



## AGENDA ITEM 7.3

### **TOPIC: Proposed Regulatory Exemption for Members**

#### **Overview**

This cover sheet has been developed to provide Transition Council with the necessary background and context to aid its further consideration of and potential direction related to a regulatory concept on exemptions for members.

One of the many proposed regulatory concepts for consideration to support the *Veterinary Professionals Act, 2024 (VPA)* is regulatory exemptions for members. This concept was discussed at length at the January 9, 2025, meeting of Transition Council and the following were approved for circulation and consultation:

#### **Pathway One**

Allowance for members working as employees of the Crown and/or under the oversight of another piece of federal or provincial legislation to provide authorized activities outside of an accredited veterinary facility.

#### **Pathway Two**

Allowance for a veterinary technician member to perform lower-risk clinical activities and certain authorized activities outside of an accredited veterinary facility in accordance with a treatment plan created by a veterinarian member.

#### **Pathway Three**

Allowance for a veterinary technician member to perform lower-risk clinical activities and certain authorized activities outside of an accredited veterinary facility upon receiving a written referral from a veterinarian member.

#### **Pathway Four**

Allowance for veterinary technician members working as employees of non-veterinary animal care providers who are performing authorized activities under specific statutory exemptions.

Please see Item 7.1 in the January 9, 2025 Transition Council package for full details on the previous discussion. A copy of the Minutes for this item are attached to this cover sheet as Appendix A.

## Consultation

The regulatory concept related to regulatory exemptions for members was included in the list of regulatory concepts that were circulated for public consultation from February 11 to April 16, 2025. For this proposed regulatory concept, a range of responses were received that indicated mixed agreement with the concept as presented. For more information on this consultation feedback, including submissions from key partners such as the Ontario Veterinary Medical Association (OVMA) and Ontario Association of Veterinary Technicians (OAVT), please refer to Appendix B and pages 32-33 of the full consultation report found [here](#).

## Further Information Gathered Since Consultation

The College has received a variety of additional information from different sources since the proposed regulatory concept was circulated for public consultation. Through further staff level analysis of consultation feedback received, additional legal perspectives, and discussions more generally, it became clear that certain regulatory concept pathways for member exemptions, particularly the exemptions for veterinary technician members to practise independently from an accredited veterinary facility, were raising questions related to whether sufficient regulatory oversight and public protection were being achieved.

While some pathways continue to have full oversight of the licensed member (veterinarian or veterinary technician) and their practise, some do not. In particular, legal advice has indicated that the level of independence afforded to veterinary technicians in Pathways 3 and 4 is in fact greater than that currently afforded to veterinarians. As a result, these licensed veterinary technicians would be neither accountable to practise from an accredited facility or in collaboration with a veterinarian while practising authorized activities. This is not in the public interest related to the safety of veterinary care and animal health and welfare.

As a result, Transition Council is being asked to revisit each of the proposed pathways with an enhanced lens on consistency with the CVPO's overall responsibility to uphold and protect the public and its animals.

## Recommendations

Transition Council is asked to consider the following recommendations:

**Recommendation A)** It is recommended that Transition Council continue with the proposed regulatory concept for member exemptions for the first two pathways with minor edits:

*Pathway One – Members Working for the Crown or Under Another Piece of Legislation (Minor Revision)*

The first pathway Transition Council is being asked to approve is the ability for members to carry out authorized activities outside of an accredited veterinary facility if they work for the Crown or under another piece of federal or provincial legislation.

This pathway supports the longstanding approach to member regulation under the existing *Veterinarians Act (VA)* and clearly supports public safety.

The two minor revisions from the January 2025 package being proposed are:

1. That the proposed pathway no longer include the requirement for members to not carry out authorized activities on publicly owned animals as this may occur in situations such as management of infectious diseases; and
2. That the *Animals for Research Act* be the only additional piece of federal or provincial legislation under which a member can carry out authorized activities outside of an accredited veterinary facility since all other pieces of relevant legislation reviewed (including the *Provincial Animal Welfare Services Act, 2024*) require the member to be directly employed or contracted by the Crown in order to provide services.

*Pathway Two – Veterinary Technician Members Working Under a Veterinarian Member's Treatment Plan (Minor Revision)*

The second pathway Transition Council is being asked to approve relates to the ability for a veterinary technician member to carry out authorized activities outside of an accredited veterinary facility if they are working under and in accordance with a veterinarian member's treatment plan.

Proposed changes to this pathway are limited. The College has confirmed that there is ongoing interest at the Ministerial level in ensuring this regulatory exemption as it is clearly connected to a veterinarian member's oversight and accountability.

The minor revision to the January 2025 package being proposed is:

1. That the proposed pathway be amended to separate a veterinary technician member's requirements related to the use of drugs and supplies into two categories:
  - a. For drugs – a veterinary technician member would be required to use the drugs prescribed by the veterinarian member, instead of provided, to allow for clients to obtain drugs from their dispenser of choice; and
  - b. For supplies – a veterinary technician member would be permitted to use their professional judgement to determine what supplies are appropriate and suitable for carrying out the treatment plan.

**Recommendation B)** It is recommended that Transition Council discontinue the development of a proposed regulatory concept for member exemptions for the final two pathways:

### *Pathway Three – Veterinary Technician Members Working based upon a Written Referral from a Veterinarian Member (Suggested Removal)*

The third pathway Transition Council is being asked to revisit relates to the ability for a veterinary technician member to carry out authorized activities outside of an accredited veterinary facility if they are working based upon a written referral from a veterinarian member.

This pathway is being presented for potential removal from the proposed member exemptions for the following reasons:

1. There are no current regulation-making powers that would allow for an exemption of this nature, namely permitting a member to not adhere to the practise of authorized activities from an accredited facility as defined in the *VPA*<sup>1</sup>;
2. The exemption as currently envisioned would create a parallel system to the CVPO's accreditation program in which independent veterinary technician businesses could operate without having to adhere to the same level of oversight and accountability as veterinarians and accredited veterinary facilities; and
3. The CVPO would have to rely on its mandatory quality assurance program to oversee the carrying out of authorized activities from these independent veterinary technician businesses, which is not the intention nor the nature of the program. Likely more important, is that the quality assurance program does not yet exist.

It is proposed that Transition Council strongly recommend that the future Council of the CVPO research the opportunity to expand the facility accreditation model to allow for veterinary technician members to hold a Certificate of Accreditation and serve as Veterinary Facility Directors so that they could offer certain authorized activities (such as those associated with animal rehabilitation) directly to the public. Fully exploring and consulting on these possibilities is in the interest of public access to veterinary care for their animals.

### *Pathway Four – Veterinary Technicians Members Employed by Non-Veterinary Animal Care Providers Operating under Certain Statutory Exceptions or Regulatory Exemptions (Suggested Removal)*

The fourth pathway Transition Council is being asked to revisit relates to the ability for veterinary technician members to carry out certain authorized activities outside of an accredited veterinary facility if they were employed by a non-veterinary animal care provider who offered these services directly to the public by way of statutory exception or regulatory exemption.

This pathway is being presented for potential removal from the proposed member exemptions for the following reasons:

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<sup>1</sup> “veterinary facility” means a building, a vehicle or land, or any combination of them, used or intended to be used as a place in or from which a member carries out authorized activities in the practice of veterinary medicine

1. There are no current regulation-making powers that would allow for an exemption of this nature, namely transferring oversight of a licensed member to a third-party non-accredited business;
2. Currently, veterinarian members who work for these employers are required to obtain accredited veterinary facilities in order to offer their services; and
3. The CVPO would have to rely on its mandatory quality assurance program to oversee the carrying out of authorized activities by these members, which is not the intention of the program and currently, the quality assurance program does not yet exist.

It is instead Transition Council strongly recommend that the future Council of the CVPO research the possibility of proposing an allowance for all members (both veterinarians and veterinary technicians) to carry out certain authorized activities outside of an accredited veterinary facility when working for these types of employers.

## Discussion

The topic of exemptions for members, both veterinarians and veterinary technicians, is a challenging one. There are many strong positions from partners on the best direction forward. Transition Council is being asked to consider all decisions grounded in the public interest at this time to ensure animal health and welfare.

There is no debate as to the competence and skill of veterinary technicians or their ability to contribute to veterinary teams and positive animal health outcomes. The issue at this time is whether the College currently possesses the correct tools to provide oversight and protection of the public interest appropriately and as expected.

Although the discussion is largely along a continuum of permissions related to veterinary technicians and their skillsets, there is lack of information and evidence to support a change in the approach of the VPA which indicates all authorized activities occur from a veterinary facility accredited by the College. At this time, without additional substantive information, and accurate data on the actual nature of the practices under consideration, these businesses need to affiliate with accredited facilities overseen by veterinarians.

It is clear that veterinary technicians have been embracing an entrepreneurial spirit, as do their veterinarian colleagues. However, veterinary technician businesses currently exist outside of any regulatory framework. As veterinary technicians move to become licensed members, they too will need to adapt to practise within an accredited veterinary facility model as do their veterinarian colleagues.

While the data is minimal, and the plans of veterinary technician business owners cannot be anticipated, it is important to acknowledge that the change will impact their existing practices. Once final regulations have been proclaimed it will be important for the College to support these veterinary technician business owners in transition. Education materials, communications, accreditation advisors and other helpful tools will be essential to create successful outcomes.

Given that each pathway has its own specific considerations, Transition Council is asked to provide specific direction on each individually.

**Motion One:** Members Working for the Crown or under Another Piece of Legislation – Proposed Minor Revisions

**Motion Two:** Veterinary Technician Members Working under a Veterinarian Member's Treatment Plan – Proposed Minor Revisions

**Motion Three:** Veterinary Technician Members working based upon a Written Referral from a Veterinarian Member - Suggested Removal

**Motion Four:** Veterinary Technicians Members Employed by Non-Veterinary Animal Care Providers Operating under Certain Statutory Exceptions or Regulatory Exemptions - Suggested Removal

Based on its review and discussion, Transition Council may direct for each motion:

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

## Attachments

1. Appendix A – January 9, 2025 Transition Council Minutes – Item 7.1
2. Appendix B – Consultation Feedback



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# MINUTES

## Transition Council

January 9, 2025

2:30 – 4:30 pm

Virtual

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### **7.1. Integrating Existing Veterinary Technician Roles Outside of Accredited Veterinary Facilities Under the Veterinary Professionals Act, 2024**

Ms. Jan Robinson introduced this agenda item noting that at its last meeting, Council asked College staff to further consider and research potential pathways for assuring that the roles that veterinary technicians have currently established outside of accredited veterinary facilities could continue with appropriate public protection safeguards under the new *Veterinary Professionals Act, 2024*.

Ms. Sarah Kirby went on to outline the options that College staff provided for veterinary technicians currently working outside of accredited facilities to transition over into the new framework while ensuring regulatory oversight and accountability. Five pathways were presented for Transition Council's consideration for public consultation. The pros and cons, the authority for the regulatory exemption and the conditions associated with the regulatory allowance were outlined for the five pathways. Full details were provided in the discussion paper found in the package.

A discussion ensued and the Registrar and Ms. Kirby answered questions posed by Council. Council provided a general agreement for the five proposed pathways to be included in a regulatory concept related to the authorized activity model.

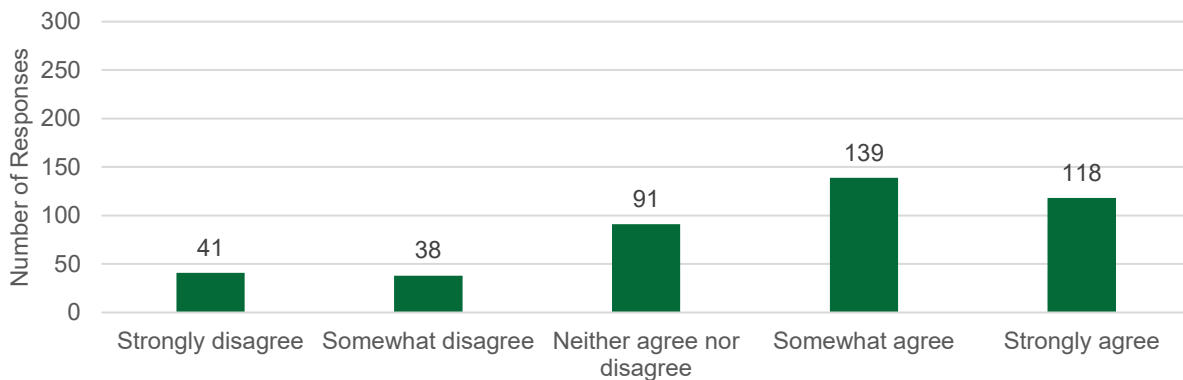


## General Consultation Feedback

The regulatory concept related to regulatory exemptions for members 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 regulatory exemptions for members:

Survey respondents were asked to indicate their agreement with a statement about regulatory exemptions for members on a Likert scale of responses from “Strongly disagree” to “Strongly agree”. The figure below presents the results of 427 responses to the statement “*The proposed exemptions for members are sufficiently inclusive to cover current practices.*”.



Approximately 60% (257/427) of respondents were in agreement (somewhat agree/strongly agree) that the proposed exemptions for members are sufficiently inclusive to cover current practice.

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

- Requests for clarity related to the tasks that can be performed by veterinarian technicians, allied professionals, and non-veterinary staff; and
- Requests to ensure that the quality of animal care continues.

For more information on this consultation feedback, please refer to pages 32-33 of the full consultation report found [here](#).

## Consultation Feedback from Key Partners

*Ontario Veterinary Medical Association (OVMA)*

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

- Support for a regulatory exemption for members working for the Crown or under another piece of legislation;



- Support for a regulatory exemption for veterinarian technician members working under a veterinarian member's treatment plan;
- Support for the remaining models if related to low-risk activities and those in the public domain; and
- Request for consultation and impact studies to be performed before any further changes to business models. This comment from the OVMA is consistent from the date of the introduction of Bill 171 and has been their position throughout the College's consideration of this topic. The OVMA strongly believes that discussion and decisions related to a veterinary technician acting as a Veterinary Facility Director and/or running a business separate and apart from a veterinarian require broad and fulsome consultation with the profession and is best left for the first Council of CVPO.

*Ontario Association of Veterinary Technicians (OAVT)*

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

- Suggestion to split the regulation language into "supplies" and "drugs" and specify that drugs must be "prescribed by" rather than "provided by";
- Request to ensure that regulation explicitly allows veterinary technician members to use their professional judgement regarding the supplies they use; and
- Request to ensure that unlicensed individuals cannot perform a greater scope of authorized activities than a veterinary technician member working for the employer.

*Other Submissions*

- Support for a regulatory exemption for members working under another piece of legislation
  - o Ontario Association of Veterinary Technicians – Rabies Response Program
- Questions around how accountability and recordkeeping will work for businesses
  - o Alberta Veterinary Medical Association
- Request for ongoing consideration of swine veterinarians working outside of veterinary facilities
  - o Ontario Association of Swine Veterinarians; Ontario Association of Poultry Veterinarians

For more information related to these submissions, please refer to the beginning of page 132 of the full consultation report found [here](#).