

## ADVICE NOTE 26

### EQUINE PRE-PURCHASE EXAMINATIONS

- 1) Pre-purchase examinations ('PPEs') of horses are carried out at the request of a potential purchaser (or agent), to determine, so far as is possible by clinical examination, whether the animal is suitable for the intended use. [Pre-sale examinations may be carried out for the vendor, for example, at the auction of horses.]
- 2) The PPE is an assessment of the horse based on a recognised examination, carried out in two or five stages (although all stages may not be completed if the horse fails the examination at one of the early stages). Generally, the examination is carried out by a veterinary surgeon with no prior knowledge of the horse's clinical condition and who has no access to the horse's clinical records. Some information about a horse may be made available by the vendor. The PPE provides an assessment of the horse at the time of examination, to assist the decision to purchase, or not, and is an indication, not a guarantee, of a horse's suitability for intended use.
- 3) Generally a person seeking to purchase a horse will seek a PPE by a veterinary surgeon and for this purpose becomes that veterinary surgeon's client.
- 4) Detailed guidance is available for veterinary surgeons on how to carry out pre-purchase examinations from the British Equine Veterinary Association (BEVA). The purpose of this advice note is to set out the advice from the RCVS within the *RCVS Guide to Professional Conduct* and explore the professional conduct issues that may arise from PPEs, particularly those arising where both the vendor and the person seeking the PPE are clients of the same veterinary surgeon or practice.
- 5) The *RCVS Guide to Professional Conduct* provides guidance at Part 2E, 'Examinations on behalf of a third party' which states:

*'In the case of examination of a horse before purchase, it is advisable that the vendor's veterinary surgeon does not carry out the 'Examination on Behalf of a Purchaser' but it may be that for reasons of distance, particular expertise, or because both vendor and prospective purchaser are clients, the vendor's veterinary surgeon may be asked to carry out the examination. Any danger of conflict of interest must therefore be avoided by ensuring that:*

- a) the purchaser is made aware that the vendor is also a client and has no objection*

- b) *the vendor agrees to permit the disclosure of anything relevant in the case history (if permission cannot be obtained then the vendor's veterinary surgeon should not act)*
  - c) *it is made clear to both parties that in this instance the veterinary surgeon is acting on behalf of the purchaser and that information derived from the examination is confidential to the purchaser alone.'*
- 6) While the RCVS advises that it would be preferable that veterinary surgeons do not carry out PPEs when the vendor is a client, for practical or other reasons, the veterinary surgeon may be asked to do so. (The vendor may be a client of the veterinary surgeon or the practice.) The RCVS accepts that a veterinary surgeon may carry out such PPEs (when the vendor is a client) if additional safeguards are taken to ensure the examination is not only fair, but perceived to be fair by the client requesting it.
- 7) There are a number of reasons why the *RCVS Guide to Professional Conduct* states it is advisable that a veterinary surgeon does not to carry out the PPE where the vendor is a client, and why if the veterinary surgeon does carry out the PPE additional safeguards are necessary.
- 8) First, even if the veterinary surgeon has not seen the horse previously, a potential purchaser may perceive that he or she favours the existing client with whom there may be an ongoing professional relationship. The likelihood of perceived bias is increased if, subsequently, the purchaser considers that the horse is not fit for its intended use. Any adverse perception can be reduced if the veterinary surgeon carrying out the PPE ensures, before the examination, that the purchaser (a client) is aware that the vendor is also a client. Other conflicts of interest may arise if the examining veterinary surgeon has a close relationship with the vendor for other reasons, such as family connections, and in these situations, he or she may be advised to disclose those conflicts of interest to the purchaser, who may then decide whether to ask another veterinary surgeon to carry out the PPE.
- 9) Second, the veterinary surgeon may be aware of problems or issues with the horse from either information provided by the vendor or contained within the clinical records to which he/she has access. The veterinary surgeon cannot ignore this information when carrying out the PPE but because the information is subject to client confidentiality, it may not be disclosed without the consent of the client. It would be inappropriate for an examining veterinary surgeon to carry out an assessment of a horse on the basis of no previous knowledge of the horse, when, in fact, he or she did have such previous knowledge. Such knowledge might affect his/her opinion, for example, concerning the horse's condition or suitability for intended use. In these circumstances, the issue is resolved where the client consents to the veterinary surgeon's disclosure of any relevant information from the clinical records. Even in these circumstances, there may be dispute about what information is relevant.

10) Third, the veterinary surgeon may not disclose to the vendor his/her findings or his/her discussions with the purchaser because of the duty of client confidentiality. If the vendor is present during the examination, the veterinary surgeon's comments should be limited to those of a general nature. Since the veterinary surgeon has an ongoing professional relationship with the vendor client who may ask for advice about the horse, this may be difficult. These difficulties can be reduced by ensuring that both the vendor client and the purchaser accept that for the purposes of the PPE, the purchaser is the veterinary surgeon's client and their dealings are subject to client confidentiality and will not be disclosed to the vendor.

### **Conclusion**

11) Ideally, veterinary surgeons should not carry out PPEs where the vendor is a client, because of the common pitfalls. However, if, for practical or other reasons, veterinary surgeons do, they must follow the safeguards outlined in the *RCVS Guide to Professional Conduct*, to ensure the examination is not only fair, but perceived to be fair by the client requesting the PPE.

**PROFESSIONAL CONDUCT DEPARTMENT  
ADVISORY COMMITTEE 25 SEPTEMBER 2008  
COUNCIL 6 NOVEMBER 2008**