



AGENDA ITEM 8.2

TOPIC: Professional Misconduct

History of Topic

General Information and Legislative Framework

Outlining the activities and behaviours that constitute professional misconduct is one of the fundamental roles of any professional regulatory body and is essential to ensuring the College's ability to address and mitigate practice concerns as they arise.

The introduction of the *Veterinary Professionals Act, 2024 (VPA)* necessitates several updates to the current professional misconduct provisions found under the *Veterinarians Act (VA)*. These include modifications to reflect the new one profession, two professionals model which will see the rules relating to professional misconduct applying in the same way to both veterinarians and veterinary technicians. In implementing these changes there may be instances where an act of professional misconduct will apply to one type of professional but not the other. However, most acts of professional misconduct will apply to all members.

Legislative Framework

Section 93 (1) 35 and 36 of the *VPA* allow for the development of regulation language related to defining and outlining acts of professional misconduct.

Development of Regulatory Concept by Transition Council

Transition Council reviewed and forwarded for public consultation a regulatory concept related to professional misconduct in September 2024. This concept included:

1. Language Reflecting the One Profession, Two Professionals Model

Transition Council proposed that regulation language be developed that reflects the introduction of two types of members (veterinarian and veterinary technicians) under one College and outlines what types of professional misconduct apply to what types of members.

2. Language Focused on Clarity and Transparency

Transition Council proposed that regulation language be developed to ensure clarity and transparency around the different forms of professional misconduct and how they may be applied to professional practice.

3. Language Highlighting the Importance of Competency

Transition Council proposed that regulation language be developed that highlights that members are expected to practise within their sphere of competence.

4. Language Related to Authorized Activities

Transition Council proposed that regulation language be developed to reflect the introduction of an authorized activity model for the practice of veterinary medicine, including provisions related to performing an activity that a member is not permitted to perform, performing activities for an improper purpose, and improper delegation of an authorized activity.

5. Language Related to Quality Assurance

Transition Council proposed that regulation language be developed to reflect the introduction of a mandatory quality assurance program for the practice of veterinary medicine, including provisions related to failure to comply with the program and providing false information to an assessor.

6. Language Related to Ungovernable Behaviour

Transition Council proposed that regulation language be developed to identify and address ungovernable behaviour, including provisions related to failure to appear before a panel of the Investigations and Resolutions Committee and failure to cooperate with the College or an investigator of the College.

7. Language Related to Animal Abuse, Neglect, and Abandonment

Transition Council proposed that regulation language be developed to formally recognize that any form of animal abuse or neglect by a member constitutes professional misconduct. The concept also proposed that the current approach for managing animal abandonment by clients be updated to mirror the approach outlined in the *Provincial Animal Welfare Services Act, 2019*.

Example Language

In recognition of the highly technical nature of professional misconduct regulations and the difficulty of accurately reflecting all acts that may qualify within larger themed buckets, a draft version of potential professional misconduct language developed by the College was presented

to Transition Council who directed that it be included in the public consultation. The draft language as it was presented in the consultation is attached to this cover sheet as Appendix A.

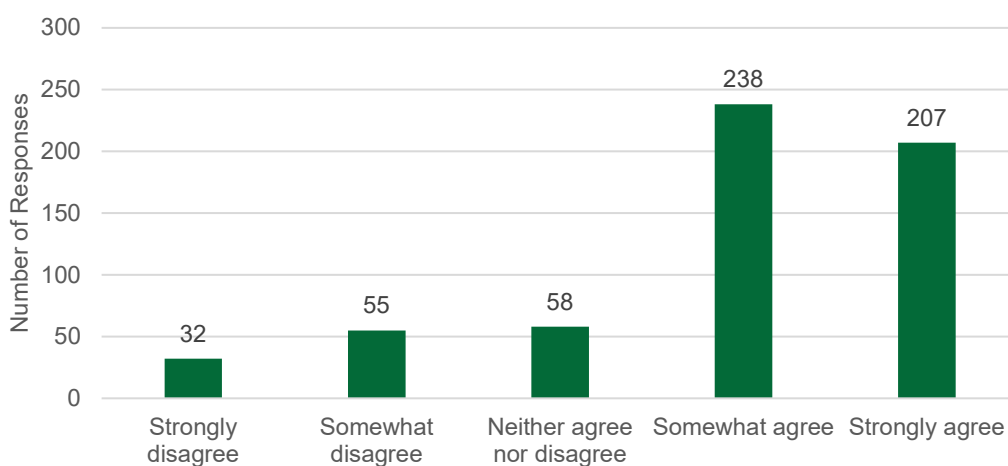
It is important to note that this draft language was not designed or intended to be viewed as the language that may eventually appear in a Regulation made under the VPA . Development of this language will be the responsibility of the legislative drafters of the provincial government and will be overseen by the Ontario Ministry of Agriculture, Food and Agribusiness.

General Consultation Feedback

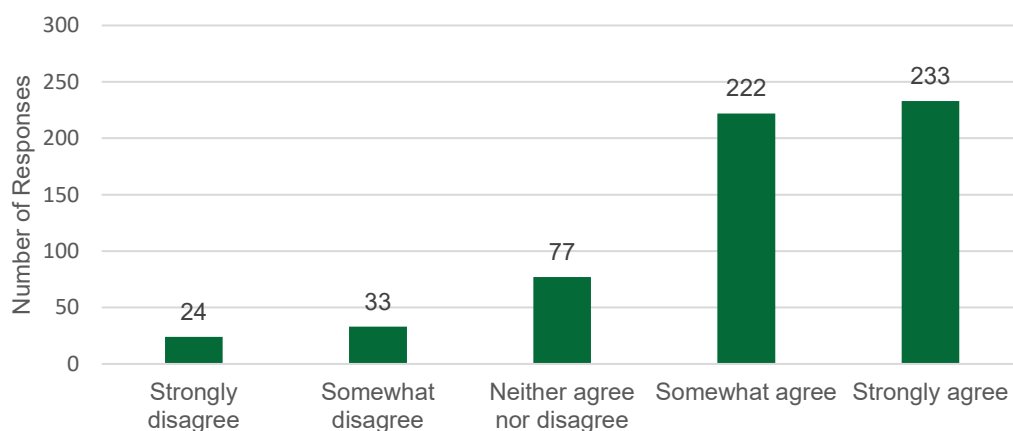
Professional misconduct was included in the list of regulatory concepts that were circulated for public consultation from February 11 to April 16, 2025.

The following quantitative responses were received related to professional misconduct:

Survey respondents were asked to indicate their agreement with two statements about Professional Misconduct on Likert scale of responses from “Strongly disagree” to “Strongly agree”. The figure below presents the results of 590 responses to the statement “*The proposed list of what constitutes professional misconduct is appropriate*”.



The figure below presents the results of 589 responses to the statement “*The proposed list of what constitutes professional misconduct is sufficient to protect the public.*”.



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

- Specific comments related to the proposed regulatory language, particularly:
 - The regulation of fees associated with veterinary services;
 - Potential for administrative burden;
 - Expectations to report other members; and
 - Comments of perceived vagueness (i.e., the use of “conduct unbecoming”).

For more information on this consultation feedback, please refer to pages 16-18 of the full consultation report.

Consultation Feedback from Key Partners:

Ontario Veterinary Medical Association (OVMA)

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

- Specific comments on the proposed regulatory language including, but no limited to:
 - S. 9 – Request for increased time frames;
 - S. 20 – Request for clarity on process;
 - S. 22 – Request for clarity on applicability of other legislation;
 - S. 41 – Request to specify ‘scientific’ evidence; and
 - S. 60 – Seeking to ensure this provision is linked to those regarding conflicts of interest.

Ontario Association of Veterinary Technicians (OAVT)

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

- Request for ongoing education and support for veterinary teams to understand the impact of new professional misconduct regulations;
- Request to include mandatory reporting requirements with whistleblower protections;
- Request for clarity on the scope of mandatory reporting requirements;
- Request for clarity on how the continuity of care at a veterinary facility is maintained if an owner's licence is suspended.

Other Submissions

- Requests for clarity in definitions such as 'reasonable opportunity' found in the proposed regulatory language
 - o Ottawa Humane Society (OHS)
- Questions related to the process and approach
 - o Alberta Veterinary Medical Association (AVBMA), Ontario Association of Bovine Practitioners (OABP)
- Identified need for more guidance and support once implemented
 - o Ontario Association of Swine Veterinarians (OASV), Ontario Association of Poultry Veterinarians (OAPV)

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. College's Role Related to Veterinary Fees

Several comments were received through both the anonymous consultation survey and the key partner letters related to the College's role in regulating veterinary fees. This is also a frequently asked question through the College's Practice Advisory Service and is addressed on the [website](#).

Does the College regulate fees that veterinarians charge, or can my veterinarian set their own fees?

The College does not set a fee structure for veterinary medicine. Veterinary facilities are run as small businesses and are not government funded in any way. Each individual veterinary facility in Ontario will determine the fees charged for services provided as part of their business model and in keeping with the Federal Competition Act whereby veterinarians must not conspire to fix fees.

While the College does not set fees, the regulatory framework does consider it professional misconduct if a veterinarian charges fees that are excessive in relation to what is normally charged. See Regulation 1093 which states:

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

11. Charging a fee that is excessive in relation to the amount normally charged for the services performed or the product dispensed or adding a charge that is excessive when recovering any disbursement incurred in the course of providing services.

Questions regarding fees can be discussed with your veterinarian directly. For the College to investigate concerns about excessive fees being charged, a complaint can be submitted to the College by contacting the Investigations and Hearings program.

The proposed regulatory concept reflects this longstanding approach.

2. Clarity on Process: Receiving Revenue While Under Suspensions

In recognition of the feedback provided through the consultation, there is an opportunity to address comments related to one proposed section of the draft professional misconduct language. Several comments were received through the consultation and through key partner submissions that indicated clarity is needed regarding the following section:

24. Receiving any form of benefit from the practice of veterinary medicine while under suspension, unless prior approval has been given by the Registrar.

This section is pre-existing under the VA and has a well-established approach for administration. When a member is suspended, they are not permitted to collect any form of benefit (income, commission, etc.) from the practice of veterinary medicine during their suspension. If the veterinarian is the facility director, they are required to arrange to have another veterinarian take over the role of facility director in order to keep the facility open. This arrangement is formalized through the College's standard undertakings which both the suspended veterinarian and alternate veterinarian must sign, subject to the approval of the Executive Committee.

The standard undertaking includes the following, which applies to the above professional misconduct section:

"I undertake to receive no benefit whatsoever, either for myself or any family member, except for (if applicable), during my suspension. Without limiting the generality of the foregoing, I will receive no remuneration, either directly or indirectly, whether through a corporation, partnership or other entity or otherwise, in respect of the times that my licence to practise veterinary medicine is suspended."

The proposed regulatory concept as consulted on did not suggest any changes be made to the system currently in place when a member, in particular a veterinary facility director, is suspended and instead simply carried forward a longstanding approach.

3. Clarity of Terminology: Use of Terms Such as "conduct unbecoming" and "reasonable".

The consultation feedback also contained several comments related to the use of terms such as "conduct unbecoming" and "reasonable" within proposed language. The use of these terms is

long-standing, both are currently used under the VA, and are used to indicate the ability for circumstance-based review and consideration of complaints that are brought forward to the College's judgement. In particular, the term "reasonable" is commonly used throughout statutes and regulations and there is a large body of caselaw from the courts which has interpreted the word reasonable to imply an objective standard (i.e., what would a reasonable member do in the circumstances?)

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 professional misconduct 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 – Draft language included in public consultation.
2. Appendix B – Regulatory Concept (as presented in the public consultation)



Proposed Draft Language

For the purposes of the Act, professional misconduct includes the following:

1. An act or omission inconsistent with the Act, its Regulations or bylaws.
2. Failing to maintain the standard of practice of the profession including a published standard of the College.
3. Failing to fulfill the terms of an agreement with a client.
4. Discontinuing professional services unless,
 - i. the client requests the discontinuation; or
 - ii. the client is given a reasonable opportunity to arrange alternative services.
5. 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.
6. Conduct unbecoming a member.
7. Contravening any federal, provincial or territorial law or municipal by-law:
 - i. whose purpose is to protect or promote the health or welfare of animals or to protect and promote public health; or
 - ii. that is otherwise relevant to the member's suitability to practise.
8. Contravening a term, condition or limitation imposed on the member's licence.
9. Failing to reply appropriately to a written inquiry received from the College or failing to reply to the inquiry within the time specified in the inquiry or, if no time is specified, within 30 days after the day the inquiry was received by the member.
10. Providing information to the College that the member knows or ought to know is false or misleading.
11. Where an animal has died unexpectedly during, or as a result of, a veterinary procedure, failure on the part of a veterinarian member to promptly inform the client about the availability of a necropsy through another veterinarian.
12. Performing a professional service that the member knows or ought to know they do not have the knowledge, skill or judgment to perform.

13. Failing to take reasonable steps to prevent another member from committing or repeating an act of professional misconduct where the member knows or ought to know that an act of professional misconduct may be committed.
14. Failure on the part of a veterinarian member to advise a client to consult another veterinarian member where the member knows or ought to know that the client requires a service that the member does not have the knowledge, skill or judgment to offer or is beyond their scope of practice.
15. Practising the profession while the member's ability to do so is impaired or adversely affected by any substance, condition, dysfunction, disorder or circumstance that the member knows or ought to know impairs or adversely affects their ability to practise
16. Failing to comply with the Quality Assurance program or knowingly giving false information to the Quality Assurance Committee or an assessor.
17. Failing to appear before a panel of the Investigations and Resolutions Committee when directed to do so.
18. Failing to cooperate with the College or an investigator during an investigation or inquiry.
19. Failing to carry out or comply with an undertaking with the College or a Specified Continuing Education or Remediation Program or breaching an agreement with the College, a Committee of the College or the Registrar.
20. Failing to comply with a decision of a Committee or a panel of a Committee of the College.
21. Recommending or providing unnecessary treatment or continuing to treat a patient where the treatment is no longer indicated or has ceased to be effective.
22. Delivering to a patient or client any service for which consent is required by law, without such consent.
23. Practising the profession while the member's licence is under suspension.
24. Receiving any form of benefit from the practice of veterinary medicine while under suspension, unless prior approval has been given by the Registrar.
25. Abusing or harassing a client, a colleague, or a staff member verbally, physically, sexually, psychologically, or emotionally.
26. Abusing an animal.
27. Neglecting an animal or demonstrating disregard for the welfare of an animal.
28. Failing without reasonable cause to provide any documentation regarding any service provided to a client within a reasonable time after the client has requested such a document.
29. Failing to make or retain records in accordance with the standards of the profession or the published standards of the College.

30. Falsifying a record.
31. Signing or Issuing a document that the member knows or ought to know is false, misleading or otherwise improper.
32. On the part of a member holding a veterinarian licence, signing or issuing a veterinary certificate, report or similar document that contains a statement that the member knows or ought to know is false, misleading or otherwise improper.
33. Failing to adequately ensure continuity of care by:
- a) Failing to make reasonable efforts to obtain necessary medical information about an animal or animals from the client and from previous treating professionals;
 - b) Treating an animal receiving veterinary services from another member without notifying the other member;
 - c) Failing to inform a client that uncoordinated veterinary services may place the animal at risk; or
 - d) Failing without reasonable cause to forward relevant information regarding professional services within a reasonable time to another member, when requested to do so.
34. Making a misrepresentation to a client or prospective client.
35. Directly, or by implication, representing any person to be a member who is not a member
36. Using a name other than the member's name as set out in the register, in the course of providing or offering to provide veterinary services.
37. Using a facility name other than the facility name set out in the register, in the course of providing or offering to provide veterinary services.
38. Inappropriately using a term, title or designation in respect of the member's practice.
39. Inappropriately using a term, title or designation indicating or implying a specialization in the profession.
40. Failing to comply with the requirements of this Regulation regarding advertising.
41. Making a claim about a therapeutic approach, modality, remedy, treatment, device or procedure that is not based on evidence.
42. Permitting, counselling or assisting a person to perform an authorized activity that the person is not authorized to perform.
43. Performing an authorized activity that the member is not authorized to perform.
44. Performing an authorized activity where the performance of that activity is for an improper purpose.
45. Delegating an authorized activity in contravention of the Act or these regulations.
46. Performing an authorized activity without the necessary knowledge, skill and judgment to perform the authorized activity.

47. Delegating an authorized activity to a person without ensuring that person has the knowledge, skill and judgment to safely perform the authorized activity.
48. Failing to supervise appropriately.
49. Charging a fee that is excessive in relation to the services or products provided.
50. Charging a fee for an unperformed service, except a block fee in accordance with College standards or a fee for an appointment missed without at least twenty-four hours' notice.
51. Knowingly submitting a false or misleading account or charge for professional services.
52. Failing to itemize the services provided and related fees, including disbursements, when requested by a client.
53. Being a shareholder, officer or director of a professional corporation where the professional corporation does or omits to do anything that would be professional misconduct if done or omitted to be done by the member.
54. Failing to give reasonable notice when closing a veterinary facility permanently or for an extended period of time.
55. Establishing or operating a veterinary facility without a certificate of accreditation.
56. Contravening a term, condition or limitation imposed on a certificate of accreditation.
57. Failing to maintain any of the standards of accreditation.
58. Failing to cooperate with an inspector of the College.
59. If another member's licence is suspended or has been revoked, cancelled or terminated, a designated facility director doing any of the following related to the practice of veterinary medicine:
 - a. retains or uses the services of that member,
 - b. employs or is employed by the member,
 - c. maintains a partnership or association with the member or is a shareholder in a professional corporation in which the member is a shareholder or of which the member is an employee, or
 - d. directly or indirectly receives, makes or confers any remuneration or benefit from or to the member.
60. Practising the profession while in a conflict of interest.
61. Revealing information concerning a client, an animal or any professional service performed for an animal, to any person other than the client or another member treating the animal except,
 - i. with the consent of the client,

- ii. if required or authorized to do so by law,
- iii. to prevent, or contribute information for the treatment of, a disease or physical injury of a person, or
- iv. for the purpose of identifying, locating or notifying the apparent owner of the animal, protecting the rights of the apparent owner or complying with applicable laws in respect of the animal, where it appears that the animal is not owned by the person presenting it for treatment.

62. Failing to dispose of biological, pathological or hazardous wastes in accordance with the requirements of the *Environmental Protection Act* or, if there are no such requirements, in accordance with the standards of practice of the profession.

63. Failing on the part of a member to dispose of an animal, whether deceased or alive, or a part of it, in accordance with the client's instructions, except where:

- a. those instructions are not in accordance with the standards of practice of the profession; or
- b. a live animal is not claimed by the client within five days after completion of in-hospital treatment and convalescence or of an ancillary service, and:
 - i. the member has attempted to contact the client on at least five occasions and by at least two different methods;
 - ii. the member has made at least one attempt to contact the emergency contact identified by the client;
 - iii. the member has made a written records of the attempts described in subclauses (i) and (ii);
 - iv. the animal is transferred to an animal shelter or third-party owner; and
 - v. the written records described in subclause (iii) is retained for the shorter of five years or two years after the member ceases to practice veterinary medicine.

64. Selling or assigning any debt owed to the member for professional services to a third party, except for:

- a. accepting a credit card to pay for professional services;
- b. retaining a lawyer or agent to collect unpaid accounts; and
- c. making a general assignment of debts as collateral for a loan to finance the member's veterinary practice.

Concept Chart – Professional Misconduct

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.
Professional Misconduct	<p>General</p> <p>Transition Council proposes the development of regulation language related to professional misconduct in accordance with Section 91 (1) 35 and 36 of the <i>Veterinary Professionals Act, 2024 (VPA)</i>.</p> <p>This regulation language will apply to both veterinarian and veterinary technician members unless otherwise specifically stated.</p> <p>Purpose</p> <p>The College of Veterinary Professionals of Ontario (CVPO) will be responsible for overseeing the activities and behaviours that constitute professional misconduct to address and mitigate practice concerns as they arise.</p> <p>Overview</p>		Transition Council confirmed the regulatory concept related to professional misconduct in September 2024.

Section	Primary Concepts Confirmed by Transition Council	Additional Information	Date of Confirmation
	<p>The <i>VPA</i> offers the opportunity to ensure clarity and transparency around the different forms of professional misconduct and how they may be applied to professional practice. The <i>VPA</i> also offers the opportunity to highlight the importance of members practising within their sphere of competence.</p> <p>The introduction of a one profession, two professionals model results in instances where more specific distinctions between which type of professional misconduct apply to which type of member will be required.</p> <p>In addition to these overarching approaches, the Transition Council is also proposing the inclusion of:</p> <ul style="list-style-type: none"> • Clauses related to the authorized activity model; • Clauses related to quality assurance; • Clear language related to ungovernable behaviour; and • Formal recognition of animal abuse and neglect including animal abandonment clauses reflective of the <i>Provincial Animal Welfare Services Act</i>. <p>Specific Proposed Language</p> <p>A draft version of potential regulatory language developed by Transition Council can be found attached to this document as Appendix I.</p> <p>It is important to note that this draft language is not designed or intended to be viewed as the language that may eventually appear in a Regulation made under the <i>VPA</i>. Development of this language is the responsibility of the</p>		

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	legislative drafters of the Provincial Government and will be overseen by the Ontario Ministry of Agriculture, Food and Agribusiness.		