



AGENDA ITEM 10.6

TOPIC: Proposed Regulatory Exemption for Embryo Implantation in Cattle

History of Topic

General Information

The *Veterinary Professionals Act, 2024 (VPA)* contains a statutory exception excluding from the prohibition on non-members performing authorized activities the implantation of embryos as part of a business that engages in the artificial insemination of livestock. The *VPA* also permits the making of regulations to further clarify and/or limit on the statutory exceptions contained in Schedule One of the *VPA*.

Through conversations with both veterinary and agricultural communities, the College became aware of the need to further consider this exception. In completing this work, it became clear through research and conversation that the level of risk associated with the performance of embryo implantation in all types of livestock, especially equine, necessitated taking steps to further limit the performance of this procedure. Here, these findings were based on the fundamental anatomic differences that exist between different species of livestock and led to the proposal that the performance of embryo implantation by trained non-veterinary animal care providers be limited to cattle.

Legislative Framework

Section 9 of the *VPA* establishes the legislative authority for the development of an authorized activity model for the practice of veterinary medicine in Ontario.

Section 9 (5) of the *VPA* permits persons (who are not members) to perform certain authorized activities subject to any prescribed guidelines, processes, terms, conditions, limitations, or prohibitions outlined in Regulation.

Section 1 (3) 2 of Schedule One of the *VPA* establishes a statutory exception for the implantation of embryos as part of a business that engages in the artificial insemination of livestock.

Section 93 (1) 8 of the *VPA* grants the College permission to develop regulatory exemptions further clarifying and/or limiting the statutory exceptions contained in Sections 2 and 3 of Schedule One of the *VPA*.

Development of Regulatory Concept by Transition Council

Transition Council reviewed and forwarded for public consultation a regulatory concept related to a regulatory exemption for the performance of embryo implantation in cattle in November 2024. This concept included:

1. Regulatory Exemption to Limit the Statutory Exception for Embryo Implantation

Transition Council proposed the development of regulation language to limit the statutory exception for embryo implantation contained in the *VPA* to performance only in bovines. This recommendation is based on the College's extensive background research and risk-based analysis related to this service.

2. Additional Recommendations for Qualification under the Statutory Exception and Regulatory Exemption

In addition to limiting the statutory exception to performance only in bovine, Transition Council proposed the development of regulation language that also requires a person offering embryo implantation to adhere to the following guidelines, processes, terms, conditions, limitations, and/or prohibitions:

Recommendation	Reasoning
Has completed specific training in embryo implantation in bovine that was developed with veterinarian oversight and includes practical experience.	<p>The College's research related to embryo implantation indicates that it can be safely performed by persons who have received formal and specific training that was developed with veterinarian oversight and included practical experience.</p> <p>This approach is consistent with the current requirements for a veterinarian to assess an auxiliary's skillset before permitting them to perform embryo related services and has been modified to reflect the new model.</p>
<p>Has the knowledge, skill, and judgement to:</p> <ol style="list-style-type: none">1. Perform the authorized activity safely, effectively, and ethically; and2. Determine the animal's condition warrants performance of the authorized activity based on the known risks and benefits.	<p>Recognition of the need for individuals to reflect on their own knowledge, skills, and judgement when determining whether to proceed with offering an authorized activity is fundamental to ensuring public safety and reflects the core principles of professional regulation.</p>

A person would not be required to provide proof of their eligibility related to these qualifications to the College of Veterinary Professionals of Ontario (CVPO). Instead, a person would be expected to review both the statutory exception and regulatory exemption and determine whether they meet the requirements.

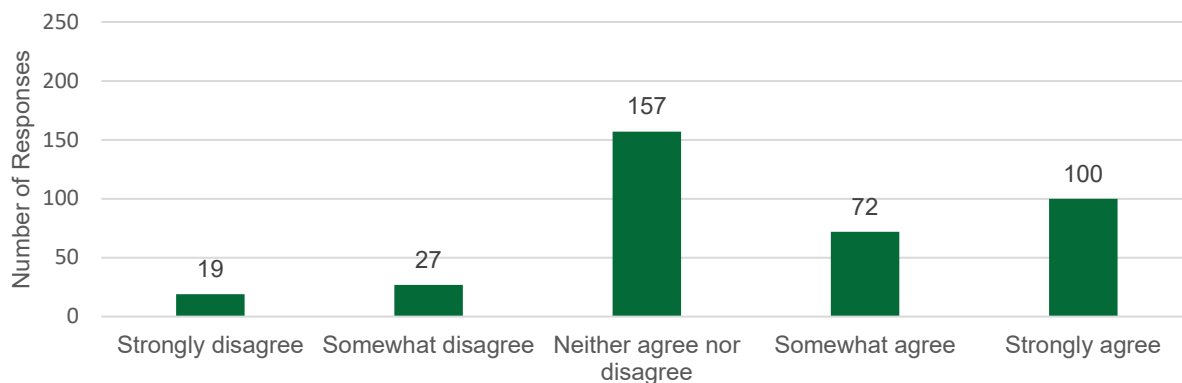
Should the CVPO become aware of a person who is offering embryo implantation to the public who may not meet these requirements, the CVPO could investigate these concerns including requesting proof of eligibility and adherence and pursue further action including the ability to investigate under either unauthorized practice and/or the risk of harm clause if warranted.

General Consultation Feedback

The regulatory exemption for the performance of embryo implantation in cattle 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 the proposed regulatory exemption:

Survey respondents were asked to indicate their agreement with a statement about Embryo Implantation in Cattle on a Likert scale of responses from “Strongly disagree” to “Strongly agree”. The figure below presents the results of 375 responses to the statement “*The proposed conditions and permitted authorized activities embryo implantation in cattle are appropriate to protect the public.*”.



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

- Support for the regulatory concept;
- Comments on the exemption and requests that embryo implantation only be performed by veterinarian members or veterinarian technician members working under the supervision and delegation of a veterinarian member; and
- Questions around accountability.

For more information on this consultation feedback, please refer to pages 44-45 of the full consultation report.

Consultation Feedback from Key Partners:

Ontario Veterinary Medical Association (OVMA)

In its April 15, 2025, submission the OVMA noted that it had no further comments to provide on this topic at this time.

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

- Support for the regulatory concept
 - o Ontario Association of Bovine Practitioners, Ontario Association of Equine Practitioners
- Clarification that embryo transfer in sheep should only be performed by a veterinarian
 - 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

Based on the overall support for the regulatory concept and the feedback gathered in the consultation, no further information was gathered at this time.

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 embryo implantation 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 – Embryo Implantation in Cattle

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.
Embryo Implantation in Cattle	<p>General</p> <p>The Veterinary Professionals Act, 2024 (<i>VPA</i>) permits the development of regulatory exemptions to further clarify and/or limit the statutory exceptions contained in Schedule One of the <i>VPA</i>.</p> <p>Purpose</p> <p>The public expects that the College of Veterinary Professionals of Ontario (CVPO) will continue to oversee the performance of activities that pose a risk of harm or potential harm to an animal(s) or group of animals and/or people. Research has indicated that many forms of embryo implantation continue to pose a high risk of harm or potential harm.</p> <p>Recommended Limitation</p> <p>Transition Council proposes the development of a regulatory exemption that further limits the performance of the following</p>	<p>This proposed regulatory exemption was developed based on in-depth and multi-year research and jurisdictional review that sought to determine common and consistent frameworks in place in Ontario.</p> <p>In completing this work, it became clear that the level of risk associated with the performance of embryo implantation in cattle allowed for other trained non-veterinary animal care providers to provide this important service. However, through this same research and</p>	<p>Transition Council raised questions related to whether the performance of embryo implantation would extend to all types of bovines or just to cattle. Amendments were made to enhance clarity around its performance in cattle.</p> <p>Transition Council confirmed the proposed regulatory exemption for embryo implantation in cattle in November 2024.</p>

Section	Primary Concepts Confirmed by Transition Council	Additional Information	Date of Confirmation
	<p>statutory exception outlined in Schedule One of the <i>VPA</i> to cattle:</p> <p style="text-align: center;"><i>Implantation of embryos as part of a business that engages in artificial insemination of livestock.</i></p> <p>Additional Recommendations for Qualification Under the Statutory Exception and Regulatory Exemption</p> <p>In addition to limiting the statutory exception to performance only in cattle, Transition Council proposes that a regulatory exemption for embryo implantation also require a person to adhere with the following guidelines, processes, terms, conditions, limitations, and/or prohibitions:</p> <ul style="list-style-type: none"> • The person must have specific training in embryo implantation in cattle developed with veterinarian oversight that includes practical experience; and • The person must have the knowledge, skill, and judgement to: <ul style="list-style-type: none"> ○ Perform the authorized activity safely, effectively, and ethically; and ○ Determine the animal's condition warrants performance of the authorized activity based on the known risks and benefits. 	<p>conversation, it also became clear that this same risk analysis did not, and should not, extend to the performance of this procedure in all types of livestock, especially in relation to equine. Here, these findings were based on the fundamental differences that exist between different species of livestock.</p> <p>Persons under this regulatory exemption will not be required to provide proof of their eligibility under the regulatory exemption to the College of Veterinary Professionals of Ontario (CVPO). Instead, these persons will be expected to review the regulatory exemption and determine whether they meet the requirements. Should the CVPO become aware of a person who is offering</p>	

Embryo Implantation in Cattle - Appendix A

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		<p>authorized activities to the public who may not meet requirements, the CVPO will have the ability to investigate these concerns including requirement proof of eligibility and adherence. and will be able to pursue its own investigation under either unauthorized practice and/or the risk of harm clause if warranted.</p>	