



POSITION STATEMENT

General Principles of Delegation*

***NOTE:** This document must be read in conjunction with either “Delegating to Auxiliaries in Food Animal & Equine Practice” and/or “Delegating to Auxiliaries in Companion Animal Practice.”

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Legislative References:	<i>Veterinarians Act, R.S.O. 1989, Section 11 (1-7);</i> Ontario Regulation 1093, Sections 1, 40.(2)(a), 33.(1), 19 (1-4), 17.-(1)30.
College Contact:	Registrar
Reference Materials:	CVO publications: “Delegating to Auxiliaries in Food Animal and Equine Practice” (Position Statement); “Delegating to Auxiliaries in Companion Animal Practice”

College publications contain practice parameters and standards which should be considered by all Ontario veterinarians in the care of their patients and in the practice of the profession. College publications are developed in consultation with the profession and describe current professional expectations. It is important to note that these College publications may be used by the College or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained.

Purpose

This position statement has been developed to help members understand the College's interpretation of the provisions in the legislation on the delegation and supervision of professional services to auxiliaries. As such it outlines principles that should be applied by veterinarians when making decisions about delegating professional services.

Scope

This position statement applies to all members practising veterinary medicine regardless of practice setting or type. This position statement should be read in conjunction with the College's Position Statement, "Delegating to Auxiliaries in Food Animal & Equine Practice" and/or the Position Statement, "Delegating to Auxiliaries in Companion Animal Practice" (formerly published as two separate documents, "*Delegating Acts in Companion Animal Practice*" and "*Auxiliaries in Companion Animal Practice*") for members practising in these respective areas.

College Position

The College supports and encourages the appropriate delegation of professional services to suitably trained auxiliaries. Such delegation permits veterinary care to be provided promptly, efficiently and effectively. The College also recognizes the qualifications of many auxiliaries, including Registered Veterinary Technicians.

Current legislation does not make any distinctions among auxiliaries. It requires veterinarians to supervise any professional services provided by auxiliaries acting on their behalf. Veterinarians continue to be accountable for the professional services that they have delegated.

In order to fulfill their professional requirements, veterinarians will exercise reasonable professional judgment when applying the following principles to their delegation process:

1. Veterinarians will not delegate services which are prohibited by the Act or Regulations, or whose delegation is inconsistent with any other College publication.
2. Veterinarians will delegate professional services only in the context of an established veterinary-client-patient relationship.
3. Veterinarians will delegate only those professional services for which they can competently determine the effectiveness based on their own experience in day-to-day practice.
4. Generally veterinarians will delegate professional services only to a specific auxiliary.
5. Levels of supervision are defined as follows:
 - a. **Immediate Supervision:** the member is within sight or hearing of the auxiliary.
 - b. **Direct Supervision:** the member is on the same premises as the auxiliary but not necessarily within sight or hearing.

- c. **Indirect Supervision:** the member will communicate with auxiliaries in such a way and using the appropriate means so as to provide proper assessment of animal(s) and direction to auxiliaries; further, the member must be accessible in a timely and appropriate manner while the delegated task is being performed.¹
6. When delegating a professional service, veterinarians will determine the supervision level that is required for these services by considering all relevant circumstances, including:
 - a. The nature of the services;
 - b. The degree and nature of the risks and side-effects associated with the services;
 - c. The location, facilities and supports available to the auxiliary when performing the services;
 - d. The veterinarian's awareness of the knowledge, skills, training and judgment of the auxiliary;
 - e. The safeguards in place (e.g., whether the auxiliary participates in on-going education and certification, whether the auxiliary is independently accountable to a self-regulatory body, whether there are resources immediately available to intervene in the case of complications).
7. Veterinarians will monitor (individually and systematically) and communicate directly with auxiliaries to whom they delegate professional services.
8. Delegation of a duty does not absolve veterinarians of the responsibility to obtain informed consent.

¹ This definition was modified by Council at its meeting of June 9, 2010. Previously, it had read: "the member is in face-to-face communication with the auxiliary at least once per day on the days that the auxiliary is performing a delegated task and the member must be accessible in a timely and appropriate manner while the delegated task is being performed."

RELEVANT LEGISLATION

Act

The *Veterinarians Act, 1990*, is the profession-specific Act which governs the practice of veterinarians in Ontario. O. Reg. 1093 is the regulation under that Act.

Section 11 of the *Act* prohibits non-veterinarians from practising veterinary medicine:

Licence required

11. (1) *No person shall engage in the practice of veterinary medicine or hold himself, herself or itself out as engaging in the practice of veterinary medicine unless the person is the holder of a licence.*

Exceptions

- (2) *Subsection (1) does not apply to prevent a person,*
- (a) *from rendering first aid or temporary assistance in an emergency without fee;*
 - (b) *from treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal;*
 - (c) *from taking blood samples;*
 - (d) *from preventing or treating fish and invertebrate diseases;*
 - (e) *from collecting or using semen for the purposes of a business that engages in the artificial insemination of livestock;*
 - (f) *from collecting or transporting ova and embryos of animals other than mammals.*

Idem, student

- (3) *Subsection (1) does not apply to a student of veterinary medicine to the extent that the student is engaging in the undergraduate curriculum of studies at the Ontario Veterinary College of the University of Guelph.*

Interpretation of owner

- (4) *For the purpose of clause (2) (b), a person is not the owner of an animal if the person buys the animal, treats it and resells it or intended to resell it to either the person who sold it to him or her or to that person's nominee.*

Proof of practice

- (5) *For the purposes of this section, proof of the performance of one act in the practice of veterinary medicine on one occasion is sufficient to establish engaging in the practice of veterinary medicine.*

Application of Drug and Pharmacies Regulation Act

- (6) *The Drug and Pharmacies Regulation Act does not apply to prevent a person who holds a licence from compounding, dispensing or selling drugs in the course of engaging in the practice of veterinary medicine.*

Sale of drugs

- (7) *The Livestock Medicines Act does not apply to prevent a person who holds a licence from selling a drug in the course of engaging in the practice of veterinary medicine to an owner of livestock for the treatment of livestock.*

Regulation

O. Reg. 1093, section 1 defines an auxiliary:

“auxiliary” means a person involved in a member’s practice of veterinary medicine other than another member.

O. Reg. 1093, section 40. (2) (a) defines a regular client:

A person is a regular client of a member if,

(i) the person uses the professional services of the member regularly and with reasonable frequency, and

(ii) the person has not requested the transfer of the records for the person’s animal to another member.

O. Reg. 1093, section 33. (1) defines a valid Veterinarian-Client-Patient Relationship (VCPR):

No member shall administer, dispense or prescribe a drug unless,

(a) *the member has assumed the responsibility for making medical judgments regarding the health of the animal or group of animals and the need for medical treatment and the custodian of the animal or group of animals has indicated a willingness to accept the advice of the member;*

(b) *the member has sufficient knowledge of the animal or group of animals by virtue of a history and inquiry and either physical examination of the animal or group of animals or medically appropriate and timely visits to the premises where the animal or group of animals is kept to reach at least a general or preliminary diagnosis;*

(c) *the member believes that the drug is prophylactically or therapeutically indicated for the animal or group of animals; and*

(d) *the member is readily available in case of adverse reactions to the drug or failure of the regimen of therapy.*

Regarding a member's responsibility when delegating to an auxiliary, O. Reg. 1093, section 19 states:

- 19.(1) *A member is responsible for the conduct of his or her auxiliaries and for the suitability and quality of the performance of their acts.*
- (2) *A member is guilty of professional misconduct if an auxiliary of the member does or omits to do anything that, if done or omitted by a member, would constitute professional misconduct.*
- (3) *A member properly supervises the performance of an auxiliary's task if the member,*
 - (a) *is physically present on the premises when the task is performed, remains available for personal intervention if required and monitors the performance to determine that the task is properly carried out; or*
 - (b) *if absent on account of an emergency or otherwise temporarily absent and the performance of the task does not require a member's attendance, has given general instructions for such an occasion and the member ascertains as soon as practicable after the task is performed that it was properly carried out.*
- (4) *A member may direct an auxiliary who is suitably qualified by education or experience to perform, under the supervision of a member, the tasks traditionally assigned to auxiliaries including flushing and infusion procedures in the course of embryo transfers after appropriate assessment by a member.*

As well, O. Reg. 1093, subsection 17.-(1) 30 states that professional misconduct includes:

Failing to direct or supervise, or inadequately directing or supervising, an auxiliary.