

Steering

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Introduction

This Policy Statement clarifies the College’s interpretation of the activities that constitute steering between any person or group and a veterinarian or veterinary practice.

Definitions

Conflict of Interest: Conflict of interest is generally understood to be where the private interests, usually financial, of a person conflict with that person’s professional responsibilities.

Steering: Steering is a prohibited activity whereby a person is systematically referred or directed to a particular veterinarian or veterinary practice by another individual or organization, and where the direction:

- is made for a reason other than the genuine belief that the receiving veterinarian or practice is being recommended for specialized skill, knowledge or expertise; and
- has the effect of restricting a person’s choice of veterinarian based on criteria of importance to them.



Overview of Regulation 1093

There are two main areas of Regulation 1093 upon which the College's interpretation of steering is based.

The first are paragraphs 17 (1) 25, 44 and 45 which state:

17 (1) For the purposes of the Act, professional misconduct includes the following:

25. Having a conflict of interest.

44. An act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as disgraceful, dishonourable or unprofessional.

45. Conduct unbecoming a veterinarian.

The second is Section 42 which 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, 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 the net revenue from the member's practice of veterinary medicine or any other measure of financial performance respecting the member's practice of veterinary medicine OR receives, makes or confers a fee, credit or other benefit by reason of the referral or transfer of any animal or a specimen from or to any other person.

The prohibition on steering ensures that a recommendation or referral to a particular veterinarian or practice is made for defensible reasons and will not produce a benefit to one or more parties (veterinarian, referrer, potential client) beyond the acquisition of a new client (by the veterinarian), a benefit beyond good will (for the referrer), and/or the delivery of quality services (to the client.) The intent of the steering prohibition is not to regulate competition amongst veterinarians.

Members of the public expect practitioners of a profession to be honest and to serve their best interests. When a veterinarian refers a client to another veterinarian with specialized skill, knowledge or expertise, the client trusts that the referral has been made in the best interest of the animal(s). A



referral from one veterinarian to another veterinarian for the purpose of seeking a second opinion or accessing a specific treatment or medical expertise is not viewed as a conflict of interest.

When referrals are or could be perceived as being made primarily in order for one or both of the parties to receive a benefit tied to the referral then steering might be involved. When steering occurs, it could have a negative impact on the integrity of the profession. Steering is therefore considered a prohibited activity under Ontario Regulation 1093.

A Steering Relationship

The test defining a steering relationship is whether the following four components are present:

1. There must be a system (i.e., a structured agreement or ongoing activity or pattern of behaviour);
2. The system must result in clients being directed to a particular veterinarian(s) or veterinary practice(s) for a professional or an ancillary service;
3. The veterinarian(s) must knowingly participate in the system in some way; and
4. There is either
 - a. A conferral of some benefit to the referrer, or
 - b. A restriction on which veterinarians participate in the system (beyond reasonable restrictions such as location, specializations or scope of practice).

A list of preferred providers is not considered steering unless the veterinarian pays a fee, over and above a fee for membership in an association, to be included on the list and/or the list is intended to preclude a client from obtaining veterinary services from their veterinarian of choice.

Legislative Authority

R.R.O. 1990, Reg. 1093: General s. 17 and 42 (*Veterinarians Act*)

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