

**The College of
Veterinarians of Ontario**

Position Statement

Steering

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TABLE OF CONTENTS

	Page #
PURPOSE	1
SCOPE	1
RELEVANT LEGISLATION	1
BACKGROUND.....	2
EXCLUSIONS.....	5

Purpose

This position statement will assist practitioners in identifying activities which constitute steering between any person and a veterinarian.

College publications contain practice parameters and standards which should be considered by all Ontario veterinarians in the care of their animals and practice of the profession. College publications are developed in consultation with professional practice leaders 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.

Scope

This position statement applies to all veterinary practitioners.

Relevant Legislation

Section 38 of Regulation 1093 states:

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.

Subsection 42. (2) states:

A member has a conflict of interest where the member, or a related person, or an employee or employer of the member, directly or indirectly,

- (a) enters into any agreement, including a lease of premises, under which any amount payable by or to a member or a related person is related to the amount of fees charged by the member; or*
- (b) receives, makes or confers a fee, credit or other benefit by reason of the referral or transfer of an animal or a specimen from or to any other person.¹*

¹ There are some exceptions for agreements and fee sharing between veterinarians even where, in some circumstances, there are referrals to each other.

Section 44. (1) states:

A member has a conflict of interest if the member or a partner or associate of the member,

- (a) inspects or assesses an animal on behalf of both the seller and the buyer of the animal; or*
 - (b) being regularly engaged by the seller or buyer of an animal, inspects or assesses an animal on behalf of the other party to a sale.*
- (2) Despite subsection (1), a member, or a partner or associate of the member, may inspect or assess an animal on behalf of both the buyer and seller of the animal or, where one or more of them are regularly engaged by the seller or buyer of an animal, any of them may inspect or assess an animal on behalf of the other party to a sale if, before accepting engagement by the second party, he or she,*
- (a) informs both parties of the conflict of interest and of the circumstances giving rise to it;*
 - (b) informs both parties that no information received by the member, or a partner or associate of the member, in connection with the transaction can be treated as confidential so far as the other party is concerned; and*
 - (c) after informing the parties under clauses (a) and (b), obtains the consent of both parties to inspect or assess the animal on behalf of both of them, which shall be in writing unless it is impracticable to obtain the consent in written form.*

Background

“Conflict of Interest” can be broadly defined as:

“A member has a conflict of interest where the member or a related person or a related corporation has an arrangement or relationship with a person where a reasonable person could conclude that the exercise of the member’s professional expertise or judgment is or may be influenced by the member’s personal financial interest.”

Source: Ontario Regulation 853/93, subsection 5 (3) (regulation under the *Dentistry Act*)

Any professional activities in which practitioners participate must not conflict or present a perceived conflict with the fundamental principles of veterinary medicine.

Section 38 of Ontario Regulation 1093 outlines rules which govern the process of referring and recommending clients to veterinarians. In general, the regulation is drafted to ensure that:

- there is no apparent benefit to any party (veterinarian, referrer, potential client) for a recommendation (and thus reflects their genuine views); and
- there are no perceived or real restrictions on the ability of members of the public to choose a veterinarian based on criteria of importance to the public.

Veterinarians cannot participate in any systems of steering where potential clients are directed to designated practitioners for veterinary services. There are three components to improper steering:

- there must be a “system” (i.e. a structured program or ongoing activity);
- the system results in clients being directed to particular member(s); and
- the veterinarian must participate in the system in some way.

Initially, the veterinarian’s involvement in the system may be with or without their knowledge. However, once a veterinarian becomes aware of their involvement in such a system (e.g. by a commercial enterprise that is used to promote and endorse its own products and services), it is their professional responsibility to ensure that the practice is discontinued.

One system of steering involves College members’ names or practices appearing on an incomplete list distributed without a request being made by the consumer. Lists include documents which designate preferred veterinarians compiled by pet stores, breeders, groomers, animal welfare agencies and veterinary related organizations.

A list compiled by an association, for example the American Association of Equine Practitioners (AAEP), is a complex issue related to steering concerns. If such a list is intended to be or has the effect of referring prospective clients to a select group of veterinarians, it may constitute steering. For example, if the association promotes membership on the basis of a referral service as part of its member services, then steering is likely occurring. Alternatively, if the list is only passively available to members of the public who must actively request or search for it, then the situation would not appear to constitute steering.

When the public is actively provided with association lists, potential clients may feel that the designated individuals possess extraordinary skills and qualifications. The steering regulation has been interpreted that any member allowing their name to appear on such a list of association members is participating, voluntarily or involuntarily, in a system of steering. Again, a passive list for a non-commercial organization (one that is only available to the public on request and which is not advertised or promoted) is acceptable.

The regulation places the responsibility on the practitioner to perform all measures necessary to ensure they are in compliance, up to and including a refusal to provide service to any parties involved in a steering system.

A) Appropriate referrals which will not be considered as steering:

the referral or referrals by a client or acquaintance, to a member for veterinary or ancillary services, where such a referral can be attributed to the person's experience with the member.

It is acceptable for a non-practitioner to refer a client to a veterinarian if:

there is no apparent system (i.e. a structured program or ongoing activity) of referring clients to a particular practitioner (and thus reflects their genuine views);

B) Inappropriate forms of referrals

i) A financial arrangement where a member receives or confers benefits from or to another person specifically as a result of the referral.

Ontario Regulation 1093, subsection 42. (2) specifically notes that a member has a conflict of interest where the member receives, makes or confers a fee, credit or other benefit by reason of the referral or transfer of an animal or a specimen from or to any other person.²

ii) A system of repetition in which a member's name, facility or service is disseminated to the public without request other than through CVO approved methods of advertising.

Potential indications that steering may be occurring include:

- referrals where options are not provided;
- the seller of an animal suggesting or requiring that the new owner present the animal to a particular veterinarian for any examination, vaccination, or other health services.

² Again, there are some exceptions for agreements and fee sharing between veterinarians even where, in some circumstances, there are referrals to each other.

Exclusions

a) Abused Women's Animal Shelters

The CVO recognizes that most shelters and residences for women leaving abusive relationships do not permit animals. Therefore, any list or document that identifies veterinarians willing to accommodate animals owned by women residing in these facilities will not be considered steering. The lists should be accessible to all local veterinarians who are willing to provide this service.

b) Referrals by Veterinarians

Genuine referrals by a veterinarian to another veterinarian with the interest and/or skills to deal with a matter which is based on the referring veterinarian's professional judgment is not steering if all relevant conflict of interest regulations are followed.