Welcome, introductions, and declarations of interest

1. Members were welcomed to the meeting and reminded to declare any conflicts of interest as appropriate as the discussion progressed. It was noted that R Layton had just joined the board for RSPCA Assured.

Minutes of the last meeting

2. The minutes of the meeting held 11 May 2020 were accepted as an accurate record. It was reported that all of the actions had been progressed or would be discussed elsewhere on the agenda.

Remote animal health and welfare service providers

3. As agreed at the previous meeting, a survey of remote animal health and welfare service providers, consisting of a list of open-ended questions agreed by the working group, had been circulated. Eight responses had been received from providers operating in the companion animal sector. The working group reviewed the findings and in discussion the following points were made:

- Many of the respondents had indicated that their duty of care was limited to the context of the interaction. It was unclear how this played out in the event of “wait and see” advice developing into a situation requiring more urgent treatment, who was accountable, and who might be liable for associated costs.
- If it was a vet giving the advice via a remote service provider, and a fee was charged for that service, then there was a duty of care to some extent. However, the unintended consequence of being overly prescriptive on duty of care was that the veterinary professions could become too cautious about giving advice.
- Paying for a service created a form of contract, called a consideration in contract law.
- Duty of care began when a professional gave advice that they could reasonably expect might be acted upon. It was important to define it in order to avoid abuse of the system, but not define so tightly that it paralysed action.
The owner role in providing full and accurate information when using a remote provider should be stressed in the final position as incomplete or untruthful information from an owner would necessarily impact on liability. It was important that owners understood they could not abdicate responsibility.

It was important that the profession was not seen to be protectionist regarding the giving of advice. Instead, the profession, and veterinary businesses, should be looking at how to provide advice remotely, and do it well so it added value to their offering.

It was important to enable the provision of remote veterinary advice, but with responsibility and accountability. Where there was no onward referral to a vet there was a potential shortfall regarding duty of care. Anyone providing or using such a service should be clear on and understand that shortfall before continuing with the service. The position should describe the challenges associated with this paradigm shift and the recommendations should focus on the need for clarity for both providers and clients.

It was important to recognise that the question of ‘under care’ had not arisen because of technology, and that remote working was not new. Innovation was augmenting and enhancing existing ways of working.

Remote service providers were not replacing ‘Dr Google’ per se as the internet could only offer generic advice provided in a non-interactive way. To some extent remote providers might provide generic advice but once a specific animal or group of animals was being discussed, and where that discussion included advice on next steps, then it could be considered an act of veterinary surgery, or at least a route towards it.

The position should describe the challenges associated with non-vets, who were unregulated, giving advice.

Action: Secretariat to incorporate suggestions into plan for the draft position
4. It was agreed that the findings from the questionnaire had been an extremely useful addition to the discussion. Although the responses had all come from providers working in the companion animal sector it was agreed that the findings were sufficient for the purposes of developing the position and that no further resources would be directed to surveying providers operating in the equine or farm animal sectors at this stage.

Snapshot survey on remote consulting
5. A snapshot survey had been circulated to BVA members inviting input on the way in which remote consulting and remote prescribing was being used, how the approach might differ depending on whether the animal was under their care or not, and which technology options were being used to facilitate the provision. Over 400 responses had been received in only a few days. The working group reviewed the findings and in discussion the following points were made:

- It was clear that there had been a significant amount of prescribing to animals not considered to be under the care of the vet/practice during Covid-19 restrictions.
- Challenges with unreliable technology, and shortfalls in owner competence with technology, were not unsurprising and were reflected in the experience of human healthcare professionals.
- Although pre-fill questionnaires had a potential role to play as part of the triage function it was important to recognise the limitations of owners’ ability to assess pain or otherwise recognise or accurately describe potential symptoms.
- In human healthcare remote consultation had a valuable role to play for follow-up of known conditions.
- There were an enormous number of factors at play which combined to make remote consultations either a positive or negative experience. Emerging good practice should be championed. It was suggested this could be taken forward as either information boxes or case studies in the position itself, or as an opinion piece via Vet Record.
Best practice should be kept under constant review. There could be a role for ViVet, and BVA could consider the development of a best practice guide.

BVA position - proposed structure and draft recommendations

6. Since the first meeting of the working group in early January, the emerging thinking had been captured across a series of papers (Definitions, themes, and principles on technology and innovation). The papers had been kept updated and under review as the programme of meetings had progressed, had been shared with the Ethics and Welfare Advisory Panel and Policy Committee, and had been made available to the wider membership via the website. The content from three papers had since been combined to form a proposed structure and set of initial draft recommendations for the BVA position.

7. It was agreed that the broad structure proposed was about right. It was suggested that:
   - The chapter on emergency first aid and 24/7 was a standalone subject area and as such should be moved to feature either first or last in the overall position.
   - The integration of discussion around the use of innovation and technology as an adjunct to veterinary service provision, enabled by an established VCPR, was appropriate. However, the wider discussion around the need to embrace technology, and the responsibility of vets to understand the tools available and their relative value, would benefit from being highlighted in its own dedicated chapter. This separation could also help address the challenges that had arisen as a result of conflation of terminology and associated anxiety amongst the profession. It was agreed that the position needed to cover the current landscape and available technology, but also be forward looking and support practitioners to adapt and embrace change at their own pace.
   - The position should not stray into the specific examples of technology used to predict outbreaks of feather-pecking or tail-biting, nor should it limit itself to wearable tech.
   - The position was not going to recommend the regulation of technology but would focus on the role of vets as custodians of quality control. If vets were choosing to use a particular tool or test then they had a duty of care to inform themselves in relation to its reliability, specificity, and sensitivity. It was agreed that the position should recommend information sharing on reliability and value of new tools, and there could be a role for Vet Record or In Practice to publish product reviews from practising vets.

Definitions

- The proposed addition of a definition of ‘veterinary clinical assessment’ could be useful, subject to a check against existing use of the term.
- The definition of VCPR currently included bullets which were better suited to the position, and as such should be deleted.
- The term ‘triage’ was commonly used in veterinary practice to describe the initial assessment of a patient with a view to providing advice on further care needs. However, triage could also refer to the prioritisation of a number of acute cases, although this was less common in veterinary practice. It was agreed that the dictionary definition would be acknowledged and a definition setting out how the term was commonly used in a veterinary context would be included. Where possible the term would be avoided in the position.
- There should be a definition of ‘terms of business’.

Principles

- It could be useful to include some reference to business models, as the content of the position and recommendations would impact in different ways across different models. However, it was also recognised that BVA was non-partisan in relation to business models. It was agreed that the position should acknowledge the potential impacts and refer to the importance of a diversity of business models to foster and support a resilient veterinary provision.
References to the existing disciplinary process should also recognise that changes were on the horizon following the recommendations of the RCVS Legislation Working Party. It was also noted that the VMRs 2013 would be subject to change.

Chapter 1: Under Our Care
- ‘Large animal’ should be changed to ‘food producing animal’ to accommodate fish.
- 4.9 d of the existing RCVS interpretation should be described as ‘having value’. 4.11 of the RCVS interpretation was not fit for purpose, and the position should explain why.
- The RCVS declaration also used the term “committed to my care” and this slight variation in terminology should be acknowledged somewhere in the position.

International models
- The section should not use the term ‘under care’ but should refer to the relationship between the vet, their clients, and their patients.

Shared responsibility
- On balance it was agreed that RCVS did have a role to play in communicating with the public, although it was recognised this might not mean direct communication and could include supporting vets to communicate.

The Vet-Client-Patient relationship
- The section should include an explanation of ‘terms of business’ and that a range of approaches could qualify.
- The position should recommend that veterinary practices set out terms of business and those terms should include the VCPR.
- It was agreed that the position would not call for a review of the VMRs in order to enshrine the principle of a VCPR.

VCPR as enabler
- It was particularly important in this section to ensure that the text and recommendations did not have unintended consequences for aquaculture and for other sectors where remote working was already the norm.
- Para 7: remove “if appropriate”

Chapter 2: Emergency care
- Remove reference to “good Samaritan acts” and say “emergency care outside an established VCPR”.
- It was too specific to refer to VDS in the recommendations. It should be changed to indemnifiers/insurers or another suitable form of words.

Limited service providers
- Peripatetic providers might provide a wide range of services and as such should be discussed separately to limited service providers.
- It was recognised that euthanasia only services presented a particular set of considerations in terms of obligation for 24/7 provision. On balance it was agreed that the recommendations as drafted were adequate.

Chapter 3: Continuity of care
A professional business choice
- Outsourced providers should be effective and equipped. For that reason the recommendations should refer to two-way data sharing that is sufficient to enable continuity of care” rather than “adequate”.

4
Chapter 4: Remote consulting

- Although charging for a remote consultation was ultimately a business choice, it was important to be clear that remotely provided professional services had value and should be valued by the client. It was agreed that “chargeable” would be replaced with a form a words that captured the principle of “value”.
- Any system for remote consulting should also be reliable and kept under review.
- It could be useful to include the importance of gathering information in advance of a remote consultation, perhaps via an initial assessment questionnaire. This approach was sometimes used in human healthcare.
- It was agreed that the recommendation around questionnaires for chronic conditions could feature in the body text, but was a business choice and therefore inappropriate for BVA to recommend.

Triage

- This section would be updated in line with earlier discussions around the term “triage”.

Remote prescribing

- It was suggested that remote prescribing could feature as a standalone chapter, which could further help address issues resulting from conflation of terminology. It was agreed this would be considered during the drafting process with a view to discussing further on Glasscubes.
- It was agreed that the current RCVS relaxation on remote prescribing was one example of ‘force majeure’ and should not feature too prominently as it would date the position.

8. More generally it was agreed that the final recommendations should be clear about who was being called upon to take action, and where that action was considered imperative the recommendation should be sufficiently strongly worded. It should also be clear that ‘the profession’ often meant individual veterinary surgeons as this might sometimes not be understood.

Scope and remit

9. The working group reviewed the original scoping document provided at the beginning of the programme of meetings, agreeing that the discussions to date had adequately addressed the consideration set out in the form.

Next steps

10. Next steps included:

- Secretariat to circulate minutes of the meeting
- Secretariat to update the proposed structure and draft recommendations from the working group to share with Council in July
- Secretariat to produce a first draft position for further development by the working group on Glasscubes

Any other business

11. N Gibbens thanked working members for all their hard work and contributions to date. The President of BVA thanked N Gibbens for chairing the group across a wide ranging and complex subject area.

12. No further meetings were currently scheduled although it was agreed to group could reconvene if necessary, once the draft position was underway.