



MEETING	ADVISORY COMMITTEE
DATE	25 SEPTEMBER 2008
TITLE	PRE PURCHASE EXAMINATION ADVICE NOTE
CLASSIFICATION	Unclassified
SUMMARY	In June 2008, the Professional Conduct Department was contacted on behalf of the British Equine Veterinary Association's Pre-Purchase Examination CPD panel, with a proposal that the profession would benefit from clarification by way of an advice note in relation to equine pre-purchase examinations, specifically in circumstances where the examination is carried out by the vendor's veterinary surgeon.
DECISIONS REQUIRED	The Committee is asked to consider the issues highlighted by the paper and decide whether to approve the advice note as currently drafted or amended; or consider whether the RCVS Guidance on PPEs should be reviewed and if so, whether the review should be carried out by an RCVS working party .
ATTACHMENTS	NONE
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Summary

1. Part 2,E paragraph 13 of the RCVS Guide to Professional Conduct provides advice on Pre-Purchase Examinations (PPEs) under the heading 'Examinations on behalf of a third party'.
2. In June 2008, Mr John Parker and Mr Richard Stephenson contacted the Professional Conduct Department on behalf of the British Equine Veterinary Association's Pre-Purchase Examination CPD panel, with a proposal that the profession would benefit from clarification of the professional conduct issues where the PPE is carried out by the vendor's veterinary surgeon, because this is not an uncommon practice.
3. Issues arising relate to client confidentiality, conflict of interest and the perception of fairness. The purpose of the draft advice note attached highlights the dangers of carrying out a PPE where the vendor is the veterinary surgeon's client and expands on the steps that should be taken by those veterinary surgeons who for practical reasons do carry out such PPEs.
4. The attached draft Advice Note has been prepared with input from Mr John Parker and Mr Richard Stephenson and the British Veterinary Equine Association.
5. In addition, comments were sought from the Veterinary Defence Society and John Walmsley, an equine practitioner and new member of the Advisory Committee. Both have confirmed that PPEs are regularly carried out by the vendor's veterinary surgeon and indicate that knowledge of the horse's previous clinical history is an advantage when assessing the suitability of a horse for its intended purpose. To have prior clinical knowledge of a horse is not part of the standard PPE examination, which generally is understood to be carried out without prior knowledge of the horse; and it is on this that the current RCVS advice is based.
6. Due to the common practice of veterinary surgeons carrying out PPE examinations on horses belonging to clients, it is suggested that the RCVS guidance on PPE examinations within the Guide to Professional Conduct is reviewed. The RCVS could give greater acceptance to the practice of veterinary surgeons carrying out PPEs where the vendor is a client (and provide guidance to minimise the associated dangers); or, consider changing the basis on which PPEs are conducted: rather than PPEs conducted without relevant previous clinical information, the aim could be that any relevant clinical information is available at the time of the PPE and sale of the horse.
7. Additional relevant factors may be (a) the introduction of horse passports, which is understood to have increased the number of horses that are microchipped.

This may mean that relevant previous clinical information from veterinary practices and equine insurers will be easier to identify; and it may be more desirable for this information to be available before sales rather than after disputed sale; and (b) horse owners may now obtain the clinical records for their horse during their time of ownership, because the records are considered to be the personal data of the owner; prior to 2005, generally such information was not available to the owner.

8. It is suggested the Committee approve the setting up of a working party to look at the issues with a view to changing the basis on which PPEs are conducted: from an examination without previous clinical information about a horse, to an examination where the available previous clinical information about a horse is taken into account.

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ADVICE NOTE

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. There is detailed guidance 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 2, E, 'Examinations on behalf of a third party' which states;
6. *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.*
7. 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 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.
 8. 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.
 9. 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.
 10. 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.

11. 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

12. 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.