



## AGENDA ITEM 12.3

### **TOPIC: Prescribed Offences**

### **History of Topic**

#### *General Information and Legislative Framework*

Both applicants and members of the College are required to share information related to offences and/or charges under the *Veterinarians Act (VA)*. The *Veterinary Professionals Act, 2024 (VPA)* maintains these expectations while also introducing a strengthened legislative framework related to member self-reporting. In particular, Sections 38 and 41 of the *VPA* outline a member's obligations to report offences and/or charges to the College and indicate the need to develop regulation language that specifically states which types of offences and/or charges that a member is required to report. These are known as prescribed offences.

The College currently has several ways in which it receives information on an applicant or member related offences and/or charges:

1. Licensure Application Process

Under Regulation 1093, licensure applicants are required to provide a declaration affirming that there has been no finding of guilt and that there is no charge pending an allegation of an offence relevant to the applicant's suitability to practise veterinary medicine. To satisfy these requirements, licensure applicants are required to provide honest and complete declarations and to submit a criminal record check prior to a licence being issued.

2. Updating Information

The College's By-laws require members to update certain information, in writing, within 30 days of the change. This includes any findings of guilt of any offence in any jurisdiction, other than the *Highway Traffic Act*, as well as being the subject of any similar proceeding.

### 3. Investigations Process

The College also becomes aware of offences and/or charges associated with members through its investigation process. This can include direct reports by members of the public, flags in the media, or reports from other members.

Information related to offences and/or charges is primarily used by the College in two ways. If it relates to an applicant, the information is shared with the Registration Committee for its use in determining the individual's eligibility for licensure. If it relates to a member, the information is considered by the Registrar and if, in the Registrar's opinion, the offence or charge is serious and may be relevant to the member's suitability to practice, the matter will be referred to the College's investigations and resolutions process for further consideration and review related to the member's conduct and suitability to practise.

#### *What Will Change?*

There are no statutory differences between the VA and VPA related to the way that applicants are required to share information with the College under the VA. Applicants are still required to adhere to all requirements for licensure (which will be outlined in Regulation), and the College maintains its ability to require criminal record checks as part of this process.

The VPA elevates the requirements for a member to self-report any specified offences and/or charges from the level of College By-law to a statutory expectation. This was not a specific request by the College but instead was a decision made by the government to reflect the importance of regulators receiving and processing this information to ensure public protection. The VPA also requires a higher level of detail related to offences than currently outlined in College By-law, in particular requiring reportable offences to be specifically laid out in regulation language.

The VPA moves away from the 30-day reporting period currently outlined in College By-law to requiring a member to report any applicable offence and/or charge as soon as reasonably practicable. It also outlines the specific information that is to be shared by the member in their report.

Information received by the College related to members' offences and/or charges will continue to be reviewed by the Registrar and where appropriate, processed through the investigations and resolutions process.

The inclusion of mandatory self-reporting of offences will also decrease the College's reliance on third-party sources (such as members of the public or the media) to obtain timely information related to member conduct.

## Development of a Regulatory Concept by Transition Council

Based on this framework, Transition Council reviewed and forwarded for public consultation a regulatory concept related to prescribed offences in September 2024. This concept included:

### 1. Offences Relevant to the Practice of Veterinary Medicine

Transition Council proposed that regulation language be developed to outline the list of offences that should be reportable due to their relevance to the practice of veterinary medicine. This includes offences related to animal abuse and welfare, horse racing, wildlife conservation, and drug management.

### 2. Offences Relevant to Professionalism

Transition Council proposed that regulation language be developed to outline the list of offences that should be reportable due to relevance to professionalism. This includes all criminal offences under the *Criminal Code* as well as more serious aspects of the *Highway Traffic Act*, including unsafe or careless driving (the latter of which is directly tied to a member's ability to practise through an accredited mobile veterinary facility).

The specific offences proposed were:

- An offence under the *Criminal Code*. \*
- An offence under the *Controlled Drugs and Substances Act*. \*
- An offence under Section 49 of the *Provincial Animal Welfare Services Act, 2019*. \*
- An offence under the *Animals for Research Act*. \*
- An offence under the *Horse Racing Licence Act, 2015*. \*
- An offence under the *Fish and Wildlife Conservation Act, 1997*. \*
- An offence under the *Pounds Act*. \*
- The following offences under the *Highway Traffic Act*\*\*:
  - Section 84 – penalty for driving unsafe vehicle;
  - Section 130 – careless driving; or
  - Any other offence for which an individual is ordered to pay a fine of not less than \$1,000 and/or to serve an imprisonment term of any length.

\* Currently collected under the College's By-laws.

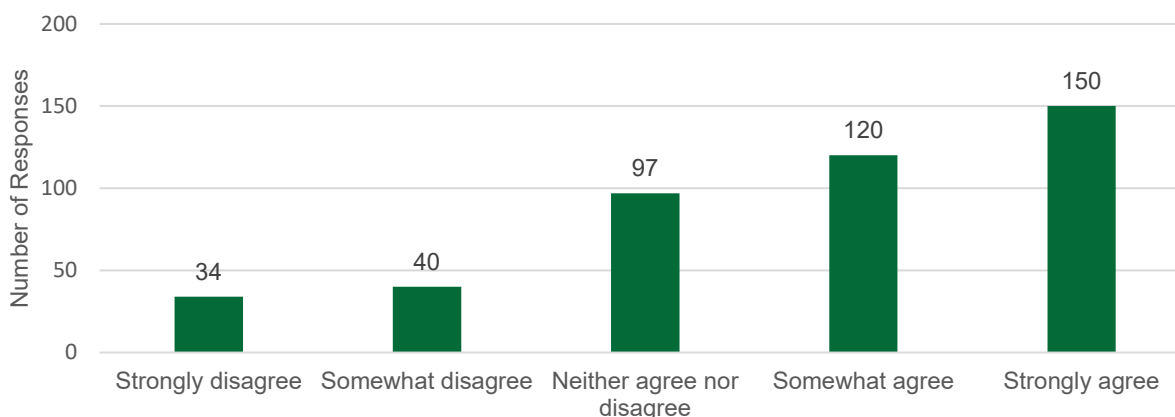
\*\* Proposed new addition.

## General Consultation Feedback

Prescribed offences that must be self-reported were included in the list of regulatory concepts that were circulated for public consultation from February 11 to April 16, 2025.

The following quantitative responses were received related to prescribed offences:

Survey respondents were asked to indicate their agreement with a statement about Prescribed Offences on a Likert scale of responses from “Strongly disagree” to “Strongly agree”. The figure below presents the results of 441 responses to the statement “*The proposed regulatory concept related to prescribed offences is appropriate.*”.



In addition to this quantitative data, the following qualitative trends were noted:

- Disagreement with the inclusion of *Highway Traffic Act* offences unless relevant to practise; and
- Questions surrounding the consequences for not self-reporting.

For more information related to these submissions, please refer to pages 65-66 of the full consultation report.

## Consultation Feedback from Key Partners

### *Ontario Veterinary Medical Association (OVMA)*

In its April 15, 2025, submission the OVMA shared:

- Requests to only include offences directly related to the practice of veterinary medicine and the safety of animals or humans be included;
- Concerns surrounding the inclusion of the *Highway Traffic Act*;
- Requests for clarity of process in subsequent College guidance;
- Requests for consideration of rulings made in other jurisdictions;
- Opposition to publication of members’ names until a discipline decision is rendered;
- Requests for prescribed offences to remain listed in College By-law; and
- Requests for ongoing consideration of individuals with substance abuse concerns.

### *Ontario Association of Veterinary Technicians (OAVT)*

In its April 16, 2025, submission the OAVT noted that it had no further comments to provide on this topic at this time.

### *Other Submissions*

- Concerns related to the inclusion of driving offences
  - Ontario Association of Bovine Practitioners (OABP), Ontario Association of Equine Practitioners
- Questions related to rulings from other jurisdictions
  - OABP
- Questions related to consequences for not reporting
  - ProVet Alliance

For more information related to these submissions, please refer to the beginning of page 131 of the full consultation report.

## **Further Information Gathered Based on Consultation Feedback**

### 1. Confirmation of Requirement for Prescribed Offences to Appear in Regulation

Sections 38 (1) and 41 (1) of the *VPA* require a member to report if they have been found guilty of or charged with a prescribed offence. Section 1 (1) of the *VPA* states that prescribed means “prescribed by the regulations under this Act.” This means that prescribed offences must be outlined in regulation language.

### 2. Tying Prescribed Offences to Relevancy to the Practice of Veterinary Medicine

In developing the proposed regulatory concept, the College considered the importance of not using language in the regulation that specifically includes the words “relevant to the practice of veterinary medicine” as this creates situations in which the member themselves is entitled to decide whether the offence is relevant or not and really removes the ability of the College to take action for failing to report (i.e., the member will argue that they did not believe the offence was “relevant” to the practice of veterinary medicine). Instead, the College believes it is appropriate to simply list the offences that must be reported and for the College to then determine whether any action is necessary with respect to it. This approach also allowed for more transparent consideration of offences that could affect a member’s professionalism which may not be directly related to the practice of veterinary medicine but could reflect their overall ability to provide safe and accountable veterinary care to the public and its animals.

### 3. Publication of Members’ Names Related to Discipline Proceedings

### *General Process*

Section 82 (1) (j) of the *VPA* states that “the Registrar shall maintain one or more registers which shall include... any notices of discipline hearings and related allegations, which shall be entered before the holding of the hearing.” Further, Section 82 (1) (k) states that the register shall also include “a copy of the specified allegations against a member or former member for every matter related to professional misconduct or incompetence that has been referred by the

Investigations and Resolutions Committee to the Discipline and Fitness to Practise Committee under subsection 49 (5) and that has not been finally resolved”.

These provisions were included in recognition of the importance of public access to this information and were part of the College’s original submission to the Ministry of Agriculture, Food and Agribusiness related to legislative reform.

This information would not be published until after a referral to the Discipline and Fitness to Practice Committee and would not automatically be published upon receipt of a self-report from a member.

### *Interim Orders*

Section 51 (1) of the *VPA* states that “At any time after receiving a matter under paragraph 4 of subsection 33 (2) [quality assurance report] or subsection 43 (3) [complaint] or after an investigator is appointed under section 46, the Investigations and Resolutions Committee may, subject to subsection (5) of this section, make an interim order directing the Registrar to suspend, or to impose terms, conditions or limitations on, a member or former member’s licence if it is of the opinion that the conduct of the member or former member exposes or is likely to expose an animal or human to harm or injury”.

Section 82 (1) (c) and (d) notes that the registrar shall include any terms, conditions, or limitations imposed on a licence or any revocation, suspension or cancellation of a licence.

Further, Section 82 (1) (f) states that “where an entry results from a decision of a committee, the name of the committee that made the decision and any finding of the committee resulting in the entry” shall also be published.

This means that if a member was suspended or their practise was otherwise limited by way of an interim order under Section 51 (1) in relation to a prescribed offence then this information is required to be published on the register.

### *4. Offences under the Highway Traffic Act*

In recognition of the feedback received related to the inclusion of offences under the *Highway Traffic Act*, further information was gathered that maintained the position that members be required to report the most serious offences in the *Highway Traffic Act* including:

- Section 84 – penalty for driving unsafe vehicle;
- Section 130 – careless driving; or
- Any other offence for which an individual may be ordered to pay a fine of not less than \$1,000 and/or to serve an imprisonment term of any length.

The College may not necessarily take action with respect to a member reporting that they have been found guilty or charged with one of these offences, but in some circumstances, the charge or offence may be relevant to the practice of veterinary medicine, e.g., if the conduct occurs while the member is traveling to or from a client's location and results in serious harm to a person.

## **Additional Context to Assist with Decision Making**

Based on the consultation feedback received and the additional information gathered, no additional changes or amendments to the regulatory concept related to licensure are suggested at this time.

## **Transition Council Discussion**

The information contained in this cover sheet is being presented to Transition Council for its review and discussion related to next steps. To aid in this discussion, Transition Council is encouraged to consider if any further clarification or additional information is necessary prior to providing its direction.

## **Potential Direction**

Based on this review and discussion, Transition Council may direct:

1. That the regulatory concept be approved for submission to OMAFA as presented or amended;
2. That the regulatory concept be returned to College staff for further work and consideration; or
3. Any other direction as determined by Transition Council.

## **Attachments**

1. Appendix A – Regulatory Concept (as presented in the public consultation).

### Concept Chart – Prescribed Offences

Section	Primary Concepts Confirmed by Transition Council	Additional Information	Date of Confirmation
This column outlines the specific section of regulation.	This column provides a description of the objectives sought and the associated reasoning.	This column provides any additional specific information required to ensure clarity.	This column outlines when Transition Council confirmed the concept as well as any additional questions raised.
<b>Prescribed Offences</b>	<p><b>General</b></p> <p>Transition Council proposes the development of regulation language related to prescribed offences in accordance with Sections 38 (1) and 41 (1) of the <i>Veterinary Professionals Act, 2024 (VPA)</i>.</p> <p>This regulation language will apply to both veterinarians and veterinary technicians.</p> <p><b>Purpose</b></p> <p>The VPA requires regulatory language that outlines the types of offences that members will be required to report to the College of Veterinary Professionals of Ontario (CVPO).</p> <p><b>Overview</b></p> <p>Members will be required to report any charges or findings of guilt related to prescribed offences to the CVPO as part of the investigations and resolutions process. This expectation</p>	<p>The specific offences proposed are:</p> <ul style="list-style-type: none"> <li>• An offence under the <i>Criminal Code</i>. *</li> <li>• An offence under the <i>Controlled Drugs and Substances Act</i>. *</li> <li>• An offence under section 49 of the <i>Provincial Animal Welfare Services Act, 2019</i>. *</li> <li>• An offence under the <i>Animals for Research Act</i>. *</li> <li>• An offence under the <i>Horse Racing Licence Act, 2015</i>.*</li> <li>• An offence under the <i>Fish and Wildlife</i></li> </ul>	<p>Transition Council confirmed the regulatory concept related to prescribed offences in September 2024.</p>



Section	Primary Concepts Confirmed by Transition Council	Additional Information	Date of Confirmation
	<p>is a continuation of current reporting requirements contained in the By-Laws of the College of Veterinarians of Ontario.</p> <p><b>Aligned Offences</b></p> <p>Transition Council proposes that the following types of offences be outlined as reportable:</p> <ul style="list-style-type: none"> <li>• <b>Offences relevant to the practice of veterinary medicine</b> including those related to animal abuse and welfare, horse racing, wildlife conservation, and drug management.</li> <li>• <b>Offences relevant to professionalism</b> including criminal offences and unsafe or careless driving.</li> </ul> <p>In proposing these offences, Transition Council applied the lens of public protection to ensure that all members possess the character and integrity that the public expects of professionals.</p>	<p><i>Conversation Act, 1997.*</i></p> <ul style="list-style-type: none"> <li>• An offence under the <i>Pounds Act.*</i></li> <li>• The following offences under the <i>Highway Traffic Act**</i>: <ul style="list-style-type: none"> <li>○ Section 84 - penalty for driving unsafe vehicle;</li> <li>○ Section 130 – careless driving; or</li> <li>○ Any other offence for which an individual is ordered to pay a fine of not less than \$1,000 and/or to serve an imprisonment term of any length.</li> </ul> </li> </ul> <p>Offences under the <i>Highway Traffic Act</i> are included due to a member's ability to practise through an</p>	

Section	Primary Concepts Confirmed by Transition Council	Additional Information	Date of Confirmation
		<p>accredited mobile veterinary facility.</p> <p>* Currently collected under the College's By-Laws.</p> <p>** Proposed new addition.</p>	