At the recent AAEP Annual Convention in Nashville, several questions were posed to the Professional Conduct and Ethics Committee regarding potential conflicts of interest when conducting a prepurchase examination. This stimulated discussion within the committee and in the purchase exam roundtable. Several publications in recent years have addressed such conflicts, as did the Ethics in Veterinary Medicine session at the convention.\(^1\), \(^2\)

The most common potential conflict we encounter in practice is one in which both the buyer and the seller are clients of the examiner’s practice. In the past, many have stated that one should not perform such an examination, and this is certainly one option. However, in many cases both buyer and seller do not object to such and are comfortable with you performing the exam. This requires that there is full disclosure to all parties that you have a relationship with and there is full disclosure of all medical records and history of this animal by the seller. One should always document such potential conflicts and have all parties sign off on such. When a situation arises that there is not full disclosure of all medical history, you should walk away from the exam and advise the buyer politely that you feel a conflict and suggest another practice do the exam.

One question that was put to the committee concerned basing the fee for the exam on a percentage of the purchase price that the animal brings at public auction or in a private transaction. The veterinary exam should be billed separately and documented well; again, full disclosure to the client is necessary.

The following statement from Harry Werner, VMD, effectively sums up these conflicts:\(^3\)

“Potential conflicts of interest, real or perceived, commonly present ethical challenges to performance of prepurchase examinations. Historically, this issue was addressed with a simple and short list of circumstances under which it was recommended that an equine practitioner decline to perform the examination. In reality, while some relationships clearly do represent a conflict, others do not or can be indemnified from such criticism by timely and full disclosure to all parties.

Few would question that the veterinarian should decline performing the examination if he/she owns any equity interest in the horse or stands to gain monetarily from the outcome of the sale. However, an oft-repeated admonition over the years has been to avoid examining any horse when the examiner has a ‘professional relationship’ with the seller or agents for the seller. This, in the opinion of many, is an unrealistic and unnecessary prohibition. In fact, a strong case can be made that the examiner with firsthand knowledge of the horse brings added value to the buyer, providing that the seller authorizes full disclosure of the medical history.

Additionally, many times the buyer’s veterinarian also serves the seller in the same form and the buyer clearly expresses that he/she prefers this veterinarian perform the examination. It is my opinion that the answer to the ‘conflict of interests’ dilemma lies in full disclosure to all parties of the horse’s medical history and the examiner’s relationship with the seller and the horse.”

Dr. Werner’s statement is a good working document for all veterinarians conducting prepurchase exams. However, if one suspects that full disclosure is not going to prevent a conflict then all parties are better served by the practitioner recusing themselves and advising the purchaser on the selection of another colleague.

Continued on page IV.
Ethics: Conflicts of interest in the purchase exam, continued

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References:


3. Werner, H.W. Personal communication. 2014