



AGENDA ITEM 9.1

TOPIC: Non-Delegable Activities

History of Topic

General Information

The *Veterinary Professionals Act, 2024 (VPA)* provides the legislative framework for an authorized activity model for the practice of veterinary medicine in Ontario. This framework moves away from an exclusive scope of practice in favour of a more prescribed approach to practice for veterinarians, veterinary technicians, and auxiliaries that clearly outlines the types of activities that can be performed by members as well those working under their supervision and delegation where applicable.

This cover sheet outlines Transition Council's work related to one aspect of this authorized activity model – non-delegable activities.

Legislative Framework

Section 9 of the *VPA* allows for the development of regulation that outlines the ways in which both members and non-members are permitted to perform authorized activities.

Section 9 (2) states that a member (either veterinarian or veterinary technician) may only carry out an authorized activity while engaged in the practice of veterinary medicine and subject to any prescribed conditions or prohibitions and any terms, conditions or limitations imposed on their licence.

Section 9 (3) states that a person who is not a member may carry out an authorized activity if it is delegated to that person by a member.

Schedule One of the *VPA* contains a list of seventeen (17) authorized activities can only be performed by members or by non-members to whom the activity is delegated or who are otherwise specifically authorized by the *VPA*.

Development of Regulatory Concept by Transition Council

Transition Council reviewed and forwarded for public consultation a regulatory concept related to non-delegable activities in January 2025. This concept included:

1. Non-Delegable Activities

Transition Council proposed the development of regulation language that outlines the activities (or components of) that cannot be delegated by a veterinarian member.

Activity	Reasoning
<p>Communicating to an individual a diagnosis identifying a disease, disorder, dysfunction or condition as the cause of an animal's signs and presentation in circumstances in which it is reasonably foreseeable that the individual will rely on the diagnosis.</p> <p>Except when,</p> <ul style="list-style-type: none"> • A veterinary technician member is providing confirmation of the death of an animal(s) or group of animals to an individual; • A veterinary technician member is communicating a veterinarian's diagnosis to an individual based on the veterinarian's delegation and the veterinarian remains readily available to communicate with the individual; or • A veterinary technician member is providing confirmation of pregnancy in a food producing animal following the application of transabdominal diagnostic ultrasound. 	<p>The activity of communicating a diagnosis presents an inherent risk of harm or potential harm if not offered or overseen by a veterinarian. Given this, it is proposed that this authorized activity be marked as non-delegable in all but three distinct circumstances.</p> <p>The first circumstance is when a veterinary technician member is providing confirmation of the death of an animal(s) or group of animals. This allowance is proposed in recognition of two main factors:</p> <ol style="list-style-type: none"> 1. Veterinary technicians are often involved in the triaging of animals, especially in emergency situations. In these circumstances, there may arise situations where a veterinary technician member may be presented with an animal(s) or group of animals where it is clear that death has occurred. Allowing for veterinary technician members to communicate this finding would assist in managing client expectations. 2. Auxiliaries, such as veterinary technicians, are already permitted to perform veterinary euthanasia under the indirect supervision of a veterinarian. Under the new system, there may also be opportunities for veterinary technician members to perform veterinary euthanasia under the order of a veterinarian member. Permitting veterinary technician members to also communicate that

	<p>euthanasia has occurred would assist in full case management in these circumstances.</p> <p>The second circumstance is when a veterinary technician member is communicating a veterinarian's diagnosis to an individual based on a veterinarian's instruction. In these circumstances, the veterinarian would still be responsible for the development of the diagnosis and would be required to be readily available to communicate with the individual. This allowance is proposed to help facilitate a team-based approach to the delivery of veterinary care within accredited facilities whenever possible.</p> <p>The third circumstance is when a veterinary technician member provides confirmation of pregnancy in a food producing animal following the application of transabdominal diagnostic ultrasound. This allowance is proposed in recognition of current practices.</p>
Performing a medical assessment to determine the fitness for purpose or soundness of an animal(s) or group of animals, on which it is reasonably foreseeable that a person or organization will rely on the assessment.	<p>The purpose of this authorized activity is to ensure ongoing regulatory oversight of the medical assessment of an animal(s) or group of animals by veterinarian members related to fitness for sale and/or slaughter. It was also designed to cover any instance where a veterinarian signature would be viewed by the public as an indication that a medical assessment had been completed.</p> <p>This authorized activity does not intend nor seek to limit general assessments of an animal's overall fitness and health.</p> <p>Given its specific purpose, it is proposed that this authorized activity be marked as non-delegable.</p>
Prescribing a drug.	Prescribe a drug for an animal(s) or group of animals presents an inherent risk of harm or potential harm if not performed by a

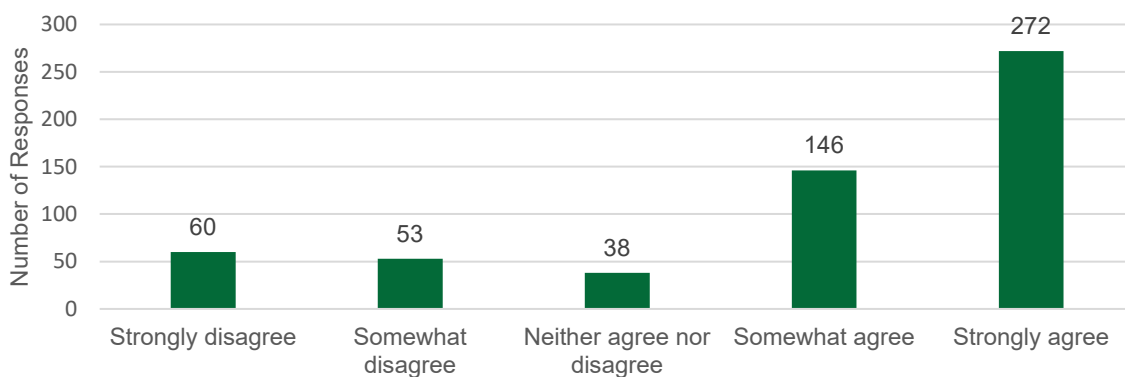
	veterinarian member possessing an in-depth and distinct set of skills, knowledge, and judgment allowing it to be done safely.
Performing major surgery. Major Surgery: means surgery, in which bone, viscera or an extensive area of subcutaneous tissue is exposed.	Performing major surgery present an inherent risk of harm or potential harm if not performed by a veterinarian member possessing an in-depth and distinct set of skills, knowledge, and judgment. The prohibition on delegating the performance of major surgery does not prevent a veterinarian member from having either a veterinary technician member or non-member assist them in the performance of surgery, but these roles must be secondary to the veterinarian member's primary role.
Performing dental extractions.	While the performance of dental extractions will be non-delegable, there will be opportunity through CVPO policy to describe what does not constitute a dental extraction.

General Consultation Feedback

A regulatory concept related to non-delegable activities was 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 non-delegable activities:

Survey respondents were asked to indicate their agreement with a statement about Non-Delegable Activities on Likert scale of responses from "Strongly disagree" to "Strongly agree". The figure below presents the results of 569 responses to the statement "*The authorized activities designated as non-delegable which may only be performed by a veterinarian member are necessary to ensure public protection.*".



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

- Requests for the addition of some activities to the list: joint injections, acupuncture;
- Requests for clarification on where the scope of veterinary technicians may conflict with the list of non-delegable activities (for example, some may consider placing an IV catheter a procedure below the dermis); and
- Requests for procedures involving the eye to be non-delegable.

For more information on this consultation feedback, please refer to pages 23-25 of the full consultation report.

Consultation Feedback from Key Partners

Ontario Veterinary Medical Association (OVMA)

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

- Request for the removal of the word “major” in front of surgery, to read solely as “surgery”; and
- Requests that dental extractions remain non-delegable.

Ontario Association of Veterinary Technicians (OAVT)

In its April 16, 2025, submission the OAVT shared:

- Support for the development of policy outlining what constitutes a dental extraction; and
- Welcomes the distinction between a clinical assessment and a medical assessment.

Other Submissions

- Suggestion to add diagnosis through rectal ultrasound to the list of permitted activities, along with the existing inclusion of transabdominal
 - o Alberta Veterinary Medical Association
- Support for the list of non-delegable activities
 - o Ontario Sheep Farmers; Ontario Association of Swine Veterinarians; Ontario Association of Poultry Veterinarians
- Recommendation that rectal examinations be non-delegable
 - o 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. Inclusion of Major Surgery as Non-Delegable

Regulation 1093 under the *Veterinarians Act (VA)* defines major surgery as “surgery in which bone, viscera or an extensive area of subcutaneous tissue is exposed, or the failure of which would endanger the life or organ function of the animal.” The regulatory concept related to non-

delegable activities recommends the continued use of this definition. The use of “major surgery” vs “surgery” is intentional to avoid encompassing all below the dermis procedures that may cross over into the category “minor surgery” but have been delegable in veterinary medicine since the introduction of the VA.

It is also important to note that a veterinarian can always choose to not delegate any form of surgery.

2. Performing a Procedure On or Below the Surface of the Cornea

The consultation feedback contained some comments that questioned the omission of the authorized activity of “performing a procedure on or below the surface of the cornea” from the list of non-delegable activities. Based on this feedback, further information was gathered related to the activities that could constitute this authorized activity including consulting with a veterinarian who works extensively in this area. Based on this work, it became apparent that there are certain procedures (such as fluorescein tests, Sherman tear tests, tonometry, placing of contact lens, debriding a corneal ulcer, etc.) that should remain delegable to competent veterinary technicians and other auxiliaries. Further, higher-risk activities involving the eye would generally fit within the definition of major surgery since their performance would endanger the function of the eye and would therefore be non-delegable.

3. Further Guidance to be Provided Through Policy

The Council of the College of Veterinary Professionals of Ontario will have the opportunity to develop additional policy and guidance related to the entire authorized activity model, including non-delegable activities, for review and consideration by both the profession and the public. This could include additional clarity related to what procedures are non-delegable, and further detail regarding major surgery and dental extraction.

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 non-delegable activities 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 – Non-Delegable Activities

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 any additional questions raised.
Non-Delegable Activities	<p>General</p> <p>Transition Council proposes the development of regulation language related to non-delegable activities in accordance with Section 9 (2) and (3) of the <i>Veterinary Professionals Act, 2024 (VPA)</i>.</p> <p>Purpose</p> <p>While the <i>Veterinary Professionals Act, 2024</i> establishes the framework for an authorized activity model, the development of additional detail required for full implementation is assigned to regulation.</p> <p>Overview</p> <p>The performance of certain authorized activities (or components of) carries a level of risk of harm or potential harm to animal(s) and/or the public that it necessitates that it only be practised by veterinarian members.</p>	<p>Communicating a diagnosis as non-delegable does not prevent a veterinary technician member or auxiliary from performing a clinical assessment as this is a separate activity from making or communicating a diagnosis.</p> <p>The authorized activity of performing a medical assessment is designed to ensure ongoing regulatory oversight of the medical assessment of an animal(s) or group of animals by veterinarian members related to</p>	<p>The majority of non-delegable authorized activities contained in this regulatory concept were confirmed by Transition Council in November 2024.</p> <p>Transition Council engaged in additional consideration related to dental extractions including what may or may not qualify as a dental extraction.</p> <p>Transition Council confirmed the approach to dental</p>

Section	Primary Concepts Confirmed by Transition Council	Additional Information	Date of Confirmation
	<p>Non-Delegable Authorized Activities</p> <p>Transition Council proposes the development of regulation language that outlines the authorized activities (or components of) that may only be performed by a veterinarian member and cannot be performed by or delegated to either a veterinary technician member or an auxiliary. This includes:</p> <ul style="list-style-type: none"> • Communicating to an individual a diagnosis identifying a disease, disorder, dysfunction or condition as the cause of an animal's signs and presentation in circumstances in which it is reasonably foreseeable that the individual will rely on the diagnosis; • Performing a medical assessment to determine the fitness for purpose or soundness of an animal or group of animals, on which it is reasonably foreseeable that a person or organization will rely on the assessment; • Prescribing a drug; • Performing major surgery; and • Performing dental extractions. <p>Major surgery means surgery in which bone, viscera or an extensive area of subcutaneous tissue is exposed, or the failure of which would endanger the life or organ function of the animal.</p>	<p>fitness for sale and/or slaughter. It was also designed to cover any instance where a veterinarian member's signature would be viewed by the public as an indication that a medical assessment has been completed. This authorized activity does not intend nor seek to limit clinical assessments of an animal(s) or group of animals' overall fitness and health.</p> <p>The inability to delegate the performance of major surgery does not disallow a veterinarian member from having a veterinary technician member or auxiliary assist them in the performance of surgery but these roles must be secondary to the veterinarian member's primary performance.</p> <p>While the performance of dental extractions will be</p>	<p>extractions in January 2025.</p>

Section	Primary Concepts Confirmed by Transition Council	Additional Information	Date of Confirmation
	<p>Specific Allowances for Veterinary Technician Members</p> <p>Transition Council proposes that these authorized activities (or components of) be non-delegable except when:</p> <ul style="list-style-type: none"> • A veterinary technician member is providing confirmation of a death of an animal or group of animals to an individual; • A veterinary technician member is communicating a veterinarian's diagnosis to an individual based on the veterinarian's delegation and the veterinarian remains readily available to communicate with the individual; or • A veterinary technician member is providing confirmation of pregnancy in a food producing animal following the application of transabdominal diagnostic ultrasound. 	<p>non-delegable, there will opportunity through CVPO policy to distinguish what does and does not qualify as a dental extraction.</p>	