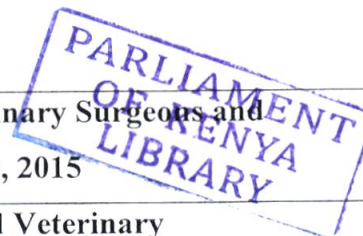


EXPLANATORY MEMORANDUM

EXPLANATORY MEMORANDUM TO THE CODE OF ETHICS FOR VETERINARY SURGEONS AND VETERINARY PARAPROFESSIONALS, 2015

PART I

Name of the Statutory Instrument:	The Code of Ethics for Veterinary Surgeons and Veterinary Paraprofessionals, 2015
Name of the Parent Act:	The Veterinary Surgeons and Veterinary Paraprofessionals Act, Number 29 of 2011
Enacted Pursuant to:	Section 6 (2) (f) of the Act
Name of the Parent Ministry/Department:	Ministry of Agriculture, Livestock and Fisheries
Name of Regulation-Making Authority	The Kenya Veterinary Board
Gazetted on:	<i>(to be completed once gazettment is done)</i>
Tabled on:	<i>(to be completed on the day of submission to the Clerk of the National Assembly)</i>



PART II

1. Purpose of the Statutory Instrument

1.1 The Code of Ethics for Veterinary Surgeons and Veterinary Paraprofessionals (“the Code”) sets the standards of ethics in the veterinary profession the application of which assures good health and welfare of animals, the protection of consumers and of the general public and the sustainable development in animal industry. The Code assures that Kenyan veterinary practitioners uphold the noble calling and the good attributes that denote the veterinary professional practice all over the world. The Code is necessary as a benchmark on which veterinary ethics are measured and regulated in public interest.

2. Legislative Context

2.1 The Code is implementing a new Act that was enacted after the review and repealing of the previous Veterinary Surgeons Act, Chapter 366 of Laws of Kenya. Hitherto, a veterinary code of ethics was developed and applied as a guideline and faced challenges in enforcement. The new Act has required that the code be published by the Kenya Veterinary Board and be made binding to persons registered under the Act.

3. Policy Background

- 3.1 The Sessional Paper Number 2 of 2008 on the National Livestock Policy directed in sections 3.4.2, 4.1.4 and Annex II the strengthening of core-functions of Kenya Veterinary Board including the setting up and enforcing professional code of ethics. This policy was implemented through enactment of the parent Act. The Statutory Instrument provides the legal framework for setting up, regulating and enforcing professional conduct in all spheres of veterinary professional practice.

The veterinary profession operates as a force for public good when ethics are upheld but can be greatly harmful to animals, humans, the economy and the environment if unprofessional conduct sets in or is not corrected. Professional misconduct leads to poor animal health and welfare and low production and productivity; potentially dangerous veterinary medicines are misused and poison animals, enter the human food chain or contaminate the environment. Veterinary professional misconduct has been observed in Kenya; peer corrective influence has been tried through largely voluntary guidelines for professional conduct but this has not been effective as a remedy.

As an old profession in the world, a recognized veterinary culture, ethic and tenet has developed which is applied fairly uniformly by countries and which forms the basis of determining health, welfare, production and trading norms in animals and their products. Indeed, the World Organization for Animal Health, the animal health standard-setting body for World Trade Organization members, requires in Article 3.2.12-2(c) of the Terrestrial Animal Health Code (www.oie.int/) that countries establish autonomous veterinary statutory bodies and provide them with powers, among others, to “determine the standards of professional conduct of veterinarians and veterinary para-professionals and to ensure these standards are met”. The Sessional Paper, the parent Act and this Code achieve this international standard for the benefit of the Kenyan community and their animal industry.

4. Consultation outcome

- 4.1 Consultation was done with members of the public including veterinary surgeons, veterinary paraprofessionals, farmers, and other stakeholders. The methodologies used were public hearings in workshops and the use of internet communications. Veterinary professionals were engaged by the Kenya Veterinary Board to prepare a zero-draft of the Code. Thereafter, public hearing workshops were held in Mombasa, Nyeri, Kakamega, Eldoret and Nairobi where a cross-section of stakeholders, majority being veterinary professionals, were invited and facilitated to discuss the Code exhaustively, comment on it and also enrich it. A first draft was prepared from inputs from the workshops and which was posted on the Kenya Veterinary Board website and stakeholders invited to make their final comments and observations. A final draft was then prepared and subjected to legal drafting to incorporate the legal content.

The profile of persons consulted is summarized in *Table 1*. A total of **169** stakeholders and members of the public were consulted in the process of drafting the Code.

Table 1: Profile of persons consulted

Method	Venue	Number of participants				
		Veterinary surgeons	Veterinary paraprofessionals	Farmers	Media	Politician
Public hearing	Mombasa	18	3			
	Nyeri	24	5	2		
	Kakamega	24	5	4	1	2
	Eldoret	23	9	4	4	
	Nairobi	26	10			
Website		5				
Total		120	32	10	5	2

The opinions from the persons consulted and the policy responses to the opinions are summarized in **Table 2**. The Code was generally acceptable to all the stakeholders except for specific clauses. Over 50 % of respondents did not want to Code to directly prohibit romantic relationships with clients but only to limit such relationships that could put the profession into disrepute. Another over 50 % did not want the Code to regulate professional exchanges in the social media but agreed to limited control over all media to protect the image of the profession. Over 60% felt that a veterinary surgeon should be able to sign and authenticate a vaccination certificate if he was physically present when a veterinary paraprofessional administered the vaccine to an animal. Over 50% of veterinary paraprofessionals did not want to be forced by the Code to declare to clients that they are not veterinary surgeons and would be serving under delegated duty but were agreeable to use of name cards. Stakeholders enriched the Code by introducing regulation of professional conduct in food and feed inspection, laboratory diagnostic services, veterinary professional publication, and by making editorial improvements.

Table 2: Opinions and policy responses

Issue	Number of comments	Policy response		
		Comments adopted in draft	Comments not adopted in draft	Reasons
Insurance and client compensation	5	3	2	Though participants wanted the issue of client compensation removed from draft, their reasons of fearing barrage of unfair claims run counter to the integrity principle of the profession. The issue was upheld but recasted to engineer change in practices toward professional indemnity.
Good labour practices	3	3	0	Compliance with labour laws is obligatory for every Kenyan.
Editorial improvements	86	86	0	Draft became richer and correct

Adoption of international standards	3	3	0	Good for compliance and for international benchmarking.
Identification of professional to the client	23	23	0	An identification card was found tenable in place of verbal introduction and declaration of cadre
Use of social media	51	49	2	Though all the comments were largely adopted, it was felt that social media postings on professional matters should be correct and the contributor should properly identify himself for accountability purposes.
Romantic relationships with clients	23	20	3	Most of the comments were adopted except for those relegating the issue completely.
Confidentiality	1	1	0	Confidentiality is a policy of the profession.

5. Guidance

5.1 The Code is not a complex regulation to understand and apply. Nevertheless, due to its importance in the profession, the Kenya Veterinary Board will incorporate it as a continuous professional development course and will also urge veterinary training institutions to teach it to trainees and undergraduates.

6. Impact

6.1 The impact on Rights and Fundamental Freedoms

The Code will have no negative impact on the enjoyment of rights and fundamental freedoms. Any limitation on rights and fundamental freedoms in the Code has been done in compliance with provisions in the Bill of Rights in the Constitution, especially Articles 24, 27, 33 and 46.

6.2 The impact on the Private Sector

The Code will not have any negative impact on the private sector but would enhance its socioeconomic performance. Private veterinary practices would thrive and would be protected from the pitfalls of professional misconduct of colleagues.

6.3 The impact on the Public Sector

The Code will be implemented within the core functions of the Kenya Veterinary Board as set out in the parent Act and will not occasion the need for additional resources above the budgets of the Board.

6.4 Impact assessment

A regulatory impact assessment was not done for this Code as it was not found necessary as stipulated in section 9 of the Statutory Instruments Act, particularly subsections (a) (b), (d) and (g). The Code is an administrative and formal tool for Kenya Veterinary Board as provided in sub-section 9 (a). It does not operate to the disadvantage of any person as clarified in sub-section 9 (b), except for offenders who in any case are undesirable in just societies. As set out in sub-section 9 (d), the Code is the first implementation of a power provided by the new parent Act. Finally, the Code addresses a matter that will be implemented uniformly in the whole country as set out in sub-section 9 (g) under the national government, such professional regulation having been excluded from county government functions by Sub-clause (e) of Clause 2 of Part 2 of the Fourth Schedule to the Constitution.

7. Monitoring and review

7.1 The success criteria for this statutory instrument are the reduction or absence of cases of professional misconduct. The regulatory performance of the Code will be monitored through the veterinary inspectorate and the disciplinary structures under the Kenya Veterinary Board and also after every 12 months through reports. A review of the Code will be carried out after 5 years and the statutory instrument may be amended accordingly.

8. Contact

8.1 Dr B. Odhiambo Godia, Ag. Chief Executive Officer of the Kenya Veterinary Board,
Telephone: +254722305253 or email: info@kenyavetboard.org can answer any queries regarding the statutory instrument.

SPECIAL ISSUE

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LEGAL NOTICE No. 194

THE VETERINARY SURGEONS AND VETERINARY PARA-
PROFESSIONALS ACT, 2011

(No. 29 of 2011)

THE VETERINARY SURGEONS AND VETERINARY PARA-
PROFESSIONALS (CODE OF ETHICS) REGULATIONS, 2015

ARRANGEMENT OF REGULATIONS

Regulation

PART I – PRELIMINARY

- 1—Citation
- 2—Interpretation
- 3—Administration of oath
- 4—Guiding principles
- 5—Safeguarding welfare of animals

PART II—PROFESSIONALISM

General Conduct

- 6—Integrity, independence and impartiality
- 7—Update in relevant laws and innovations
- 8—Professional indemnity
- 9—Fraud
- 10—Competency to practice
- 11—Sourcing and handling of veterinary products

Conduct within the profession

- 12—Collaboration with colleagues
- 13—Substitute veterinary surgeon and veterinary para-professionals
- 14—Referrals
- 15—Second opinion
- 16—Supersession
- 17—Specialized services

Interaction with clients

- 18—Relationship with client
- 19—Informed consent
- 20—Responsibility to client and para-professional
- 21—Responsibility of veterinary para-professional to client



PART III—HANDLING OF ANIMALS

- 22— Examination of patients.
- 23— Euthanasia
- 24— Ethics in teaching
- 25— Use of animals in research and education
- 26— Transportation and processing of animals

PART IV—VETERINARY PREMISES AND PRACTICE

- 27— Professional premises
- 28— Environmental health
- 29— Employment
- 30— Ethics in prescribing, dispensing, and administration of veterinary medicine
- 31— Control of unqualified persons

PART V—GENERAL PROVISIONS

- 32— Conflict of interest
- 33— Soliciting for professional work
- 34— Confidentiality
- 35— Expert advice and opinion
- 36— Veterinary certificate
- 37— Recreational activities
- 38— Communication
- 39— Publicity and advertisement
- 40— Ethics in the media
- 41— Dress code
- 42— Settling disputes within the profession
- 43— Discipline

THE VETERINARY SURGEONS AND VETERINARY
PARAPROFESSIONALS ACT, 2011

(No. 29 of 2011)

IN EXERCISE of the powers conferred by section 6 (2) (f) of the Veterinary Surgeons and Veterinary Para-professional Act, 2011, the Kenya Veterinary Board makes the following Regulations—

THE VETERINARY SURGEONS AND VETERINARY PARA-
PROFESSIONALS (CODE OF ETHICS) REGULATIONS, 2015

1. This Code may be cited as the Code of Ethics for Veterinary Surgeons and Veterinary Para-professionals, 2015. Citation.

2. In this Code, unless the context otherwise requires— Interpretation

“Act” means the Veterinary Surgeons and Veterinary Para-professionals Act, 2011; No. 29 of 2011.

“area” means an area where a veterinary practice is licensed to operate and in which the veterinary surgeon or veterinary para-professional ordinarily operates;

“certification” means the issuance of certificate by a veterinary surgeon that attests to the health or condition of an animal or to a service rendered to an animal and “certificate” shall be construed accordingly;

“client” means—

- (a) the owner of an animal;
- (b) a person acting with the authority of the owner ;or
- (c) a person with statutory or other legal authority over the animal;

“colleague” means a veterinary surgeon or a veterinary para-professional;

“direction” means instruction by a veterinary surgeon to a student, an intern or a veterinary para-professional as to a procedure, test or treatment to be administered on an animal, in the presence or absence of the veterinary surgeon;

“dope” means any medication administered to an animal for the purpose of enhancing performance of that animal in a competition ;

“emergency” means a life threatening situation of an animal arising from illness, injury or other distress;

“ethical veterinary medicine” includes antibiotics, narcotics, hormones or vaccines;

“euthanasia” means the killing of an animal without subjecting the animal to pain, fear or discomfort in order to relieve that animal’s suffering when is terminally ill, seriously injured or distressed;

“feral animal” means a domestic animal that has become wild and difficult to handle;

“fraud” includes using professional knowledge to grant an unfair advantage to the veterinary surgeon, veterinary para-professional or to deceive a client;

“international law” means any international convention or protocol which Kenya has ratified and includes the standards, Guidelines and recommendations of the World Health Organization

“medical practitioner” has the same meaning as assigned to it under the Medical Practitioner and Dentists Act; Cap 253.

“oath” means the veterinary surgeons or the veterinary para-professionals oath set out in the Third Schedule of the Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011; No.29 of 2011

“overdose” means using a veterinary medicine in a dose or frequency higher than the recommended level resulting to harm to an animal;

“patient” means an animal under the care of a veterinary surgeon or a veterinary para-professional;

“personal protection equipment” means any clothing or equipment used to protect the veterinary surgeon, veterinary para-professional or other staff in practice from possible contamination or injury while handling, examining or treating an animal;

“prescribed equipment” means the equipment approved by the Board for undertaking a procedure while treating or performing a surgical operation or used during veterinary training;

“raced” means an animal used for racing competition;

“referral” means where a veterinary surgeon sends a patient under his care to a second or subsequent referrals to a veterinary surgeon for further diagnosis and treatment with the objective of returning the patient to the original referring veterinary surgeon;

“specialized service” means a service provided by a veterinary specialist as defined in the Act;

“supervision” means instruction by a veterinary surgeon to a student, an intern or a veterinary para-professional, on a procedure, test or treatment while the veterinary surgeon is physically present during the administration of the procedure, test or treatment;

“veterinary-client-patient relationship” means a relationship arising from the rendering of an examination and preliminary diagnosis of an animal by a veterinary surgeon or veterinary para-professional, resulting in the veterinary surgeon or veterinary para-professional having sufficient knowledge of that animal;

“withholding period” means the period when an animal cannot be slaughtered due to drug residues in the body.

3. (1) A veterinary surgeon or a veterinary para-professional shall before undertaking his profession take the Oath set out in the Third Schedule of the Act.

Administration of
Oath.

(2) A veterinary surgeon or a veterinary para-professional shall uphold the Oath and this Code during his veterinary practice.

4. The guiding principles for the ethical conduct of veterinary surgeons and veterinary para-professionals shall be to—

Guiding principles.

- (a) safeguard the welfare of the animal and alleviate animal suffering;
- (b) maintain professional conduct that promotes the reputation of the veterinary profession;
- (c) avoid any act that may in any way bring the image of the veterinary profession into disrepute;
- (d) handle clients and members of the public with respect, consideration and courtesy;
- (e) be conversant with, and abide by, all laws affecting the profession;
- (f) be well informed on veterinary matters keeping abreast of current knowledge and enhancing skills in order to ensure that expert knowledge, experience and judgment are available to the community;
- (g) report to the Board and the nearest law enforcement agency on any illegal or unauthorized veterinary practice;
- (h) promote the sale and use of registered veterinary medicines;
- (i) practice within one's area of competence and refer patients where necessary.

5. It is the paramount duty of a veterinary surgeon and a veterinary para-professional to safeguard the welfare of an animal and alleviate animal suffering.

Safeguarding welfare of animals.

PART II—PROFESSIONALISM

General conduct

6. (1) A veterinary surgeon or veterinary para-professional shall, after taking into consideration all relevant circumstances and without any application of personal interest or external influence, exercise professional and independent judgment.

Integrity, independence and impartiality.

(2) A veterinary surgeon or a veterinary para-professional shall respect the need or requirement expressed by a client as long as the need or requirement does not conflict with this Code or any other law.

(3) A veterinary surgeon or a veterinary para-professional shall not discriminate a client on grounds of race, age, ethnicity, gender, religion, political affiliation, disability or marital status.

7. A veterinary surgeon or veterinary para-professional shall ensure that he updates himself, on a regular basis, on the relevant local and international laws and any scientific and technological innovations related to the profession.

Update in relevant law and innovations.

8. A veterinary surgeon may purchase a professional indemnity cover from an insurance company or undertake any other form of guarantee for purposes of safeguarding himself against any adverse effect resulting from errors or omissions made in the provision of a service. Professional indemnity.

9. (1) A veterinary surgeon or a veterinary para-professional shall not— Fraud.

- (a) when engaged by either a seller or a buyer to examine an animal which is for sale or purchase, accept a fee from both the seller and the buyer;
- (b) perform surgical or medical procedures on any animal for the purpose of concealing genetic defects in an animal, which animal is to be displayed, raced, bred or sold;
- (c) give false information during the certification of an animal, or on the application or reporting of any test for disease in animals;
- (d) knowingly, make a false report of any contagious or infectious disease;
- (e) administer an expired veterinary medicine on an animal;
- (f) knowingly administer illegal veterinary medicine on an animal;
- (g) participate in the doping of an animal;
- (h) under-dose or over-dose an animal;
- (i) administer any unnecessary treatment, diagnostic or surgical procedures;
- (j) falsify or misrepresent a recommendation from a consultant or peer; or
- (k) commit or aid another to commit fraud, deceit or corruption in billing, payment or insurance reimbursement procedures.

(2) A veterinary surgeon or a veterinary para-professional who violates the provisions of paragraph(1) commits an offence of fraud and in addition to any penalty imposed under any other law, shall be subject to disciplinary action under the Act.

10. (1) A veterinary surgeon or a veterinary para-professional shall, at the time of filling of an application for an annual practicing license, declare if they have in the last one year— Competency to practice.

- (a) been charged with or found guilty of a criminal offence;
- (b) been suspended or dismissed, by employer who engaged him as a veterinary professional, on ethical grounds, negligence or incompetence;
- (c) resigned from employment as a veterinary professional for reasons relating to competency or ethics;

(d) been subject to an adverse finding by the Kenya Veterinary Board.

(2) A veterinary surgeon or a veterinary para-professional shall notify the Board of any issues specified under paragraph (1) at the time they arise.

(3) A veterinary surgeon or veterinary para-professional shall immediately notify the Board of any health condition that may interfere with his professional work or endanger the health of an animal under his care.

(4) A veterinary surgeon or a veterinary para-professional shall not practice veterinary medicine when his physical or mental ability is impaired—

- (a) by alcohol or drugs; or
- (b) by other physical, psychological or mental impediment.

(5) It is the duty of a veterinary surgeon or veterinary para-professional to bring to the notice of the Board the impairment of a colleague in terms of paragraph (4), if in the opinion of that veterinary surgeon or veterinary para-professional the life of any animal or person is endangered due to the colleague's impairment.

(6) The Board shall, after investigations and on receipt of a report by a medical practitioner have power to suspend or revoke the licence of a veterinary surgeon or veterinary para-professional who—

- (a) is addicted to alcohol or habit forming drugs;
- (b) is using controlled veterinary medicines on himself;
- (c) due to any physical or mental condition poses a danger to any person or animal;
- (d) has been subject to an adverse finding by a veterinary regulatory body;
- (e) has been charged with or found guilty of a criminal offence; or
- (f) has been suspended or dismissed on ethical grounds, negligence or incompetence.

(7) A veterinary surgeon or a veterinary para-professional shall, on demand, divulge to the Board the means, methods, device, or equipment used in the treatment of a disease, injury, ailment or infirmity of an animal.

11. (1) A veterinary surgeon or veterinary para-professional shall—

- (a) source veterinary medicines, equipment and other relevant materials from reputable sources;
- (b) store a veterinary medicine as prescribed; and
- (c) not administer or dispense a veterinary medicine whose storage condition has been breached.

Sourcing and
handling of
veterinary inputs.

(2) A veterinary surgeon or veterinary para-professional shall, at all times use prescribed equipment that is hygienically handled and stored.

(3) A veterinary surgeon or veterinary para-professional practicing artificial insemination of animals shall ensure that prescribed standards are maintained in sourcing, handling, storage and transportation of semen.

(4) Prior to carrying out any insemination under (a), a veterinary surgeon or veterinary para-professional shall conduct a thorough examination of the animal receiving the semen to ensure it is healthy, not pregnant and ready for insemination.

(5) A veterinary surgeon conducting ova transplant or embryo transfer in any animal shall, in the sourcing, handling, storage and transportation of the ova or embryo, maintain the standards prescribed by the World Animal Health Organization.

Conduct within the Profession

12. (1) A veterinary surgeon or veterinary para-professional shall always seek to foster and maintain good understanding with and among colleagues and shall not—

Collaboration
with colleagues.

- (a) by action or implication, ridicule a colleague;
- (b) slander or libel a colleague;
- (c) conduct or carry himself or act in a manner that is likely to bring a colleague and the veterinary profession into disrepute;
- (d) encourage dispute which may damage the reputation of the veterinary profession;
- (e) plagiarize the scholarly work of a colleague.

(2) A veterinary surgeon or a veterinary para-professional who becomes aware of unprofessional or discreditable conduct or other misconduct by a colleague, shall attempt to counsel the colleague either directly or through the professional association.

(3) If the behavior of the colleague specified under paragraph (2) does not change, the veterinary surgeon shall inform the Board.

13. (1) A veterinary surgeon or veterinary para-professional shall, where professional services may be required, at night, on a weekend, holiday or other off-duty hours, or by reason of, sickness or personal emergencies of any kind, make specific arrangements with a colleague to stand in on his behalf, for purposes of ensuring that emergency and first-aid services are available to clients.

Substitute
veterinary surgeon
or veterinary para-
professionals.

(2) Where first aid service has been given to an animal, a system for assessment and follow-up of cases shall be put in place at the veterinary practice.

(3) A veterinary practice, a veterinary surgeon or veterinary para-professional shall, if called to stand in on behalf of a colleague, return

to the care of that colleague on his resumption of practice, any animal attended to during his absence.

(4) A veterinary surgeon or veterinary para-professional who stands in for a colleague shall not do anything that may be construed as an attempt to attract or entice a client, from the original veterinary surgeon or veterinary para-professional, to his veterinary practice.

(5) An animal shall be considered to be under the immediate care of a veterinary surgeon or veterinary para-professional if—

- (a) the animal is under treatment by the veterinary surgeon or veterinary para-professional;
- (b) the veterinary surgeon or veterinary para-professional has been given and has accepted responsibility for the health of the animal; or
- (c) the ongoing and continuing care of the animal is recognized as a veterinary-client-patient relationship in terms of these Regulations.

14. (1) A veterinary surgeon shall, when a case or a treatment option is outside their area of competence, refer it to an expert whom they are satisfied is competent to carry out the investigation or treatment required.

Referrals.

(2) A veterinary surgeon making a referral in accordance with (1), has a responsibility to ensure that the client is made aware of the recognized specialists or experts available in the area of competence in which the referral is made.

(3) The veterinary surgeon referring a client and the expert to whom the client is referred to, shall ensure that the client understands the cost arising from the referral.

(4) A veterinary surgeon referring a client as provided under paragraph (1) shall inform the client of all the experts who may be found within the client's area of residence and upon which the client may make an appointment with the expert of his choice.

(5) A veterinary surgeon referring a client shall, on request, within one hour of the request, provide the expert with the case history of the animal and any further information that may be requested.

(6) An expert or specialist to whom a case has been referred shall maintain professionalism when stating their opinion so it does not unduly or wrongly discredit the veterinary surgeon that has referred the client.

15. (1) A veterinary surgeon or a client may request a second opinion on diagnosis or treatment of an animal from another veterinary surgeon.

Second opinion.

(2) A veterinary para-professional or his client may request a second opinion on the treatment and examination of an animal from a veterinary surgeon in the area of practice allowed in the Act.

(3) A veterinary surgeon or veterinary para-professional shall, after seeking a second opinion in accordance with these Regulations, retain the continued responsibility of the animal.

(4) A veterinary surgeon or a veterinary para-professional shall recognize and respect the right of a client to a second opinion and shall facilitate a client's request for a second opinion.

(5) A veterinary surgeon shall, while providing a second opinion, state their opinion in a way which does not unduly or wrongly discredit the veterinary surgeon seeking that opinion.

16. (1) A veterinary surgeon who is called upon to attend to a patient by an owner in an ongoing case that has been under the care of another veterinary surgeon, shall, before proceeding with the treatment of the animal, endeavour to establish whether the first attending veterinary surgeon has retired from the case, or has been told by the owner that his services are no longer required. Supersession.

(2) The provisions of paragraph(1) shall not apply in case of—

- (i) an emergency; or
- (ii) a second opinion or referral.

(3) A veterinary surgeon invited to attend to an animal under paragraph (1), shall liaise with the first attending veterinary surgeon for purposes of obtaining the history of the case.

(4) Where a veterinary surgeon is invited to take over the whole of the veterinary work from another member of the veterinary profession, the provisions of paragraph (1) shall apply.

(5) A veterinary surgeon is duty bound to accept and take up a case which has been interfered with by an unqualified person, provided that the client is made aware of the likelihood of poor clinical outcome for which the veterinary surgeon may not take full responsibility.

(6) This regulation shall apply to a veterinary para-professional with respect to services allowed under the Act.

17. A veterinary surgeon providing specialized services shall contact the client's usual veterinary surgeon in advance and keep him fully informed, while making prior arrangements for continuation of the service. Specialized service.

Interaction with clients

18. (1) A veterinary surgeon or veterinary para-professional, providing veterinary services, shall create a contractual relationship between himself and the client. Relationship with client.

(2) A veterinary surgeon or veterinary para-professional shall—

- (a) display his current professional identification card to a client when called upon to offer a service;
- (b) maintain a professional relationship with a client at all times and avoid any conduct or relationship that may bring disrepute to the profession;

- (c) ensure that clear information is provided to the client about practice arrangements, the services available, initial costs, location of the out-of-hours emergency service, and information on the care of any in-patients;
- (d) maintain clear, accurate and comprehensive patients' records and accounts;
- (e) give reasonable fee estimates based on treatment options;
- (f) keep the client informed of the patient's progress, and of any escalation or reduction in costs once treatment has started;
- (g) ensure that the client is made aware of any procedures to be performed by a staff in the practice who is not a veterinary surgeon;
- (h) recognize that a client has the freedom to choose the veterinary surgeon who shall take care of his animal; and
- (i) uphold a client's right to receive impartial, independent, honest and objective advice.

(3) A veterinary surgeon or veterinary para-professional shall as far as possible provide to the client copies of the records of an animal under his care.

(4) A veterinary surgeon or veterinary para-professional shall not intentionally or recklessly cause physical or emotional harm to a client or patient.

(5) A veterinary surgeon shall inform clients of any human health implications arising from the condition, care, tests or treatment of their animals, with special emphasis on those persons who may be more at risk.

19. (1) A veterinary surgeon or veterinary para-professional shall acquire the informed consent of a client by explaining to the client the proposed treatment options, the risks and the significance to the patient and the fee estimates.

Informed consent.

(2) A veterinary surgeon or veterinary para-professional shall satisfy himself that the person giving consent under paragraph (1) has the authority to provide that consent.

(3) A veterinary surgeon or veterinary para-professional, shall where the owner of an animal under treatment is not known, make every reasonable effort to locate the owner.

(4) A veterinary surgeon or veterinary para-professional shall—

- (a) use the simple language to communicate with a client and explain any technical terminology that the client may not understand;
- (b) seek to ensure that he understands the client and that client also understands the veterinary surgeon or veterinary para-professional; and

- (c) encourage a client to take full part in any discussion related to the patient.
- (5) A veterinary surgeon or veterinary para-professional shall—
- (a) use consent forms to record the informed consent of a client obtained for the purpose of carrying out procedures of euthanasia, anesthesia and surgery; and
- (b) as far as possible, use consent forms in all other cases.
- (6) A consent form under this regulation shall include the following information—
- (a) name of client;
- (b) identification of the animal;
- (c) treatment or procedure being undertaken;
- (d) name, signature and registration number of attending veterinary surgeon;
- (e) signed consent of the client; and
- (f) date.
- (7) If a veterinary surgeon or veterinary para-professional is unable to obtain a client's consent in accordance with this provision, he shall indicate, in the report, the measures taken to try and obtain that consent and any action taken on the patient.
- (8) A copy of the duly filled and signed consent form shall be provided to the client.

20. (1) A veterinary surgeon has a legal and moral responsibility to the client to —

Responsibility to client and para-professional.

- (a) personally examine an animal before a veterinary para-professional carries out any procedure, except in circumstances permitted under the Act;
- (b) direct, control and supervise a veterinary para-professional and ensure the work is conducted in the proper method and manner;
- (c) authorize or require that a veterinary para-professional to perform only the work as the veterinary surgeon knows that the veterinary para-professional is capable of performing.

(2) A veterinary surgeon shall not staff a veterinary practice with veterinary para-professionals unless the necessary supervision or direction of a veterinary surgeon is also provided in that practice.

21. A veterinary para-professional has a responsibility to the client to —

Responsibility of a veterinary para-professional to a client.

- (a) undertake only the treatment, procedure or other action as the Act authorizes or as directed by a veterinary surgeon;
- (b) perform his work only in the manner authorized under the Act or as directed by the veterinary surgeon;

- (c) employ the best care and skill in performing all work undertaken;
- (d) refrain from undertaking any work which he is not capable of performing satisfactorily; and
- (e) refrain from diagnosing, making a prognosis, prescribing, initiating treating or performing surgery other than that prescribed under the Act.

PART IV – HANDLING OF ANIMALS

22. (1) A veterinary surgeon or veterinary para-professional shall at the time of making a provisional or other diagnosis physically examine a patient. Examination of patients.

(2) A veterinary surgeon shall physically examine an animal before giving a prescription of veterinary medicine.

23. (1) A veterinary surgeon, veterinary para-professional or veterinary practice may, in appropriate cases, carry out euthanasia to relieve the suffering of an animal. Euthanasia.

(2) Despite paragraph (1), a veterinary para-professional and a veterinary practice shall only carry out euthanasia under the supervision of a veterinary surgeon.

(3) It is the responsibility of a veterinary professional under this regulation, to ensure the procedure and veterinary medicine used, are as guided by the standards, guidelines and recommendations of the World Health Organization.

(4) All staff in a veterinary practice involved in euthanasia shall be fully trained and planned, rehearsed and coordinated approach shall be taken while carrying out the euthanasia.

(5) A veterinary surgeon or a veterinary para-professional is not obligated to undertake euthanasia on a healthy animal unless required to do so under statutory powers as part of the conditions of employment.

(6) A veterinary surgeon facing difficulties including but not limited to—

- (a) an owner who desires to have a perfectly healthy or treatable animal to be euthanized; or
- (b) an owner who wishes to keep an animal alive in circumstances where euthanasia would be the kindest course of action;
- (c) shall keep in mind that his primary obligation is to relieve the suffering of that animal.

(7) Where the client is not in agreement with the advice given under paragraph (6), the veterinary surgeon shall make efforts to direct the client to alternative sources of advice, while recognizing the extreme sensitivity of the situation.

(8) A veterinary surgeon shall, when euthanizing a feral or wild animal, ensure that the procedure is carried out as humanely as

possible, with due consideration to the particular animal and to the group from which it is drawn.

(9) A person who is of the opinion that a veterinary surgeon has not exhibited professional competence during euthanasia may make a complaint to the Board.

24. (1) A veterinary surgeon or veterinary para-professional engaged in teaching shall, by instruction and example— Ethics in teaching.

- (a) emphasize the importance of humane treatment of all animals;
- (b) ensure that animals used for teaching purposes are handled humanely and are not subjected to excessive manipulation which may injure or distress the animal;
- (c) ensure that the highest possible standards of ethical conduct are promoted and maintained in all aspects of professional activity;
- (d) adhere to national and the World Organization for Animal Health guidelines on the use of animals in education.

(2) A veterinary surgeon or veterinary para-professional shall teach only approved programmes in education facilities approved by the Board.

25. (1) A veterinary surgeon or veterinary para-professional involved in research using animals shall— Use of animals in research and education.

- (a) adhere with the national legislation and the World Organization for Animal Health guidelines on use of animals in research; and
- (b) ensure that the highest standards of management, handling and analgesia are used at all times.

(2) Without prejudice to paragraph (1) a veterinary surgeon or veterinary para-professional shall ensure that—

- (a) an animal is only used in cases where there are no alternative methods, including utilization of cells, tissues or organs of animals, may be used to obtain similar results;
- (b) care is taken to use fewer animals to obtain comparable levels of information or to obtain more information from the same number of animals; and
- (c) the methods used prevent, alleviate or minimize pain, suffering, distress or lasting harm and enhance welfare of the animal used

(3) A veterinary surgeon or veterinary para-professional shall undertake regular training to update themselves on the humane handling of animals.

(4) A veterinary surgeon or veterinary para-professional shall actively discourage research work using animals where the research is unnecessarily repetitive or has ill-defined goals and shall, whenever possible, encourage the substitution of in-vivo with in-vitro techniques.

26. (1) A veterinary surgeon or veterinary para-professional shall be responsible for ensuring compliance with the welfare requirements, relevant national and international laws and the proper handling of an animal being transported.

Transportation and processing of animals.

(2) A veterinary surgeon and veterinary para-professional shall ensure that an animal destined for an animal product processing industry is transported and slaughtered in a humane manner.

PART IV—VETERINARY PREMISES AND PRACTICE

27. A veterinary professional premises shall be located—

Professional premises.

- (a) away from premises that may not reflect the good standing of the profession including gambling shops and places of public entertainment; or
- (b) in an area where animals being attended at the veterinary practice are not likely to pose any danger or discomfort to the general public and vice versa.

28. (1) A veterinary surgeon or a veterinary para-professional shall work and dispose waste in the manner as to reduce pollution from disinfectants, medicinal products, chemicals and biological waste.

Environmental health.

(2) Waste produced at a veterinary practice shall be disposed in a manner that does not pose a danger to the environment or to any person or animal that may come into contact with the waste.

29. (1) A veterinary surgeon or veterinary para-professional employed by a person or an institution, by virtue of their professional training and qualifications shall conduct himself or herself with professional dignity and decorum.

Employment.

(2) A practicing veterinary surgeon shall not, in matters of the veterinary profession, be subject to the direction or control of a veterinary para-professional or a lay person.

(3) A veterinary surgeon responsible to another Board or committee shall regard it as a professional responsibility to advise the board or committee on all matters of veterinary professional ethics.

(4) A veterinary surgeon or veterinary para-professional shall comply with the recommendations of this Code, and be careful to not to gain unfair advantage over any other colleague or veterinary practice because of the particular advantages the structure of the employing organization may allow.

(5) Where an employing organization fails to follow professional advice resulting or which may result in a breach of the ethical requirements of the veterinary profession, the veterinary surgeon or veterinary para-professional shall immediately notify the Board.

(6) A veterinary surgeon or a veterinary para-professional practicing in a food and feed plant shall ensure that he or she is conversant with the codes of practice relevant to the food or feed in question and shall only certify that the food or feed is fit for human and animal consumption based on scientific principles and the existing law.

(7) A veterinary surgeon or a veterinary para-professional practicing in a veterinary laboratory shall update his knowledge of, and ensure observation of the law relating to the bio-safety and bio-containment.

(8) A veterinary surgeon practicing in a veterinary laboratory shall only release results of tests he or she has conducted or supervised.

30. (1) A veterinary surgeon prescribing a veterinary medicine to a patient shall do so in writing and shall indicate—

- (a) the correct method of use;
- (b) route or manner of administration;
- (c) withholding period; and
- (d) special precautions relevant to that veterinary medicine.

Ethics in prescribing, dispensing and administering, veterinary medicine.

(2) A veterinary surgeon dispensing a veterinary medicine to a client or directing a veterinary para-professional on the use of a veterinary medicine shall ensure that the client or the veterinary para-professional is aware of the details specified under paragraph (1) (a), (b), (c) and (d).

(3) A veterinary surgeon shall inform a client of the safety, efficacy and side effects of a veterinary medicine at the time of dispensing the medicine.

(4) A veterinary surgeon who supplies a restricted veterinary medicine to a client to use on that client's animal or who directs a veterinary para-professional to use a restricted veterinary medicine bears full responsibility for the use of that medicine and any adverse reactions that may result.

(5) A veterinary surgeon may only prescribe a veterinary medicine for a patient with whom there exists a veterinary-client-patient relationship.

(6) A veterinary surgeon and a veterinary para-professional shall protect veterinary medicine from misuse.

(7) Without prejudice to paragraph (5), a veterinary surgeon shall promote a veterinary practice that reduces the need to use antibiotics through—

- (a) maintaining the highest standards of hygiene in animal establishments;
- (b) use of vaccines instead of antibiotics;
- (c) where applicable, avoiding the use of antibiotics for preventive purposes;
- (d) encouraging the use of pro-biotics; and
- (e) conducting sensitivity tests, as much as possible, to inform on the most effective antibiotic for a particular infection.

31. (1) A veterinary surgeon, whether or not physically present, is ultimately responsible for the outcome and the technical competence of

Control of unqualified persons.

anyone to whom he has delegated veterinary procedures or other veterinary duties.

(2) A veterinary student gaining experience as part of his veterinary medicine or animal health course may examine animals and carry out diagnostic tests under the supervision of a veterinary surgeon.

(3) A veterinary graduate on internship may—

- (a) examine animals, carry out diagnostic tests and administer treatment under the direction of a veterinary surgeon; or
- (b) perform surgical operations under the supervision of a veterinary surgeon.

(4) A veterinary surgeon or a veterinary para-professional shall not engage in any act that aids or abets the unlicensed practice of veterinary medicine including the delegation of duties to unregistered staff or allowing unregistered staff to influence or engage in the practice of veterinary medicine.

(5) A veterinary surgeon in-charge of a veterinary practice shall apply fair labour and employment practices as guided by the laws relating to labour.

PART V—GENERAL PROVISIONS

32. (1) A veterinary surgeon or a veterinary para-professional shall refrain from being involved in any situation where conflict of interest may arise.

Conflict of interest.

(2) A veterinary surgeon or veterinary para-professional shall not undertake a business which may give rise to conflict of interest or call into question the integrity of the profession.

(3) Without prejudice to the provisions of paragraph (2), a veterinary surgeon shall not provide certification or valuation of an animal or valuation where the veterinary surgeon is the owner or the breeder of that animal.

33. A veterinary surgeon or a veterinary para-professional who, with a view to obtaining professional work, makes or instigates an unsolicited approach to an organization, person or persons who are not bona fide clients, shall ensure that the approach—

Soliciting for professional work.

- (a) does not in any way bring the veterinary profession into disrepute;
- (b) is in a manner which cannot be considered by the recipient to be intrusive, offensive or harassing;
- (c) provides information that is factual; and
- (d) does not include claims or implications of personal superiority over any other veterinary surgeon or veterinary para-professional.

34. (1) A veterinary surgeon or veterinary para-professional shall treat all information concerning a client or an animal, that arises out of

Confidentiality.

his care, attention or treatment, as confidential and the information shall, unless there is a legal obligation to do so, not be divulged to any other person outside the practice without the owner's consent.

(2) Despite paragraph (1), where members of the public or animals are endangered, and a veterinary surgeon or veterinary para-professional determines that there is an obligation to divulge any information which has come to his attention in the course of his professional work, the cooperation of the client shall, if possible, be obtained before taking action to divulge the information.

35. (1) A veterinary surgeon shall give evidence impartially and in the interest of justice where —

Expert advice and report.

- (a) required to write an expert witness statement, opinion or report; or
- (b) is summoned or called upon in a professional capacity to give expert evidence in a court of law.

(2) A veterinary surgeon shall prepare and present expert advice, whether serving as an expert witness or in any other capacity, in a thorough and professional manner which shall include the —

- (a) identification of the animal or herd;
- (b) owner;
- (c) locality;
- (d) date of examination;
- (e) name;
- (f) registration number; and
- (g) signature.

(3) Without prejudice to the provisions of paragraph (2), where a veterinary surgeon is required to divulge information in circumstances where the disclosure—

- (a) concerns public safety, consumer health and welfare ;or
- (b) is required by law or as a witness in court,

a veterinary surgeon shall divulge only that information which is relevant.

(4) A veterinary surgeon shall take care to differentiate factual information and personal opinion.

36. (1) A certificate or other document issued by a veterinary surgeon in accordance with any legal requirement, shall—

Veterinary certificate.

- (a) be carefully compiled, completed and shall be accurate in every detail;
- (b) bear the name, signature and registration number of the veterinary surgeon;
- (c) ensure all necessary steps are taken to ascertain that the matters certified are true; and

- (d) include details relating to the animal which is the subject of the certificate or document including—
- (i) identification;
 - (ii) details of ownership;
 - (iii) locality where examination was done;
 - (iv) sex;
 - (v) age;
 - (vi) breed;
 - (vii) color of the animal; and
 - (viii) tattoos, tags notches, microchip or other identification marks.

(2) A veterinary surgeon shall attach any other relevant documentation to the certificate or document issued under paragraph (1).

(3) A veterinary surgeon shall not sign a vaccination certificate unless he has administered the vaccination personally or has supervised the administration of the vaccine by a veterinary para-professional.

37. (1) Subject to paragraph (1), a veterinary surgeon or a veterinary para-professional may engage in social and recreational activities including arts and sports.

Recreational activities.

(2) Despite paragraph (1), a veterinary surgeon or a veterinary para-professional may engage in social and recreational activities including arts and sports where the activities do not adversely affect the dignity of the profession or interfere with the performance of his professional duties.

(3) A veterinary surgeon or veterinary para-professional may make a useful contribution to the promotion of animal welfare and responsible pet ownership by taking part in public life, whether in national or local politics, community service, or involvement with the media and in so doing ensure he distinguishes between personal opinion, political belief and established facts.

38. (1) A veterinary surgeon or veterinary para-professional shall advise the staff in his veterinary practice to communicate any concerns raised by a client or misunderstanding, to the management of the practice and shall ensure that the concerns are addressed and the client is kept fully informed.

Communication.

(2) A veterinary surgeon or veterinary para-professional who is part of a veterinary team or teams in different veterinary practices shall always endeavor to work collaboratively and harmoniously with team members, show respect and ensure effective communication with other members of the team.

39. (1) For purposes of this regulations “to endorse” includes the wearing of a ‘tee shirt’ or other attire, writing a prescription on a headed pad, or other action that promotes directly or indirectly a particular medicine or drug manufacturer through the use of a trade mark or logo.

Publicity and advertisement.

(2) A veterinary surgeon or veterinary para-professional shall not endorse an ethical veterinary medicine or service but may endorse non-medical products and services provided the endorsement does not bring the profession into disrepute.

(3) A veterinary surgeon or veterinary para-professional shall ensure that any publicity or advertising he undertakes—

- (a) is factual and informative to the clients and the general public;
- (b) does not exploit a client’s lack of veterinary knowledge;
- (c) is not of a character likely to bring the profession into disrepute;
- (d) whether by telephone or visit, cannot be construed as being solicitation for clients.

(4) A veterinary practice may, as a means of communication, release newsletters and circulars to clients and may include comments about animal remedy.

40. (1) A veterinary surgeon or veterinary para-professional shall in the use of all forms of media, demonstrate high standards of sensitivity, etiquette and responsibility and shall not use language, pictures or other thing that may bring disrepute to a colleague or to the profession.

Ethics in the media.

(2) A veterinary surgeon or a veterinary para-professional shall, when communicating matters of a professional nature or of concern to the profession, through print or social media, identify himself by his name as registered by the Board.

41. (1) A veterinary surgeon or veterinary para-professional shall adopt an appropriate dress code and grooming that brings honour and dignity to the profession.

Dress code.

(2) A veterinary practice or a veterinary institution shall provide uniform and other protective clothing for its staff.

(3) A veterinary surgeon or a veterinary para-professional shall at all times use personal protection equipment or gear while at the work place.

42. (1) A veterinary surgeon or veterinary para-professional shall attempt by all means possible, to settle a professional dispute within the profession in the manner so as to avoid any recourse to publicity that may bring the profession into disrepute.

Settling disputes within the profession.

(2) A veterinary surgeon or veterinary para-professional involved in a dispute with a colleague may approach the Board for advice.

(3) A client or a member of the public who is dissatisfied with a decision or the conduct of a veterinary surgeon or veterinary para-professional may register the dissatisfaction with the Board and request appropriate action be taken against the veterinary surgeon or veterinary para-professional.

43. A veterinary surgeon or veterinary para-professional in breach of this code is guilty of professional misconduct and shall be subjected to disciplinary proceedings in accordance with Part VI of the Act.

Discipline.

Dated the 19th August, 2015.

BARNABAS ODHIAMBO GODIA,
Chief Executive Officer,
Kenya Veterinary Board.