

**The College  
of Veterinarians of Ontario**

## **Position Statement**

# **Granting Exemptions to the Self-Contained Requirement for Veterinary Facilities**

## Position Statement

### Granting Exemptions to the Self-Contained Requirement for Veterinary Facilities

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**Related Topics:**

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**College Contact:** Accreditation Coordinator or Registrar

**Reference Materials:**

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## **Purpose:**

This position statement was developed to describe for members the circumstances under which the Accreditation Committee might grant an exemption to the requirement that a veterinary facility be self-contained and/or not operated in connection with another enterprise.

## **Scope:**

This position statement will apply to members preparing for accreditation inspection who intend to request an exemption to the respective category clauses that relate to the requirement that the facility be self-contained and/or not operated in connection with another enterprise. It might include veterinary facilities participating in sharing arrangements (e.g., space or equipment), those with divided locations or those associated with a university or college.

## **Relevant Legislation:**

### **Act**

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

- **Establishing Minimum Standards for Veterinary Facilities**

Section 8 of the Act describes the authority of the Council of the College to establish minimum standards for veterinary facilities.

*The Council may establish standards for veterinary facilities not inconsistent with this Act and the regulations which must be met in order to qualify for the issuance or renewal of a certificate of accreditation or any class thereof.*

- **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.*

- **Granting Exemptions to the Minimum Standards for Veterinary Facilities in Ontario**

Section 17 of the Act describes the authority of the Accreditation Committee to grant exemptions to the requirements of the Minimum Standards for Veterinary Facilities in Ontario.

*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.*

- **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***

For the categories Companion Animal Hospital, Companion Animal Office, Companion Animal Mobile Office, Companion Animal Mobile, Companion Animal Emergency Clinic, Companion Animal Spay-Neuter Clinic, Food Producing Animal Hospital, Food Producing Animal Mobile, Equine Clinic, Equine Mobile and Equine Emergency Mobile, the Minimum Standards for Veterinary Facilities in Ontario describe the requirements that the facility be self-contained. For the purposes of this document, the requirements listed below will be referred to as *THE SELF-CONTAINED REQUIREMENTS*.

*The facility,*

- 1. is self-contained,*
- 2. has a separate and distinct entrance directly from the street or, if the facility is in a building containing more than the facility, directly from a common lobby, hallway or mall.*
- 3. has, and appears to have, the practice of veterinary medicine as its primary purpose.*
- 4. is not, and does not appear to be associated with or operated in connection with another enterprise.*
- 5. is not located in and has no direct public access to, a commercial establishment,*
  - a. where animals are bought or sold*
  - b. providing animal food or other goods or services used principally by, with or for animals.*

### **College Position:**

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### ***Veterinary Facilities in a Sharing Arrangement***

The Accreditation Committee will consider granting exemptions to one or more of the “*SELF-CONTAINED REQUIREMENTS*” of the minimum standards described above where there is a desire by the applying member(s) to share certain elements of their respective facilities while maintaining the operational independence of each practice. Sharing arrangements may include, but are not limited to veterinary and auxiliary staff, equipment or floor space.

An exemption may be granted where the following criteria are met:

- A. The sharing facilities have been inspected on the same date.
- B. The owners / partners of the sharing facilities are all applying for exemption to the same “*SELF- CONTAINED REQUIREMENTS*” of the minimum standards.

- (This can occur even where one of the facilities already has a certificate of accreditation.)
- C. The sharing agreement only involves members of the College and facilities accredited by the College, all of which have or appear to have the practice of veterinary medicine as their primary purpose.
  - D. The facility designations (names) are equally conspicuous and clearly represent to the public the nature of facilities except in the cases where a mobile shares the facility.
  - E. There is no indication that this arrangement will negatively impact any clients.
  - F. Adequate measures are in place to ensure the confidentiality of clients will be protected.
  - G. The owners / partners of each facility will all be accountable to both the College and each other for the shared elements of the practice. Accountability to each other could be achieved, for example, by a written agreement between the owners / partners ensuring access to and maintenance of the shared facilities, and that if one of the owners / partners leaves, the remaining owners / partners will assume full responsibility for the shared items. Accountability to the College might be ensured by the imposition of conditions and limitations that the facility must ensure access to and maintenance of the shared components of the facility.

Even with the shared components, the facilities will be treated by the College as independent. Thus the usual rules relating to conflicts of interest, steering and fee splitting will apply.

The certificate of accreditation will also be subject to the condition and limitation that if the portion of the premises occupied by one practice becomes occupied by anything other than a veterinary practice with a certificate of accreditation, that the other facility(ies) will automatically be required to comply fully with the self-contained rule.

### ***Veterinary Facilities Affiliated with a University or College***

The Accreditation Committee will consider granting exemptions to one or more of the “*SELF-CONTAINED REQUIREMENTS*” of the minimum standards described above where the facility is affiliated with a University or College registered with the Ontario Ministry of Training, Colleges and Universities. The Committee may wish to have some information about the structure, organization and scope of the practice to ensure that professional values (e.g., confidentiality) will be maintained.

### ***Veterinary Facilities with a Divided Location***

Veterinary facilities are occasionally comprised of more than one building or unit. As such, a continuous perimeter cannot be formed around the various elements comprising the facility.

The Accreditation Committee will consider granting exemptions to one or more of the “*SELF-CONTAINED REQUIREMENTS*” of the minimum standards described above where there is a divided location for the facility. This may include mobile or semi-mobile elements complementary to the main part of the facility, or permanent buildings or portions of buildings in close proximity and complementary to the main part of the facility.

An exemption may be granted where the additional complementary elements are:

- A. Well lit and large enough for a veterinarian to examine an animal conveniently with a client present in the area, together with any necessary (and at least one) assistants and the required equipment,
- B. Not more than 250 metres from the main part of the facility, and
- C. Organized in a functional manner (e.g., frequently required items are not kept in the distant portion of the facility that is rarely used).