

**The College  
of Veterinarians of Ontario**

## **Position Statement**

### **Deficiencies Noted During the Inspection of New Facilities**

## Position Statement

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*sections 15 and 17 and O. Reg. 1093 sections*  
*10, 12 and 50(6), Minimum Standards for*  
*Veterinary Facilities in Ontario*

**College Contact:** Accreditation Coordinator, Registrar

**Reference Materials:**

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## **Purpose**

This position statement was developed to help members understand the provisions of the legislation and the position of the College with respect to compliance with the *Minimum Standards for Veterinary Facilities in Ontario (the “Minimum Standards”)* when applying for a new Certificate of Accreditation (a “Certificate”). It will outline the expectations of the College of members whose facilities have been inspected by the College to determine compliance with the Minimum Standards.

## **Scope**

This position statement will apply to members who are applying for a new Certificate of Accreditation because they are opening a new practice, or because events have triggered the expiry of a previously issued certificate of accreditation. This position statement will not apply to the renewal of an existing certificate of accreditation prior to expiry.

## **Relevant Legislation**

The *Veterinarians Act* and regulations require facilities to have a certificate of accreditation in order to operate. Facilities must meet the Minimum Standards in order to receive a certificate of accreditation. The most relevant provisions of the *Veterinarians Act* and regulations are set out in Appendix A.

## **College Position**

New facilities (including new owners and re-located practices) must meet all of the Minimum Standards *in order* to receive a certificate of accreditation, unless the Accreditation Committee exempts the facility from some of the Minimum Standards.

The College recognizes that at the time of initial inspection, no records, logs or radiographic data will be recorded. The College will require the practice to submit for document review examples of each type of record within 60 days of date of opening of practice.

### **No Deficiencies Noted**

Where the inspection does not reveal any deficiencies, the inspector shall submit the inspection summary showing no deficiencies to the Registrar. Generally, the Registrar shall promptly issue a certificate of accreditation.

A member shall operate the facility only upon receipt of a certificate of accreditation issued by the College.

### **Deficiencies Noted**

Where the inspection reveals deficiencies, the inspector shall advise the facility director<sup>1</sup> of the deficiencies and provide the facility director with an acknowledgement and undertaking form (attached at Appendix B).

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<sup>1</sup> The “Director” of the facility is the member who applies for the certificate of accreditation, is an owner or a partner, or has the authority given by the owner or partner, and has undertaken to be responsible for the facility.

Upon receipt of the acknowledgement and undertaking form, the facility director shall have one or more of the following options:

- a. Indicate the deficiencies that will be corrected and those, if any for which an exemption will be requested;
- b. Indicating their intent to correct the deficiencies and not operate the facility until they are in receipt of a certificate of accreditation; or
- c. Indicate their intent to contest the inspection results and not operate the facility until the issue is resolved.

Upon receipt of a signed undertaking and the inspection summary listing the deficiencies, the Registrar shall:

1. Consider the number and significance of deficiencies.
2. Determine whether or not to issue a Temporary Waiver of Enforcement (attached at Appendix C) and
  - a. Issue the Temporary Waiver of Enforcement thereby indicating that the College will not object to the operation of the facility in the absence of a certificate of accreditation or;
  - b. Inform the facility director that the facility can not be operated prior to receipt of the certificate of accreditation.

Where the Temporary Waiver of Enforcement applies only to some of the noted deficiencies, the facility director must correct the remaining deficiencies before relying on the Temporary Waiver of Enforcement.

In the event the director has requested exemptions to the Minimum Standards for Veterinary Facilities in Ontario, the Registrar shall convene a meeting of the Accreditation Committee as soon as practicable, including by teleconference, in order to consider the request for exemptions in a timely manner

The Temporary Waiver of Enforcement shall remain in effect until:

1. the Registrar issues a certificate of accreditation or,
2. The Registrar cancels the Temporary Waiver of Enforcement,
  - a. On the basis that the Accreditation Committee denied the request for exemption and
    - i. The facility director has elected not to appeal the Accreditation Committee's decision to the Health Professions Appeal and Review Board or,
    - ii. The facility director has appealed the Accreditation Committee's decision to the Health Professions Appeal and Review Board and the Board has confirmed the Accreditation Committee's decision.
  - b. On other grounds.

Where the Registrar notifies the facility director of the termination of the Temporary Waiver of Enforcement, the Registrar shall provide, unless it is inappropriate to do so, a reasonable grace period (e.g., one week or ten days) for the facility director to bring an orderly conclusion to the operation of the facility. Alternately, the director can correct the deficiencies and receive a certificate.

## Act

The Veterinarians Act R.S.O. 1990, Chapter V.3 is the profession specific Act which governs the practice of veterinarians in Ontario.

- **Certificate of Accreditation Required.**

Section 15 of the Act describes the requirement for a certificate of accreditation:

*No person shall establish or operate a veterinary facility except under and in accordance with a certificate of accreditation.*

- **Issuing a Certificate of Accreditation & Granting Exemptions to the Minimum Standards for Veterinary Facilities in Ontario**

Section 17 of the Act describes the Registrar's duties regarding issuing and refusing a certificate of accreditation and the duties of the Accreditation Committee when considering an application for a certificate of accreditation for facilities with deficiencies. The Accreditation Committee may grant exemptions to the requirements of the Minimum Standards for Veterinary Facilities in Ontario.

*(1) Subject to subsections (2) and (3), the Registrar shall issue or renew a certificate of accreditation upon the application of a member of the College who applies therefor if the applicant and the veterinary facility meet the qualifications, requirements and standards prescribed by the regulations and by the Council for the proposed veterinary facility.*

*(2) The Registrar shall refuse to issue or renew a certificate of accreditation where, in the opinion of the Registrar, the applicant or the veterinary facility does not meet the qualifications, requirements and standards prescribed by the regulations and by the Council for the proposed veterinary facility.*

*(3) The Registrar, on his or her own initiative, may refer and on the request of the applicant shall refer the application to the Accreditation Committee for a determination as to whether or not the applicant or the facility or both meet the qualifications, requirements and standards prescribed by the regulations and by the Council for the proposed veterinary facility.*

*(4) The Accreditation Committee may exempt an applicant or veterinary facility from compliance with any qualification, requirement or standard for a certificate of accreditation.*

## Regulation

Ontario Regulation 1093 is the regulation made under the Veterinarians Act.

- **Requirement for a Certificate of Accreditation**

Section 10 of Ontario Regulation 1093 describes some of the requirements for a certificate of accreditation.

*The requirements for the issuing or renewing of any certificate of accreditation are that the veterinary facility meets the standards established under subsection 8 (1) of the Act for the class of certificate of accreditation for which application is made and the applicant,*

*(a) submits to the College an application in a form provided by the Registrar;*

*(b) is the owner of, or a partner in, the practice conducted on or from the facility that is the subject of application, or submits to the College the written authority of the owners or partners of that practice to provide the undertaking required under clause (c);*

*(c) provides a written undertaking to be responsible for the facility on a form provided by the Registrar;*

*(d) holds a general licence or a restricted licence the conditions of which are consistent with the conditions of the certificate of accreditation; and*

*(e) pays the inspection fee set out in the Schedule.*

- **Expiry of the Certificate of Accreditation**

Section 12 of Ontario Regulation 1093 describes the circumstances under which a certificate of accreditation will expire.

*(1) A certificate of accreditation expires five years after it is issued or renewed unless it expires at an earlier date under subsection (2) or unless the Accreditation Committee issued or renewed the certificate on condition that it expire at an earlier date.*

*(2) A certificate of accreditation expires before the period described in subsection (1) if,  
(a) a stationary veterinary facility, or a stationary element of a facility with a mobile element, is relocated; or*

*(b) no member meets the requirements in clauses 10 (a), (b), (c) and (d) in respect of the veterinary facility.*

- **Facility Inspection**

Subsection 50.-(6) of Ontario Regulation 1093 describes the College's responsibilities regarding inspection of veterinary facilities.

*If a member applies for a certificate of accreditation and complies with clauses 10 (a) to (d), the Registrar shall promptly cause an inspection to be carried out in order to determine if the veterinary facility meets the applicable standards established under subsection 8 (1) of the Act.*

## **Minimum Standards for Veterinary Facilities in Ontario**

The council of the College establishes minimum standards for thirteen facility categories. Inspectors employed by the College conduct inspections of both new and existing facilities and document any deficiencies noted at the time of inspection.

# Appendix B

## ACKNOWLEDGEMENT AND UNDERTAKING

MADE TO THE COLLEGE OF VETERINARIANS OF ONTARIO

BY DR. \_\_\_\_\_

I, Dr. \_\_\_\_\_,

- 1) Acknowledge that my veterinary facility named \_\_\_\_\_ was inspected by \_\_\_\_\_ in respect of the category \_\_\_\_\_ and was found to have some deficiencies.
- 2) I acknowledge that I am legally obliged by section 15 of the *Veterinarians Act* to have a certificate of accreditation to operate this facility.
- 3) I acknowledge that on occasion the College temporarily waives enforcement of this requirement where the identified deficiencies are viewed by College staff as being relatively minor and a commitment has been made by the veterinarian to promptly remedy them or where the deficiency is one that is often exempted by the Accreditation Committee. However, I understand that the final decision on these matters is to be made by the Accreditation Committee and not by College staff.
- 4) I undertake as follows:
  - a. I will not operate the facility until a certificate of accreditation is issued unless I am notified in writing by the College that it has temporarily waived enforcement of the requirement.
  - b. If I receive a temporary waiver of enforcement I will take immediate steps to remedy the identified deficiencies unless the deficiency is being considered by the Accreditation Committee for an exemption.
  - c. I will immediately cease to operate the facility if I am advised by the College that the temporary waiver of enforcement has been terminated.
  - d. I acknowledge that the decision to grant or terminate a temporary waiver of enforcement is in the exclusive discretion of the College and I undertake not to challenge, appeal or review the exercise of that discretion.
  - e. I undertake not to rely upon or refer to the temporary waiver of enforcement as a ground for challenging, appealing or reviewing a decision of the Accreditation Committee.
  - f. I undertake to submit the medical records requested by the College within 60 days of the opening date of the facility.

Date: \_\_\_\_\_, DVM

# Appendix C

## COLLEGE OF VETERINARIANS OF ONTARIO WAIVER OF ENFORCEMENT

For [insert name of facility] and DR. \_\_\_\_\_

The COLLEGE OF VETERINARIANS OF ONTARIO through its Registrar agrees not to enforce the requirement for a Certificate of Accreditation for the facility \_\_\_\_\_ . This waiver is given in accordance with the terms of the Acknowledgement and Undertaking given by \_\_\_\_\_ on \_\_\_\_\_ This waiver expires upon the date of issue of a Certificate of Accreditation for this facility or when terminated by the College, whichever occurs first.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Registrar  
On behalf of the College