



Understanding the Recent Amendments to the *Veterinarians Act*, Regulation 1093, and CVO's By-Laws (2006-2007)

This document is provided to CVO's membership in order to summarize and explain the significance of recent changes to the documents governing the veterinary profession in Ontario. The full texts of the updated *Act*, Regulation, and By-Laws are available at www.cvo.org under "About CVO – CVO Legislation."

Introduction

The practice of veterinary medicine in Ontario is governed by the following legislative documents:

- The Veterinarians Act*, 1989 (statute)
- Regulation 1093, 1990 (made under the *Act*)
- Minimum Standards for Veterinary Facilities
- By-Laws of the College of Veterinarians of Ontario

A variety of amendments were made to the *Veterinarians Act* (as part of Bill 190) in 2006, and the subsequent changes to Regulation 1093 and to CVO's By-laws were made thereafter as follows:

- The Regulation changes that were necessitated by changes to the *Act*, along with others that had been drafted via decisions of Council, were submitted to the Ontario Ministry of Agriculture, Food, and Rural Affairs for its review and readings in the legislature; and
- By-Law amendments were circulated to the membership (in September 2006) for the required 60-day consultation period. Though the membership thereby approved the revised By-Laws, they did not come into effect until the Bill (changing the Regulation) passed into law.

In August, 2007, the changes to Ontario Regulation 1093 were passed and the new CVO By-Laws came into effect immediately.

Overview of Changes

In general, the changes in the documents relate to the following subjects:

1. location within the legislative architecture of requirements related to
 - a. fees,
 - b. provision of information to the CVO, re: information returns, statistical data, and addresses, and
 - c. professional corporations;
2. location of and amendments to rules regarding conflicts of interest;
3. addition to or amendment of language regarding
 - a. clinical proficiency examination sites,

- b. controlled drugs,
- c. licensure evidence and status,
- d. content of the Register, and
- e. information sharing by the CVO;
- 4. addition of Specialty facilities to accreditation options; and
- 5. the structure of Complaints and Discipline Committee panels.

Veterinarians Act Changes

The use of the words “Regulations” and “By-Laws” regarding fee location, professional corporation rules, content of the Registry, and authority

- “Regulations” was replaced with “By-Laws” in Section 1, subsection 4, clauses (6) (c) and (d); subsection 5(3); Section 5.1; subsection 5.2(2); Section 5.3.
- “By-Laws” was added to subsection 39(1) in clause (a), and in subsections 43(1) and (2).

Removal of professional corporation matters, payment matters, information return matters, and statistical information matters from sections of the Act (because these matters are now governed via By-Laws)

- subsection 7(1), paragraph 4.1 and paragraphs 15-17 were repealed.
- subsection 9(1), paragraphs 16.1-16.4 were inserted.

Specification of Process for Changing By-Laws

- subsection 9(3), which required a meeting or mail-in vote of the membership to change the By-Laws, was repealed and replaced with the requirement that any proposed by-law change must be circulated to every member at least 60 days before passing.
- Paragraph 3.1 was added, requiring Ministerial approval for an exemption to this rule

Removal of references to Ontario Veterinary Association council members

- subsection 4(11) was repealed.

Removal of reference to *Artificial Insemination of Livestock Act*

- clause (e) of subsection 11(2) was reworded.

Language

- With reference to the status of a member, the word “terminated” was added to subsection 5(4).

Conflict of Interest

- In subsection 9(1), under clause 7, a paragraph was inserted to allow Council to prescribe what constitutes a conflict of interest and to enable Council to regulate/prohibit committee work on that basis

Registry

- The addition of clause (f.1) to Section 19(1) allows the Registrar to include, in addition to statutory requirements, information that a member consents to be entered in a register

Complaints Committee

- subsections were added to Section 23 allowing and prescribing the composition of a panel structure whereby members of the Complaints Committee are appointed to 3-person panels to consider and investigate complaints (vs. having the full Complaints Committee consider all cases); quorum was also defined as 3 members of the panel (one of whom must be a public-appointment member).

Discipline Committee

- Section 28 subsection (1) was amended by setting its membership of 10 persons as a minimum; by setting the requirement that 2 members be public-appointed members as a minimum; and by allowing for non-Councillor members to be on the committee (at least 3 must be members of Council)
- Section 28 subsection (2) was changed from setting quorum at 3 committee members (with one being a public appointment) to requiring a majority of the members (with at least one being a public appointment) for constituting a quorum.
- Section 28 subsection (3) was amended to specify that panels require 3 committee members (at least one of whom is a public appointment and at least one who is both a College and Council member), as does quorum.
- Another paragraph was added to subsection 3, specifying that all disciplinary decisions of a panel require a majority of members of the panel present.

Investigations

- Section 36 was amended by the addition of a subsection granting an investigator all the powers of a commission as per Part II of the *Public Inquiries Act* [subsection (2.1)]
- Investigators may return copies of original documents to the person from which they were acquired [subsection 36(9.1)]
- Administrators of the *Act* are permitted to communicate relevant information, including that brought to their attention in the course of an investigation, to another professional regulatory body inside or outside of Ontario.

Regulation 1093 Changes

Clinical Proficiency Examination Sites

- The definition of “accredited clinical proficiency examination site” was changed to include any AVMA-accredited testing site [Section 2; subparagraphs 4i and 4ii of subsection 5(1)]

Fees

- With reference to fees, the word “Schedule” was struck out wherever it appeared throughout the Regulation and replaced by “by-laws” [Clause 3(1)(f); 10(e); 16(1); 54(1)]
- References to fees in subsections 16 (2), (2), (5), and (6) were struck.

Licensure

- With reference to licensure, presentation of notarized or certified copies of original degrees to the Registrar is now permitted. [Clause 3(1)(h)]

Specialties

- With reference to Certificates of Accreditation, the addition of “Specialty animal hospital” (Clinic, Hospital, or Services) to categories of veterinary facilities was made, as were the addition of conditions of a certificate of accreditation as such. [see Table to subsection 11(1); Section 11.1 and subsection 14(11); and subclause 41(3)(b)(i)]

Language

- With reference to practice standards, the word “terminated” was added to paragraph 37 of subsection 17(1).

Drugs

- With reference to drugs, sections 29 and 30 were revoked and reference to these sections in subsection 23(2) were struck in order to accommodate future changes to Health Canada’s Schedules

- With reference to controlled substances, “ketamine or a targeted drug” was added to Clause 33(2)(c)

Conflict of Interest

- With respect to Conflict of Interest, Part V.1 was revoked. Rules about Conflict of Interest are now included in the CVO By-Laws.

Information Returns, Register, and Information Sharing

- With respect to information returns and communications with the Registrar regarding place of practice and statistical information, Sections 46, 47, and 49 and subsections 48 (2)-(5) were revoked and moved into the by-laws.
- With respect to the information required to be published in the Register, Section 52 was replaced and substituted with an extended list of requirements.
- With respect to sharing information, confirming the licence number of a member was added to Section 55 and sharing information in respect of matters referred to in subsection 38(1) of the *Act* was added to Section 56 of the Regulation.

By-Law Changes

Conflicts of Interest by Council and Committee Members

- subsection 13(1) was amended by adding the following clause:
(e) fails, in the opinion of the council, to discharge properly or honestly any office to which he or she has been elected or appointed including by acting in a conflict of interest,
- subsection 5.-(3) was amended as follows (underlined words are new):
5.-(3) A member is eligible for election to the council in an election who,
 - (a) is at all material times in good standing and entitled to vote in that election;
 - (b) has not been found guilty of professional misconduct or serious neglect by the discipline committee or found to be an impaired member by the registration committee during the six years immediately preceding the election;
 - (c) was not elected to the council in the two regular elections immediately preceding the election;
 - (d) has not been an employee of the college at any time during the three years immediately preceding the election;
 - (e) has not been disqualified from sitting on council under this by-law at any time during the three years immediately preceding the election; and
 - (f) has not been removed from a committee under this by-law at any time during the three years immediately preceding the election.
- section 13 was amended by the addition of the following subsections:
 - (5) A councillor, whether appointed or elected to the council, or committee member has a conflict of interest where:
 - (a) a reasonable person could conclude that the personal interests of the councillor or committee member or a related person could influence his or her judgment in performing his or her duties,
 - (b) the councillor or committee member has a reasonable appearance of bias,
 - (c) the councillor or committee member is not officially dealing with the matter and attempts to influence another person acting on behalf of the college who is dealing with the matter, or
 - (d) the councillor uses information obtained while performing his or her duties for a purpose other than administering the Act.

A conflict of interest can be actual, potential or perceived.

(6) A councillor, whether appointed or elected to the council, or committee member who has a conflict of interest described in clauses (5)(a) or (b) in a matter before the council or a committee shall,

- (a) declare the conflict;
- (b) not participate in the discussion or voting of the matter and shall withdraw from that portion of the meeting; and
- (c) upon a majority vote of the members of the council or committee present, in which vote the councillor or committee member shall not participate, withdraw from the meeting.

- Section 23 was amended by adding the following subsections:
 - (6) Unless otherwise prescribed by law or this by-law, the council or the executive committee may remove a committee member or a chair from a committee.
 - (7) Subsections 13(5) and (6) (conflicts of interest) apply to members of a committee.

Fee and Information Provisions

- The following Part was added to the By-Laws:

PART 8 – FEES AND COLLECTING INFORMATION

Fees

40. (1) A person shall pay the fee, penalty or amount listed in Schedule 2 whenever the fee, penalty or amount applies to him, her or it.

(2) The registrar may charge interest at a rate of 1 percent per month for any fee, penalty or amount that is not paid on time.

(3) The registrar may waive all or part of a fee, penalty, amount or interest listed in Schedule 2 in exceptional circumstances. The registrar shall document the reasons for the waiver.

(4) Except for the initial annual membership fee, the annual membership fee for a general licence is due on November 30 in each year, for the following year.

(5) The fee for a renewal of an educational licence is due before the licence expires.

(6) The initial fee for a postgraduate and resident licence is due before the licence is issued, and the fee for a renewal of a postgraduate and resident licence is due before the licence expires.

(7) The inspection fee payable in respect of a certificate of accreditation is due 30 days after the inspection is performed.

Information Returns

41. (1) Every member, other than a member who holds a short-term licence, shall submit to the college by the 30th day of November in each year, an information return in the form available from the registrar setting out,

- (a) the member's principal place of practice;

- (b) the member's principal place of residence and telephone number and any home facsimile number that may exist;
- (c) the address to which the member wishes correspondence from the college to be sent;
- (d) the addresses and telephone numbers and any facsimile numbers that may exist for all locations where the member practises veterinary medicine;
- (e) the nature of the member's veterinary practice during the twelve-month period ending on the 31st day of October;
- (f) the member's specialty certifications;
- (g) the languages in which the member is proficient;
- (h) the professional associates of the member and the form of relationship between them and the member;
- (i) any finding, in Ontario or elsewhere, by a court that the member has committed an offence, other than under the *Highway Traffic Act*; and
- (j) any finding, in Ontario or elsewhere, by a statutory regulatory body that the member has engaged in misconduct, serious neglect or is impaired or any similar finding.

(2) Before the 31st day of October in each year, the registrar shall mail to each member, other than a member who holds a short-term or educational licence, a notice stating that the annual membership fee and a completed annual information return are due on the 30th day of November and setting out the amount of the fee.

(3) The registrar shall mail to each member who holds an educational licence,

- (a) at least one month before the licence is due to expire, a notice setting out the due date and amount of the renewal fee; and
- (b) before the 31st day of October in each year, a notice stating that a completed annual information return is due on the 30th day of November.

(4) The obligation to pay the annual membership fee or renewal fee and to submit the annual information return continues even if the registrar fails to mail a notice under subsection (2) or (3) or the member fails to receive such notice.

(5) A member shall provide within 30 days the information specified in subsection (1) on the request of the registrar.

Address Information

42. (1) A member shall notify the registrar in writing of the address to which the member wishes correspondence from the college to be sent and shall notify the registrar in writing of any change of address.

(2) A member who is in private practice in Ontario shall notify the registrar in writing of the municipal address or lot and concession number of his or her principal place of practice and shall notify the registrar in writing of any change in such place.

(3) A member who is not in private practice in Ontario shall notify the registrar in writing of the municipal address or lot and concession number or other physical location of his or her principal place of practice or principal place of residence and shall notify the registrar in writing of every change in such place.

(4) A duty under this section to notify the registrar of information shall be fulfilled within 30 days of the triggering event.

(5) If a member fails to comply with this section, the address to which the member wishes correspondence from the college to be sent and the member's principal place of practice or residence shall be deemed to be as shown on the last information return submitted under section 41.

Statistical Information

43. (1) The executive committee shall regularly determine what statistical information is desirable on the supply, distribution, professional liability insurance coverage and professional activities of members of the college and may direct the registrar to compile the desired information.

(2) Upon the written request of the registrar, a member shall provide to the registrar, in the manner and form specified, the information requested for the compilation of statistics.

Professional Corporations

- The following Part as added to the By-Laws:

PART 9 – PROFESSIONAL CORPORATIONS

Eligibility

44. (1) A professional corporation may be eligible for a certificate of authorization if the following conditions are met:

1. The articles of incorporation provide that the corporation may not carry on a business other than the practice of the profession and activities related to or ancillary to the practice of the profession.
2. The name of the corporation complies with the requirements in section 3.2 of the *Business Corporations Act* and with those set out in subsections (2) to (5).
3. Each shareholder of the corporation holds a licence issued by the registrar. Before applying for a certificate of authorization, a member shall first obtain the approval of the registrar for the proposed name of the professional corporation and take the necessary steps to incorporate the professional corporation.
4. None of the shareholders of the corporation have been involved as shareholders of a professional corporation whose certificate of authorization was suspended or revoked unless the registrar is satisfied that it is unlikely that the certificate of authorization being applied for will be suspended or revoked.

(2) A name of a professional corporation shall,

- (a) be proper and fitting; and
- (b) include,
 - (i) the name or names of all of the shareholders of the professional corporation as they appear in the register of members referred to in subsection 19 (1) of the Act,
 - (ii) the name of the accredited facility owned by a shareholder of the professional corporation at which the practice is carried on exclusively through the professional corporation, or
 - (iii) a geographical reference appropriate to the location of the accredited facility or facilities at which the practice is carried on or the surname of a present or previous shareholder that is not easily confused with the name of any other member, accredited facility or professional corporation and, subject to subsection (3), one of the words "animal", "pet" or "veterinary" or their equivalents in French.

(3) If the practice of the professional corporation is restricted to one particular species of animal or specialty, the name of that species or specialty may be used alone or in conjunction with one of the words “animal”, “pet” or “veterinary” or their equivalents in French and, if the practice of the professional corporation is restricted to poultry, the word “poultry”, or its equivalent in French, alone or in conjunction with the word “veterinary” or its equivalent in French.

(4) The name may be in either English or French or in both languages.

(5) The name of a professional corporation shall not use designations or terms used by veterinary facilities except as permitted in subclause (2) (b) (ii).

Application Requirements

45. The registrar shall issue a certificate of authorization to a corporation if the corporation is eligible under subsection 44(1) and applies for the certificate by producing the following to the registrar at the time and in the manner specified by the college:

1. A completed application in the form available from the registrar.
2. Payment of the application fee.
3. A certificate of status of the corporation issued by the Ministry of Government Services within six months of the date of the application.
4. A copy of the articles of incorporation certified to be complete and accurate as of the date of the application by the person who is proposed as the corporation’s managing director.
5. The statutory declaration of the managing director certifying,
 - i. that the corporation is in compliance with section 3.2 of the *Business Corporations Act* as of the date of the application,
 - ii. that the corporation does not carry on any business that is not the practice of veterinary medicine or activities related to or ancillary to the practice of veterinary medicine,
 - iii. that the corporation has not previously held a certificate of authorization or, where the corporation has held such a certificate, providing full details with respect to it, and
 - iv. that none of the shareholders of the corporation has been a shareholder of a corporation that previously held a certificate of authorization or, where any one of them was a shareholder of such a corporation, providing full details with respect to it.
6. The name of each shareholder of the corporation as of the date of the application and the number of his or her licence issued by the registrar.
7. The names, business addresses and business telephone numbers of the officers and directors of the corporation as of the date of the application and an indication of who the managing director is.

Refusal of Application

46. The registrar shall refuse to issue a certificate of authorization if the corporation is not eligible under subsection 44(1) or if the corporation does not comply with all of the requirements of section 45.

Term and Renewal of Certificate

47. (1) A certificate of authorization is valid for a period of three years from its date of issue.

(2) The registrar shall renew a certificate of authorization if the corporation is in compliance with the Act, the regulations, this by-law and the *Business Corporations Act*, and applies for the

renewal before the end of the three-year term of the certificate by providing a completed application in the form available from the registrar and paying the renewal fee.

(3) A renewed certificate of authorization is valid for a period of three years from its date of issue.

Suspension of Certificate

48. (1) The registrar shall suspend a corporation's certificate of authorization if,

- (a) the corporation fails to renew the certificate on or before the end of its term; or
- (b) the name of the corporation contains the name or names of a shareholder's accredited facility and the certificate of accreditation has expired or been suspended or revoked.

(2) The registrar may suspend a corporation's certificate of authorization if,

- (a) the corporation no longer complies with the requirements for the issuance of a certificate of authorization;
- (b) the corporation uses a name other than its approved name;
- (c) the corporation fails to deliver a notice required under section 53; or
- (d) the corporation fails to act in a manner that is consistent with the requirements of the Act, the regulations, this by-law and the *Business Corporations Act*.

(3) The registrar may impose conditions and limitations on the holder of a certificate of authorization,

- (a) with the consent of the professional corporation; or
- (b) instead of suspending the certificate of authorization.

(4) The registrar may lift a suspension or remove conditions and limitations if the corporation remedies, to the satisfaction of the registrar,

- (a) the conduct that resulted in the suspension or the imposition of conditions and limitations; and
- (b) any other conduct that might result in another suspension or the imposition of more conditions and limitations.

Revocation of Certificate

49. The registrar may revoke a certificate of authorization if a suspension of the certificate of authorization or conditions and limitations imposed on it have not been lifted within one year from the commencement of the suspension or imposition of the conditions and limitations.

Review by Registration Committee

50. (1) A corporation that is dissatisfied with a decision of the registrar relating to the issue, renewal, suspension or revocation of a certificate of authorization or to the imposition of conditions and limitations on a certificate may apply to the registration committee for a review of the decision by filing with the registrar a written request for a review, all supporting documentation in its possession and payment of the review fee.

(2) Upon receipt of a request for a review, the registrar shall set a date, time and place for the review and shall deliver a written notice of the review to the corporation, together with copies of

any documents in support of the registrar's decision in the registrar's possession that were not filed by the professional corporation, at least 15 days before the date of the review.

(3) The registrar and the professional corporation are parties to the review.

(4) Representatives of the registrar and the professional corporation shall have the opportunity to make submissions to the registration committee, but they shall not be permitted to question each other or call witnesses.

(5) The registration committee may do anything the registrar may do with respect to the issue, renewal, suspension or revocation of a certificate of authorization or the imposition of conditions and limitations on a certificate.

(6) If the registration committee finds in favour of the professional corporation, it may direct the registrar to repay the review fee to the corporation.

(7) The decision of the registration committee on a review is final.

Shareholder Termination of Certificate

51. The shareholders of a professional corporation may terminate the certificate of authorization of the corporation by notifying the registrar that they no longer intend to practise through the corporation and by signing an undertaking that they will not practise veterinary medicine through the professional corporation, or another professional corporation, without first obtaining the required certificate of authorization.

Registry

52. (1) The register of professional corporations established and maintained under subsection 5.2 (1) of the Act shall contain,

- (a) the name of every professional corporation that has been issued a certificate of authorization;
- (b) the address and telephone number of every professional corporation;
- (c) the name of the managing director and every other shareholder of every professional corporation; and
- (d) information regarding conditions and limitations imposed on a certificate of authorization and suspensions, revocations and terminations of certificates of authorization.

(2) The register shall be kept at the head office of the college and be accessible to members and the public during normal business hours.

Reporting Changes to the Registrar

53. A professional corporation shall deliver a written notice to the registrar within 30 days of the occurrence of any of the following events:

1. Any change in the information contained in the original application form or the last renewal application, including a change in the shareholders or in the managing director.
2. Any material change in the structure or operation of the business of the professional corporation, including,
 - i. the initiation of criminal or quasi-criminal proceedings against it,
 - ii. the death of a shareholder,

- iii. its bankruptcy or insolvency,
- iv. the appointment of a receiver for it, or
- v. the filing of an application for its winding-up.

Managing Director

54. (1) Every professional corporation shall name one of its shareholders as the managing director of the corporation.

(2) The managing director has primary responsibility for the professional corporation's professional conduct and dealings with the college.

Miscellaneous Amendments

- the word "regulation" was replaced with the word "by-law" in the following provisions: Clause 1(1)(e); Clause 1(2)(a); Clause 1(2)(b); Subsection 3(2).
- the word "prescribed" was changed to "set" because "prescribed" is customarily used to refer to regulations, not by-laws.
- The phrase "chairman or convenor" or the word "convenor" was changed to "chair" in the following subsections: 23(3); 24(1); 24(4); 28(2); 28(3); 28(4)(b).
- Subsection 11(1) was amended by replacing the word "\$200.00" with "the elections recount fee"
- Subsection 17(1) was amended by deleting the words "respecting confirmation by the members"
- Subsections 33(6), (7), (8) were repealed; subsection 33(9) was renumbered as 33(6).
- The Fee Schedule was made a part of the By-Laws, as in the Table below:

SCHEDULE 2 TO BY-LAW NO. 1

FEES

Item		Fee
1.	Local examination	\$100
2.	Application fee for short-term licence	25
3.	Application fee for educational licence	25
4.	Application fee for postgraduate and resident licence	50
5.	Application fee for all other licences	50
6.	Licence fee for short-term licence	Nil
7.	Licence fee for educational licences	Nil
8.	Licence fee for all other licences	50
9.	Membership fee for short-term licence	250
10.	Membership fee for educational licence	125 for six months
11.	Membership fee for postgraduate and resident licence	675 per year
12.	Membership fee for all other licences (restricted, general, academic, public service)	675 per year
13.	Initial annual membership fee if licence is issued between April 1 and June 30	507

14.	Initial annual membership fee if licence is issued between July 1 and September 30	338
15.	Initial annual membership fee if licence is issued between October 1 and December 31	169
16.	Annual membership fee, excluding the initial annual membership fee, for the holder of a general licence who resides outside of Ontario and does not practise veterinary medicine in Ontario	200
17.	Penalty for late payment of an annual membership fee	100
18.	Penalty for late payment of a fee for an educational licence	25
19.	Inspection administrative fee	144
20.	Fee for the inspection of a companion animal hospital, a specialty animal hospital, a companion animal emergency clinic, a food-producing animal hospital or an equine clinic	98 plus inspection administrative fee
21.	Fee for the inspection of a companion animal office, companion animal mobile office, companion animal spay-neuter clinic or a poultry service	80 plus inspection administrative fee
22.	Fee for the inspection of a companion animal mobile, a remote area companion animal mobile, a food-producing animal mobile, an equine mobile or an equine emergency mobile	69 plus inspection administrative fee for one mobile
23.	For the inspection under item 22 if another facility is being inspected at the same time for the purposes of being accredited	52
24.	For an inspection of two or more mobiles under item 22 of the same kind, at the same location and at the same time	69 for the first mobile plus inspection administrative fee for one mobile, 52 for each additional mobile
25.	Penalty for late payment of a fee for inspection of one location	86
26.	Certificate of standing	10
27.	For the cancellation or rescheduling of an inspection with less than 48 business hours notice	144
28.	Application fee for a professional corporation	200
29.	Renewal fee for a professional corporation	100
30.	Fee for requesting a review of a registrar's decision respecting a professional corporation	100
31.	For each follow-up letter sent by the college to a member regarding a default by the member including a failure to provide information	50
32.	Election recounts	200