



# INFO SHEET

## Steering from Animal Welfare Organizations

### INTRODUCTION

The intent of (Sec. 38) Ontario Regulation 1093 is to allow owners to freely choose the veterinarian who will care for their animal. It allows the new animal owner to develop a relationship and confidence in a veterinarian who they have personally chosen to care for their animal throughout its life. It also eliminates the potential conflict of interest for the veterinarian who participates in a steering situation.

***O.Reg 1093 (Sec. 38)***

*A member shall not participate directly or indirectly in a system in which another person steers or recommends clients to a member for a professional service or an ancillary service.*

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### **Treatment of animals owned by organization**

An animal welfare organization is free to obtain veterinary services from the veterinarian of their choice, where the animal is *bonafide* owned by the organization. This means that the organization has acquired the animal either by it being unconditionally released to the organization by the previous owner, or the organization has legally acquired the animal through an animal control program. An organization cannot acquire ownership of an animal simply for the purpose of treating it or having it treated, then returning it to the original owner (Sec. 11.-(4), *Veterinarians Act*).

### **Payment of services for private owners**

The organization may reimburse an owner, in whole or in part, for veterinary care which the owner has obtained at a veterinarian of his or her choice. In this case, it is recommended that the owner present the animal welfare organization with proof of payment for the veterinary service, for reimbursement by the animal welfare organization. This ensures that there is no direct relationship between the veterinarian and the organization, which may be construed as steering.

### **Spay/Neuter Programs**

Where an animal is adopted from an animal welfare organization, the organization may provide the owner with a spay/neuter coupon or voucher. The coupon or voucher must be for a set dollar amount, and must be redeemable by all veterinarians.

When an animal welfare agency wishes to provide spay/neuter services for an animal which they are offering for adoption, they are free to provide it with veterinary care of their choice, at their expense, as long as the animal remains owned by and in the possession of the animal welfare agency. Therefore, an agency may offer

an animal for adoption to the public, and make the spay/neuter of the animal a condition of the adoption, as long as the animal remains owned by and in the possession of the animal welfare agency until the completion of the procedure, and all dealings, including payment of fees, are directly between the organization and the veterinarian.

### **“Foster Homes” or “Trial Adoptions”**

When an animal is being fostered by an individual, on behalf of an animal welfare organization, with the clear intent that this is a **temporary** arrangement which provides lodging and care for the animal until a **different, permanent** home is found, the College has no concerns with the organization taking that animal to any veterinarian they wish for treatment.

However, the College does not accept that this is the same as an individual who has an animal on a “trial basis”. In the College’s view, this is not a fostering arrangement. The College does not accept that a “foster caregiver” is the same as an individual who is awaiting approval for adoption. Where an individual obtains an animal from the organization with the intent of providing a permanent home for it, it would be inappropriate for any veterinarian to provide treatment for that animal if the individual was, in any way, directed to that veterinarian by the organization. This would be a steering arrangement.

The College believes that once an agreement to adopt the animal has been made and the possession of the animal has changed, despite whatever period of time may pass for the adoption procedure to be finalized, the responsibility for acquiring a veterinarian of their choice immediately falls to that person adopting the animal. When there is some desire by the individual or the organization to

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adopt the animal on a trial basis, the animal must be clearly adopted, with the understanding that the owner is 100% responsible for any decisions regarding the choice of a veterinarian to treat the animal. Section 38 of the Regulation ensures that a member of the public is free to utilize a veterinarian of their choice and is not directed or “steered” to a particular one.

**Prospective owner choosing to use their own veterinarian**

Where an animal welfare agency has a program whereby an animal will not be released to a prospective owner until it has been spayed or neutered, can the prospective owner indicate their preference for which veterinarian they wish to perform the procedure?

The College has no concern with this scenario where the prospective owner has indicated:

1. That this is their preference. “I would like the dog to be neutered by Dr. X.”
2. That the name of the veterinarian or veterinary clinic is information that they have provided to the agency (i.e. the agency cannot present the adoptive owner with a list of veterinarians and ask them to choose from one of them). “Dr. X is my veterinarian.”

In this scenario, the animal welfare agency can then deliver the animal to that veterinarian, and make whatever arrangement for payment of the fees that they wish.

Where the prospective owner has not indicated such a preference, then the agency is free to have the animal spayed or neutered at the veterinarian of the agency’s choice, subject to the requirements of Sec. 38 of the Regulations.

*INFO SHEETS of the College of Veterinarians of Ontario provide veterinarians and the public with information about the governance of veterinarians in Ontario or contain practice parameters and standards that should be considered by all Ontario veterinarians in the care of their patients, dealings with their clients and the welfare of their staff.*

*It is important to note that these INFO SHEETS may be used by the College or other bodies in determining whether appropriate standards of practice and professional activities have been maintained.*

*The College of Veterinarians of Ontario regulates veterinarians in Ontario in the public interest.*

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