responsibilities, functions and actions.

Veterinary Services should provide the necessary **compulsory in-service (better pre-employment) legal capacity training to official / authorized veterinarians** providing regulatory services and instituting legal actions.

Example: One year specialist training course at the National Veterinary Service School (ENSV) for veterinarians to be deployed as „veterinary inspectors“ in the official French Veterinary Service .



In meeting OIE Standards by OIE Members, the drafting and implementation of legislation for the Veterinary Profession may not easily be accomplished and face many challenges on the way ahead.



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There may be **obstacles:** -



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In meeting OIE Standards by OIE Members, the drafting and implementation of legislation for the Veterinary Profession may not easily be accomplished and face many challenges on the way ahead.

and the road may be a long one - but together we will get there !

THANK YOU



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