



MEETING	Advisory Committee
DATE	25 September
TITLE	Advisory Committee Minutes
CLASSIFICATION	Unclassified
SUMMARY	To note the Minutes of the Advisory Committee meeting held on 24 April 2008 (without attachments)
DECISIONS REQUIRED	To approve
AUTHORS	<p>Mr Gordon Hockey, Assistant Registrar and Head of Professional Conduct tel: 0207 202 0718 g.hockey@rcvs.org.uk</p> <p>Mrs Sue Whall, Advisory Manager tel:0207 202 0728 s.whall@rcvs.org.uk</p>



ADVISORY COMMITTEE

MINUTES OF THE MEETING HELD AT RCVS ON 24 APRIL 2008

PRESENT:

Dr W E Harrison - Chairman
Professor A Barr
Mrs D Creighton - VN Council Representative
Dr J V Davies
Mr P Jinman
Professor D Maskell
Mrs C Tapsfield-Wright

IN ATTENDANCE:

Mrs P J Nute – (present for items 4 and 6 on the agenda)
Ms J C Hern – Registrar
Mr G A Hockey – Assist Registrar/Head of Professional Conduct
Mrs S Whall – Advisory Manager, Professional Conduct

APOLOGIES FOR ABSENCE

1. There were no apologies. Comments from two members of Council were tabled.

MINUTES OF THE MEETING HELD ON 24 JANUARY 2008

2. An amendment was made to the minutes to correct a typographical error at paragraph 18; 'policies' should have read 'policies'. There were no further comments on the minutes, which were accepted as an accurate record of the meeting.

MATTERS ARISING

- (i) The Committee noted the composition of the Working Party on Communication. The aim was to arrange a meeting of the Working Party in the summer at which would be considered guidance on consent as well as communications issues generally which had arisen from the Preliminary Investigation Committee lay observers' report 2007. Those who had

accepted invitations to join were; Mr P Jinman (Chairman); Professor A Barr; Mrs Diane Mark; and Mrs B Saunders. In addition, representatives were expected to be put forward by the British Veterinary Association (BVA); The Society of Practising Veterinary Surgeons (SPVS) and the Veterinary Defence Society (VDS). One additional person was referred to as wishing to join the working party. It was not yet known whether the person would attend in her own right or represent BVA.

- (ii) The Assistant Registrar provided an oral report on the Veterinary Medicines Directorate (VMD) consultation on practice registration. He reported that the interpretation of veterinary practice premises had been received well, but the factors remained only a guide; that the inspection of veterinary practice premises within the RCVS Practice Standards Scheme (PSS) will be discussed as part of the 5-year review of the Scheme, and that RCVS Council had agreed a fee under the Veterinary Medicine Regulations of £40 per premises. It was also reported that the fee had not been quoted in the Veterinary Medicines Regulations (VMRs) and this had raised the issue of VAT, which would be raised with the VMD. [The VMD has since agreed that the £40 fee will be stated in the Veterinary Medicines Regulations, to ensure that VAT is not applicable, and in doing so it is necessary to name the RCVS as the holder of the register to ensure the fee is paid to the RCVS and the RCVS is not acting as an agent of the VMD.] The Assistant Registrar advised the aim of the RCVS was to ensure that veterinary surgeons continue to be seen as practitioners rather than retail suppliers. The VMD was focused primarily on traceability. The Committee was informed that a paper would be drafted for the next Committee meeting to consider guidance for the 5 factors that identify 'veterinary practice premises'. It was suggested that standard questions and answers could also be developed.
- (iii) It was asked whether there had been any comment from the Kennel Club on the Advice Note on 'Removal of Dew Claws'. It was reported that the Kennel Club had been asked for comments prior to finalisation of the advice note, so no comments were expected.

Action: Professional Conduct Department

MATTERS FOR DECISION BY THE COMMITTEE

24/7 Working Party

3. Dr Davies reported on the meeting of the Working Party held on 26 March 2008 and indicated that the guidance note on the Working Time Regulations had been agreed with amendments, including removal of the sample workforce agreement. There was general agreement to this. It was questioned whether the RCVS would provide a copy

of the sample workforce agreement if requested. It was confirmed that the RCVS would provide a copy and would be obliged to do so under the Freedom of Information Act.

4. It was questioned whether the guidance was appropriate in view of the discussions about the continued provision of 24-hour emergency cover. It was suggested that whatever the conclusion of the current deliberations, any changes, if made, would not be immediate and therefore there was value in having advice for any interim period. It was agreed that the advice should be made available to the profession.
5. There was discussion on the responsibility to provide 24-hour emergency cover. The Committee was informed that Guide responsibilities will be accepted by the Privy Council if they are in the public interest. It was suggested that the profession, through the RCVS, will need to decide whether it wishes to retain this responsibility. It was also commented that following the better regulation principles, arguably such a rule or obligation is only necessary if out-of-hours' care would not otherwise be provided.
6. The discussions at the Working Party were reported briefly, including the Working Party's suggestion that the profession and the animal owning public is consulted about the provision of 24-hour emergency cover. It was suggested that although there needed to be progress quickly, there should be a full consultation as necessary for the task.
7. Ms Lockett, Head of Communications, who had joined the Committee for this item, asked the Committee what it wanted to achieve, for example, is research needed to find out what the situation is or a consultation exercise to ascertain views on different options? Is the RCVS seeking views generally or did it have specific proposals on which comments were sought? Also, is it intended to ask the public to help inform the profession, or is it intended to ask the profession for views before putting a proposal to the public? Overall, she said there was a need to identify clear objectives and what information would be needed to trigger a change in policy. It was agreed that this was not an academic exercise; once a change was recommended and made, it was unlikely to be reversed.
8. Ms Lockett then went on to describe possible options; the gold standard, if time and money permitted: she suggested, in line with standard market research methodologies, that qualitative research would be the starting point to identify key issues. This would be followed by a quantitative component in which the profession as a whole could comment on the identified issues, as appropriate. The next stage would be discussions with the animal owners. It was indicated that this would cost in excess of £50,000. There was then discussion on aspects of such an initiative. It was suggested that the shortest time frame for this would be answers by this time next year.
9. It was commented that having answers within a year was an acceptable timeframe and the money involved was small bearing in mind the significance of the issue. Concern was expressed that consultations do not always produce clear representative answers. Polarised views can gather strength during a consultation exercise, and the questions asked often determined the answer to the overall issue. It was suggested the

profession's engagement with this issue was likely and the questions could be stated simply and briefly.

10. There was discussion of a survey of the public or whether the answer was predictable. It was suggested that consulting the public was appropriate for confirming the view and public perception.
11. It was suggested that many veterinary practices would not be able to afford to restructure to meet the requirements of the Working Time Regulations. It was questioned whether veterinary surgeons provided out of hours cover in other countries in Europe. It was suggested that some other countries did have similar requirements but that the FVE had only limited knowledge of the position. It was agreed additional information on the position of other European countries would help to inform future discussions.
12. There was discussion of aspiration or obligation and opportunities for entrepreneurs. It was commented that there were many and various issues involved and it was not simply an issue of the Working Time Regulations. It was agreed that the issue of providing 24-hour emergency cover had been around for many years.
13. It was noted that animals under a veterinary surgeon's care and under treatment would still attract responsibilities; such animals might need to be seen out-of-hours. There was discussion of an AA type subscription for clients who wished to opt into out-of-hours' care. It was noted that this could be done now under the current Guide provisions as a condition of registration (as a client) with the practice.
14. There was discussion of what provisions might be non-negotiable and whether this extended to animals under the veterinary surgeon's care or, for example, only those subject to postoperative care and/or ongoing treatment.
15. It was agreed that there should be a survey (and/or in depth interviews) to find out the current situation and how veterinary surgeons are fulfilling this Guide responsibility, as well as a consultation to find out what is wanted; involving both the profession and the public, as appropriate. Care would need to be taken with formulating the questions and it would have to be clear what is non-negotiable; the responsibilities considered integral to the veterinary profession which would need to be set out by the 24-hour Emergency Cover Working Party.
16. It was agreed that looking for opinions was the key to the exercise and identifying the factors that might change the RCVS guidance. It was agreed that in taking the issue forward, the Working Party should be asked to liaise with the Committee.

Recommendation to Council:

To publish the Guidance Note on 24-hour emergency cover and the Working Time Regulations and, as part of the ongoing consideration of the issue by the

24-Hour Emergency Cover Working Party, the RCVS to carry out a survey and/or consultation of the profession and the public as appropriate.

Action: Professional Conduct Department

Veterinary Medicines Directorate (VMD) Proposal for amendment to the Animal Test Certificate application system

17. The Committee was asked to consider the issues in the proposal document and confirm the VMD's proposed amendment to the ATC system. It was confirmed that those who had raised the issue initially were involved in the meeting with the Veterinary Medicines Directorate.
18. It was thought that there needed to be at least two veterinary surgeons to review a protocol, and not one as proposed in the consultation document. This view concurred with that of the Recognised Veterinary Practice (RVP) Sub-Committee whose views had been sought.
19. It was commented that RCVS representatives had suggested that two veterinary surgeons should review a protocol, to establish amongst other things that the study was ethical. It was noted that at universities this function was carried out by ethics committees.
20. The involvement of the RVP Sub-Committee was discussed. It was noted that the proposed review of a protocol also sought to establish that the proposal was in accordance with the RCVS Guide to Professional Conduct and was 'recognised veterinary practice'; and if the VMD had concerns, the RCVS would be asked for advice. The Committee considered the VMD should be provided with its views on the proposed amendments to the ATC system.

Action: Professional Conduct Department

Access to drugs

21. The Committee noted the paper, the transcript of the coroner's hearing and the draft advice note. There was concern that the profession should do more to check potential employees and specifically that Ketamine was a particular issue; it was said this was often addressed during RCVS Practice Standards Scheme inspections.
22. The Chairman commented that the RCVS was still waiting for the Veterinary Medicines Directorate to take forward the recommendations for controlled drugs from the Shipman Inquiry (4th Report), as they applied to the veterinary profession.
23. There was discussion on the advice note and a concern that it needed to give clarity on the issue of key holders; and that the designated controlled drugs cabinet could contain other items for safe storage, provided that this did not compromise the safe storage of

controlled drugs. It was noted there were additional issues such as running balances and other recommendations and good practice from the human health care sector that could also be considered.

24. It was commented that nurses and others needed to have access to the controlled drugs cabinet, when, for example, a veterinary surgeon who was operating needed additional medicines for the animal.
25. There was comment that veterinary surgeons should be reminded of their accountability for controlled drugs, and this should be stated clearly; that there should be restricted access to the controlled drugs and those having such access should be authorised after a clear process, considering, for example, references and other information as appropriate.
26. It was suggested that those matters listed in paragraph 4 of the paper could be included in a standard operating procedure for veterinary practices and this to include all dangerous drugs.
27. The advice note was approved in principle, subject to amendments, to be circulated to the Committee, and it was suggested that the issue be highlighted in the next issue of RCVS News.

Action: Professional Conduct Department

Veterinary Medicines – charging for prescriptions

28. The Committee noted the paper and there was general agreement for a positive statement in the Guide that veterinary surgeons may make only a reasonable charge for prescriptions.
29. It was suggested that the medicines' decision fee had largely reduced the impact of not being able to charge fees for prescriptions. It was agreed that the positive statement should be included at Part 1, D, paragraph 8, that:

'From 31 October 2008, a reasonable charge may be made for written prescriptions; such prescriptions for POM-V medicines may be issued only for animals under the care of the prescribing veterinary surgeon and following his or her clinical assessment of the animals.'

30. In considering the monitoring of prescription charges for a year from 31 October 2008, it was suggested that the RCVS Practice Standards Scheme might be involved in collecting information on fees charged for prescriptions. However, concern was expressed that any association of the scheme with this issue will damage the standing of the scheme. It was agreed that the Practice Standards Group could be asked for its views.

31. The proposed Advice Note was agreed subject to amendments, to be circulated to the Committee, and it was agreed that the Office of Fair Trading should be asked for its views on monitoring.

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Advice notes

- i. **Working Time Regulations (paragraphs 3-16)**
 - ii. **Access to controlled drugs (paragraphs 21-27)**
 - iii. **Revised advice on prescription charges (paragraphs 28-31)**
 - iv. **Veterinary certification - the Committee approved the draft advice note in principle and asked for a reference to electronic certification schemes used by certain authorities.**
 - v. **Veterinary Medicines Regulations – the draft advice note was noted; It was agreed that the Committee would have further time to consider it and provide comments.**
32. The revised advice notes, which have been approved by the Advisory Committee, are attached as Annex A

Action: Professional Conduct Department

Practice Standards Scheme

33. The Committee noted the reports from the Practice Standards Group and Mrs Ferguson highlighted a number of issues, including the need to increase the fees for the RCVS Practice Standards Scheme due to a number of cost increases to the Scheme; and that all practice premises registered under the PSS will be included within the register of 'veterinary practice premises' under the VMRs.

Action: Professional Conduct Department

MATTERS FOR REPORT

**National Equine Welfare Council Draft Code of Practice
Equine Hoofcare Consultation**

34. The Committee noted the report.

Certification Sub Committee Report

35. The Committee noted the report. It was reported that certification under the Bluetongue Vaccination Scheme might be problematic, because it might be that animals could only cross borders within Great Britain if vaccinated and certified by a veterinary surgeon. This depended on the views of the devolved administrations.

Riding Establishments Sub Committee

36. The Committee noted the report. The Committee noted the list of members and it was agreed that a list of organisations that should be represented on the sub committee should be drawn up, in conjunction with the BVA.

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Recognised Veterinary Practice Sub Committee

37. The Committee noted the report.

Report of Meeting Expert Witness Working Party

38. The Committee noted the report. It was commented that being an expert witness involved principles that applied across professional life; that you must be competent to undertake the work and take advice if necessary on that issue and the procedures to be adopted. This was countered by the suggestion that this work was outside normal veterinary practice and the distinctions between being a witness of fact, professional witness and an expert witness were complex.
39. It was noted that draft guidance in the form of a revised annex to the Guide to Professional Conduct was being prepared for consideration by the Working Party and subsequently the Advisory Committee.

Reports of Disciplinary Committee Hearings

40. The Committee noted the cases.
41. any other business
42. The Committee was asked to consider a draft of a new European Code of Practice for veterinarians, which was under development; which would be circulated electronically to Committee members.

Date of Next Meeting

43. The Committee noted the date for the next meeting is **10 am on Thursday, 25 September 2008**

Professional Conduct Department
6 May 2008