

A Proposal to Modernize the *Veterinarians Act*: Discussion Paper

Context: The *Veterinarians Act*

The *Veterinarians Act* (the Act) is the legislative framework that governs the licensing of veterinarians in Ontario, the practice of veterinary medicine, as well as the accreditation of the facilities used to practice veterinary medicine. The Act also establishes the governance framework for the regulator, the College of Veterinarians of Ontario (the College).

Like many regulatory bodies in Ontario, the College operates based on a self-regulation system. Their principal object is to regulate the practice of veterinary medicine and to govern members in accordance with the Act. This is done to serve and protect the public interest with the support of the regulations and the College's by-laws.

The Council of the College (the Council) is the governing body of the College and is made up of members elected by licensed veterinarians and non-veterinarian public-interest individuals who are appointed by the Government of Ontario through the Lieutenant Governor in Council on the recommendation of Cabinet. Non-veterinarians also serve alongside members of the College on committees of the College, including the Discipline Committee. A diversity of membership on the Council and committees helps to facilitate a broad range of perspectives into the decision-making process and policy development. The protection of the public interest continues to be a critical focus in the work of Council and College committees.

Summary of Proposal

The Act has not been substantively updated since 1989. Since then, the practice of veterinary medicine has evolved significantly. Some parts of the Act and its corresponding regulations are in need of modernization to keep up with today's practices. Updating the legislation and regulations will reflect the current practice and expectations of veterinary medicine, while including contemporary approaches to professional regulation and governance. Under the proposed modernized legislation, the Council would continue to oversee the profession in the public interest. The Minister of Agriculture, Food and Rural Affairs would continue to have specific powers under the legislation, including the ability to review activities of the College and to exercise other authorities.

The College authored and published a proposal to modernize the Act entitled, "[Achieving a Modern Approach to the Regulation of Veterinary Medicine in Ontario](#)"; the paper was submitted jointly to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) by the College and the Ontario Association of Veterinary Technicians (OAVT). The proposal was informed by findings and recommendations from a consultation process led by the College over a three-year process. Consultation

participants included College members, members of the public, and other organizations in the field of veterinary medicine including the Ontario Veterinary Medical Association.

These consultations revealed there were several challenges and needs being experienced by veterinary professionals and the general public, including the following:

- An opportunity to more specifically define the scope of practice for veterinary medicine.
- A need to clarify the College's oversight authority as the regulator of veterinary medicine.
- Recognition that veterinary care is delivered by a team and acknowledging the roles of veterinary technicians within the system (including providing title protection for the terms veterinarian technician, veterinary technologist and any recognized abbreviations, and bringing these professionals under common oversight with veterinarians).
- A need to streamline the complaints and resolutions process, including the execution of investigations.
- An opportunity to develop a formal quality assurance program to ensure continual learning and competence of College members.
- Other administrative changes to the legislative framework that would also be required or desirable based on some of the above changes, including:
 - Clarifying the roles and purpose of the College.
 - Realigning the composition of Council (to include veterinary technicians, individuals holding academic positions, and a greater number of non-veterinarian public-interest appointees).
 - Potentially renaming the College to reflect its expanded role in regulating a broader range of professionals within the veterinary profession.

This discussion paper is focused primarily on the changes to the Act that would be needed to enable the proposed modernization of the oversight of the profession. Should proposed amendments to the Act be introduced, passed and become law, changes to the existing regulation (Regulation 1093) will also be required in the future. There will be a public consultation regarding any future regulatory updates and an additional opportunity to provide input. In order to provide as much detail as possible on the broader direction for the future of the veterinary profession's oversight framework, some of the policy concepts outlined below include subject matter that may need to be addressed via regulation. For a general overview of what specific content is likely to be outlined in the potential statutory amendments and future regulatory policy proposals, please see **Appendix A**.

What We've Heard: Public Consultations

Public engagement and the opportunity to share comments about modernizing the legislative framework is occurring in multiple phases. In November 2022, OMAFRA

launched an initial round of public consultations to modernize the Act. Proposed changes to the Act were posted on [Ontario.ca](https://www.ontario.ca) and comments could be submitted via email or surface mail.

During this initial phase of consultations, OMAFRA heard from the public, veterinary professionals, professional associations, agri-food stakeholders, human health professionals, regulatory colleges, farmers, other animal owners and animal health and welfare groups. Overall, submissions have been supportive of modernizing the Act, including identifying opportunities to more specifically define the scope of practice for veterinary medicine and recognizing the roles veterinary technicians play in providing veterinary care.

This discussion paper (and the accompanying public posting on the Regulatory Registry) is part of a second round of consultations, which continues to build on the feedback shared since November 2022. The [Ontario.ca](https://www.ontario.ca) landing page will continue to be available. The public can continue to submit new or supplementary comments on this proposal via email, surface mail or through the Regulatory Registry.

The modernization opportunities outlined in this document, would enable the scope of veterinary medicine to become better defined, improve oversight and transparency in the public interest, and ensure that Ontario is aligned with how other provinces regulate the profession (such as, in the case of some provinces, regulating veterinarians and veterinary technicians/veterinary technologists under a common framework). The proposed modernized legislative and regulatory framework would provide a strong foundation from which future efforts to address industry challenges (which could include access to veterinary services throughout Ontario) can continue.

The Ontario government is committed to cutting red tape and reducing regulatory burden for all businesses, lowering operating costs, and improving Ontario's competitiveness. As part of this effort, OMAFRA will look for appropriate opportunities to reduce regulatory compliance obligations for businesses as a part of the legislative modernization effort while continuing to safeguard the public interest.

Consultation questions for consideration can be found at the end of this paper.

Proposed Legislative and Regulatory Changes

Legislative changes are under consideration to the scope of practice, oversight and authority, quality assurance, and the complaints and resolutions process. These topics are outlined in more detail below. These proposed legislative changes may require future regulatory changes to prescribe more detailed requirements.¹

¹ Under the current statute, these regulations are made by the Council of the College, with the approval of the Lieutenant Governor in Council through the Cabinet decision-making process and with prior review by the Minister. It is anticipated that this regulation-making authority would continue in a modernized statute.

1. Scope of Practice

Introduction

The proposed changes to the scope of practice describe the procedures, services and processes a licensed veterinarian or other veterinary professional, such as a veterinary technician, would be permitted to perform in Ontario. This includes the specific authorized activities that a professional may perform in the course of engaging in the practice of veterinary medicine.

Context for Proposed Changes

Under the Act, only a licensed veterinarian can engage in the practice of veterinary medicine. Currently, the definition of the practice of veterinary medicine in the Act is not specific and stipulates only that it includes “the practice of dentistry, obstetrics including ova and embryo transfer, and surgery, in relation to an animal other than a human being”; it does not include a specific list of authorized activities that a licensed veterinarian may perform while practicing veterinary medicine. This lack of clarity can lead to confusion for both the public and the profession about what is and is not within the exclusive scope of practice.

In addition to this lack of specific detail, the veterinary profession has evolved over the last several decades, with a significant expansion in the number of veterinary technicians working in the field who have undergone comprehensive post-secondary training in the field of veterinary technology. Bringing veterinary technicians within the scope of professional oversight, having them acknowledged and regulated under the Act together with veterinarians, would formally recognize that veterinary care is delivered by a team and that the skills of veterinary technicians contribute to the delivery of care.

During recent public consultations, OMAFRA heard from several health care professionals such as physiotherapists and acupuncturists who expressed an interest in including exemptions for these professionals to provide certain specific activities as part of animal care without veterinary oversight.

Summary of Proposed Changes: Scope of Practice

Broadly, proposed changes related to scope of practice under the Act include but may not be limited to:

- A new statutory provision stating what the practice of veterinary medicine is, centered on the assessment of the physiological or behavioural status of an animal or group of animals and the diagnosis, prevention and control of any condition, disease, disorder or dysfunction.
- A list of proposed activities in a new statutory provision which would be legislatively authorized to veterinarians – for example, making or

communicating a diagnosis, performing a procedure on tissue on or below the dermis, etc.

- This means that only a veterinarian can perform these activities, or in some cases, delegate them to someone (a regulated or unregulated veterinary professional) who is not authorized but is deemed competent by the veterinarian to perform them, as long as delegation is not prohibited in the legislation or the regulations.
- Where the veterinarian has made a delegation, the veterinarian remains responsible for the supervision and outcome of the activity.
- A list of activities that are not permitted to be delegated by a veterinarian (i.e., activities that a veterinarian must perform and that cannot be assigned to any person including a regulated or unregulated veterinary care professional) – for example, making a diagnosis or prescribing prescription medication.
- A subset of authorized activities that may be performed by veterinarians or veterinary technicians (but not other individuals) – for example, triaging emergency patients, preparing a drug for the purposes of dispensing, etc.
- Expanding title protection in the Act to include the titles of veterinary technician, Registered Veterinary Technician (and the abbreviation RVT) and veterinary technologist (and other abbreviations and variations). This would complement existing forms of title protection for veterinarians.
- Clearly enabling the Council to make regulations (subject to the approval of the Lieutenant Governor in Council upon prior review by the Minister) providing exemptions for some regulated health care professionals and other qualified practitioners to support veterinary professionals by applying their skills and expertise in animal care.²

Additional information on the proposed list of authorized activities for veterinarians and veterinary technicians that is under consideration can be found in Appendix B.

By implementing a clear definition of the scope of practice and authorized activities of veterinary medicine in the Act, it would elevate the level of public trust in the College's ability to oversee veterinary medicine in Ontario. As well as ensure that the proper animal practitioner (veterinarian/veterinary technician/other) is addressing issues and ailments within their skills and knowledge to suit the evolving nature of veterinary medicine in Ontario.

² Specific details such as exemption particulars would likely be determined through regulation, which would be developed in the future, should the proposed legislation be introduced, pass and become law. The proposal is that the Council of the College would continue to have the authority to make regulations, subject to approval of the Lieutenant Governor in Council, with prior review by the Minister of Agriculture, Food, and Rural Affairs.

As noted above, the proposed legislation would enable regulations to be made in the future that would more clearly articulate the list of authorized activities and set any conditions that would apply to the performance of these authorized activities or the ability to delegate any one of them to another individual. Some very low risk animal care activities, such as massage treatments, would not be captured by the proposed list of authorized activities. A future regulatory proposal would likely provide greater detail on what exemptions may be considered in a regulation under the Act for some other activities within the list of proposed authorized activities. In general, higher-risk activities related to animal care, such as performing surgery on an animal, would most likely continue to be authorized to veterinarians only.

The current exemptions in the Act, with respect to licensing, would continue to apply. For example, it is anticipated that it would continue to be the case that an animal owner (such as a farmer), a member of the animal owner's household, or a person employed for general agricultural or domestic work by the owner of the animal would continue to be able to treat an animal owned by the owner.

2. Oversight and Authority

Introduction

The College oversees the practice of veterinary medicine in Ontario under the Act. The Council has authority to make regulations under the Act, with the approval of Ontario's Lieutenant Governor in Council and upon prior review by the Minister. The Council may also develop by-laws and policies. As the regulatory body for veterinarians, the College licenses over 5,000 veterinarians across the province. In addition to licensing qualified individuals, the College is responsible for inspecting and accrediting the veterinary facilities from which these licensed veterinarians practise. The Act also outlines certain authorities that the Minister of Agriculture, Food and Rural Affairs has, such as the authority to review the activities of the College, receive reports, etc.

The Act currently sets out the composition of the Council (including qualifications to serve on the Council, as well as a range of minimum and maximum numbers of members from two distinct groups: licensed veterinarian members (elected) and non-members (non-veterinarian public-interest individuals appointed by Ontario's Lieutenant Governor in Council)). The Act also establishes various committees and stipulates when some committees, such as the Complaints Committee or Discipline Committee, may act in panels (including the required composition of a panel). Panels are essentially subsets of a committee, with a group of committee members present. Hearings may be heard by a panel of a committee.

Context for Proposed Changes

By changing the structure of how the veterinary profession is governed, we are able to improve oversight in the public interest and increase transparency by

presenting a more collaborative governance process. Having a more diverse membership on Council will better reflect the make-up of the profession and allow a more comprehensive range of input to be shared. As many other professional regulatory bodies have done, increasing the ratio of non-veterinarian public-interest appointees on Council to elected members would further the public protection objectives of self-regulation and ensure that the perspective of the public is being appropriately reflected in decisions.

In doing so, it is proposed that:

- The number of non-veterinarian public-interest appointees on the Council be increased from between three and five, to between seven and nine, incorporating a broader range of perspectives into the decision-making process.
- Veterinary technicians should be represented within the Council. Consistent with changes proposed in Section 1 (above), veterinary technicians should also be included on Council and in committee membership.
- The inclusion of representatives from post-secondary educational programs be considered for the Council. By including those who train future veterinarians and veterinary technicians, it is helpful to have their insight for policy discussions on the future of the profession.

Since the last update of the Act in 1989, there are several components that are out of date and in need of modernization – including the College’s oversight and transparency. The legislative framework could be better aligned with how other provinces oversee the veterinary profession and with how Ontario’s regulated health professional colleges are governed. For example, the Act is not always consistent with how human health professional colleges in Ontario (e.g., the College of Physiotherapists of Ontario, the College of Physicians and Surgeons of Ontario, the Ontario College of Pharmacists, etc.) and similar professional bodies are regulated.

To correspond to other proposals in this paper (see Section 2 under Quality Assurance and Section 3 under Complaints and Resolutions Process), some changes to the existing list of committees are proposed. The committee-related proposals better align with the structure used for human health professions in Ontario under the *Regulated Health Professions Act, 1991*. For example, an Investigations and Resolutions Committee would better encompass the outcome-based mandate for this body than the current Complaints Committee and the investigative functions that can in some cases be exercised by the Executive Committee.

See **Appendix C** for a brief comparison of the oversight of several health professions across Ontario.

The amendments proposed below are intended to support continued public trust and transparency, as well as ensure the safety and well-being of clients and animals.

Summary of Proposed Changes: Oversight and Authority

Proposed changes under contemplation that are related to oversight and authority under the Act include but may not be limited to:

- Making enhancements to formal public accountability by clarifying the ministerial role in the Act in overseeing the activities of the College, which will better demonstrate the link between self-regulation and government oversight.
- Introducing mandatory reporting requirements for College members to mitigate risk and ensure public trust and protection. For example:
 - When a member has reason to believe that another member is incapacitated or unwell such that their ability to provide veterinary care is impaired, there would be a mandatory reporting obligation to notify the College.
 - The Act does not currently set out mandatory reporting requirements for veterinarians; however, veterinarians have mandatory reporting obligations under other legislation, including animal health, public health, and animal welfare laws.
 - Through mandatory reporting, the College could be engaged at an earlier stage and be empowered to mitigate risk and ensure public protection.
- Amendments to allow the College Registrar to appoint one or more investigators to determine whether a member has committed an act of professional misconduct or is incompetent.
 - In the case of an investigation, examples of investigator powers could include inspecting or observing the practice of veterinary medicine at a facility, taking photographs or making recordings, removing original evidence where necessary, and collecting data storage in order to produce information that is relevant to the investigation.
- Proposed composition changes for the Council of the College, as follows:

<i>Current Status:</i>	<i>Rationale:</i>	<i>Proposed:</i>
Not fewer than nine and not more than fifteen persons who are members of the College (i.e., licensed veterinarians) and are elected by members.	Changing the structure of how the veterinary profession is governed, would improve oversight in the public interest and increase transparency by presenting a more	Not fewer than ten and not more than twelve persons who are members of the College (i.e., licensed veterinarians) and are elected by members.

<p>Not fewer than three and not more than five persons who are not members of the College and who are appointed by the Government of Ontario (non-veterinarian public-interest appointees).</p>	<p>collaborative governance process.</p> <p>A more diverse membership on Council will also better reflect the make-up of the profession and allow a more comprehensive range of input to be shared.</p> <p>Like many other professional regulatory bodies have done, increasing the ratio of non-veterinarian public-interest appointees on Council to elected members would further the public protection objectives of self-regulation and ensure that the perspective of the public is being appropriately reflected in decisions.</p>	<p>Not fewer than two and not more than four members who are veterinary technician members of the College and are elected.</p> <p>Not fewer than seven and not more than nine persons who are not members of the College and who are appointed by the Government of Ontario (non-veterinarian/non-veterinary technician public-interest appointees).</p> <p>Designated positions on Council for members from an Ontario post-secondary institution involved in providing veterinary and veterinary technology education for the profession.</p>
---	---	---

- Other proposed statutory changes include but are not limited to the following:
 - Adding a new Quality Assurance Committee.
 - Adding an Investigations and Resolutions Committee (to replace the Complaints Committee as well as the Executive Committee’s current investigative role).
 - Updating the panel composition provisions.
 - Allowing committee composition particulars to be set by Council by by-law.
 - Supplementing the statutory objects of the College as an organization with additional objects to reflect key aspects of this modernization proposal and to acknowledge the current oversight functions of the College (e.g., its role in facility accreditation).

Additional information on Investigator Appointments and proposed Investigator Powers can be found in **Appendix D**.

3. Quality Assurance

Introduction

Regulated human health professions in Ontario (e.g., dentists, pharmacists and physiotherapists) all provide for mandatory quality assurance programs, centered in continual learning and skills development. This is also true for many other regulated professionals in Ontario (e.g., members of the Law Society of Ontario). These regulatory colleges can also take steps when a member's professional skills or competence may need remediation. Some aspects of quality assurance are already familiar to veterinarians as the College currently requires continuing education tracking.

Context for Proposed Changes

Formal quality assurance committees and programs are an integral and mandatory part of the oversight of regulated health professions in human health care in Ontario. Mandatory quality assurance has been demonstrated to be an effective regulatory tool to ensure the ongoing quality and safety of the care provided by professionals in practice.

A formal and comprehensive quality assurance program would help assure the public that all veterinarians and veterinary technicians practise in a manner consistent with the College standards and that oversight is being provided through the Quality Assurance Committee. It would also better enable, in appropriate cases, concerns raised about the care provided by a veterinarian or veterinary technician to be addressed through skills development and acquiring knowledge rather than through a more rigid and punitive disciplinary process.

Introducing a mandatory quality assurance framework would help set a baseline for expectations around member competency and continual learning and support public trust in the profession's capacity to offer consistent, quality care. This would include, among other things, the creation of a Quality Assurance Committee in legislation (See Section 2 – Oversight and Authority). An effective College framework would provide the necessary support to individuals to maintain competence throughout their careers.

Summary of Proposed Changes: Quality Assurance

As part of the modernization proposals, the Act would be amended to include enabling provisions related to a quality assurance program for College members. Should the proposed amendments be made and become law, the Act would provide a legislative framework for the program and program details would appear in a regulation and/or by-law, to be developed in the future. Proposed changes include but may not be limited to:

- A Quality Assurance Committee that would be created and recognized in the Act.

- Enumerated powers for the Quality Assurance Committee in the Act, including the authority to require a member to participate in a program to assess the member's knowledge, skill and professional judgement.
- Members would be required to cooperate with the committee and its appointed advisors.

The Council would have the authority to make regulations that would prescribe the details for a quality assurance program. The program would be mandatory for all College members (e.g., veterinarians and veterinary technicians, should the proposed changes to scope of practice as outlined above be approved). Among other requirements, the regulations could require completing a minimum number of continuing education requirements and reporting to the College. Depending on the outcome of any assessment of a member's knowledge, skill and professional judgement, a member could also be directed to participate in remediation activities as set out by the Quality Assurance Committee. The activities would be intended to build the member's knowledge, skills and competence as a veterinary medicine professional, as well as provide resources related to workforce development and succession planning.

4. Complaints and Resolutions Process

Introduction

A key responsibility of the College is investigating and resolving concerns and/or complaints about a veterinarian and their practice. The College seeks to ensure public trust and transparency, including understanding risks involved in the practice of veterinary medicine and developing solutions in an effort to reduce the potential for harm to animals and people. The College also sets standards of practice and expects its members (i.e., licensed veterinarians) to meet them. In some cases, matters are referred to the Discipline Committee for a hearing.

Context for Proposed Changes

Under the current framework, a complaint about a veterinarian or their practice must be submitted in writing (e.g., a written letter by mail, fax or a written email) to the College to begin the complaint process. Submissions are then reviewed and ideally resolved by the Mediated Resolutions Program (MRP).³ If the complaint is not suitable for resolution by the MRP, the complaint is directed to the Complaints Committee. As outlined on [the College's website](#), the timeline for the completion of the complaints process from start to finish includes administrative processing, investigation, meeting of the Complaints Committee and decision writing (see **Appendix E** for a summary of the current investigations process). The Complaints Committee arrives at one of the following decisions:

³ Although some complaints are not resolved at MRP stage and must proceed to the Complaints Committee, all submitted complaints must go before the Complaints Committee.

- The Committee has no concerns with the veterinarian's actions or conduct and will take no further action.
- The Committee has some concerns with the veterinarian's actions or conduct which it feels can be addressed through education or advice.
- The Committee has very serious concerns and has referred the case for a hearing of the Discipline Committee.
- The complaint was frivolous, vexatious, made in bad faith or for an improper purpose or is otherwise an abuse of process.

In addition, under the current Act, there is a second stream by which the conduct of a member may be investigated. The College's Registrar may, with the approval of the Executive Committee, appoint one or more persons to investigate whether a veterinarian has committed an act of professional misconduct or serious neglect, or that there is cause to refuse to issue or renew or to suspend or revoke a certificate of accreditation (s. 36).

[A flowchart of the College's current Complaints and Resolutions process](#) can be found using the provided hyperlink.⁴

Although the College has a complaints and resolutions process in place, the current model is complex and cumbersome, resulting in a significant backlog of complaints. This has led to frustration for both clients and the affected veterinarians.

The current model is also inefficient, as the Complaints Committee does not have the power to directly appoint an investigator. This creates an additional process step at the investigation stage. In a similar way, the Executive Committee does not have the power to share information with another party. As a result, even if a case originated with a third party who shared information with the College that led to an investigation initiated by the Registrar, the Executive Committee is unable to communicate with the third party about its inquiry into the matter.

There is an opportunity to streamline and improve the existing processes for addressing public complaints and disciplining members. An improved process would enable more timely resolution of complaints and improve client satisfaction.

Summary of Proposed Changes: Complaints and Resolutions Process

⁴ The Discipline Committee is separate from the Complaints Committee and hears the most serious allegations.

The proposed changes aim to create a complaints, investigations and resolutions process in the legislation that is streamlined, transparent, and upholds public trust when dealing with matters of professional misconduct or incompetence (or, as it is called under the current framework, “serious neglect”). It is proposed that the *Veterinarians Act* be amended to include the following changes:

- Combine the current two-stream approach and the functions of the Complaints Committee into a new Investigations and Resolutions Committee of the College as follows.
 - The new Committee would be responsible for addressing complaints and reports brought to its attention and would resolve them in accordance with its authority under the statute (e.g., take no action, order some remedial action, or refer allegations to a discipline hearing).
 - The current functions of the Executive Committee (where the Registrar believes on reasonable grounds that a member or former member of the College has committed an act of professional misconduct or serious neglect or that there is cause to refuse to issue or renew or to suspend or revoke a certificate of accreditation) relating to complaints and investigations would be folded into a new committee— the Investigations and Resolutions Committee.
 - The role of this new committee would be to streamline and centralize complaint intakes and functions.
- The current Board of Inquiry process in the Act would be continued. A panel of the Investigations and Resolutions Committee, or the Registrar, could refer a member to a Board of Inquiry if there are reasonable and probable grounds to believe the member is incapacitated.
- Authority for the Investigations and Resolutions Committee to suspend or impose terms, conditions or limitations on a member’s licence.
- Create a new Screening Model to assess complaints that are deemed to be “frivolous and vexatious” at the outset.
 - This vetting process would allow the College to focus on more serious claims and complaints against members and their practices.
- Introduce enhanced investigation and discipline authorities.
- Publicize Notices of Hearing, which would include publishing a member’s name prior to a hearing to be held by the Discipline Committee.
- Expand the Public Register ([currently publicly available on the College’s website](#)) to include:
 - Veterinary facilities accredited by the College.

- Individuals licensed by the College, including:
 - Any discipline hearings and related allegations prior to the hearing.
 - Results from a decision of the Discipline Committee.
 - The presence of any remedial undertaking, and its requirements.
 - The presence of any other relevant information that may be significant in terms of ensuring public safety and animal welfare.
- Introduce the express authority to require further education or skills development as a resolution pathway for College members.
- Enhance current investigation and discipline authorities, such as new investigator appointment powers for the College Registrar (i.e., the ability for the College Registrar to appoint investigators).
- Formalize the existing (voluntary) alternative dispute resolution process as a potential Complaints and Resolutions mechanism, where appropriate for certain cases.

The public, animal owners, animal health and welfare organizations, and agri-food stakeholders would recognize benefits from the proposed changes to modernize the current complaints, investigations, and resolutions process. A more efficient, transparent model would support the College's objective of serving the public interest and ensuring public trust, the safety of people and animals, and client satisfaction.

To fulfill the public interest protection expectations that self-regulation imposes and to ensure transparency, relevant information should be available to animal owners and the general public about members of the College. This includes having information available about members who have a Discipline Committee hearing scheduled, including the identity of the member and a general summary of the allegations. In a similar way, the College's public register should, while respecting to the extent possible the privacy and reputational concerns of members, provide relevant and factual information to animal owners and the general public about the history of a member.

Consultation

The ministry is seeking feedback from veterinary professionals, animal owners (including livestock and poultry producers), industry associations, public interest advocacy organizations, animal athlete professionals, post-secondary education institutions, and members of the public on the proposed amendments as outlined in this paper. Your feedback will be considered during the development of proposed changes to the Act.

Questions for Consultation

1. Do you agree with the changes described in this proposal? Why or why not?
2. Do you have any specific concerns with any of the items discussed in this proposal? Please explain/describe.
3. Would the proposed changes reduce red tape or contribute to additional opportunities or other impacts for you or your business? Please explain.
4. Do you feel any important areas for change have been left out of the proposal? Please describe.
5. Do you feel these proposals will help make the practice of veterinary medicine become more accessible and accountable?

Email

Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

vetact.omafra@ontario.ca

Address

Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

Food Safety and Environmental Policy Branch

1 Stone Road West, 2nd Floor SW

Guelph, Ontario N1G 4Y2

Attention: Consultation on Proposal to Modernize the Veterinarians Act

Your Privacy Matters

If you submit your comments via email, some of your personal information including your name may be shared. To submit anonymous feedback, please mail your submission to:

Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

Food Safety and Environmental Policy Branch

1 Stone Road West, 2nd Floor SW

Guelph, Ontario N1G 4Y2

Attention: Consultation on Proposal to Modernize the Veterinarians Act

If you provide contact information (including where the contact information is personal contact information), we may use it to follow up with you on your comments or to provide you with future consultation materials.

Your feedback is necessary in order to help the Ministry of Agriculture, Food and Rural Affairs understand how specific animal care activities provided by veterinary professionals can be better defined, how accountability and transparency can be improved, and how the *Veterinarians Act* can be improved more generally. This feedback will be used by the Ministry of Agriculture, Food and Rural Affairs to help develop a more detailed proposal for amendments to the *Veterinarians Act*.

Information collected as part of this consultation is subject to the *Freedom of Information and Protection of Privacy Act*.

APPENDIX A

Proposed Legislative Content and Areas for Future Regulatory Policy Development and Future By-Law Amendments by the College

- The following table contains examples for illustrative purposes only and serves to demonstrate how the legislative and regulatory framework governing veterinary medicine is comprised of both statutory and regulatory components, as well as applicable College by-laws.
- Note that different bodies are ultimately responsible for the making of these legal instruments. Changes to statutes require the introduction of a Bill into the legislature and those changes must be passed by the legislature to become law. If that occurs, then regulations could be made (currently, the regulation making authority is the Council of the College with approval of Cabinet and prior review by the Minister) and by laws made (by the Council of the College).

Proposed Statutory Changes	Areas for Potential Future Regulatory Policy Development	Areas for Potential Future By-Laws and Amendments by the Council of the College
<p>Updated description of scope of practice for veterinary medicine</p> <p>Exceptions (scope and coverage of the legislative framework)</p> <p>New description of authorized activities (including restrictions, and exemptions)</p> <p>Expanded scope of licensing and membership, to include veterinary technicians</p> <p>Updated list of objects of the College</p>	<p>Particulars for a quality assurance program, including components of the program and requirements for members</p> <p>Particulars for performing authorized activities, including conditions, exemptions and any restrictions on delegation</p> <p>Panel requirements and composition</p> <p>Any necessary updates to the current content of Reg. 1093 (Licences, Certificates of Accreditation, Facility Accreditation, Professional Misconduct, Drugs, Records, Advertising, Conflict of Interest, etc.)</p>	<p>Committee composition particulars</p> <p>Other changes or updates to by-laws deemed necessary by the Council</p>

<p>Council composition and officers (e.g., President)</p> <p>College committees (including new Quality Assurance Committee and Investigations and Resolutions Committee)</p> <p>Powers of committees (including the Quality Assurance Committee and the Investigations and Resolutions Committee)</p> <ul style="list-style-type: none"> • Would include authority of the Investigations and Resolutions Committee to make interim orders <p>Restricted titles, including title protection for veterinary technicians</p> <p>Reporting by members</p> <p>Offences</p> <p>Authority of Council to make by-laws</p> <p>Regulation-making powers (Council, Minister)</p> <p>Minister's powers</p> <p>Transitional provisions and other provisions relating to the governance and administration of the College</p>	<p>Other regulatory changes or updates to be proposed</p>	
--	---	--

APPENDIX B

A Proposed List of Authorized Activities to be Performed by Veterinarians and Veterinary Technicians in the Course of Engaging in the Practice of Veterinary Medicine

Proposed List of Authorized Activities to be Performed by Veterinarians

Should the proposed legislative changes to the scope of practice of veterinary medicine under the *Veterinarians Act* proceed, the following activities would be designated as authorized activities to be performed by licensed veterinarians in Ontario:

- Make or communicate a diagnosis to identify a disease, disorder, dysfunction or condition as the cause of an animal's signs and presentation.
- Perform an assessment to determine the fitness or soundness of an animal, or group of animals, on which it is reasonably foreseeable that a person will rely on the assessment.
- Order laboratory tests on an animal or on specimens taken from an animal.
- Prescribe, compound, dispense, or sell a drug.
- Perform a procedure on tissue on or below the dermis.
- Perform a procedure below the surface of a mucous membrane.
- Perform a procedure on or below the surfaces of the teeth, including the scaling of teeth and occlusal equilibration.
- Perform a procedure on or below the surface of the cornea.
- Set, immobilize, or cast a fracture of a bone or a dislocation of a joint or a severed tendon.
- Administer a substance by injection or inhalation or monitor of such.
- Move the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust.
- Put an instrument, arm, hand, or finger:
 - beyond the external ear canal
 - beyond the point in the nasal passages where they normally narrow
 - beyond the larynx
 - beyond the opening of the urethra
 - beyond the labia majora
 - beyond the anus or cloaca
 - into any other natural or artificial opening into the body.

- Apply or order the application of a form of energy prescribed by the regulations under this Act.
- Perform upon an animal any manual procedure for the diagnosis and/or treatment of pregnancy, sterility, or infertility.
- Perform a post-mortem examination.
- Perform euthanasia.

Proposed List of Authorized Activities to be Performed by Veterinary Technicians

Should the proposed legislative changes to the scope of practice of veterinary medicine under the *Veterinarians Act* proceed, the following activities would be authorized to veterinary technicians in Ontario:

- Triage emergency patients.
- Prepare a drug for the purpose of dispensing a drug.
- Collect specimens for diagnostic tests.
- Place IV catheter for emergency purpose.
- Place IV catheter for therapeutic purpose.
- Perform dental prophylaxis, inclusive of scaling and occlusal equilibration.
- Collect specimens.
- Performing tests on the surface of the cornea.
- Apply splints and/or bandages for the purpose of immobilizing a fracture of a bone or a dislocation of a joint.
- Administer a substance by injection or inhalation in keeping with requirements to be prescribed should the proposed changes be introduced and become law (please note that this is inclusive of induction, gases, nerve blocks, chemotherapy, epidurals, and fluid therapy).
- Monitor patients under anesthesia.
- Place nasogastric tubing.
- Place esophageal or endotracheal tubing.
- Place urinary catheters.
- Vaginal swab.
- Place irrigation tubing beyond the anus or cloaca.
- Express anal sacs internally.
- Insert intramammary cannula.

Veterinary technicians would not be able to delegate the above authorized activities to another individual. Sub-delegation of an act that was delegated to a veterinary technician (for example, by a veterinarian) to another individual would also not be permitted.

Additional details on the proposed changes to the authorized activities of licensed veterinarians and veterinary technicians in Ontario can be found [using the provided link](#) to a College resource.

Note that this discussion paper only contemplates authorized activities provided by veterinarians or veterinary technicians, and is not intended to propose restrictions to any other regulated health professional who may currently be allowed to provide these authorized activities. If there are authorized activities which are currently being provided by other regulated health professionals, participants are encouraged to share those with the ministry in their submission.

Note to Reader

The list of proposed activities to be prescribed as authorized activities for veterinarians and registered veterinary technicians when carrying on the practice of veterinary medicine is presented for illustrative purposes only. If the proposed changes to the existing statute are introduced, passed, and become law, it is anticipated that these activities would be outlined in greater detail in a future regulation. The activities presented in this document are not final and there would need to be a series of exceptions and exemptions proposed as a part of any future regulatory consultation.

APPENDIX C

Oversight and Authority: A Brief Comparison of Key Elements in the Current *Veterinarians Act* and Two Regulated Health Professions in Ontario

- The chart below summarizes a comparison of health professions in Ontario. The Health Professionals Procedural Code (HPPC), Schedule 2 to the *Regulated Health Professions Act, 1991* (RHPA), is deemed to be incorporated into each regulatory college’s profession specific statute (e.g., in the case of pharmacists, the *Pharmacy Act, 1991*).
- Subject matter, such as Council Composition, can generally be found in profession-specific statutes of human health regulatory colleges, while other subject matter including committees (e.g., Quality Assurance Committee) are found in the HPPC.

Theme	Veterinarians (Current Act)	Pharmacists	Physiotherapists
Council Composition	9 to 15 members, with 3 to 5 public Lieutenant Governor in Council (LGiC) appointees.	9 to 17 members (2 to 4 must be pharmacy technicians), with 9 to 16 public LGiC appointees and 2 academic positions.	7 to 8 members, with 5 to 7 public LGiC appointees and 2 academic positions.
Quality Assurance Committee and Program	Not required	Required	Required
Complaints Process	Complex - two intake streams, with different authorities for each.	One intake process. Inquiries, Complaints, and Reports Committee (ICRC) decides the result of the investigation.	One intake process. ICRC decides the result of the investigation.
Interim Suspensions	Limited (incapacity and wellness matters under a Board of Inquiry) – not possible for discipline committee to issue interim suspensions.	Panel of ICRC may make interim order directing Registrar to suspend or impose terms, conditions or limitations on a member where physical or mental state of the member exposes or is likely to expose his or her patients to harm or injury.	Panel of ICRC may make interim order directing Registrar to suspend or impose terms, conditions or limitations on a member where physical or mental state of the member exposes or is likely to expose his or her patients to harm or injury.

APPENDIX D

Proposed Additions Related to the College's Registrar-Appointed Investigators

Investigator Appointments

- It is proposed that the College Registrar may appoint one or more investigators to determine whether a member has committed an act of professional misconduct or is incompetent if:
 - a) the College Registrar believes on reasonable and probable grounds that the member has committed an act of professional misconduct or is incompetent and the Investigations and Resolutions Committee approves of the appointment
 - b) the Investigations and Resolutions Committee has received information about a member from the Quality Assurance Committee under the relevant section and has requested the College Registrar to conduct an investigation
 - c) the Investigations and Resolutions Committee has received a written complaint about the member and has requested the College Registrar to conduct an investigation.
- Further, it is proposed that the College Registrar may appoint an investigator in an emergency if all of the following three conditions are met:
 - The College Registrar believes on reasonable and probable grounds that the conduct of the member exposes or is likely to expose his or her patients or clients to harm or injury.
 - The College Registrar believes the investigator should be appointed immediately.
 - The College Registrar believes there is not time to seek approval from the Investigations and Resolutions Committee.

Proposed Additions to the Existing List of Investigator Powers under the Veterinarians Act

An investigator may:

- i. inspect or observe the practice of veterinary medicine performed by a member or under the supervision of a member
- ii. take photographs or make audio or video records relating to the veterinary facility
- iii. remove original versions of evidence where necessary (for example, where an original document is necessary to prove tampering or fraud)

- iv. use any data storage, processing or retrieval device or system used in carrying on business in order to produce information that is relevant to the investigation and that is in any form
- v. upon giving a receipt for them, remove for examination and testing and may copy anything relevant to the investigation and testing, including any data storage disk or other retrieval device in order to produce information
- vi. conduct tests (e.g., those related to the role of an investigator – e.g., testing equipment, etc.) that are reasonably necessary
- vii. upon giving receipt for them, require a person to produce any documents, records, equipment, supplies and such other things of the person being investigated that the investigator determines are relevant to the investigation, including using any data storage, processing or retrieval device or system to produce information that is relevant to the inspection and that is in any form, and the person shall produce the things required and provide the assistance.

APPENDIX E

A Brief Summary of the College's Current Investigations Process

Current Investigations Process re: Complaints and Resolutions

1. The veterinarian is notified of the complaint and provided with a copy of the submitted complaint.
2. The issues or concerns arising from the letter of complaint are summarized and forwarded to the complainant for confirmation.
3. When confirmed, the list of issues is then forwarded to the veterinarian responding to the complaint. The veterinarian is asked to submit a written explanation, pertinent medical records, x-rays, logs, etc. to the College.
4. Witnesses are contacted, and written statements are gathered.
5. A copy of the Record of Investigation (i.e., copies of all materials to be presented to the Complaints Committee for an investigation) is sent to both parties, once all information pertaining to the file is collected.

Additional information on the College's current investigator's process can be found [using the provided link](#).