

Legal and Ethical Aspects of Veterinary Practice in Israel

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ABSTRACT

This article examines the legal and ethical foundations of veterinary malpractice in Israel, focusing on the interface between professional responsibility, the duty of care, and the owner's informed consent. It outlines the structure of liability under the Torts Ordinance, the Veterinarians Law and additional specific legislations (such as the Animal Diseases Ordinance, the Animal Welfare Law, and the Dog Supervision Law). The discussion briefly references relevant case examples and explores the regulatory implications for veterinary institutions and public veterinary services. It also addresses defensive veterinary practice and insurance considerations, as well as inter-veterinarian relations – including competition, fairness, defamation, and professional reputation. The article concludes with pragmatic policy proposals: adoption of written informed-consent procedures, mandatory medical documentation standards, statutory recognition of veterinary medical institutions and the promotion of accessible ethical codes and professional conduct guidelines for veterinarians in Israel.

Keywords: Veterinary malpractice; Duty of Care; Informed Consent; Regulatory Responsibility; Unfair Competition; Defamation; Professional Ethics.

INTRODUCTION

Modern veterinary medicine operates in a complex, multi-systemic environment that encompasses companion-animal care, livestock health, public veterinary health, food-safety regulation, animal-welfare supervision and laboratory-animal research.

Unlike human medicine, the veterinary "patient" is not a legal subject but rather a form of property owned by a person. Nevertheless, the veterinarian's statutory mission, as defined in Israeli law, includes preventing the suffering of animals, avoiding and treating their diseases, and protecting the public from zoonotic infections and hazards originating from animals or animal products.

This dual responsibility – toward both animals and human society – generates unique challenges in defining the scope of professional liability, the applicable standards of conduct, and the limits of financial and disciplinary remedies. Veterinary malpractice therefore exists at the intersection of civil law, public health law and professional ethics.

1. Legal Framework of Veterinary Malpractice

The normative basis for veterinary liability in Israel is rooted in the tort of negligence, as defined in Sections 35–36 of the Torts Ordinance (New Version), which establishes three cumulative elements:

- (1) a duty of care (both conceptual and concrete),
- (2) a breach of that duty, and
- (3) a causal link between the breach and the resulting damage.

The applicable behavioral standard is that of the "reasonable veterinarian" – namely, whether a competent professional, acting reasonably under the same circumstances, would have behaved differently.

Beyond general tort law, the Veterinarians Law, 1991 constitutes the profession's specific legal framework. It defines the veterinarian's public mission as one aimed at promoting animal health, preventing animal suffering, and safeguarding public health. The law also requires licensing, ongoing competence, and adherence to professional ethics,

while empowering the Minister of Agriculture, through the Veterinary Services and the Disciplinary Committee, to impose sanctions – including warnings, suspensions, and permanent revocation of a professional license – in cases of professional misconduct or negligence.

In addition to personal liability, several specialized legal instruments shape the field of veterinary responsibility in Israel:

- The Animal Diseases Ordinance (New Version), 1985 – establishes duties and powers concerning disease prevention, reporting obligations, quarantine measures, and destruction of infected animals where necessary.
- The Animal Welfare (Protection of Animals) Law, 1994 – codifies standards for humane treatment, welfare, and prevention of unnecessary suffering, including regulations governing euthanasia and animal experimentation.
- The Dog Supervision Law, 2002 – regulates identification, vaccination, quarantine, and humane euthanasia to prevent public harm.

Together, these laws create a multi-layered framework in which veterinarians operate under civil, administrative and disciplinary responsibility, simultaneously. The overlapping nature of these duties reflects the hybrid status of the veterinarian – as both a private professional providing services and a public health actor serving a wider societal function.

Importantly, veterinarians employed by municipalities or by the Ministry of Agriculture act as public officers and are therefore also subject to administrative law principles, including the duty of reasonableness, proportionality, and adherence to due process. This dual status requires awareness of both private-law liability (toward the owner) and public-law obligations (toward the community).

2. Informed Consent, Medical Documentation, and the Duty of Disclosure

Because an animal is not a legal subject capable of granting consent, the decision to approve medical treatment or a surgical procedure lies exclusively with the owner or legal guardian of the animal.

Although Israeli veterinary legislation does not explicitly mandate a written informed-consent form, a broad duty of disclosure and explanation is inferred from general tort law

and from the analogy to the Patient's Rights Law, 1996, which governs human medicine.

Under this principle, veterinarians must provide owners with sufficient information to enable informed decision-making regarding the animal's treatment. This includes explaining the diagnosis, the purpose of the procedure, its expected benefits, potential risks and complications (both common and significant), possible alternatives – including the option of refraining from treatment – and the estimated costs.

A written informed-consent protocol is therefore recommended as a professional standard, incorporating the following key elements:

- ♦ A brief description of the medical condition and diagnostic findings.
- ♦ The purpose and expected outcomes of the proposed procedure or treatment.
- ♦ A clear explanation of potential risks and complications, including those with low statistical probability but significant consequences.
- ♦ Alternative options, including conservative management or palliative care.
- ♦ Estimated costs and financial obligations of the owner.
- ♦ Owner's signature and date, together with proper documentation in the animal's medical record.

Failure to provide sufficient information or to maintain adequate records may be regarded as professional negligence, even when the treatment itself was technically performed correctly. Courts, in both human and veterinary contexts, increasingly emphasize the principle that "proper documentation is part of proper treatment."

Veterinarians are thus encouraged to adopt systematic record-keeping practices, including detailed logs of examinations, diagnostic tests, anesthesia protocols, medications administered, postoperative instructions, and communications with the owner. Proper documentation not only protects the animal's welfare but also serves as critical legal evidence in the event of a complaint, disciplinary proceeding, or civil claim.

From an ethical perspective, transparency fosters trust between veterinarians and clients. It allows owners to understand the limitations of veterinary medicine, appreciate inherent risks, and perceive the veterinarian's actions as

grounded in professionalism and empathy. In this sense, informed consent is not merely a legal safeguard, but also an ethical dialogue between science, care, and responsibility.

3. Regulatory and Institutional Responsibility

Israeli law has not yet formally defined the term “veterinary medical institution”—such as a hospital, clinical center, or veterinary practice—as an independent statutory category. This legal gap complicates the regulation of infrastructure, staffing, and quality-assurance standards for veterinary facilities.

By comparison, the Public Health Ordinance, 1940, and regulations enacted under it, provide a structured framework for licensing and supervising human medical institutions, defining categories, operational permits, equipment standards and minimal staff requirements. A similar framework is needed in veterinary medicine to ensure transparency, accountability, and patient safety (in this case, animal welfare).

4. Need for Veterinary Institutional Regulation

The establishment of a tiered licensing system for veterinary institutions—ranging from small private clinics to full-service hospitals—would clarify operational requirements, equipment standards, emergency preparedness, and professional staffing levels. It would also enable effective inspection, accreditation, and oversight mechanisms managed by the Veterinary Services Division of the Ministry of Agriculture.

In practice, however, veterinary clinics currently operate primarily under municipal business-licensing laws, which focus more on public-health and sanitation aspects (waste disposal, safety, zoning) than on clinical or professional standards. This creates inconsistency in the level of care and a lack of unified national supervision.

5. Public Veterinary Services

Under the Animal Diseases Ordinance (New Version), 1985, the Veterinary Services of the Ministry of Agriculture are empowered to carry out disease-prevention and control functions, including quarantine, surveillance, disinfection, culling, and vaccination campaigns for zoonotic and epidemic diseases. These public responsibilities intersect with private practice, particularly in the management of shared resources such as diagnostic laboratories, biological products, and disease reporting systems.

The dual structure—public veterinary authority on one hand, and private veterinary practice on the other—requires a

clear delineation of responsibilities. Regulatory reform should seek to strengthen cooperation and data-sharing between the two sectors while preventing conflicts of interest.

6. Systemic Challenges

In the context of globalization and expanding food-trade networks, veterinary oversight is not only a national issue but also a component of international biosecurity. The World Organization for Animal Health (WOAH, formerly OIE) and the European Union’s animal-health framework emphasize the importance of risk-based supervision, traceability, and harmonized import/export protocols.

Israel’s regulatory system is gradually aligning with these standards, yet disparities remain between the strict controls applied to export certification and the looser supervision of domestic food supply chains. Bridging this gap is essential to prevent systemic failures and protect both public health and economic stability.

7. Defensive Veterinary Medicine and Insurance Considerations

The growing number of complaints, disciplinary proceedings, and malpractice claims in the veterinary field has led to a noticeable rise in what is often referred to as “defensive veterinary medicine.” This term describes a behavioral pattern in which veterinarians, out of fear of litigation or disciplinary sanctions, either avoid performing certain procedures that carry higher risk or overcompensate by recommending unnecessary diagnostic tests, referrals, or treatments.

While defensive behavior may reduce legal exposure in the short term, it can also have adverse effects: higher treatment costs for clients, reduced access to necessary care, and erosion of professional confidence. It can even compromise animal welfare when essential interventions are delayed or withheld due to fear of liability.

8. The Role of Professional Liability Insurance

One of the most effective tools for mitigating these concerns is professional liability insurance tailored specifically for veterinarians. Such insurance protects practitioners against civil claims arising from alleged negligence, errors, or omissions in the course of professional duties.

However, insurance alone is not a substitute for sound risk management. Policies should be accompanied by quality-

assurance protocols, continuing education, and professional guidelines that define acceptable standards of care.

Veterinary associations and regulatory authorities can play a significant role in negotiating collective insurance frameworks that provide affordable coverage for practitioners while incentivizing adherence to professional standards and participation in peer-review and audit systems.

9. Documentation and Transparency

Detailed record-keeping remains the veterinarian's strongest line of defense against both legal and disciplinary exposure. Comprehensive documentation demonstrates diligence, transparency, and professionalism, helping to distinguish between genuine complications and negligent acts.

Moreover, establishing clear communication protocols – such as providing written treatment plans, follow-up instructions, and cost estimates – not only reduces misunderstandings but also fosters mutual trust between veterinarians and clients.

10. Contractual Arrangements and Risk Allocation

Service contracts between veterinarians and clients are becoming increasingly common, particularly in high-value treatments or livestock management. These contracts typically define the scope of services, consent terms, costs, and dispute-resolution mechanisms such as mediation or arbitration.

However, it is crucial to note that contractual clauses cannot override statutory duties established under tort law or professional regulation. A veterinarian's duty of care remains non-waivable, and any attempt to disclaim responsibility for negligence may be deemed void or unethical.

11. From Blame to Learning: A "Just Culture" Approach

Progressive veterinary systems worldwide are shifting toward a "just culture" model – one that prioritizes learning and prevention over blame and punishment. This model encourages open reporting of near-misses and adverse events without automatic punitive consequences, allowing institutions to identify systemic risks and improve protocols.

Adopting such a culture within Israel's veterinary community could foster greater transparency, enhance quality

assurance, and ultimately reduce malpractice risks across the profession.

12. Inter-Veterinarian Relations: Competition, Ethics, and Defamation

The Israeli veterinary services market is characterized by growing competition between private clinics, mobile practitioners, and corporate networks. As in other professional sectors, competition can drive innovation and improve service quality – yet it may also give rise to unethical or unlawful conduct, such as disparagement, defamation, or misleading advertising.

13. Competition and Fair Conduct

Veterinarians providing services as self-employed professionals are considered "undertakings" under the Economic Competition Law, 1988 (formerly the Restrictive Trade Practices Law). As such, they are subject to the same basic principles that apply to other markets:

14. Price-fixing, market allocation, and coordinated tendering are strictly prohibited.

Comparative advertising is lawful only when truthful, verifiable, and non-misleading.

Consumer-protection principles require clarity in pricing, services, and medical limitations.

Ethically, veterinary professionals are expected to uphold collegial respect, avoid unsubstantiated criticism of peers, and maintain a spirit of cooperation – particularly in emergency cases, specialist referrals, and shared use of laboratory or diagnostic services. The veterinary profession's credibility depends on solidarity and mutual integrity.

15. Professional Ethics and Collegial Relations

The Veterinarians Law, 1991 and the disciplinary regulations derived from it empower the Minister of Agriculture and the Disciplinary Committee to impose sanctions not only for technical malpractice but also for unethical professional behavior – including conduct "unbecoming to the profession."

Actions such as disparaging colleagues, misrepresenting qualifications, or intentionally poaching clients from another practice can constitute professional misconduct.

Veterinary associations therefore play a vital role in establishing and disseminating a professional code of eth-

ics that clarifies norms of behavior regarding advertising, conflict of interest, communication with clients, and dispute resolution among practitioners. Such a code strengthens the professional community and serves as guidance in disciplinary proceedings.

16. Defamation and Reputation

Public statements, written publications, or social-media posts that harm another veterinarian's reputation may give rise to civil and criminal liability under the Prohibition of Defamation Law, 1965.

The law defines defamation as any publication that could humiliate a person, harm his or her reputation, or diminish public confidence in professional integrity.

In the veterinary context, this includes accusations of negligence, malpractice, or unethical behavior made without factual basis. Importantly, liability may arise even from online discussions in professional Facebook groups, WhatsApp chats, or public review platforms if the statements are proven to be false or malicious.

Nevertheless, the law also provides two main defenses:

1. Truth (defense of justification) – if the publication was substantially true and served a public interest.
2. Good faith – if the statement was made as a fair professional opinion, intended to protect the public or uphold professional standards, and not motivated by malice.

Hence, professional critique should always be measured, factual, and proportionate. When veterinarians identify negligent or unethical conduct, the appropriate avenue for action is through the official disciplinary channels or professional mediation, rather than informal public accusations.

17. Promoting Professional Integrity

The long-term stability of the veterinary profession depends on cultivating a culture of mutual respect, transparency, and accountability.

Professional competition should remain within ethical and legal boundaries, while collegial relationships should be guided by shared commitment to animal welfare and public health.

A formalized Code of Professional Conduct, endorsed by both the Veterinary Services and the Israel Veterinary Medical Association, could codify these principles – addressing advertising, referrals, social-

media conduct, and mechanisms for internal dispute resolution – thereby reinforcing public trust in the profession.

18. Comparative Perspective: Israel and International Practice

Veterinary malpractice and professional liability frameworks vary considerably across jurisdictions, yet share common foundations derived from civil law and professional ethics.

In many OECD countries, veterinary services are explicitly regulated through statutory instruments that define institutional standards, record-keeping requirements, informed-consent obligations and ethical oversight.

19. Institutional Regulation and Licensing

In the European Union, veterinary establishments – including clinics, hospitals, and laboratories – are classified under Directive 2005/36/EC on the recognition of professional qualifications, supplemented by the EU Animal Health Law (Regulation 2016/429). These frameworks require clear professional hierarchies, defined clinical protocols, and traceability of medical acts performed on animals.

Similarly, the United Kingdom's Royal College of Veterinary Surgeons (RCVS) operates a rigorous Practice Standards Scheme, accrediting facilities according to their level of diagnostic and emergency capabilities.

In contrast, Israel lacks a comparable statutory structure. While professional practice is regulated through individual licensing of veterinarians, the facilities themselves – their infrastructure, staffing, and quality systems – remain largely unregulated, except for municipal business licenses.

The absence of national criteria creates heterogeneity in service quality and complicates enforcement of uniform standards.

20. Informed Consent and Documentation

Informed-consent procedures are widely recognized as a fundamental ethical and legal safeguard in veterinary medicine worldwide. For example, the American Veterinary Medical Association (AVMA) and the Federation of Veterinarians of Europe (FVE) both require written or documented consent for any invasive or risky procedure.

Standardized forms typically include medical information, financial estimates, and explicit acknowledgment of risks. These documents protect both parties and serve as evidence of proper communication and ethical conduct. Israel has gradually moved toward adopting similar practices, though currently these remain voluntary rather than mandatory. Codifying written consent and record-keeping standards in legislation would align Israel with international norms and strengthen client confidence in veterinary services.

21. *Scope of Liability and Damages*

Most countries restrict compensation for veterinary malpractice to pecuniary (economic) losses, such as the value of the animal, veterinary costs, or related financial damage. Recognition of non-economic damages (e.g., emotional distress over the loss of a pet) remains exceptional, though courts in several jurisdictions – including Canada, Switzerland, and some U.S. states – have begun to acknowledge the sentimental value of companion animals in specific cases.

Israel, while maintaining the property-based classification of animals, has seen growing public and judicial sensitivity to animal suffering as a moral and social concern. This shift reflects global trends in animal-law jurisprudence, where welfare considerations increasingly influence the interpretation of negligence and duty of care.

22. *Professional Ethics and Oversight*

Professional self-regulation is another key element of advanced veterinary systems.

Bodies such as the RCVS (UK), the Ordre National des Vétérinaires (France), and the American Veterinary Medical Association (AVMA) maintain disciplinary mechanisms, continuing education requirements, and public ethical guidelines.

These mechanisms are designed not only to sanction misconduct but also to educate and rehabilitate, reflecting a balanced approach between accountability and professional support.

For Israel, adopting a similar model – combining statutory regulation with autonomous professional self-governance – could enhance both public trust and professional standards.

CONCLUSIONS AND POLICY RECOMMENDATIONS

Veterinary malpractice in Israel exists at the intersection of civil, administrative, and ethical responsibilities. While the legal framework governing veterinarians is well established through the Veterinarians Law (1991) and complementary statutes, several gaps remain in defining institutional standards, documentation duties, and mechanisms for professional accountability.

The analysis presented in this article suggests that the next phase of regulatory and ethical development should focus on integrating legal clarity with professional education, transparency, and proactive prevention.

The following policy recommendations aim to strengthen the veterinary profession and improve public confidence in veterinary services:

Codification of Minimum Documentation Standards

Enact explicit legislation or secondary regulations requiring standardized medical record-keeping for all veterinary practices, including a uniform template for written informed consent.

Proper documentation should be recognized as an integral component of the standard of care and a condition for professional licensing.

Statutory Definition of Veterinary Institutions

Introduce clear legal categories for veterinary institutions (clinics, hospitals, and laboratories), establishing tiered licensing requirements, mandatory equipment lists, staff ratios, and quality-assurance obligations.

This will enable better inspection, accreditation, and risk management while ensuring national consistency.

Adoption of an Updated Code of Ethics

The Israel Veterinary Medical Association, in cooperation with the Veterinary Services, should adopt a revised national Code of Professional Conduct addressing advertising, referrals, social media communication, and inter-professional relations.

The code should also establish a mediation and disciplinary framework that prioritizes dialogue and education over punishment.

Promotion of a “Just Culture” in Veterinary Practice

Develop policies that encourage non-punitive reporting of errors and near-misses, allowing veterinarians to share lessons learned without fear of disproportionate sanctions.

This cultural shift, already implemented in advanced healthcare systems, fosters learning, reduces repeated errors, and enhances trust.

Integration of Continuing Professional Development (CPD)

Make continuing education and risk-management training mandatory for license renewal. Courses should include communication with clients, informed consent, documentation, and ethics – thereby strengthening the veterinarian’s legal and moral competence.

Balanced Oversight Between Public and Private Sectors

Clarify the division of responsibilities between public veterinary services (disease control, food safety, import/export supervision) and private practitioners, ensuring data-sharing and cooperation while preventing conflicts of interest.

Greater alignment between domestic and export supervision standards would improve consistency and biosecurity.

Encouragement of Professional Liability Insurance

Encourage participation in collective insurance frameworks

for veterinarians, negotiated by the professional association, to ensure affordable premiums and broad coverage.

Such frameworks should include incentives for compliance with documentation standards and ethical guidelines.

Enhancing Public Awareness and Transparency

Educate animal owners about their rights and responsibilities, the limits of veterinary care, and the importance of informed consent.

Transparent communication between veterinarians and the public strengthens mutual understanding and reduces unnecessary disputes.

SUMMARY

Veterinary malpractice should not be viewed merely as a legal failure but as an opportunity for systemic learning and ethical growth.

A regulatory environment that balances enforcement with education, autonomy with accountability, and competition with collegial solidarity can transform the Israeli veterinary profession into a model of responsible practice aligned with international standards.

The ultimate goal is to ensure the well-being of animals, the protection of the public, and the integrity of the veterinary profession as a cornerstone of public health and human values.