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Bill 171

An Act to enact the Veterinary Professionals Act, 2024 and amend or repeal various acts

The Hon. L. Thompson
Minister of Agriculture, Food and Rural Affairs

Government Bill

1st Reading March 7, 2024

2nd Reading March 21, 2024

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on the Interior
and as reported to the Legislative Assembly May 6, 2024)*

(The provisions in this bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.
The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

EXPLANATORY NOTE

SCHEDULE 1 VETERINARY PROFESSIONALS ACT, 2024

The *Veterinarians Act* is repealed and replaced with the *Veterinary Professionals Act, 2024*. The following are highlights from the *Veterinary Professionals Act, 2024*.

Part I provides for how terms used in the Act are to be interpreted.

Part II deals with the governance of the College of Veterinary Professionals of Ontario. In this Part the objects of the College are established. Rules respecting the Council and committees of the College are also set out.

Part III sets out the rules respecting authorized activities and provides limits on who can carry out authorized activities and the circumstances in which they can be carried out. This Part also deals with reasonably foreseeable serious bodily harm to animals or persons resulting from treatment, advice and omission from treatment or advice. Finally, this Part sets out the persons who may use certain restricted titles and the circumstances in which such titles can be used.

Part IV deals with licensing of members of the College, including rules respecting applications for, terminations of and hearings respecting licences. The Part also deals with accreditation of veterinary facilities and the process and rules respecting certificates of accreditation.

Part V deals with the College's Executive Committee.

Part VI provides for a quality assurance program to be established by the regulations which will aim, amongst other objects, to assure the quality of the practice of members of the College.

Part VII sets out requirements for certain persons to report certain things the Registrar of the College. The Part also sets out the process for making, investigating and addressing complaints against members and former members of the College.

Part VIII deals with investigations and resolutions. The powers and duties of the College's Investigations and Resolutions Committee in considering and investigating the conduct of members and former members of the College are set out.

Part IX provides for addressing professional misconduct, incompetence and impairment to fitness to practise. The powers and duties of the College's Discipline and Fitness to Practise Committee are set out with respect to such matters.

Part X deals with appealing decisions or orders of certain committees of the College or of the Board to the Divisional Court.

Part XI provides the process and rules for persons to apply for a certificate of authorization to establish a professional corporation for the purpose of practising veterinary medicine. Rules respecting such professional corporations are also set out.

Part XII deals with contravention or failure to comply with the Act or the regulations. Two categories of offences are established.

Part XIII sets out the powers of the Minister and Lieutenant Governor in Council with respect to the College.

Part XIV deals with assorted administrative and miscellaneous matters.

Part XV deals with regulations made by the Council of the College, subject to the approval of the Lieutenant Governor in Council, by the Minister and by the Lieutenant Governor in Council. This Part also deals with the Council of the College's by-laws and standards for veterinary facilities and the practice of veterinary medicine.

Part XVI deals with transitional matters.

Part XVII sets out amendments to the *Veterinary Professionals Act, 2024* and consequential amendments to other Acts.

SCHEDULE 2 ONTARIO ASSOCIATION OF VETERINARY TECHNICIANS ACT, 1993

Currently, the *Ontario Association of Veterinary Technicians Act, 1993*, gives the Association the power to grant its members the right to the exclusive use of certain professional designations. The Schedule amends the Act to remove that power as the new *Veterinary Professionals Act, 2024*, enacted elsewhere in the Bill, grants members the exclusive right to use the titles. Various other amendments are made to the Act respecting the objects of the Association, the composition of the board, the Association's by-law making powers and other similar and related matters.

**An Act to enact the Veterinary Professionals Act, 2024
and amend or repeal various acts**

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Preamble

The Government of Ontario:

Recognizes the importance of access to professional care for animals in Ontario.

Is supporting the health and well-being of animals in Ontario, and creating conditions to increase access to care for animals, including companion animals and those in the agricultural industry.

Believes that any legislation governing veterinary professionals should embrace modern approaches to professional self-regulation and governance as well as allowing for modern practices and new technologies.

Is improving oversight of the veterinary profession in the public interest and increasing transparency to benefit veterinary professionals and their clients.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Enhancing Professional Care for Animals Act, 2024*.

**SCHEDULE 1
VETERINARY PROFESSIONALS ACT, 2024**

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PART I INTERPRETATION

Definitions

1 (1) In this Act,

“accreditation standards” means accreditation standards established by the Council pursuant to section 97; (“normes d’agrément”)

“authorized activity” means an authorized activity described in section 1 of Schedule 1; (“activité autorisée”)

“Board” means the Health Professions Appeal and Review Board under the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*; (“Commission”)

“by-laws” means the by-laws of the College made by the Council pursuant to section 98; (“règlements administratifs”)

“certificate of accreditation” means a certificate of accreditation issued under this Act to establish or operate a veterinary facility; (“certificat d’agrément”)

“certificate of authorization” means a certificate of authorization issued under this Act authorizing the professional corporation named in it to engage in the practice of veterinary medicine; (“certificat d’autorisation”)

“College” means the College of Veterinary Professionals of Ontario; (“Ordre”)

“Council” means the Council of the College; (“conseil”)

“drug” means drug as defined in subsection 1 (1) of the *Drug and Pharmacies Regulation Act*; (“médicament”)

“fitness to practise” means fitness to engage in the practice of veterinary medicine; (“aptitude professionnelle”)

“licence” means a licence issued under this Act; (“permis”)

“member” means a veterinarian member or a veterinary technician member; (“membre”)

“Minister” means the Minister of Agriculture, Food and Rural Affairs; or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“practice of veterinary medicine” means the assessment of the physiological or behavioural status of an animal or group of animals, other than humans, and the diagnosis, treatment, prevention, or control of any condition, disease, disorder or dysfunction; (“exercice de la médecine vétérinaire”)

“professional corporation” means a corporation incorporated under the Business Corporations Act that holds a valid certificate of authorization issued under this Act; (“société professionnelle”)

“prescribed” means prescribed by the regulations made under this Act; (“prescrit”)

“Registrar” means the Registrar of the College; (“registrateur”)

“regulations” means the regulations made under this Act; (“règlements”)

“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; (“établissement vétérinaire”)

“veterinarian member” means a member who holds a veterinarian licence issued by the Registrar; (“membre vétérinaire”)

“veterinary technician member” means a member who holds a veterinary technician licence issued by the Registrar; (“membre technicien vétérinaire”)

Interpretation, fitness to practise

(2) A person’s fitness to practice is impaired if the person is suffering from a physical or mental condition or disorder that makes it desirable in the interest of the public that the person’s licence be subject to terms, conditions or limitations, or that the person no longer be permitted to practise veterinary medicine.

Interpretation, owner

(3) A person is not the owner of an animal if the person buys the animal, treats it and resells it or intends to resell it to either the person who sold the animal or to that person’s nominee.

**PART II
GOVERNANCE**

COLLEGE

College of Veterinary Professionals of Ontario

2 (1) The College of Veterinarians of Ontario is continued under the name College of Veterinary Professionals of Ontario in English and Ordre des professionnels vétérinaires de l'Ontario in French.

Body corporate

(2) The College is a body corporate without share capital.

Capacity and powers

(3) Except as limited by this Act, the College has the capacity and the powers of a natural person for carrying out its objects.

Not a Crown agent

(4) The College is not an agent of the Crown.

Not-for-Profit Corporations Act, 2010

(5) The Minister may prescribe provisions of the *Not-for-Profit Corporations Act, 2010* that apply to the College and that Act shall not apply to the College except as prescribed.

Same

(6) Despite subsection (5), section 37 of the *Not-for-Profit Corporations Act, 2010* applies to the College and its directors and officers, including a member of the Council.

Corporations Information Act

(7) The *Corporations Information Act* does not apply to the College.

Objects

3 (1) The College has the following objects:

1. To regulate the practice of veterinary medicine and to govern members in accordance with this Act, the regulations and the by-laws.
2. To establish, maintain and develop standards of knowledge and skill for members.
3. To establish, maintain and develop standards of qualification and standards of practice for the practice of veterinary medicine.
4. To establish, maintain and develop programs to assure the quality of the practice of the profession.
5. To establish, maintain and develop standards and programs to promote the ability of members to respond to changes in practice environments, advances in technology and other emerging issues.
6. To establish, maintain and develop standards of professional ethics for members.
7. To inspect and accredit veterinary facilities.
8. To promote public awareness of the role of the College.
9. To perform such other duties and exercise such other powers as are imposed or conferred on the College under any Act.
10. To work in consultation with the Minister to develop strategies that aim to,
 - i. ensure that the people of Ontario have access to adequate numbers of qualified, skilled and competent veterinary professionals, and
 - ii. optimize health recognizing the connections between people, animals, plants and their shared environment.
11. To work with other animal care providers to enhance interprofessional collaboration and access to animal health care in Ontario.
12. Any other prescribed objects relating to the practice of veterinary medicine.

Public interest

(2) In carrying out its objects, the College has a duty to serve and protect the public interest.

COUNCIL

Council

4 (1) The College shall have a Council that shall be its governing body and board of directors and that shall manage and administer its affairs.

Composition

(2) The Council shall be composed of:

1. At least 10 and no more than 12 veterinarian members who are elected in the number and manner provided by the by-laws.
2. At least three and no more than five veterinary technician members who are elected in the number and manner provided by the by-laws.
3. At least six and no more than eight persons who are not members under this Act or members of the governing body of a self-regulating licensing body under any other Act and who are appointed by the Lieutenant Governor in Council.
- ~~4. One licensed veterinarian who is a faculty member at a faculty of veterinary medicine of a university in Ontario and who is selected in accordance with the by-laws.~~
- ~~5. One licensed veterinary technician who is a faculty member at an educational institution in Ontario that is authorized to grant diplomas or degrees in veterinary technology and who is selected in accordance with the by-laws.~~
4. One veterinarian member who is a faculty member at a school of veterinary medicine of a university in Ontario and who is selected in accordance with the by-laws.
5. One veterinary technician member who is a faculty member at an educational institution in Ontario that is authorized to grant diplomas or degrees in veterinary technology and who is selected in accordance with the by-laws.

Who can vote in Council elections

(3) Subject to ~~paragraphs 1 and 2 of subsection (2) and~~ the by-laws, every member who practises or resides in Ontario who is not in default of payment of the annual licensing fee and is not in default of filing a return required under the by-laws, is entitled to vote in an election of members of the Council.

Officers

Chair and Vice-Chair

5 (1) The Council shall have a Chair and one or more Vice-Chairs who shall be elected annually, in accordance with the by-laws, by the Council from among the Council's members.

Registrar

(2) The Council shall appoint a Registrar who shall have such powers and duties as are assigned or delegated under this Act.

Quorum

6 (1) A majority of the members of the Council constitute a quorum.

Vacancies

(2) Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than 11.

COMMITTEES

Committees

7 (1) The College shall have the following committees:

1. The Executive Committee.
2. The Accreditation Committee.
3. The Licensing Committee.
4. The Investigations and Resolutions Committee.
5. The Quality Assurance Committee.
6. The Discipline and Fitness to Practise Committee.

Appointments

(2) The Council shall appoint the members of the committees.

Composition

(3) The composition of the committees and the determination of what constitutes a quorum of a committee shall be in accordance with the by-laws and any regulations.

Vacancies

(4) If one or more vacancies occur in the membership of a committee, the remaining members shall constitute the committee unless the committee has fewer members than is necessary to constitute a quorum.

Chairs

(5) The Council shall name one member of each committee to chair the committee.

Term

(6) No person shall be a member of the same committee for more than six consecutive years.

Other committees

(7) The Council may establish and appoint members to such other committees as it considers necessary.

Panels of committees

8 (1) Unless provided otherwise under this Act, the chair of a committee, other than the Executive Committee, may, in accordance with the regulations and subject to any quorum and composition rules in the regulations and by-laws,

- (a) establish panels to carry out any of the work of the committee; and
- (b) appoint the members of such panels.

Appointments

(2) Appointments to panels shall be at the discretion of the Chair but shall comply with any requirements under this Act.

Multiple panels

(3) A member of a committee may sit on more than one panel of the committee during the same period.

Simultaneous panels

(4) A committee may sit in two or more panels simultaneously so long as a quorum is present in each panel.

Authority of panels

(5) Unless provided otherwise under this Act, a panel of a committee can exercise all of the authorities of the committee.

**PART III
AUTHORIZED ACTIVITIES, RISK OF HARM AND RESTRICTED TITLES**

AUTHORIZED ACTIVITIES

Authorized activities

9 (1) No person shall carry out an authorized activity described in section 1 of Schedule 1 while engaged in the practice of veterinary medicine unless the person is a member.

Limitations

(2) A member 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.

Authorized activities — non-members

(3) Despite subsection (1), a person who is not a member may, subject to any prescribed conditions or prohibitions, carry out an authorized activity while engaged in the practice of veterinary medicine if,

- (a) the regulations permit a person who is not a member to carry out the authorized activity; and
- (b) the authorized activity is delegated to that person by a member.

Authorized activities — students

~~(4) Despite subsections (1) and (3), a student may carry out an authorized activity if the student is doing so while engaging in the undergraduate curriculum of studies at a veterinary medicine program or a veterinary technician program provided for in the regulations or the by-laws.~~

Authorized activities — students

(4) Despite subsections (1) and (3), a student may carry out an authorized activity if the student is doing so while fulfilling the requirements to become a member and the activity is done under the supervision or direction of a veterinarian member.

Authorized activities — professionals

(5) Despite subsections (1) and (3), the following persons may, subject to and in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions, carry out such authorized activities as may be prescribed:

1. A person who, under the *Chiropractic Act, 1991*, is a member of the College of Chiropractors of Ontario.
2. A person who, under the *Pharmacy Act, 1991*, is a member of the Ontario College of Pharmacists.
3. A person who belongs to or practises a prescribed profession or such other persons as may be prescribed.

Collaboration

(6) When developing a proposal for regulations in relation to subsection (5), the College shall take reasonable steps to consult with such professions as would be addressed in those regulations and shall report to the Minister on the outcome of those consultations.

Exceptions

10 (1) Subsection 9 (1) does not apply to prevent a person from carrying out an activity described in sections 2 and 3 of Schedule 1.

Application of *Drug and Pharmacies Regulation Act*

(2) The *Drug and Pharmacies Regulation Act* does not apply to prevent a member from compounding, dispensing or selling drugs in the course of engaging in the practice of veterinary medicine.

Sale of drugs

(3) Regulations made under the *Animal Health Act, 2009* do not apply to prevent a member from selling a drug in the course of engaging in the practice of veterinary medicine to an owner of livestock for the treatment of livestock.

RISK OF HARM

Risk of harm

11 (1) No person other than a member acting within the scope of the practice of veterinary medicine shall treat an animal, or advise an owner or their representative with respect to an animal's health, in circumstances in which it is reasonably foreseeable that serious bodily harm to an animal or a person may result from the treatment or advice or from an omission from the treatment or advice.

Exceptions

(2) Subsection (1) does not apply with respect to,

- (a) any treatment by a person who is acting under the direction of or in collaboration with a member if the treatment is within the scope of the practice of veterinary medicine;
- (b) an activity carried out by a person if the activity is an authorized activity that was delegated under subsection 9 (3) to the person by a member;
- (c) an activity set out in section 2 of Schedule 1, if the person carrying out the activity is not otherwise prevented to do so under the Act; or
- (d) any prescribed treatment, advice, authorized activity or person.

RESTRICTED TITLES AND TERMS

Restricted titles

Veterinarian members

12 (1) Unless otherwise permitted by the regulations, no person other than a veterinarian member shall use the title "veterinarian", "veterinary surgeon" or "doctor" or variations, abbreviations, abbreviations of variations or equivalents in another language, while engaged in the practice of veterinary medicine.

Veterinary technician members

(2) Unless otherwise permitted by the regulations, no person other than a veterinary technician member shall use the title "Registered veterinary technician" or "Registered veterinary technologist" or variations, abbreviations, abbreviations of variations or equivalents in another language, while engaged in the practice of veterinary medicine.

Exception, chiropractors

(3) Despite subsection (1), a member of the College of Chiropractors of Ontario may use the title "doctor" while providing or offering care to animals but shall not use the title "doctor" in written format in relation to the providing or offering such care without using the phrase, "doctor of chiropractic" or "D.C.", immediately following their name.

Restricted terms

13 No person shall use the term “veterinary facility” or variations, abbreviations, abbreviations of variations or equivalents in another language to refer to their building, vehicle or land unless they hold a certificate of accreditation in relation to that building, vehicle or land.

**PART IV
LICENSING AND ACCREDITATION**

LICENSING

Licensees

14 (1) Every person who holds a licence is a member of the College.

Classes of licences

(2) Applicants may apply for one of the following classes of licences:

1. A veterinarian licence to engage in the practice of veterinary medicine as a veterinarian.
2. A veterinary technician licence to engage in the practice of veterinary medicine as a veterinary technician.

Licence suspended

(3) Despite subsection (1), a person whose licence is suspended is not a member.

Conditions and limitations

(4) A member is subject to any terms, conditions and limitations to which the licence is subject.

Compliance

(5) Every member shall comply with,

- (a) the relevant qualifications, requirements and standards set out in the Act and the regulations and the standards established by the Council pursuant to section 97;
- (b) any applicable rules or requirements respecting the practice of veterinary medicine set out in the Act or the regulations; and
- (c) any terms, conditions and limitations imposed on their licence.

Application

15 A person who wishes to receive a licence shall apply to the Registrar in accordance with the regulations.

Issuance of licence

16 (1) Subject to subsections (2) and (3), if an application is made in accordance with the regulations and the Registrar is of the opinion that an applicant meets the qualifications and requirements under the Act, the Registrar shall,

- (a) issue a licence to the applicant; and
- (b) impose any terms, conditions or limitations on the licence that are required to be imposed by the regulations or the by-laws.

Grounds for refusal

(2) The Registrar shall refuse to issue a licence if, in the opinion of the Registrar,

- (a) the applicant does not meet the qualifications and requirements set out in the Act or as may be prescribed;
- (b) the past conduct of the applicant affords reasonable ground for believing that the applicant will not engage in the practice of veterinary medicine with honesty and integrity; or
- (c) there are reasonable grounds for believing that the applicant is incompetent or that their fitness to practise is impaired.

Referral to Licensing Committee by Registrar

(3) The Registrar may refer an application to the Licensing Committee for a determination of whether to issue the licence.

Notice to applicant

(4) The Registrar shall deliver to the applicant,

- (a) if the Registrar issues a licence subject to terms, conditions or limitations or refuses to issue a licence, written notice of the decision, the reasons for the decision and any terms, conditions or limitations imposed on the licence; and

- (b) if the Registrar refers an application to the Licensing Committee, written notice of the decision and of the applicant's right to make written submissions to the Committee within 30 days of receiving the notice or a longer period as specified by the Registrar in the notice.

Referral to Licensing Committee by applicant

- (5) After receiving notice that the Registrar has issued a licence subject to terms, conditions or limitations or refused to issue a licence, the applicant may require the Registrar to refer the application to the Licensing Committee.

Consideration by Licensing Committee

- 17 (1) The Licensing Committee shall consider an application referred to it under section 16.

Same

- (2) The Licensing Committee may require an applicant to obtain such additional experience, education or training as the Licensing Committee specifies before being issued a licence.

Directions to Registrar

- (3) After considering the application, the Licensing Committee may direct the Registrar to,
- (a) issue the licence;
 - (b) refuse to issue the licence;
 - (c) issue the licence subject to the terms, conditions and limitations the Licensing Committee specifies;
 - (d) issue a licence after the applicant successfully completes examinations set or approved by the Committee; or
 - (e) issue a licence after the applicant successfully obtains the additional experience, education or training specified by the Committee.

Exemption from requirements

- (4) The Licensing Committee may direct the Registrar to issue a licence, or issue a licence subject to terms, conditions or limitations, even if the applicant has not met all of the qualifications or requirements for a licence.

Notice to applicant

- (5) The Registrar shall deliver notice to the applicant,
- (a) of the Licensing Committee's direction under subsection (3);
 - ~~(b) if the Licensing Committee directs the Registrar to refuse to issue the licence, of the reasons for that decision and of the applicant's right to a hearing under section 27;~~
 - ~~(c) if the Licensing Committee directs the Registrar to impose terms, conditions and limitations on the licence, of the reasons for that decision and of the applicant's right to a hearing under section 27;~~
 - ~~(d) if the Licensing Committee directs the Registrar to issue a licence after the applicant successfully completes examinations set or approved by the Committee, of the reasons for that decision and of the applicant's right to a hearing under section 27;~~
 - ~~(e) if the Licensing Committee directs the Registrar to issue a licence after the applicant successfully obtains the additional experience, education or training specified by the Committee, of the reasons for that decision and of the applicant's right to a hearing under section 27; or~~
 - (b) if the Licensing Committee directs the Registrar to refuse to issue the licence, of the reasons for that decision and of the applicant's right to a hearing or review under section 27;
 - (c) if the Licensing Committee directs the Registrar to impose terms, conditions and limitations on the licence, of the reasons for that decision and of the applicant's right to a hearing or review under section 27;
 - (d) if the Licensing Committee directs the Registrar to issue a licence after the applicant successfully completes examinations set or approved by the Committee, of the reasons for that decision and of the applicant's right to a hearing or review under section 27;
 - (e) if the Licensing Committee directs the Registrar to issue a licence after the applicant successfully obtains the additional experience, education or training specified by the Committee, of the reasons for that decision and of the applicant's right to a hearing or review under section 27; and
 - (f) of any exemption under subsection (4).

Termination of licences

Voluntary cancellation

18 (1) A member may cancel their licence by delivering written notice to the Registrar and the cancellation of the licence shall take effect immediately upon the delivery of the notice.

Cancellation for failure to pay fees, file returns

(2) If a member fails to pay a fee or file a return required by the by-laws, the Registrar may deliver notice that the member's licence may be cancelled unless the member pays the fee or files the return.

Same, timing

(3) A cancellation under subsection (2) takes effect on the day that is two months after the day the Registrar delivered notice unless the member pays the fee or files the return before then.

Continuing jurisdiction

Expiry, revocation, cancellation

19 (1) A person whose licence is expired, revoked or cancelled under this Act or a predecessor of this Act continues to be subject to the jurisdiction of the College for professional misconduct or incompetence with respect to the time when the person was a member and may be investigated under this Act.

Suspension

(2) A person whose licence is suspended under this Act or a predecessor of this Act continues to be subject to the jurisdiction of the College, and may be investigated under this Act, for whether their fitness to practise was impaired or for professional misconduct or incompetence with respect to the time when the person was a member and for the period of the suspension.

Applications after revocation, suspension, etc.

Application for licence after revocation

20 (1) If a person's licence has been revoked as a result of a hearing before the Discipline and Fitness to Practise Committee under this Act or as a result of a discipline or impairment proceeding under a predecessor of this Act, the person may apply, in writing, to the Registrar for the issuance of a licence, but the application shall not be made sooner than,

- (a) two years after the revocation or one year after any prior application for issuance of the licence was decided; or
- (b) such earlier period as the Committee determines.

Application for removal of suspension

(2) If a person's licence has been suspended as a result of a hearing before the Discipline and Fitness to Practise Committee under this Act or as a result of a discipline or impairment proceeding under a predecessor of this Act, the person may apply, in writing, to the Registrar for the removal of the suspension or the varying of the term of the suspension, but the application shall not be made sooner than,

- (a) one year after the commencement of the suspension;
- (b) in the case where a licence is suspended until the person demonstrates certain facts, upon the demonstration of those facts;
- (c) one year after any prior application for the removal of the suspension was decided; or
- (d) such earlier period as the Committee determines.

Variation of licence restrictions

(3) If, as a result of a hearing before the Discipline and Fitness to Practise Committee under this Act or as a result of a discipline or impairment proceeding under a predecessor of this Act, terms, conditions or limitations are imposed on a person's licence, the person may apply, in writing, to the Registrar for removal or variation of the terms, conditions or limitations, but the application shall not be made sooner than,

- (a) one year after the initial imposition of terms, conditions or limitations;
- (b) one year after any prior application for removal or variation of the terms, conditions or limitations was decided;
- (c) in the case where the terms, conditions or limitations are imposed until the person demonstrates certain facts, upon the demonstration of those facts; or
- (d) such earlier period as the Committee determines.

Reasons for reinstatement

(4) A person making an application under subsections (1) to (3) shall provide reasons why the licence should be issued, the suspension be removed or varied or the terms, conditions or limitations be removed or varied.

Referral to committee

(5) The Registrar shall refer an application received pursuant to subsections (1) to (3) to the Discipline and Fitness to Practise Committee, which shall hold a hearing respecting the application.

Hearing by Discipline and Fitness to Practise Committee

- (6) With respect to proceedings of the Discipline and Fitness to Practise Committee pursuant to this section,
- (a) sections 58 to 62 and 66 to 68 apply with necessary modifications to proceedings respecting professional misconduct and incompetence; and
 - (b) sections 63 to 65 and 67 apply with necessary modifications to proceedings respecting fitness to practise.

Powers of Discipline and Fitness to Practise Committee

(7) After a hearing under subsection (5), the Discipline and Fitness to Practise Committee shall report its decision and reasons for the decision to the parties and direct the Registrar to,

- (a) issue the licence;
- (b) refuse to issue the licence;
- (c) issue the licence subject to the terms, conditions and limitations the committee specifies;
- (d) remove or vary the length of the suspension of the licence;
- (e) refuse to remove or vary the length of the suspension of the licence;
- (f) remove or vary any of the terms, conditions or limitations attached to the licence;
- (g) refuse to remove or vary any of the terms, conditions or limitations attached to the licence; or
- (h) take no further action regarding the matter.

ACCREDITATION**Certificate of accreditation required**

21 (1) No person shall establish or operate a veterinary facility except under and in accordance with a certificate of accreditation and in accordance with the requirements and standards set out in this Act and the regulations and the accreditation standards.

Compliance

(2) The holder of the certificate of accreditation and the veterinary facility director shall comply with and ensure that the veterinary facility in respect of which the certificate of accreditation was issued complies with the qualifications, requirements and standards set out in this Act and the regulations and the accreditation standards.

Application

22 A veterinarian member who wishes to receive or renew a certificate of accreditation shall apply to the Registrar in accordance with the regulations.

Inspections

23 (1) On receipt of an application or at any other time, the Registrar may appoint an inspector, with such qualifications as may be prescribed, for the purposes of inspecting a veterinary facility for compliance with the requirements under the Act and the accreditation standards.

Inspection of premises

(2) Every person who controls a veterinary facility where a member practises, other than a private dwelling, shall allow an inspector to enter and inspect the veterinary facility, subject to such limitation as may be set out in the regulations.

Inspection of records

(3) Every person who controls records relating to a veterinary facility and equipment used in the facility shall allow an inspector to inspect the records.

Issuance of certificate of accreditation

24 (1) Subject to subsections (2) and (3), if an application is in accordance with the regulations, and the Registrar is of the opinion that the applicant and the veterinary facility meet the qualifications, requirements and standards under the Act and the accreditation standards, the Registrar shall,

- (a) issue or renew the certificate of accreditation; and

- (b) impose any terms, conditions or limitations on the certificate of accreditation that are required to be imposed by the regulations or by-laws.

Grounds for refusal

(2) The Registrar shall refuse to issue or renew a certificate of accreditation if, in the opinion of the Registrar, the applicant or the veterinary facility does not meet,

- (a) the qualifications, requirements and standards under the Act; or
- (b) the accreditation standards.

Referral to Accreditation Committee by Registrar

(3) The Registrar may refer an application to the Accreditation Committee for a determination of whether to issue or renew the certificate of accreditation.

Notice to applicant

(4) The Registrar shall deliver to the applicant,

- (a) if the Registrar refuses to issue or renew a certificate of accreditation or issues the certificate of accreditation subject to terms, conditions or limitations, written notice of the decision and if the decision is a refusal, the reasons for the decision; and
- (b) if the Registrar refers an application to the Accreditation Committee, written notice of the decision and if the decision is a refusal, the reasons for the decision and of the applicant's right to make written submissions to the Committee within 30 days of receiving the notice or a longer period as specified by the Registrar in the notice.

Referral to Accreditation Committee by applicant

(5) After receiving the notice that the Registrar has refused to issue or renew a certificate of accreditation, the applicant may require the Registrar to refer the application to the Accreditation Committee for a determination of whether to issue or renew the certificate of accreditation.

Consideration by Accreditation Committee

25 (1) The Accreditation Committee shall consider an application referred to it under section 24.

Directions to Registrar

(2) After considering the application, the Accreditation Committee may direct the Registrar to,

- (a) issue or renew the certificate of accreditation;
- (b) refuse to issue or renew the certificate of accreditation; or
- (c) issue or renew the certificate of accreditation subject to the terms, conditions and limitations the Accreditation Committee specifies.

Exemption from requirements

(3) The Accreditation Committee may direct the Registrar to issue or renew a certificate of accreditation, or issue a certificate of accreditation subject to terms, conditions and limitations, even if the applicant or veterinary facility has not met all of the qualifications, requirements or standards for a certificate of accreditation.

Notice to applicant

(4) The Registrar shall deliver notice to the applicant,

- (a) of the Accreditation Committee's direction under subsection (2);
- ~~(b) if the Accreditation Committee directs the Registrar to refuse to issue or renew the certificate of accreditation, of the reasons for that decision and of the applicant's right to a hearing under section 27;~~
- ~~(c) if the Accreditation Committee directs the Registrar to impose terms, conditions and limitations on the certificate of accreditation, of the reasons for that decision and of the applicant's right to a hearing under section 27; and~~
- ~~(b) if the Accreditation Committee directs the Registrar to refuse to issue or renew the certificate of accreditation, of the reasons for that decision and of the applicant's right to a hearing or review under section 27;~~
- ~~(c) if the Accreditation Committee directs the Registrar to impose terms, conditions and limitations on the certificate of accreditation, of the reasons for that decision and of the applicant's right to a hearing or review under section 27; and~~
- (d) of any exemption under subsection (3).

Referral of existing certificate of accreditation

26 (1) At any point after a certificate of accreditation is issued or renewed, the Registrar may refer the certificate of accreditation to the Accreditation Committee if the Registrar is of the opinion that there are reasonable grounds to believe that,

- (a) the holder of the certificate of accreditation, the veterinary facility director or the veterinary facility in respect of which the certificate of accreditation was issued has ceased to meet the qualifications, requirements and standards under the Act or the accreditation standards;
- (b) the veterinary facility in respect of which the certificate of accreditation was issued is being used or has been used in contravention of a term, condition or limitation of the certificate of accreditation; or
- (c) the veterinary facility in respect of which the certificate of accreditation was issued is being used or has been used as a veterinary facility of a class other than the class for which the certificate of accreditation was issued or renewed.

Notice to holder of certificate of accreditation

(2) If the Registrar refers a certificate of accreditation to the Accreditation Committee, the Registrar shall deliver notice to ~~the applicant~~ the holder of the certificate of the decision and the ground on which it is being referred.

Hearing

(3) If a certificate of accreditation is referred to the Accreditation Committee under subsection (1), the Accreditation Committee shall,

- (a) set a time for a hearing and deliver notice of the time to the holder of the certificate of accreditation; and
- (b) hold a hearing to consider whether to take any of the actions in subsection (4).

Powers of Accreditation Committee

(4) After holding a hearing, the Accreditation Committee may direct the Registrar to,

- (a) revoke the certificate of accreditation;
- (b) suspend the certificate of accreditation pending the demonstration, in such manner as the Accreditation Committee specifies, of compliance with such standards as are specified by the Accreditation Committee;
- (c) change the class of veterinary facility authorized by the certificate of accreditation;
- (d) impose such new or further terms, conditions and limitations on the certificate of accreditation as are specified by the Accreditation Committee; or
- (e) take no further action regarding the matter.

Exemption from requirements

(5) The Accreditation Committee may direct the Registrar to take any of the actions set out in subsection (4) even if the applicant or veterinary facility has not met all of the qualifications, requirements or standards for a certificate of accreditation.

Notice to applicant

(6) The Registrar shall deliver notice to the applicant of the Accreditation Committee's direction under subsection (4) and the reasons for the Accreditation Committee's decision.

Hearing public

(7) A hearing by the Accreditation Committee shall be open to the public, unless otherwise provided for by the regulations.

Procedures

(8) Section 66 and subsections 68 (1) to (11) apply with necessary modifications to proceedings before the Accreditation Committee under this section.

Parties

(9) The College and the holder of the certificate of accreditation are parties to a hearing by the Accreditation Committee.

Other proceedings

(10) The jurisdiction of the Discipline and Fitness to Practise Committee is not affected by the commencement of proceedings or the making of an order under this section.

REVIEW BY BOARD

Hearing or review

Request to Board

27 (1) A person who has received notice under subsection 17 (5) or 25 (4) may request the Board hold a review or hearing in respect of an application, if the person delivers notice that meets the requirements set out in subsection (2) to the Board and to the Licensing Committee or Accreditation Committee, as the case may be.

Board shall hold hearing or review

- (2) The Board shall hold a review or hearing, as the case may be, if the Board receives notice of a request that,
- (a) is in writing;
 - (b) is delivered within 30 days after the person received notice from the Registrar or such longer period as determined by the Board on reasonable grounds if the Board is satisfied that no person would be unduly prejudiced as a result of the longer period; and
 - (c) specifies whether a review or a hearing is required.

Notice to Board

(3) If the Licensing Committee or the Accreditation Committee receives a notice under subsection (1), it shall, within 15 days after receiving the notice, deliver to the Board a copy of the decision made with respect to the application, the reasons for it and the documents and things upon which the decision was based.

When no review

(4) The Board shall not review a decision or hold a hearing if the party who requested the review or hearing withdraws the request and the other party consents.

Request in bad faith, etc.

(5) If the Board considers a request to review a decision or hold a hearing to have been frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process the Board shall deliver to the parties notice that it intends not to proceed with the review or hearing and that the parties have a right to make written submissions within 30 days after receiving the notice.

Same

(6) If the Board is satisfied, after considering any written submissions of the parties made within the 30-day period referred to in subsection (5), that a request was frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the Board shall not review the decision.

When direction may be carried out

- (7) A direction under clauses 17 (3) (b) or (c) or 25 (2) (b) or (c) may be carried out only when,
- (a) the Registrar receives notice that the applicant will not be requiring a review or hearing;
 - (b) the party who requested the review or hearing withdraws the request and the other party consents;
 - (c) 35 days have passed since the notice was delivered to the applicant without the applicant requiring a review or hearing; or
 - (d) the Board has confirmed the direction.

Powers of Board re licence

- (8) The Board shall, after the hearing or review in respect of a licence,
- (a) confirm the direction of the Licensing Committee;
 - (b) require the Licensing Committee to direct the Registrar to issue a licence of the appropriate class subject to such terms, conditions and limitations as the Board considers appropriate in cases where the Board finds that the applicant meets the qualifications and requirements for licensing and that the Licensing Committee has exercised its powers improperly; or
 - (c) refer the matter back to the Licensing Committee for further consideration, and the Board may make such recommendations as it considers appropriate in the circumstances.

Powers of Board re certificate of accreditation

- (9) The Board shall, after the hearing or review in respect of a certificate of accreditation,
- (a) confirm the direction of the Accreditation Committee;
 - (b) require the Accreditation Committee to direct the Registrar to issue or renew a certificate of accreditation subject to such terms, conditions and limitations as the Board considers appropriate in cases where the Board finds that the applicant

and the veterinary facility meet the qualifications, requirements and standards for the issuance or renewal of the certificate of accreditation and that the Committee has exercised its powers improperly; or

- (c) refer the matter back to the Accreditation Committee for further consideration, and the Board may make such recommendations as it considers appropriate in the circumstances.

Parties

(10) The College and the person who has requested the hearing are parties to proceedings before the Board under this section.

Hearing public

28 (1) A hearing by the Board under section 27 shall be open to the public, subject to subsection (2).

Exclusion of public

(2) The Board may make an order that the public be excluded from a hearing or any part of a hearing if the Board is satisfied that,

- (a) matters involving public security may be disclosed;
- (b) financial, personal or other matters may be disclosed at the hearing of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that hearings be open to the public;
- (c) a person involved in a criminal proceeding or in a civil suit or proceeding may be prejudiced; or
- (d) the safety of a person may be jeopardized.

Orders preventing public disclosure

(3) In situations in which the Board may make an order that the public be excluded from a hearing, it may also make such orders as it considers necessary to prevent the public disclosure of matters disclosed at the hearing, including orders prohibiting the publication or broadcasting of those matters.

Public information may be disclosed

(4) No order shall be made under subsection (3) that prevents the publication of anything that is contained in the register and available to the public.

Exclusion of public

(5) The Board may make an order that the public be excluded from the part of a hearing dealing with a motion for an order under subsection (2).

Orders with respect to matters in submissions

(6) The Board may make any order necessary to prevent the public disclosure of matters disclosed in the submissions relating to any motion described in subsection (5), including prohibiting the publication or broadcasting of those matters.

Reasons for order, etc.

(7) The Board shall ensure that any order it makes under this section and its reasons are available to the public in writing.

Reconsidering of order

(8) The Board may reconsider an order made under subsection (2) or (3) at the request of any person or on its own motion.

Exception to closed hearings

29 If the Board makes an order under subsection 28 (2) wholly or partly because of the desirability of avoiding disclosure of matters in the interest of a person affected, the Board may allow the person and his or her personal representative to attend the hearing.

Procedure for hearings, reviews

30 (1) This section applies with respect to the procedure for hearings and reviews by the Board under section 27.

Findings of fact in a hearing

(2) The findings of fact in a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Findings of fact in a review

(3) The findings of fact in a review shall be based exclusively on the application and documentary evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Disclosure of evidence against member

(4) Evidence against a member is not admissible at a hearing or review unless, at least 10 days before the hearing or review, the member receives,

- (a) in the case of written or documentary evidence, an opportunity to examine the evidence;
- (b) in the case of evidence of an expert, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence; or
- (c) in the case of evidence of a witness, the identity of the witness.

Exception

(5) The Board may, in its discretion, allow the introduction of evidence that is inadmissible under subsection (4) and may make directions it considers necessary to ensure that the member is not prejudiced.

Disclosure of evidence of expert

(6) Evidence of an expert led by a person other than the College is not admissible unless the person delivers to the College, at least 10 days before the hearing or review, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Exception

(7) The Board may, in its discretion, allow the introduction of evidence that is inadmissible under subsection (6) and may make directions it considers necessary to ensure that the College is not prejudiced.

Release of documents and things

(8) The Board shall release documents and things put into evidence or received by the Board at a hearing or review to the person who produced them, on request, within a reasonable time after the matter in issue has been finally determined.

Members of Board who participate

(9) Only the members of the Board who were present throughout a hearing or review shall participate in the Board's decision.

When member not to participate

(10) No member of the Board who has taken part in the investigation of what is to be the subject matter of the Board's hearing or review shall participate in the hearing or review.

No communication by Board members

(11) No member of the Board participating in a hearing or review shall communicate outside the hearing or review, in relation to the subject matter of the hearing or review, with a party or the party's representative unless the other party has received notice of the subject matter of the communication and an opportunity to be present during the communication.

Transcript of hearings

(12) The Board shall ensure that, for a hearing,

- (a) the oral evidence given at the hearing is recorded;
- (b) copies of the transcript of the hearing are available to a party on the party's request at the party's expense; and
- (c) copies of the transcript of any part of the hearing that is not the subject of an order prohibiting publication are available to any person at that person's expense.

Application of SPPA provisions to reviews

(13) Sections 21.1 and 25.1 of the *Statutory Powers Procedure Act* apply with necessary modifications to a review by the Board.

**PART V
EXECUTIVE COMMITTEE**

Executive Committee

31 (1) The Executive Committee shall perform such functions of the Council as are delegated to it under the Act, by the Council or by the by-laws.

Other functions

(2) Subject to ratification by the Council at its next meeting, the Executive Committee, between meetings of the Council, may perform any other function of the Council that, in the opinion of the Executive Committee, must be performed immediately.

Limitation

(3) Subsection (2) does not apply to authorize the Executive Committee to make, amend or revoke a regulation, a by-law or a standard established by the Council pursuant to section 97.

**PART VI
QUALITY ASSURANCE**

QUALITY ASSURANCE PROGRAM

Quality assurance program

32 A quality assurance program established by the regulations shall be aimed at assuring the quality of the practice of the members and promoting continuing evaluation, competence and quality improvement among the members and the regulations establishing the quality assurance program shall prescribe,

- (a) continuing education or professional development that,
 - (i) promotes continuing competence and continuing quality improvement among members,
 - (ii) addresses changes in practice environments, and
 - (iii) incorporates standards of practice, advances in technology, changes made to entry to practice competencies and other relevant issues in the discretion of the Council;
- (b) self, peer and practice assessments;
- (c) mechanisms for the College to monitor members' participation in, and compliance with, the quality assurance program; and
- (d) such additional components that the College determines would be useful in furthering the aims of the quality assurance program.

QUALITY ASSURANCE COMMITTEE

Function of the Committee

33 (1) The Quality Assurance Committee shall administer the quality assurance program in accordance with the Act and the by-laws.

Powers of the Committee

(2) The Quality Assurance Committee may do one or more of the following:

- 1. Require individual members whose knowledge, skill and judgment have been assessed under section 34 and found to be unsatisfactory to participate in specified continuing education or remediation programs.
- 2. Direct the Registrar to impose terms, conditions or limitations for a specified period to be determined by the Committee on the licence of a member,
 - i. whose knowledge, skill and judgment have been assessed under section 34 and have been found to be unsatisfactory, or
 - ii. who has been directed to participate in specified continuing education or remediation programs as required by the Committee under paragraph 1 and has not completed those programs successfully.
- 3. Direct the Registrar to remove terms, conditions or limitations before the end of the specified period referred to in paragraph 2, if the Committee is satisfied that the licensee's knowledge, skill and judgment are now satisfactory.
- 4. If the Quality Assurance Committee is of the opinion that a member may have committed an act of professional misconduct or be incompetent or that the member's fitness to practise may be impaired, refer the matter to the Investigations and Resolutions Committee and disclose the name of the member and allegations against the member to the Investigations and Resolutions Committee.
- 5. Appoint assessors, with such qualifications as may be prescribed, for the purposes of the quality assurance program.

Notice

(3) The Quality Assurance Committee shall deliver notice to the member if the Committee refers a matter to the Investigations and Resolutions Committee under paragraph 4 of subsection (2).

Notice

(4) No direction shall be given to the Registrar under paragraph 2 of subsection (2) unless the member has received notice of the Quality Assurance Committee's intention to give such direction and is given at least 14 days to make written submissions to the Committee.

Written submissions

(5) The Quality Assurance Committee shall consider any written submissions received in accordance with subsection (4) before giving a direction to the Registrar.

COMPLIANCE WITH QUALITY ASSURANCE

Co-operation by members

- 34** (1) Every member shall co-operate with the Quality Assurance Committee and with any assessor and shall,
- (a) permit the assessor to enter and inspect the veterinary facility where the member practises;
 - (b) produce, at the request of the Committee or assessor, any records in respect of the member's practice of veterinary medicine and permit the assessor to inspect such records;
 - (c) deliver to the Committee or assessor the information or records in respect of the member's practice of veterinary medicine the Committee or assessor requests in the form the Committee or assessor specifies;
 - (d) confer with the Committee or assessor if requested to do so by either of them; and
 - (e) participate in a program designed to assess the knowledge, skill and judgment of the member, if requested to do so by the Committee.

Inspection of premises

- (2) Every person who controls a veterinary facility where a member practises, other than a private dwelling, shall allow an assessor to enter and inspect the veterinary facility.

Inspection of records

- (3) Every person who controls records relating to a member's care of animals shall allow an assessor or the Committee to inspect the records.

Exception

- (4) Subsection (3) does not require an animal's owner or the owner's representative to allow an assessor or the Committee to inspect records relating to the animal's care.

Confidentiality of information

- 35** (1) Except as provided in ~~section 33~~ [sections 33 and 36](#) and in this section, the Quality Assurance Committee and any assessors appointed by it shall not disclose, to any other committee, information that,
- (a) was given by the member; or
 - (b) relates to the member and was obtained under section 34.

Exception if member gave false information

- (2) Where relevant to a proceeding before a committee, information described in subsection (1) may be disclosed to that committee for the purpose of showing that the member knowingly gave false information to the Quality Assurance Committee or an assessor.

Use in other committees

- (3) Information that was disclosed contrary to subsection (1) shall not be used against the member to whom it relates in a proceeding before the Discipline and Fitness to Practise Committee or the Investigations and Resolution Committee or before a court.

Quality assurance and other information

- 36** (1) In this section,

“disclose” means to provide or make available information to a person who is not one of the following:

1. A member of the Quality Assurance Committee.
2. An assessor appointed by the Committee, a person engaged on the Committee's behalf or a person conducting an assessment program on its behalf.
3. A person providing administrative support to the Committee or the Registrar or the Committee's legal counsel.

Quality assurance information

- (2) No person shall disclose the following information except as permitted under the Act or the by-laws:

1. Information that is collected by or prepared for the Quality Assurance Committee for the sole or primary purpose of assisting the committee in carrying out its functions.
2. Information that relates solely or primarily to any activity that the Quality Assurance Committee carries on as part of its functions.

3. Information that is prepared by a member or on behalf of a member solely or primarily for the purpose of complying with the requirements of the quality assurance program.

Same

- (3) This section does not apply to the disclosure of the following information:
1. The name of a member and allegations that the member may have committed an act of professional misconduct or may be incompetent or that the member's fitness to practise may be impaired.
 2. Information that was referred to the Quality Assurance Committee from another committee of the College or from the Board.
 3. Information that a regulation made under this Act specifies is not information subject to subsection (2) and that the Quality Assurance Committee receives after the day on which that regulation is made.
 4. Information about a member's failure to comply with any requirements of the Quality Assurance Committee.

Non-disclosure in proceeding

- (4) No person shall ask a witness and no court or other body conducting a proceeding shall permit or require a witness to disclose information described in subsection (2) except as permitted or required by the provisions relating to the quality assurance program.

Non-admissibility of evidence

- (5) Information described in subsection (2) may be used in the activities carried on by the Quality Assurance Committee but is not admissible in evidence in a proceeding before or under the rules of a court, a tribunal, a commission, a justice of the peace, a coroner, a committee of the College, an arbitrator or a mediator.

Non-retaliation

- (6) No one shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage a person by reason that the person has disclosed information to the Quality Assurance Committee for the purposes of that committee, but a person may be disciplined for recklessly or intentionally disclosing false information to the Committee.

Immunity

- (7) No action or other proceeding may be instituted against a person who in good faith discloses information to the Quality Assurance Committee at the request of the Committee or for the purposes of assisting the Committee in carrying out its functions.

Conflict

- (8) In the event of a conflict between this section and a provision under any other Act, this section prevails unless the other Act specifically provides otherwise.

**PART VII
REPORTS AND COMPLAINTS**

MEMBERS' REPORTING OBLIGATIONS

Report by member

- 37** (1) A member shall file a report with the Registrar in accordance with this section if, in the course of practising veterinary medicine, the member learns of anything that causes the member to have reasonable grounds to believe that another member's fitness to practise is impaired.

If name not known

- (2) A member is not required to file a report if the member does not know the name of the member who would be the subject of the report.

Contents

- (3) The report shall be in writing and must contain,
- (a) the name of the member filing the report;
 - (b) the name of the member who is the subject of the report;
 - (c) an explanation of the alleged impairment to the fitness to practise; and
 - (d) any other prescribed information.

Timing

(4) The report must be filed within 30 days after the obligation to report arises unless the person who is required to file the report has reasonable grounds to believe that the impairment to the member's fitness to practise is likely to expose an animal or human to harm or injury and there is urgent need for intervention, in which case the report must be filed as soon as possible.

Immunity for reports

(5) No action or other proceeding shall be instituted against a person for filing a report in good faith under this section.

Self-report re offences

38 (1) A member shall file a report with the Registrar in accordance with this section if the member has been found guilty of a prescribed offence.

Contents

- (2) The report shall be in writing and must contain,
- (a) the name of the member filing the report;
 - (b) a description of the offence including the Act under which the offence was committed;
 - (c) the date the member was found guilty of the offence;
 - (d) the name and location of the court that found the member guilty of the offence;
 - (e) the status of any appeal initiated respecting the finding of guilt; and
 - (f) any other prescribed information relevant to the finding.

Timing

(3) The report must be filed as soon as reasonably practicable after the member receives notice of the finding of guilt.

Additional reports

(4) A member who files a report under this section shall file an additional report if there is a change in status of the finding of guilt as the result of an appeal.

Self-report re professional negligence and malpractice

39 (1) A member shall file a report with the Registrar in accordance with this section if there has been a finding of professional negligence or malpractice made against the member inside or outside of Ontario.

Contents of report

- (2) The report shall be in writing and must contain,
- (a) the name of the member filing the report;
 - (b) a description of the finding, including the body that made the finding;
 - (c) the date that the finding was made against the member;
 - (d) the name and location of the body that made the finding against the member;
 - (e) the status of any appeal initiated respecting the finding made against the member; and
 - (f) any other prescribed information relevant to the finding.

Timing of report

(3) The report must be filed as soon as reasonably practicable after the member receives notice of the finding made against the member.

Additional reports

(4) A member who files a report under this section shall file an additional report if there is a change in status of the finding made against the member as the result of an appeal.

Self-report re other professional memberships and findings

40 (1) A member shall advise the Registrar if the member is a member of another body that governs a profession inside or outside of Ontario.

Findings of misconduct, incompetence or impairment to fitness to practise

(2) A member shall file a report with the Registrar in accordance with this section if there has been a finding of professional misconduct, incompetence or impairment to fitness to practise or an equivalent type of finding made against the member by another body that governs a profession inside or outside of Ontario.

Contents of report

- (3) The report shall be in writing and must contain,
- (a) the name of the member filing the report;
 - (b) a description of the finding, including the body that made the finding;
 - (c) the date that the finding was made against the member;
 - (d) the name and location of the body that made the finding against the member;
 - (e) the status of any appeal initiated respecting the finding made against the member; and
 - (f) any other prescribed information relevant to the finding.

Timing of report

- (4) The report must be filed as soon as reasonably practicable after the member receives notice of the finding made against the member.

Additional reports

- (5) A member who files a report under this section shall file an additional report if there is a change in status of the finding made against the member as the result of an appeal.

Self-report re charges and bail conditions

- 41** (1) A member shall file a report with the Registrar in accordance with this section if the member has been charged with a prescribed offence.

Contents of report

- (2) The report shall be in writing and must contain,
- (a) the name of the member filing the report;
 - (b) a description of the charge, including the Act under which the charge was made;
 - (c) the date the charge was laid against the member;
 - (d) the name and location of the court in which the charge was laid or in which the bail condition or restriction was imposed on or agreed to by the member;
 - (e) every bail condition imposed on the member as a result of the charge;
 - (f) any other restriction imposed on or agreed to by the member relating to the charge;
 - (g) the status of any proceedings with respect to the charge; and
 - (h) any other prescribed information relevant to the charge or bail conditions.

Timing of report

- (3) The report must be filed as soon as reasonably practicable after the member receives notice of the charge, bail conditions or restriction.

Additional reports

- (4) A member who files a report under this section shall file an additional report if there is a change in the status of the charge or bail conditions.

Publication ban

- 42** (1) A report made under sections 37 to 41 shall not contain any information that violates a publication ban.

Same

- (2) No action shall be taken under sections 37 to 41 which violates a publication ban and nothing in those sections requires or authorizes the violation of a publication ban.

COMPLAINTS**Complaints**

- 43** (1) Any person may make a complaint against a member or former member by filing a written complaint with the Registrar, in accordance with the regulations, if any.

Notice

(2) Within 14 days of receipt of the complaint or such other time period as may be prescribed, the Registrar shall deliver notice of the complaint to the member or former member that includes any prescribed information.

Registrar's responsibility

(3) Upon receiving a written complaint that complies with any regulations, the Registrar may make such inquiries as they consider necessary and may take one or more of the following actions:

1. Refer the complaint to alternative dispute resolution if the complainant and member or former member against whom the complaint was made consent and the matter has not yet been referred to the Discipline and Fitness to Practise Committee.
2. Refer the complaint to the Investigations and Resolutions Committee.
3. Subject to paragraph 1 of subsection 46 (1), investigate the complaint in accordance with this Part.

Complainant to be informed

(4) The Registrar shall deliver to a complainant notice of receipt of the complaint that includes any prescribed information.

Complaints in bad faith

44 (1) If the Registrar considers a complaint made under subsection 43 (1) to be frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the Registrar shall deliver to the complainant and the member or former member notice that,

- (a) the College intends to take no action with respect to the complaint; and
- (b) the complainant and the member [or former member](#) have a right to make written submissions to the Registrar within 30 days after receiving the notice.

Same

(2) If the Registrar is satisfied, after considering any written submissions of the complainant and the member or former member, that a complaint was frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the Registrar shall direct that the complaint not be referred further and shall deliver notice of the decision to the complainant and the member or former member.

Complaints not in bad faith

(3) If the Registrar is satisfied, after considering any written submissions of the complainant and the member or former member, that a complaint was not frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the Registrar shall deliver notice of the decision to the complainant and the member or former member and the Registrar may take one of the actions set out in subsection 43 (3).

Review by Board

(4) A decision of the Registrar that a complaint is frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, may be subject to a review by the Board.

ALTERNATIVE DISPUTE RESOLUTION**Process**

45 (1) Alternative dispute resolution shall be conducted in accordance with the regulations and any applicable by-laws.

Confidentiality

(2) Despite this or any other Act, all communications at an alternative dispute resolution process and the facilitator's notes and records shall remain confidential and are deemed to have been made without prejudice to the parties in any proceeding.

Facilitator not to participate

(3) The person who acts as the alternative dispute resolution facilitator shall not participate in any proceeding concerning the same matter.

Ratification of resolution

(4) If the complainant and the member or former member reach a resolution of the complaint through alternative dispute resolution, they shall advise the Registrar of the resolution, and the Registrar may,

- (a) adopt the proposed resolution; or
- (b) refer the decision of whether or not to adopt the proposed resolution to the Investigations and Resolutions Committee.

Referral

(5) If the Registrar makes a referral under clause (4) (b), the Investigations and Resolutions Committee may,

- (a) adopt the proposed resolution; or
- (b) conduct or continue its own investigation of the complaint.

Time limit

(6) If the complainant and the member or former member do not reach a resolution of the complaint within 120 days of a referral to alternative dispute resolution under paragraph 1 of subsection 43 (3), the Registrar shall refer the complaint to the Investigations and Resolutions Committee, which shall proceed with an investigation of the complaint.

REGISTRAR'S INVESTIGATIONS

Appointment of investigator

46 (1) The Registrar may appoint one or more investigators in the following circumstances:

1. If the Registrar believes on reasonable and probable grounds that a member or former member has committed an act of professional misconduct or is incompetent and if the Investigations and Resolutions Committee approves of the appointment.
2. If the Investigations and Resolutions Committee has received information about a member or former member from the Quality Assurance Committee and has requested that the Registrar conduct an investigation.
3. If the Registrar has referred a complaint about a member or former member to the Investigations and Resolutions Committee and the committee has requested that the Registrar conduct an investigation.
4. The Registrar believes on reasonable and probable grounds that the conduct of a member or former member exposes or is likely to expose their patients or clients to harm or injury and the Registrar believes that there is insufficient time to seek approval from the Investigations and Resolutions Committee.

Appointment under par. 4 of subs. (1)

(2) The appointment of an investigator under paragraph 4 of subsection (1) shall be done immediately and the Registrar shall report the appointment to the Investigations and Resolutions Committee within five days of the appointment.

Results of investigation

(3) An investigator shall provide the Registrar with the results of the investigation.

Report of Registrar

(4) The Registrar shall report the results of an investigation to the Investigations and Resolutions Committee and shall deliver notice to the member containing the prescribed information.

Powers of investigator

47 (1) In the course of an investigation, an investigator appointed under section 46 may,

- (a) inquire into and examine the practice of the member or former member in respect of whom the investigation is being made and may, upon production of their appointment, enter, at any reasonable time, the veterinary facility of the member or former member, make reasonable inquiries of any person and examine documents and things relevant to the subject-matter of the investigation;
- (b) inspect or observe the practice of veterinary medicine performed by a member or under the supervision of a member, including the direct observations of procedures performed as part of the practice, if the investigator has reasonable grounds to believe that the observation is necessary for the purpose of the investigation;
- (c) take photographs or make audio or video records relating to the veterinary facility;
- (d) remove original versions of evidence where necessary;
- (e) use any data storage, processing or retrieval device or system used in carrying on business in order to produce information that is relevant to the investigation and that is in any form;
- (f) upon giving a receipt, remove for examination and testing anything relevant to the investigation and testing, including any data storage disk or other retrieval device in order to produce information;
- (g) conduct tests that are reasonably necessary;
- (h) upon giving receipt, require a person being investigated to produce any documents, records, equipment, supplies and such other things in the control of the person that the investigator determines are relevant to the investigation, including using any data storage, processing or retrieval device or system to produce information that is relevant to the investigation and that is in any form, and the person shall produce the things required and provide any assistance required by the investigator; and

- (i) require the production for examination of any books, records or other documents, including electronic records or documents, pertaining to or documenting any matter relating to the investigation.

Application of *Public Inquiries Act, 2009*

- (2) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation under this section.

Reasonable inquiries

- (3) An investigator may make reasonable inquiries of any person, including the member or former member who is the subject of the investigation, on matters relevant to the investigation.

Co-operation with investigator

- (4) Every member and former member of the College shall co-operate fully with a person appointed to make an investigation into their practice.

Obstruction prohibited

- (5) No person shall obstruct an investigator or withhold or conceal from an investigator or destroy anything that is relevant to the investigation.

Order by justice of the peace

- (6) On application of an investigator, a justice of the peace may, whether or not an investigation has been made or attempted under subsection (1), issue a warrant authorizing the investigator to enter any premises and examine any document or thing specified in the warrant, if the justice of the peace is satisfied that the investigator has been properly appointed and that there are reasonable and probable grounds established upon oath for believing that,

- (a) the member or former member being investigated has committed an act of professional misconduct or is incompetent; and
- (b) there is something relevant to the investigation at the place.

Authority to use force

- (7) A warrant issued under subsection (6) authorizes the person or persons named in the warrant to carry out the warrant by force if necessary and together with such police officers as are called upon for assistance.

Application for dwelling

- (8) An application for a warrant under subsection (6) to enter a dwelling shall specifically indicate that the application relates to a dwelling.

Execution of warrant

- (9) A warrant issued under subsection (6) shall specify the hours and days during which it may be executed.

Expiry of warrant

- (10) A warrant issued under subsection (6) shall state the date on which it expires, which shall be a date not later than 15 days after the warrant is issued.

Application without notice

- (11) A justice of the peace may receive and consider an application for a warrant under subsection (6) without notice to and in the absence of the member or former member of the College whose practice is being investigated.

Copying of documents and objects

- 48** (1) An investigator may copy, at the College's expense, a document or object that an investigator may examine under subsection 47 (1) or under the authority of a warrant issued under subsection 47 (6).

Removal for documents and objects

- (2) An investigator may remove a document or object described in subsection (1) if,
 - (a) it is not practicable to copy it in the place where it is examined; or
 - (b) a copy of it is not sufficient for the purposes of the investigation.

Return of documents and objects or copies

- (3) If it is practicable to copy a document or object removed under subsection (2), the investigator shall,
 - (a) if it was removed under clause (2) (a), return the document or object within a reasonable time; or
 - (b) if it was removed under clause (2) (b), provide the person who was in possession of the document or object with a copy of it within a reasonable time.

Copy as evidence

(4) A copy of a document or object certified by an investigator to be a true copy shall be received in evidence in any proceeding to the same extent and shall have the same evidentiary value as the document or object itself.

Definition

(5) In this section,

“document” means a record of information in any form and includes any part of it.

**PART VIII
INVESTIGATIONS AND RESOLUTIONS**

INVESTIGATIONS AND RESOLUTIONS COMMITTEE

Duties of the Investigations and Resolutions Committee

49 (1) The Investigations and Resolutions Committee shall consider and investigate, with regards to the conduct of a member or former member, any matter that is referred to it under paragraph 4 of subsection 33 (2) or subsection 43 (3) or any report it receives pursuant to subsection 46 (4).

Submissions by member

(2) A member or former member who is the subject of a complaint or a report may make written submissions to the Investigations and Resolutions Committee within 30 days of receiving notice of the complaint or report.

Exception

(3) The Investigations and Resolutions Committee may specify a period of time of less than 30 days in which the member or former member may make written submissions, and inform the member to that effect, if the Committee is of the opinion, on reasonable and probable grounds, that the conduct of the member or former member exposes or is likely to expose an animal or human to harm or injury.

Investigation

(4) The Investigations and Resolutions Committee shall not take any action under subsection (5) until after,

- (a) a written complaint has been filed with the Registrar or the Registrar has provided a report to the Committee and the member or former member whose conduct is being investigated has been notified of the complaint;
- (b) the Committee has considered any written submissions made by the member or former member; and
- (c) the Committee has examined or has made every reasonable effort to examine all records and other documents, including any prior decisions of any current or former committee of the College relating to the complaint, the report or the member or former member.

Actions by Investigations and Resolutions Committee

(5) The Investigations and Resolutions Committee, after investigating a matter pursuant to subsection (1), may do any one or more of the following:

1. Refer specified allegations of the member or former member’s professional misconduct or incompetence to the Discipline and Fitness to Practise Committee if the allegation is related to the complaint or the report.
2. Refer the member or former member to a special panel of the Investigations and Resolutions Committee formed as a health inquiry panel under section 52 for fitness to practise proceedings.
3. Issue a caution to the member or former member or require the member or former member to appear before the Investigations and Resolutions Committee to be cautioned.
4. Require the member or former member to participate in a specified continuing education or remediation program.
5. Take any action it considers appropriate that is not inconsistent with the Act, the regulations or by-laws other than suspending or revoking a licence or imposing terms, conditions or limitations on a licence.
6. Take no further action.

Decisions and reasons to Registrar

(6) The Investigations and Resolutions Committee shall provide the Registrar,

- (a) a written copy of its decision; and,
- (b) if the decision is made under paragraphs 3 to 6 of subsection (5), the Committee’s reasons for the decision.

Notice to member

(7) Upon receiving the decision under subsection (6), the Registrar shall deliver written notice to the member or former member and any complainant setting out,

- (a) a copy of the written decision;
- (b) if the decision is made under paragraphs 3 to 6 of subsection (5), the Committee's reasons for the decision; and
- (c) the right of review under section 54.

Advice

(8) The Investigations and Resolutions Committee may require the member or former member whose conduct was considered or investigated by the Committee to appear before the Committee and the Committee may provide the member or former member with advice in respect of the practice of veterinary medicine.

Complaints in bad faith

50 (1) If the Investigations and Resolutions Committee considers a complaint referred to it under subsection 43 (3) to be frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the Committee shall deliver the complainant and the member or former member notice that,

- (a) the Committee intends to take no action with respect to the complaint; and
- (b) the complainant and the member or former member have the right to make written submissions to the Committee within 30 days after receiving the notice.

Same

(2) If the Investigations and Resolutions Committee is satisfied, after considering any written submissions of the complainant and the member or former member, that a complaint was frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the Committee shall take no action with respect to the complaint.

Complaints not in bad faith

(3) If the Investigations and Resolutions Committee is satisfied, after considering any written submissions of the complainant and the member or former member, that a complaint was not frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the Committee may take one of the actions set out in subsection 49 (5) or (8).

INTERIM ORDERS**Interim orders**

51 (1) At any time after receiving a matter under paragraph 4 of subsection 33 (2) or subsection 43 (3) or after an investigator is appointed under section 46, the Investigations and Resolutions Committee may, subject to subsection (5) of this section, make an interim order directing the Registrar to suspend, or to impose terms, conditions or limitations on, a member or former member's licence if it is of the opinion that the conduct of the member or former member exposes or is likely to expose an animal or human to harm or injury.

Procedure following interim order

(2) If an order is made under subsection (1),

- (a) the matter shall be investigated and prosecuted expeditiously; and
- (b) the Investigations and Resolutions Committee or the Discipline and Fitness to Practise Committee, as the case may be, shall give precedence to the matter.

Duration of order

(3) An order under subsection (1) continues in force until it is varied by the Investigations and Resolutions Committee or until the matter is withdrawn, resolved by way of an alternative dispute resolution process or otherwise finally disposed of by the Investigations and Resolutions Committee or the Discipline and Fitness to Practise Committee.

Committee's order

(4) In a matter in which an order under subsection (1) was made, an order of the Investigations and Resolutions Committee directing the Registrar to suspend or impose terms, conditions or limitations on a member or former member's licence takes effect immediately despite any appeal.

Restrictions on orders

(5) No order shall be made under subsection (1) unless the member or former member who is subject of the complaint has received,

- (a) notice of the intention to make the order;

- (b) at least 14 days to make written submissions to the Investigations and Resolutions Committee; and
- (c) a copy of the provisions of this section.

Extraordinary action to protect public

(6) Despite subsection (5), an order may be made under subsection (1) without notice to the member or former member, subject to the right of the member or former member to make submissions while the suspension or the terms, conditions or limitations are in place, if the Committee is of the opinion, on reasonable and probable grounds, that the conduct of the member or former member exposes or is likely to expose an animal or human to harm or injury and urgent intervention is needed.

FITNESS TO PRACTISE

Definition

52 (1) In this section,

“health inquiry panel” means a panel of the Investigations and Resolutions Committee appointed by the chair of the Investigations and Resolutions Committee under subsection (3).

Inquiries by Registrar

- (2) If the Registrar receives information leading the Registrar to believe that a member’s fitness to practise may be impaired,
- (a) the Registrar shall make such inquiries as the Registrar considers appropriate; and
 - (b) if after making such inquiries the Registrar continues to believe that the member’s fitness to practise may be impaired, the Registrar shall report its findings to the Investigations and Resolutions Committee.

Appointment of health inquiry panel

(3) After receiving a report from the Registrar, the Quality Assurance Committee or a panel of the Investigations and Resolutions Committee, the chair of the Committee may, upon notice to the member of the intention to inquire into their fitness to practise, appoint a health inquiry panel.

Inquiries

(4) The health inquiry panel shall make such inquiries with respect to the member as it considers appropriate.

Examinations of member

(5) If a health inquiry panel has reasonable and probable grounds to believe that a member’s fitness to practise is impaired, the panel may require the member to submit to such physical and mental examinations by such health professionals as the panel designates, but not to more than one examination in each area of medical specialty.

Refusal or failure

(6) If the member refuses or fails to submit to any examinations under subsection (5), the health inquiry panel may order that the Registrar suspend the member’s licence until the member complies.

Report

(7) The health inquiry panel shall report the findings of its inquiries to the Registrar.

Referral

(8) If in the opinion of the health inquiry panel, the evidence so warrants, the panel shall refer the matter to the Discipline and Fitness to Practise Committee to hold a hearing.

Notice to member

- (9) After making its inquiries, the health inquiry panel shall deliver notice to the member that includes,
- (a) a copy of its findings;
 - (b) a copy of any report obtained under subsection (5);
 - (c) notice of whether the matter is being referred to the Discipline and Fitness to Practise Committee; and
 - (d) such information as may be prescribed.

Interim order

53 (1) At any time before or after a referral to the Discipline and Fitness to Practise Committee, the health inquiry panel may, subject to subsections (4) and (5), make an interim order directing the Registrar to suspend or impose terms, conditions or limitations on a member’s licence if it is of the opinion that the physical or mental state of the member exposes or is likely to expose an animal or human to harm or injury.

Procedure following interim suspension order

(2) If an order is made under subsection (1) in relation to a matter, the health inquiry panel and the Discipline and Fitness to Practise Committee shall give precedence to the matter.

Duration of order

(3) An order under subsection (1) continues in force until it is varied by the health inquiry panel or until the matter is finally disposed of by the health inquiry panel or the Discipline and Fitness to Practise Committee.

Restrictions on orders

- (4) No order shall be made with respect to a member under subsection (1) unless the member has received,
- (a) notice of the intention to make the order;
 - (b) at least 14 days to make written submissions to the health inquiry panel; and
 - (c) any other prescribed information.

Extraordinary action to protect the public

(5) Despite subsection (4), an order may be made without notice to the member, subject to the right of the member to make submissions while the suspension is in place to the health inquiry panel, if the panel is of the opinion on reasonable and probable grounds that the physical or mental state of the member exposes or is likely to expose an animal or human to harm or injury and urgent intervention is needed.

REVIEW BY BOARD

Review of certain decisions**Request to Board**

54 (1) A member, former member or complainant who receives notice with respect to a decision under subsection 44 (2) or paragraphs 3 to 6 of subsection 49 (5) or pursuant to subsection 50 (1) may request the Board hold a review in respect of the decision of the Registrar or Investigations and Resolutions Committee by delivering notice that meets the requirements set out in subsection (2) of this section to,

- (a) the Board; and
- (b) the Registrar or Investigations and Resolutions Committee, as the case may be.

Board shall hold review

(2) Subject to subsections (4) to (6), the Board shall hold a review of the decision, if the Board receives notice of a request that,

- (a) is in writing; and
- (b) is delivered within 30 days after the person received notice from the Registrar [or Investigations and Resolutions Committee, as the case may be](#), or such longer period as determined by the Board on reasonable grounds if the Board is satisfied that no person would be unduly prejudiced as a result of the longer period.

Records and documents

(3) If the Investigations and Resolutions Committee or the Registrar receives a notice under subsection (1), it shall, within 15 days after receiving the notice, deliver to the Board,

- (a) a copy of the decision made with respect to the decision;
- (b) a record of any investigation; and
- (c) the documents and things upon which the decision was based.

When no review

(4) The Board shall not review a decision if the party who requested the review withdraws the request and the other party consents.

Request in bad faith, etc.

(5) If the Board considers a request to review a decision to have been frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process the Board shall deliver to the parties notice that it intends not to proceed with the review and that the parties have a right to make written submissions within 30 days after receiving the notice.

Same

(6) If the Board is satisfied, after considering any written submissions of the parties made within the 30-day period referred to in subsection (5), that a request was frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the Board shall not review the decision.

Powers of the Board re decision

- (7) After reviewing the decision in accordance with section 55, the Board may take one or more of the following actions:
1. Confirm all or part of the decision.
 2. Make such recommendations as the Board considers appropriate to the Investigations and Resolutions Committee or Registrar, as the case may be.
 3. Require the Investigations and Resolutions Committee to do anything the Committee may do under the Act except to request the Registrar to conduct an investigation.

When direction may be carried out

- (8) A decision under subsection 44 (2) or paragraphs 3 to 6 of subsection 49 (5) or pursuant to subsection 50 (1) may be carried out only when,
- (a) the Registrar receives notice that the applicant will not be requiring a review;
 - (b) 35 days have passed since the notice was delivered the applicant without the applicant requiring a review; or
 - (c) the Board has confirmed the direction.

Parties

(9) The complainant and the member or former member who is the subject of the complaint are parties to a review.

Personal representative as complainant

(10) A complainant's personal representative may act as the complainant for the purposes of a review by the Board if the complainant dies or becomes incapacitated.

Rules re review process**Disclosure**

55 (1) Before reviewing a decision, the Board shall disclose to the parties everything given to it by the Registrar.

Exceptions

- (2) The Board may refuse to disclose anything that may, in its opinion,
- (a) disclose matters involving public security;
 - (b) undermine the integrity of the complaint investigation and review process;
 - (c) disclose financial or personal or other matters of such a nature that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that disclosure be made;
 - (d) prejudice a person involved in a criminal proceeding or in a civil suit or proceeding; or
 - (e) jeopardize the safety of any person.

Release of documents and things

(3) The Board shall release documents and things put into evidence or received by the Board at a review to the person who produced them, on request, within a reasonable time after the matter in issue has been finally determined.

Conduct of review

(4) The Board shall consider either or both of the adequacy of the investigation conducted by the Registrar or Investigations and Resolutions Committee, as the case may be, or the reasonableness of the decision of the Committee or Registrar.

Procedure

- (5) In conducting a review, the Board,
- (a) shall give the party requesting the review an opportunity to comment on the matters set out in subsection (4) and any other party an opportunity to respond to those comments;
 - (b) may require the College to send a representative and if so required the College shall select the representative;
 - (c) may question the parties and the representative of the College;

- (d) may permit the parties to make representations with respect to issues raised by any questions asked under clause (c); and
- (e) shall not allow the parties or the representative of the College to question each other.

No communication by Board members

(6) No member of the Board participating in a review shall communicate outside the review, in relation to the subject matter of the review, with a party or the party's representative unless the other party has received notice of the subject matter of the communication and an opportunity to be present during the communication.

Application of SPPA provisions to reviews

(7) The following provisions of the Statutory Powers Procedure Act apply with necessary modifications to a review by the Board:

1. Section 4 (waiver of procedural requirement).
2. Section 4.1 (disposition of proceeding without hearing).
3. Section 5.1 (written hearings).
4. Section 5.2 (electronic hearings).
5. Section 5.3 (pre-hearing conferences).
6. Section 21 (adjournments).
7. Section 21.1 (correction of errors).
8. Section 25.1 (rules).

Reviews by Board public

56 (1) A review by the Board under section 54 shall be open to the public, subject to subsection (2) of this section.

Exclusion of public

(2) The Board may make an order that the public be excluded from a review or any part of a review if the Board is satisfied that,

- (a) matters involving public security may be disclosed;
- (b) financial, personal or other matters may be disclosed at the review of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that hearings be open to the public;
- (c) a person involved in a criminal proceeding or in a civil suit or proceeding may be prejudiced; or
- (d) the safety of a person may be jeopardized.

Orders preventing public disclosure

(3) In situations in which the Board may make an order that the public be excluded from a review, it may also make such orders as it considers necessary to prevent the public disclosure of matters disclosed at the review, including orders prohibiting the publication or broadcasting of those matters.

Public information may be disclosed

(4) No order shall be made under subsection (3) that prevents the publication of anything that is contained in the register and available to the public.

Exclusion of public

(5) The Board may make an order that the public be excluded from the part of a review dealing with a motion for an order under subsection (2).

Orders with respect to matters in submissions

(6) The Board may make any order necessary to prevent the public disclosure of matters disclosed in the submissions relating to any motion described in subsection (5), including prohibiting the publication or broadcasting of those matters.

Reasons for order, etc.

(7) The Board shall ensure that any order it makes under this section and its reasons are available to the public in writing.

Reconsidering of order

(8) The Board may reconsider an order made under subsection (2) or (3) at the request of any person or on its own motion.

Exception to closed reviews

57 If the Board makes an order under subsection 56 (2) wholly or partly because of the desirability of avoiding disclosure of matters in the interest of a person affected, the Board may allow the person and their personal representative to attend the review.

PART IX DISCIPLINE AND FITNESS TO PRACTISE

DISCIPLINE AND FITNESS TO PRACTISE COMMITTEE

Duties of the Discipline and Fitness to Practise Committee

58 The Discipline and Fitness to Practise Committee shall,

- (a) hear and determine specified allegations of a member or former member's professional misconduct and incompetence referred to it by the Investigations and Resolutions Committee;
- (b) hear and determine referrals from the Investigations and Resolutions Committee or the health inquiry panel respecting the impairment of a member or former member's fitness to practise;
- (c) hear and determine such matters referred to it by the Registrar under section 20; and
- (d) perform such other duties as are assigned to it by the Council.

PROFESSIONAL MISCONDUCT AND INCOMPETENCE

Professional misconduct

59 (1) After conducting a hearing, the Discipline and Fitness to Practise Committee shall find that a member or former member has committed an act of professional misconduct if,

- (a) the member or former member has been found guilty of an offence that is relevant to the suitability to practise veterinary medicine;
- (b) there is proof that a member's or former member's rights or privileges related to the practice of veterinary medicine have been restricted or withdrawn under an Act of the Parliament of Canada or of the Legislature of Ontario, other than under this Act, unless by the request of the member or former member;
- (c) the veterinary authority of a jurisdiction other than Ontario has found that the member or former member committed an act of professional misconduct that would, in the opinion of the Committee, be an act of professional misconduct under this Act;
- (d) the member or former member has committed an act of professional misconduct as defined in the regulations; or
- (e) the member or former member has failed to co-operate with the Quality Assurance Committee or any assessor appointed by that committee.

Incompetence

(2) After conducting a hearing, the Discipline and Fitness to Practise Committee shall find a member or former member to be incompetent if,

- (a) in their professional care of an animal, the member or former member displays a lack of knowledge, skill or judgment or disregard for the welfare of the animal of a nature or to an extent that demonstrates the member or former member is unfit to engage in the practice of veterinary medicine or is fit to engage in the practice of veterinary medicine only subject to terms, conditions and limitations; or
- (b) the veterinary authority of a jurisdiction other than Ontario has found that the member or former member is incompetent and, in the opinion of the Committee, the reasons for the finding would lead to a finding of incompetence under this Act.

Orders of Discipline and Fitness to Practise Committee

60 (1) If the Discipline and Fitness to Practise Committee finds a member or former member has committed an act of professional misconduct or is incompetent, the Committee may make and deliver to the member or former member one or more of the following orders:

1. An order directing the Registrar to revoke the member or former member's licence or withdraw recognition of the specialist status of the member or former member, or both.
2. An order directing the Registrar to suspend the licence of the member or former member or suspend recognition of the specialist status of the member or former member, or both, for a stated period or pending the demonstration of such facts as are specified by the Committee.

3. An order directing the Registrar to impose such terms, conditions and limitations upon the licence of the member or former member for such period of time as is specified by the Committee or pending the demonstration of such facts as are specified by the Committee.
4. An order imposing such fine as the Committee considers appropriate, to a maximum of \$25,000, to be paid by the member or former member to the Minister of Finance.
5. An order requiring the member or former member to appear before the Committee to be reprimanded.

Same

(2) In making an order under paragraph 2 or 3 of subsection (1), the Discipline and Fitness to Practise Committee may specify criteria to be satisfied for the removal of a suspension or the removal of terms, conditions and limitations imposed on a member or former member's licence.

Suspension of order

(3) The Discipline and Fitness to Practise Committee may suspend the effect of all or part of an order made under subsection (1) for a specified period and on specified conditions.

Costs of member

(4) If the Discipline and Fitness to Practise Committee is of the opinion that the commencement of proceedings was unwarranted, it may make an order requiring the College to pay all or part of the legal costs of the member or former member.

Costs of College

(5) The Discipline and Fitness to Practise Committee may make an order requiring a member or former member who has been found by the Committee to have committed an act of professional misconduct or to be incompetent to pay all or part of the following costs:

1. The College's legal costs.
2. The College's costs incurred in investigating the matter.
3. The College's costs incurred in conducting the hearing.

Register entries

(6) If the Discipline and Fitness to Practise Committee imposes a fine or reprimands a member or former member, the Committee may direct that the fact and amount of the fine or the fact of the reprimand not be entered in a register.

Publication and delivery of decisions

Publication

61 (1) The College shall publish the decisions of the Discipline and Fitness to Practise Committee and their reasons, or a summary of their reasons, in its annual report and may publish the decisions and reasons or summary in any other publication of the College.

Publication of member's name

(2) In publishing a decision and reasons or a summary under subsection (1), the College shall publish the name of the member or former member who was the subject of the proceeding if,

- (a) the results of the proceeding may be obtained by a person from the register; or
- (b) the member or former member requests the publication of their name.

Withholding of member's name

(3) The College shall not publish the name of the member or former member unless it is required to do so under subsection (2).

Delivery of decision

(4) If a member or former member has been found by the Discipline and Fitness to Practise Committee to have committed an act of professional misconduct or to be incompetent, the Registrar shall deliver a copy of the decision to any complainant.

Stay of decision on appeal

Professional misconduct

62 (1) If the Discipline and Fitness to Practise Committee directs the Registrar to revoke or suspend a licence, withdraw or suspend recognition of specialist status or impose terms, conditions or limitations upon a licence on the ground of professional misconduct, the order does not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Incompetence

(2) If the Discipline and Fitness to Practise Committee directs the Registrar to revoke or suspend a licence, withdraw or suspend recognition of specialist status or impose terms, conditions or limitations on a licence on the ground of incompetence, the decision takes effect immediately even if an appeal is taken from the decision, unless the court to which the appeal is taken orders otherwise.

FITNESS TO PRACTISE

Powers of Discipline and Fitness to Practise Committee

63 (1) If a matter is referred to the Discipline and Fitness to Practise Committee under subsection 52 (8), the Committee shall conduct a hearing and after the hearing shall,

- (a) make a finding as to whether or not the member's fitness to practise is impaired; and
- (b) if the member's fitness to practise is found to be impaired, by order direct the Registrar to,
 - (i) revoke the member's licence,
 - (ii) suspend the member's licence either indefinitely or pending the demonstration of such facts as the Committee specifies, or
 - (iii) impose such terms, conditions and limitations on the member's licence as the Committee considers appropriate.

Procedures

(2) Subsections 68 (1) to (11) apply with necessary modifications to proceedings of the Discipline and Fitness to Practise Committee under this section.

Closed to the public

(3) Despite the *Statutory Powers Procedure Act*, a hearing by the Discipline and Fitness to Practise Committee under this section shall be closed to the public but, if the member whose fitness to practise is alleged to be impaired requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the Committee shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed;
- (b) financial, personal or other matters may be disclosed at the hearing of such a nature that the harm created by disclosure would outweigh the desirability of adhering to the principle that hearings be open to the public;
- (c) a person involved in a criminal proceeding or civil suit may be prejudiced; or
- (d) the safety of any person may be jeopardized.

Continuing jurisdiction over former member

(4) Sections 52, 53, subsections (1) to (3) and (5) to (8) of this section and sections 64 and 65 apply with necessary modifications to an inquiry or hearing regarding the fitness to practise of a former member whose licence was suspended and the health inquiry panel or Discipline and Fitness to Practise Committee, as the case may be, may provide that the revocation or suspension of a licence or the imposition of terms, conditions or limitations on a licence take effect at the same time as or immediately after an existing suspension.

Parties

(5) The College, the member whose fitness to practise is alleged to be impaired and any other person specified by the Discipline and Fitness to Practise Committee are parties to a hearing before the Committee under this section.

Publication prohibited

(6) No person shall take or attempt to take or publish, broadcast, reproduce or otherwise disseminate a photograph, motion picture, audio or video recording or other record capable of producing visual or aural representations by any means, of any person,

- (a) at a hearing of the Discipline and Fitness to Practise Committee;
- (b) entering or leaving a hearing of the Committee; or
- (c) in the building in which a hearing of the Committee is held, if there is reasonable ground for believing that the person is there for the purpose of attending the hearing.

Exceptions

(7) Subsection (6) does not apply to,

- (a) a person unobtrusively making handwritten notes or sketches at a hearing;

- (b) a solicitor or party unobtrusively making an audio recording at a hearing that is used only as a substitute for handwritten notes for the purposes of the hearing;
- (c) a person taking a photograph, motion picture, audio or video recording or other record with the authorization of the Discipline and Fitness to Practise Committee for any purpose of the hearing; or
- (d) a person taking a photograph, motion picture, audio or video recording or other record with the authorization of the Committee and the consent of the parties and of the witnesses to be recorded, for such educational or instructional purposes as the Committee approves.

Identification prohibited

(8) No person shall publish the name, or any information which could reasonably serve to identify the name, of a member who is a party to a Discipline and Fitness to Practise Committee hearing until the Committee completes the hearing and makes a decision that is required to be entered in a register, unless the member consents to such publication.

Application, subss. (6) to (8)

(8.1) For greater certainty, subsections (6) to (8) apply only with respect to hearings regarding fitness to practise.

Application of section

(9) This section applies instead of section 29 of the *Statutory Powers Procedure Act*.

Reports of medical practitioners

Medical evidence

64 (1) A health professional appointed under subsection 52 (5) or otherwise retained by the member is not compellable to produce at the hearing their case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment.

Reports of health professionals

(2) A report described in subsection (1) is admissible as evidence at a hearing without proof of its making or of the health professional's signature if the party introducing the report delivers to the other parties a copy of the report at least 10 days before the hearing.

Testimony of health professionals

(3) A health professional may not give evidence in their professional capacity at a hearing unless a report described subsection (1) is introduced as evidence.

Cross-examination

(4) If a report described in subsection (1) is introduced by a party, the other parties may summon and cross-examine the person who prepared the report.

Exception

(5) The Discipline and Fitness to Practise Committee may, in its discretion, allow a party to introduce evidence that is inadmissible under this section and may make directions it considers necessary to ensure that the other parties are not prejudiced.

Stay of decision on appeal, fitness to practise

65 If the Discipline and Fitness to Practise Committee directs the Registrar to revoke, suspend or impose terms, conditions or limitations upon the licence of a member on the ground that the member's fitness to practise is impaired, the decision takes effect immediately even if an appeal is taken from the decision, unless the court to which the appeal is taken otherwise orders.

Hearings Public

66 (1) Subject to section 63 and subsection (2) of this section, a hearing of the Discipline and Fitness to Practise Committee shall be open to the public.

Exclusion of the Public

(2) The Discipline and Fitness to Practise Committee may make an order that the public be excluded from a hearing or any part of it if the Committee is satisfied that,

- (a) matters involving public security may be disclosed;
- (b) financial, personal or other matters may be disclosed at the hearing of such a nature that the harm created by disclosure would outweigh the desirability of adhering to the principle that hearings be open to the public;
- (c) a person involved in a criminal proceeding or in a civil suit may be prejudiced; or
- (d) the safety of a person may be jeopardized.

Orders preventing public disclosure

(3) In situations in which the Discipline and Fitness to Practise Committee may make an order that the public be excluded from a hearing, it may make orders it considers necessary to prevent the public disclosure of matters disclosed at the hearing, including orders banning the publication or broadcasting of those matters.

Public information may be disclosed

(4) No order shall be made under subsection (3) that prevents the publication of anything that is contained in the register and available to the public.

Exclusion of public for motion under subs. (2)

(5) The Discipline and Fitness to Practise Committee may make an order that the public be excluded from the part of a hearing dealing with a motion for an order under subsection (2).

Orders with respect to matters in submissions

(6) The Discipline and Fitness to Practise Committee may make any order necessary to prevent the public disclosure of matters disclosed in the submissions relating to any motion described in subsection (5), including prohibiting the publication or broadcasting of those matters.

Reasons for order, etc.

(7) The Discipline and Fitness to Practise Committee shall ensure that any order it makes under this section and its reasons are available to the public in writing.

Reconsidering of order

(8) The Discipline and Fitness to Practise Committee may reconsider an order made under subsection (2) or (3) at the request of any person or on its own motion.

Exception to closed hearings

(9) If the Discipline and Fitness to Practise Committee makes an order under subsection (2) wholly or partly in relation to a person, the Committee may allow the person and their personal representative to attend the hearing and may, in its discretion, allow another person to attend if, in the opinion of the Committee, to do so does not undermine the reasons for making the order and does not cause undue prejudice to a party.

DISCIPLINE AND FITNESS TO PRACTISE COMMITTEE HEARING PROCESS

Committee

Votes

67 (1) All decisions of a panel of the Discipline and Fitness to Practise Committee require a vote of a majority of the members of the panel present at the hearing.

Exception

(2) The chair of the Discipline and Fitness to Practise Committee shall not assign a member to a panel if the member has taken part in any consideration or investigation of what is to be the subject matter of the Committee's hearing.

Process

Expiry of member's term of office

68 (1) If a proceeding is commenced before the Discipline and Fitness to Practise Committee and the term of office on the Council or on the Committee of a person sitting for the hearing expires or is terminated, other than for cause, before the proceeding has been disposed of but after evidence has been heard, the person is deemed to remain a member of the Committee and to satisfy any requirements under the Act for being a member of the Committee for the purposes of completing the proceeding in the same manner as if the person's term of office had not expired or been terminated.

Disability of member

(2) If the Discipline and Fitness to Practise Committee commences a hearing and any member of the Committee becomes unable to continue to act, the remaining members may complete the hearing despite the absence of the member or members and may render a decision as if all members of the Committee were present throughout the hearing, despite the absence of a quorum of the Committee.

Findings of facts

(3) The findings of fact of the Discipline and Fitness to Practise Committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Examination of documentary evidence

(4) Before a Discipline and Fitness to Practise Committee hearing, a party to the hearing shall be given the opportunity to examine any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Delivery of expert witness report

(5) If a party to a Discipline and Fitness to Practise Committee hearing intends to call an expert witness at the hearing, at least 10 days before the commencement of the hearing the party shall deliver to the other party a report, signed by the expert, setting out the expert's name, address and qualifications and the substance of the proposed testimony.

Exception for expert testimony

(6) An expert witness shall not testify at a Discipline and Fitness to Practise Committee hearing unless subsection (5) has been complied with, except with the permission of the Committee, the consent of the other party or if the role of the expert is to give reply evidence.

Communications

(7) No member of the Discipline and Fitness to Practise Committee shall communicate directly or indirectly in relation to the subject matter of the hearing with any person or with any party or any party's representative unless,

- (a) the member of the Committee provides an opportunity for all parties to participate in the communication; or
- (b) the communication is for the purposes of seeking legal advice from an adviser who is independent from all parties and the member of the Committee makes a summary of the subject matter of the advice available to all the parties so that the parties may make submissions as to the law.

Recording of evidence

(8) The oral evidence provided at a Discipline and Fitness to Practise Committee hearing shall be recorded and if so required, copies of a transcript of the oral evidence shall be furnished upon the same terms as in the Superior Court of Justice.

Only members at hearing to participate in decision

(9) No member of the Discipline and Fitness to Practise Committee shall participate in a decision on a matter unless the member was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(10) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person within a reasonable time after the matter in issue has been finally determined.

Practice and procedure

(11) For the purposes of carrying out hearings, the Discipline and Fitness to Practise Committee may,

- (a) determine its own practice and procedure in relation to hearings;
- (b) subject to section 25.1 of the *Statutory Powers Procedure Act*, make rules governing its practice and procedure and the exercise of its powers; and
- (c) establish any forms it considers advisable.

Parties

(12) The College, the complainant, if applicable, and the member or former member of the College whose conduct is being investigated are parties to the proceedings before the Discipline and Fitness to Practise Committee.

PART X APPEAL TO COURT

Appeal to court

69 (1) Any of the following parties may appeal a decision or order of the relevant committee or the Board to the Divisional Court:

1. A party to a proceeding before the Discipline and Fitness to Practise Committee under sections 58 to 65.
2. A party to a proceeding before the Accreditation Committee under section 26.
- ~~3. A party to a hearing by the Board in respect of a proposal by the Licensing Committee related to the issuance of a licence or the imposition of terms, conditions or limitations on a licence.~~
- ~~4. A party to a hearing by the Board in respect of a proposal by the Accreditation Committee related to the issuance or renewal of a certificate of accreditation or the imposition of terms, conditions or limitations on a certificate of accreditation.~~

3. A party to a hearing by the Board in respect of a decision by the Licensing Committee related to the issuance of a licence or the imposition of terms, conditions or limitations on a licence.

4. A party to a hearing by the Board in respect of a decision by the Accreditation Committee related to the issuance or renewal of a certificate of accreditation or the imposition of terms, conditions or limitations on a certificate of accreditation.

Certified copy of record

(2) The Registrar or the Executive Secretary of the Board, as the case may be, shall provide a certified copy of the record of proceedings to a party described in subsection (1) at the party's expense.

Powers of court on appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may,

- (a) affirm or rescind the decision of the Board or the committee;
- (b) exercise all powers of the Board or the committee;
- (c) take any action which the Board or the committee may take;
- (d) substitute its opinion for that of the Board or the committee; or
- (e) refer the matter back to the Board or the committee for rehearing, in whole or in part, in accordance with such directions as the court may provide.

PART XI PROFESSIONAL CORPORATIONS

Professional corporations

Application

70 (1) The following persons may apply to the Registrar in accordance with the by-laws and regulations, if any, for a certificate of authorization to establish a professional corporation for the purpose of practising veterinary medicine:

1. A veterinarian member.
2. Two or more veterinarian members practising veterinary medicine as individuals or as a partnership.

Issuing and revoking certificates of authorization

(2) The College shall, in accordance with its by-laws and the regulations, if any, determine whether to issue a certificate of authorization and whether to revoke a certificate of authorization.

Application of *Business Corporations Act*

(3) The provisions of the *Business Corporations Act* that apply to professional corporations within the meaning of that Act apply to a professional corporation with a certificate of authorization.

Shareholders

(4) For the purposes of subsection 3.2 (2) of the *Business Corporations Act*, in the case of a professional corporation described in subsection (1) of this section all of the issued and outstanding shares of a professional corporation shall be legally and beneficially owned, directly or indirectly, by one or more veterinarian members.

Notice of change of shareholder

71 A professional corporation shall notify the Registrar within the time and in the form and manner determined under the by-laws of a change in the shareholders of the corporation.

Application re members

72 (1) Any provision of this Act, the regulations, the by-laws or the standards that applies to a member shall apply to a member whose practice is carried on through a professional corporation.

Compliance

(2) Members whose practice is carried on through a professional corporation shall ensure that their practice of veterinary medicine complies with any rules or requirements set out in the regulations regarding such practices.

Professional, fiduciary and ethical obligations to clients

73 (1) The professional, fiduciary and ethical obligations of a member to a person on whose behalf the member is practising veterinary medicine,

- (a) are not diminished by the fact that the member is practising veterinary medicine through a professional corporation; and
- (b) apply equally to the corporation and to its directors, officers, shareholders, agents and employees.

Investigation

(2) Subsections (3) and (4) apply if an action or the conduct of a member, carried on through a profession corporation, is the subject of one of the following:

1. A complaint.
2. A mandatory reporting obligation under the Act.
3. A specified allegation of professional misconduct or incompetence.
4. An investigation, review or hearing by the Board.
5. An investigation, inspection or assessment by an investigator or assessor appointed under the Act.
6. An inquiry by the Investigations and Resolutions Committee.
7. A referral to the health inquiry panel or the Discipline and Fitness to Practise Committee.
8. A hearing by a committee of the College.

Same

(3) In the circumstances described in subsection (2), any power that the College may exercise in respect of a member may be exercised in respect of the professional corporation.

Same

(4) In the circumstances described in subsection (2), the professional corporation is jointly and severally liable with the member for all fines, costs and expenses that the member is ordered to pay.

Conflict in duties

74 If there is a conflict between a member's duty to a client, the College or the public and the member's duty to a professional corporation as a director or officer of the corporation, the duty to the client, the College or the public prevails.

Restrictions re certificate

75 A term, condition or limitation imposed on the licence of a veterinarian member practising veterinary medicine through a professional corporation applies to the corporation's certificate of authorization in relation to the practice of veterinary medicine through the member.

PART XII OFFENCES

Type A offences

76 (1) A person who contravenes or fails to comply with any of the following provisions is guilty of a Type A offence:

1. Section 9.
2. Section 11.
3. Any provision of this Act or the regulations prescribed by the Lieutenant Governor in Council as a Type A offence.

Responsibility of employers

(2) The employer of a person who contravenes section 9 or 11 while acting within the scope of their employment is guilty of a Type A offence.

Responsibility of directors of corporate employers

(3) If the employer described in subsection (2) is a corporation, every director of the corporation who approved of, permitted or acquiesced in the contravention is guilty of a Type A offence.

Penalties, individual

(4) An individual, including a director of the corporation, who is convicted of a Type A offence is liable,

- (a) for a first offence, to a fine of not more than \$25,000; and
- (b) for any subsequent offence, to a fine of not more than \$50,000, or to imprisonment for a term of not more than 12 months, or to both.

Penalties, corporation

(5) A corporation who is convicted of a Type A offence is liable,

- (a) for a first offence, to a fine of not more than \$50,000; and
- (b) for any subsequent offence, to a fine of not more than \$200,000.

Type B offences

77 (1) A person who contravenes or fails to comply with any of the following provisions is guilty of a Type B offence:

1. Section 12.
2. Section 13.
3. Section 34.
4. Section 37.
5. Subsection 47 (4).
6. Subsection 63 (6).
7. Any provision of this Act or the regulations prescribed by the Lieutenant Governor in Council for the purposes of this section.

Representation of qualifications

(2) A person, other than a member, who holds themselves out expressly or by implication as a veterinarian, a registered veterinary technician or a registered veterinary technologist is guilty of a Type B offence.

Falsification of documents

(3) A person who makes or causes to be made a wilful falsification in a matter relating to a register or issues a false licence, certificate of accreditation or document with respect to the issuance of a licence or certificate of accreditation is guilty of a Type B offence.

False representation

(4) A person who wilfully procures or attempts to procure the issuance of a licence or a certificate of accreditation under this Act by knowingly making a false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of a Type B offence.

Breach of orders preventing publication

(5) Every person who contravenes or fails to comply with any of the following orders made pursuant to this Act is guilty of a Type B offence:

- ~~1. An order of the Council preventing the public disclosure of matters disclosed in a meeting, including banning publication or broadcasting of those matters.~~
1. An order of the Board excluding the public from a hearing or preventing the public disclosure of matters disclosed in a review or hearing, including banning the publication or broadcasting of those matters.
2. An order of the Discipline and Fitness to Practise Committee, Accreditation Committee or Licensing Committee excluding the public from a hearing or preventing the public disclosure of matters disclosed at the hearing, including banning the publication or broadcasting of those matters.

Professional corporations

(6) Every professional corporation is guilty of a Type B offence that,

- (a) does or fails to do something that would constitute professional misconduct if a member did or failed to do it; or
- (b) contravenes any provision of this Act or the regulations.

Penalties, individual

(7) An individual who is convicted of a Type B offence is liable,

- (a) for a first offence, to a fine of not more than \$25,000; and
- (b) for any subsequent offence, to a fine of not more than \$50,000.

Penalties, corporation

(8) A corporation who is convicted of a Type B offence is liable,

- (a) for a first offence, to a fine of not more than \$50,000; and
- (b) for any subsequent offence, to a fine of not more than \$200,000.

Limitation period

78 Proceedings to obtain a conviction for an offence under this Part shall not be commenced after the expiration of one year after the date on which the offence was, or is alleged to have been, committed.

PART XIII
POWERS OF MINISTER AND LIEUTENANT GOVERNOR IN COUNCIL

Powers of Minister

- 79** (1) In addition to the Minister's other powers and duties under this Act, the Minister may,
- (a) review the activities of the Council and require the Council to provide reports and information about its activities;
 - (b) require the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;
 - (c) advise the Council with respect to the implementation of this Act and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations, standards, by-laws and procedures;
 - (d) require the Council to make, amend or rescind the standards for veterinary facilities or for the practice of veterinary medicine established by the Council pursuant to section 97; and
 - (e) require the Council to make, amend or revoke a regulation in accordance with subsection 93 (2).

Compliance

- (2) If the Minister requires the Council to do anything under clause (1) (a), (b) or (d), the Council shall, within the time and in the manner specified by the Minister, comply with the requirement.

Expenses

- (3) The Minister may, in their absolute discretion and out of money appropriated for such purposes by the Legislature, pay the College for expenses incurred in complying with a requirement under subsection (1).

Reports

Annual report

- 80** (1) The College shall report annually to the Minister on its activities and financial affairs.

Audited financial statement

- (2) The College's annual report shall include an audited financial statement.

Content and form

- (3) The Minister may specify the content and form of the annual reports submitted by the College and, where the Minister has done so, the annual reports shall contain that content and be in that form.

Minister may publish information

- (4) The Minister may, in every year, publish information from the annual reports of the College.

No personal information

- (5) Information from the annual reports published by the Minister shall not include any personal information.

Additional audits

- (6) The College shall be subject, at any time, to any other audits relating to any aspect of its affairs as the Minister may determine to be appropriate, conducted by an auditor appointed by or acceptable to the Minister.

Auditor to submit results

- (7) The auditor shall submit the results of any audit performed under subsection (6) to the Minister and the College.

College supervisor

- 81** (1) The Lieutenant Governor in Council may appoint a person as a College supervisor, on the recommendation of the Minister, if the Minister considers such appointment appropriate or necessary.

Factors to be considered

- (2) In deciding whether to make a recommendation under subsection (1), the Minister may consider any matter the Minister considers relevant, including,
- (a) the quality of the administration and management, including financial management, of the College;
 - (b) the administration of this Act; and
 - (c) the performance of other duties and powers imposed on the College, the Council, the committees of the College or persons employed, retained or appointed to administer this Act.

Notice

(3) At least 30 days before recommending to the Lieutenant Governor in Council that a College supervisor be appointed, the Minister shall deliver to the College a notice of the Minister's intention to make the recommendation and in the notice advise the College that it may make written submissions to the Minister.

Review of submissions

(4) The Minister shall review any submissions made by the College and, if the Minister makes a recommendation to the Lieutenant Governor in Council to appoint a College supervisor, the Minister shall provide the College's submissions, if any, to the Lieutenant Governor in Council.

Term of office

(5) The appointment of a College supervisor is valid until terminated by order of the Lieutenant Governor in Council.

Powers of College supervisor

(6) Unless the appointment provides otherwise, a College supervisor has the exclusive right to exercise all the powers of a Council and every person employed, retained or appointed for the purposes of the administration of this Act.

Same

(7) The Lieutenant Governor in Council may specify the powers and duties of a College supervisor appointed under this section and the terms, conditions and limitations governing those powers and duties.

Additional powers of College supervisor

(8) If, under the order of the Lieutenant Governor in Council, the Council continues to have the right to act respecting any matters, any such act of Council is valid only if approved in writing by the College supervisor.

Right of access

(9) A College supervisor has the same rights as the Council and the Registrar in respect of the documents, records and information of the College.

Report to Minister

(10) A College supervisor shall report to the Minister as required by the Minister.

Minister's directions

(11) The Minister may issue one or more directions to a College supervisor regarding any matter within the jurisdiction of the supervisor, or amend a direction.

Directions to be followed

(12) A College supervisor shall carry out every direction of the Minister.

**PART XIV
GENERAL**

Registers

82 (1) The Registrar shall maintain one or more registers which shall include,

- (a) the name of every person to whom a licence is issued and the class of licence issued;
- (b) any designation of a member of the College as a specialist and any withdrawal of recognition by the College of the specialist status of a member or former member;
- (c) any terms, conditions or limitations imposed on a licence;
- (d) any revocation, suspension or cancellation of a licence;
- (e) the fact and amount of any fine imposed by the Discipline and Fitness to Practise Committee and the fact of any reprimand by the Committee, unless the Committee directs that no entry be made;
- (f) where an entry results from a decision of a committee, the name of the committee that made the decision and any finding of the committee resulting in the entry;
- (g) information that a member of the College consents to be entered in a register;
- (h) the date of the decision or order that results in an entry under this subsection;
- (i) any notice of accreditation hearings and related allegations under section 26;
- (j) any notices of discipline hearings and related allegations, which shall be entered before the holding of the hearing;

- (k) a copy of the specified allegations against a member or former member for every matter related to professional misconduct or incompetence that has been referred by the Investigations and Resolutions Committee to the Discipline and Fitness to Practise Committee under subsection 49 (5) and that has not been finally resolved;
- (l) information that the Licensing Committee or Discipline and Fitness to Practise Committee specifies shall be included;
- (m) if findings of the Discipline and Fitness to Practise Committee are appealed, a notation that they are under appeal, which shall be included until the appeal is finally disposed of;
- (n) a notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Investigations and Resolutions Committee or the Discipline and Fitness to Practise Committee that a member has entered into with the College and that are in effect;
- (o) with respect to a certificate of accreditation issued by the Registrar,
 - (i) the name of any person who holds the certificate of accreditation,
 - (ii) the location and class of a veterinary facility for which the certificate of accreditation is issued,
 - (iii) any terms, conditions or limitations attached to the certificate of accreditation,
 - (iv) the date of expiry of the certificate of accreditation, and
 - (v) any revocation, suspension or cancellation of the certificate of accreditation;
- (p) professional corporations that have been issued a certificate of authorization; and
- (q) any other information authorized or required to be entered by the regulations or by-laws.

Same

(2) Despite subsection (1), the Registrar may refuse to disclose to an individual or to post on a register any information, if the Registrar has reasonable grounds to believe that the information is obsolete and no longer relevant to the member's suitability to practise.

Form

(3) The Registrar shall maintain the registers electronically and post them to the College's website.

Publication ban

(4) No action shall be taken under this section which violates a publication ban, and nothing in this section requires or authorizes the violation of a publication ban.

When information may be withheld from the public

(5) The Registrar may refuse to disclose to an individual or to post on the College's website an address or telephone number or any other information designated as information to be withheld from the public in the by-laws if the Registrar has reasonable grounds to believe that disclosure may jeopardize the safety of an individual.

Other cases when information shall be withheld

- (6) The Registrar shall refuse to disclose to an individual or to post on the College's website information required by clause (1) (e) if,
 - (a) the member has made an application to the relevant committee for the removal of the information from public access because the information is no longer relevant to the member's suitability to practise, and if,
 - (i) the relevant committee believes that the desirability of a refusal to disclose the information outweighs the desirability of public access to the information in the interest of any person affected or the public interest, and
 - (ii) the relevant committee has directed the Registrar to remove the information from public access; or
 - (b) the result of a discipline proceeding was that no finding of professional misconduct or incompetence was made against the member, and more than 90 days have passed since the information was prepared or last updated, unless, before the expiry of the 90 days, the member to whom the information relates specifically requests, in writing, that the Registrar continue to maintain public access to the information.

Corrections

- (7) The Registrar shall correct any information contained in a register if,
 - (a) a member demonstrates, to the satisfaction of the Registrar, that the information is incomplete or inaccurate; and
 - (b) the member provides the Registrar with the information that is necessary to enable the Registrar to correct the incomplete or inaccurate information.

Confidentiality

83 (1) The persons set out in subsection (2) shall preserve secrecy with respect to all matters that come to their knowledge in the course of their duties, employment, examination, review or investigation and shall not communicate any such matters to any other person except,

- (a) as may be permitted by the regulations or required in connection with the administration of this Act and the regulations and by-laws, or any proceeding under this Act or the regulations;
- (b) to a body that governs a profession either inside or outside Ontario;
- (c) to their counsel;
- (d) to a police officer or provincial offences officer, as that term is defined in subsection 1 (1) of the *Provincial Offences Act*, to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (e) to disclose that the College is investigating a member or former member, if there are compelling public interest reasons for the disclosure;
- (f) if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a risk of harm to a person or animal or group of persons or animals;
- (g) with the written consent of the person to whom the information relates;
- (h) where the information is already in the public domain; or
- (i) except as otherwise prohibited by this Act, where disclosure of the information is required by a provincial or federal law.

Same

(2) The following persons are required to preserve secrecy for the purposes of subsection (1):

1. Every person employed, retained or appointed for the purposes of the administration of this Act.
2. Every member of the Council or a committee of the College.
3. Any person making an investigation.
4. The members of the Board.

Hearings and submissions

84 Despite the *Statutory Powers Procedure Act*, no board, committee, person or group of persons shall be required to hold a hearing or to afford to any person an opportunity to appear or to make submissions before making a decision or proposal, giving a direction or otherwise disposing of a matter under this Act except to the extent that a hearing or an opportunity to appear or to make submissions is specifically required by this Act.

Evidence in civil proceedings

85 (1) No record of a proceeding under this Act, no report, document or thing prepared for or statement given at such a proceeding and no order or decision made in such a proceeding is admissible in a civil proceeding other than a proceeding under this Act.

Testimony in civil action

(2) No person described in subsection 83 (2) shall be required to give testimony or to produce any document or thing in any action or proceeding with regard to information obtained in the course of his or her duties, employment, examination, review or investigation except in a proceeding under this Act or the regulations.

Court orders

86 (1) The College may apply to the Superior Court of Justice for an order directing a person to comply with a provision of this Act, the regulations or the by-laws.

Appeal

(2) An appeal lies to the Divisional Court from an order made under subsection (1).

Registrar's certificate as evidence

87 Any statement containing information from the records required to be kept by the Registrar under this Act and purporting to be certified by the Registrar under the seal of the College is admissible in evidence in all courts and tribunals as proof, in the absence of evidence to the contrary, of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal.

Delivery of notice, order or document

88 (1) Any notice, order or other document under this Act or the by-laws is sufficiently delivered if it is delivered personally, by registered mail or by such other manner as may be prescribed.

Timing

(2) A notice, order or other document is deemed to be delivered,

- (a) on the day of delivery, where the notice, order or other document is delivered personally;
- (b) on the fifth day after the day of mailing, where the notice, order or other document is delivered by registered mail; and
- (c) as provided for in the regulations, if it is delivered in a prescribed manner.

Posting of timelines

89 The Registrar shall post on the website of the College a summary of the amount of time that it takes for a complaint to move through the Investigations and Resolutions Committee process, excluding time spent on alternative dispute resolution processes.

Crown liability

No personal liability

90 (1) No cause of action arises against any current or former member of the Executive Council, current or former Deputy Minister, any College Supervisor appointed under section 81 or any employee or agent of the Crown for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions.

Crown remains vicariously liable

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) of this section does not relieve the Crown of liability to which it would otherwise be subject as a result of the acts or omissions of a person specified in subsection (1).

No liability for acts or omissions of others

(3) No cause of action arises against the Crown or any person specified in subsection (1) for an act or omission of a person other than the Crown or a person specified in that subsection, if the act or omission is related, directly or indirectly, to the exercise or performance, or intended exercise or performance, of a power, duty or function under this Act.

Employment, etc. with College

(4) If a person who is an employee or agent of the Crown is employed in or assigned to, or otherwise performs duties directly for, the College, the person is deemed to be an employee of the College and not an employee or agent of the Crown specified in subsection (1) in relation to the person's acts or omissions arising from the employment, assignment or performance for the purposes of this section and sections 91 and 92, as well as any claim for vicarious liability.

Proceedings by Crown not prevented

(5) This section does not apply with respect to proceedings brought by the Crown.

~~No personal liability or liability of College~~

~~**91** (1) No cause of action arises against the College, any current or former member of the Council, the Transition Council or a Committee of the College, the Registrar, an investigator appointed under section 46, an assessor appointed by the Quality Assurance Committee, an alternative dispute resolution facilitator under section 45 or an employee or agent of the College for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions.~~

No personal liability or liability of College

91 (1) No cause of action arises against the College or any of the following persons for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions:

1. A current or former member of,
 - i. the Council,
 - ii. the Transition Council, or
 - iii. a Committee of the College.
2. A current or former,

- i. Registrar,
- ii. investigator appointed under section 46,
- iii. assessor appointed by the Quality Assurance Committee,
- iv. alternative dispute resolution facilitator under section 45, or
- v. employee or agent of the College.

Proceedings by Crown not prevented

(2) This section does not apply with respect to proceedings brought by the Crown.

Proceedings barred

92 (1) No proceeding shall be commenced,

- (a) against any person specified in subsection 90 (1), in respect of a matter referred to in that subsection;
- (b) against the Crown or any person specified in subsection 90 (1), in respect of a matter referred to in subsection 90 (3); or
- (c) against any person specified in subsection 91 (1), in respect of a matter referred to in that subsection.

Same

(2) Subsection (1) does not apply with respect to an application for judicial review or any proceeding that is specifically provided for under this Act, but does apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief, a remedy in contract, restitution, unjust enrichment or tort, a remedy for breach of trust or fiduciary obligation or any equitable remedy, enforcement of a judgment, order or award made outside Ontario or any form of compensation or damages including loss of revenue or profit.

Proceedings by Crown not prevented

(3) This section does not apply with respect to proceedings brought by the Crown.

**PART XV
REGULATIONS, STANDARDS AND BY-LAWS**

REGULATIONS

Regulations, Council

93 (1) Subject to the approval of the Lieutenant Governor in Council, the Council may make regulations,

- 1. prescribing and governing anything in this Act that is described as being prescribed, done in accordance with the regulations, provided for in the regulations or authorized or required by the regulations, other than a matter that this Act describes as being prescribed by the Minister or Lieutenant Governor in Council or provided for in regulations made by the Minister or Lieutenant Governor in Council;
- 2. delegating powers, duties and functions to the committees of the College;
- 3. prescribing and governing the composition and quorum of committees of the College and panels of committees;
- 4. prescribing and governing the qualification, selection, appointment and terms of office of members of committees of the College and panels of committees;
- 5. prescribing and governing conditions that disqualify committee members from sitting on committees of the College and panels of committees and governing the removal of disqualified committee members;
- 6. respecting the duties and authority of the Registrar;
- 7. with respect to authorized activities,
 - i. prescribing authorized activities for the purposes of section 9,
 - ii. limiting or clarifying the authorized activities,
 - iii. permitting or prohibiting veterinary technician members or classes of veterinarian members from carrying out specified authorized activities and governing the circumstances in which those activities may or shall not be carried out, and
 - iv. permitting persons who are not members to carry out specified authorized activities and limiting and governing the carrying out of such activities;

7.1 prescribing exceptions for the purpose of section 10 or 11 or limiting or clarifying the exceptions set out in sections 2 and 3 of Schedule 1;

8. exempting classes of persons from any provision of section 9, 11, 12 or 13 or limiting, clarifying or governing the extent to which any provision of section 9, 11, 12 or 13 applies to a class of persons;
9. permitting, limiting, prohibiting and governing the use of titles, terms, names and designations by members in the practice of veterinary medicine for the purposes of section 12 or 13;
10. permitting, limiting, prohibiting and governing the use of titles, terms, names and designations by persons who are not members while carrying out an authorized activity described in section 1 of Schedule 1;
11. prescribing classes and subclasses of licences and governing the qualifications and requirements for the issuance or refusal of licences or any class or subclass of licence and prescribing the terms, conditions and limitations that may be applied to licences;
12. respecting any matter relating to the provisions of this Act with regard to the issuance, expiration, cancellation, suspension, revocation or refusal of licences;
13. prescribing and governing terms, conditions and limitations that are required to be imposed on licences or classes or subclasses of licences;
14. respecting any matter relating to the provisions of this Act with regard to the issuance, renewal, suspension, revocation or refusal of certificates of accreditation;
15. prescribing classes and subclasses of certificates of accreditation and governing the qualifications and requirements for the issuance, renewal or refusal of certificates of accreditation or any class or subclass of certificate of accreditation and prescribing the terms, conditions and limitations that may be applied to certificates of accreditation;
16. prescribing and governing terms, conditions and limitations that are required to be imposed on certificates of accreditation or classes or subclasses of certificates of accreditation;
17. limiting the circumstances in which an inspector may enter or inspect a veterinary facility for the purposes of subsection 23 (2);
18. exempting hearings or classes of hearings of the Accreditation Committee from being open to the public for the purposes of subsection 26 (7);
19. prescribing and governing the qualifications, powers and duties of veterinary facility directors;
20. requiring and providing for the inspection of veterinary facilities and of the records kept by members of the College in connection with the practice of veterinary medicine;
21. governing the designation of members as specialists, including,
 - i. prescribing the qualifications and requirements for designation as a specialist,
 - ii. prescribing classes or categories of specialists,
 - iii. governing the powers and duties of specialists,
 - iv. governing the suspension or revocation of such designations, and
 - v. governing the regulation and prohibition of the use of such designations;
22. prescribing and governing standards of practice of veterinary medicine and standards for veterinary facilities, including respecting standards for the use of technology in the practice of veterinary medicine, when technologies may be used and the manner and circumstances in which they may be used;
23. permitting, limiting, prohibiting and governing members to act beyond the scope of the practice of veterinary medicine;
24. permitting, limiting, prohibiting and governing the use of technologies in the course of members' practice of veterinary medicine;
25. governing the change of practice of members, including prescribing qualifications and requirements that a member must meet if changing the scope of their practice;
26. permitting, limiting, prohibiting and governing members in prescribing, compounding, dispensing and selling drugs, including,
 - i. regulating the containers and labelling of such drugs,
 - ii. prescribing the records that shall be kept in respect of such prescribing, compounding, dispensing and selling, and
 - iii. prescribing the information a member is required to provide at the time of prescribing, compounding, dispensing and selling;
27. permitting, limiting, prohibiting and governing members in prescribing, compounding, dispensing and selling health-related products or articles used in the course of engaging in the practice of veterinary medicine, including,

- i. regulating the containers and labelling of such products or articles,
 - ii. prescribing the records that shall be kept in respect of such prescribing, compounding, dispensing and selling, and
 - iii. prescribing the information a member is required to provide at the time of prescribing, compounding, dispensing and selling;
28. permitting, limiting, prohibiting and governing members respecting promoting or advertising of the practice of veterinary medicine;
 29. permitting, limiting, prohibiting and governing the practice of veterinary medicine where there is a conflict of interest and defining conflict of interest for those purposes;
 30. requiring members of the College to provide the College with their contact information and information respecting the member's professional associates, partners, employees and professional activities and prescribing the nature and types of information that is required to be provided;
 31. prescribing and requiring the making and keeping of records, including annual reports, by members of the College in respect of the practice of veterinary medicine;
 32. exempting members or classes of members from any provision of the regulations and prescribing and governing any terms, conditions and limitations respecting such exemptions;
 33. establishing and governing a quality assurance program for the purposes of section 32 and setting out qualifications for assessors appointed as part of a program;
 34. defining the terms "professional misconduct", "veterinary facility director" and "private dwelling" for the purposes of this Act and the regulations;
 35. designating acts of professional misconduct that must be reported by members and rules respecting the making of such reports;
 36. respecting the reporting and publication of decisions of committees of the College;
 37. authorizing the communication of information to specified classes of persons and for specified purposes if that information comes to a person's knowledge in the course of their duties, employment, examination, review or investigation;
 38. providing that any form required under this Act be in a form approved by the Registrar;
 39. respecting the delivering of notices of meetings and hearings that are to be open to the public;
 40. Establishing fees to be paid by members and governing the payment of such fees;
 41. governing the practice of veterinary medicine through professional corporations for the purposes of subsection 72 (2), including,
 - i. requiring the certification of those corporations,
 - ii. governing the issuance, renewal, suspension, revocation or refusal of certificates of authorization,
 - iii. governing the terms, conditions and limitations that may be imposed on certificates,
 - iv. governing the names of those corporations and the notice to be delivered of a change in the shareholders of those corporations, and
 - v. prescribing notices that are required to be delivered by persons engaged in the practice of veterinary medicine through a professional corporation;
 42. limiting or clarifying the information to be included in a register under section 82;
 43. prescribing when a notice, order or other document is deemed to be delivered for the purposes of subsection 88 (2);
 44. exempting the Council from distributing a proposed by-law for the purposes of subsection 98 (2).

Requirement by Minister to make Regulations

(2) The Minister may require the Council to make a regulation under subsection (1) or amend or revoke a regulation made by the Council under this section or by the Lieutenant Governor in Council under subsection 94 (1).

Lieutenant Governor in Council Regulations

94 (1) If the Minister requires the Council to make, amend or revoke a regulation under subsection 93 (2) and the Council does not do so within 60 days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Same

(2) Subsection (2) does not give the Lieutenant Governor in Council authority to do anything that the Council does not have authority to do.

Other regulations

- (3) The Lieutenant Governor in Council may make regulations prescribing,
- (a) provisions of the Act or the regulations for the purposes of paragraph 3 of subsection 76 (1); and
 - (b) provisions of the Act or the regulations for the purposes of paragraph 7 of subsection 77 (1).

Regulations, Minister

95 The Minister may make regulations prescribing provisions of the *Not-for-Profit Corporations Act, 2010* for the purposes of subsection 2 (5) of this Act.

General provisions re regulations**General or particular**

96 (1) A regulation under this Act may be general or particular in its application.

Incorporation by reference, standards of practice

(2) A regulation made under this Part may adopt by reference, in whole or in part and with such changes as are considered necessary, any code, standard or guideline relating to standards of practice of the profession.

Rolling incorporation

(3) If a regulation had adopted by reference a code, standard or guideline, the regulation may require compliance with the code, standard or guideline as amended from time to time, whether the amendment was made before or after the regulation was made.

Same

(4) A code, standard or guideline adopted pursuant to subsection (3) must be created by a recognized body and must not be a code, standard or guideline created by the College.

Copies available for inspection

(5) A copy of every code, standard or guideline adopted by reference shall be posted on the College's website or available in such other manner that allows reasonable access.

STANDARDS

Standards

- 97** (1) The Council may establish,
- (a) standards for veterinary facilities that must be met by an applicant for a certificate of accreditation and maintained by the holder of a certificate of accreditation or other prescribed persons; and
 - (b) standards for the practice of veterinary medicine that must be met and maintained by members.

Availability

(2) The Council shall forward a copy of the standards established under this section to the Minister and shall make a copy available to the public on a website of the College.

Previous versions

(3) The Council shall ensure that any previous versions of any standards established by the Council are available to the public on a website of the College.

Conflict

(4) In the case of a conflict between a standard established under this section and a provision of any Act or regulation, the Act or regulation prevails.

BY-LAWS

By-laws

98 (1) The Council may make by-laws relating to the administrative and internal affairs of the College not inconsistent with this Act and the regulations, including by-laws respecting the following matters:

1. Establishing the seal and other insignia of the College and providing for their use.
2. Providing for the execution of documents by the College.

3. Respecting banking and finance.
4. Establishing the financial year of the College and providing for the audit of the accounts and transactions of the College.
5. Determining the number of vice-chairs of the College, procedures for the election of the Chair and vice-chairs and for the filling of vacancies in those offices.
6. Respecting the calling, holding and conducting of meetings of the Council and the duties of members of the Council.
7. Providing that a meeting of the Council or a meeting of a committee or panel of a committee that is held for any purpose other than for the conducting of a hearing may be held in any manner that allows all persons participating to communicate with each other simultaneously and instantaneously.
8. Determining what constitutes a conflict of interest for members of the Council or of a committee and regulating or prohibiting the carrying out of the duties of those members in cases in which there is a conflict of interest.
9. Providing for the remuneration of members of the Council and committees, other than members appointed by the Lieutenant Governor in Council, and of officers and employees of the College and providing for payment of necessary expenses of the Council and committees in the conduct of their business.
10. With respect to committees and their panels,
 - i. respecting the filling of vacancies on committees or panels,
 - ii. providing for the composition of committees or panels and quorum for committees or panels,
 - iii. respecting the qualifications, selection, appointment and terms of office of members of committees, and
 - iv. prescribing conditions that disqualify committee members from sitting on committees and governing the removal of disqualified committee members.
11. Providing for the establishment, appointment, composition, powers, duties and quorums of additional or special committees.
12. Governing the appointment of persons to make investigations for the purposes of this Act.
13. Providing procedures for the making, amending and revoking of by-laws.
14. Respecting management of the property of the College.
15. Respecting the use of the funds of the College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities.
16. Respecting the borrowing of money by the College and the giving of security by the College.
17. Respecting membership of the College in other organizations the objects of which are not inconsistent with and are complementary to those of the College, the payment of annual assessments and provision for representatives at meetings.
18. Delegating to the Executive Committee the powers and duties set out in the by-laws, but this paragraph does not authorize the delegation of the power to make, amend or revoke a regulation or a by-law.
19. Governing the practice of veterinary medicine through professional corporations, including requiring the certification of those corporations, governing the issuance, renewal, suspension and revocation of certificates of authorization, governing the terms, conditions and limitations that may be imposed on certificates and governing the names of those corporations and the notice to be given of a change in the shareholders of those corporations.
20. Establishing rules respecting the use and changing of personal names by members.
21. Requiring the payment of annual fees by members of the College, fees for processing applications, licensing, certificates, examinations, inspections and election recounts, including penalties for late payment, interest on late payments, discounts for prompt payment and fees for anything the Registrar is required or authorized to do, and setting the amounts of any required payment.
22. Requiring members to give the College their home addresses and whatever other information about themselves and their professional activities that the by-law specifies, including the places where they practise the profession, the services they provide and the names, business addresses, telephone numbers and electronic mail addresses and other contact information of their associates, partners, employers and employees and specifying the form and manner in which the members shall give the information.
23. Providing for the compilation of statistical information on the supply, distribution, professional liability insurance coverage and professional activities of members of the College and requiring members to provide the information necessary to compile those statistics.
24. Fixing the number of members to be elected to the Council under paragraphs 1 and 2 of subsection 4 (2).

25. Respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and disputed elections.
26. Establishing the conditions disqualifying elected members from sitting on the Council and governing the removal of disqualified members from the Council.
- ~~27. Prescribing conditions disqualifying committee members from sitting on committees, governing the removal of disqualified committee members and filling the vacancies on the committees.~~
28. Setting out the rights, privileges, duties and obligations of students of an accredited veterinary medicine program and students of an accredited veterinary technician program or graduates of such programs that are not members, subject to such conditions as may be imposed in the by-laws.
29. Establishing requirements for maintenance of professional liability insurance coverage for members and former members.
30. Respecting information to be included on any register created under this Act and respecting whether and when information on the register can be removed from the Register.
31. Respecting the appointment of an accountant or a firm of accountants to audit the accounts of the College and to prepare financial statements for each fiscal year, the examinations and reporting by the auditor and establishing additional qualifications for or restrictions on the auditor.
32. Respecting the recording, approval, maintenance, and availability of accurate Council minutes at the College.
33. Providing for the indemnification of members of the Council or committees, other than members appointed by the Lieutenant Governor in Council, and of officers and employees of the College and their heirs, executors, administrators and estates.
34. Respecting the selection to Council of,
 - i. a veterinarian member who is faculty at a school of veterinary medicine of a university in Ontario and who is selected in accordance with a by-law of the Council, and
 - ii. a veterinary technician member who is faculty at an educational institution in Ontario that is authorized to grant diplomas or degrees in veterinary technology.
35. Establishing a special category of membership for retired members and determining the rights, privileges, duties and obligations of such retired members.
- ~~36. Identifying accredited veterinary medicine programs or accredited veterinary technician programs for the purpose of subsection 9(4).~~

Distribution of proposed by-laws

(2) Unless the regulations provide otherwise, the Council shall provide a proposed by-law to every member of the College at least 60 days before making the by-law.

Exception

(3) With the approval of the Minister, the Council may exempt a by-law from the requirement set out in subsection (2) or may reduce the 60-day period set out in that subsection.

Signed by-laws

(4) A by-law signed by a majority of the members of the Council is as valid as if made at a meeting of the Council held for that purpose.

Availability

(5) The Council shall make a copy of the by-laws available to the public on a website of the College.

Previous versions

(6) The Council shall ensure that all previous versions of the by-laws are readily available to the public.

Conflict

(7) In the event of a conflict between a by-law made pursuant to this section and a provision of any Act or regulation, the Act or regulation prevails.

PART XVI TRANSITION

Definitions

99 In this Part,

“commencement date” means the day on which the *Enhancing Professional Care for Animals Act, 2024* receives Royal Assent; (“date d’entrée en vigueur”)

“Council transition period” means the period that begins on the transition date and ends on the first Council date; (“période de transition du conseil”)

“first Council date” means the date on which the first Council, after the Transition Council, is established under this Act; (“date de création du premier conseil”)

“Transition Council” means the Transition Council established under section 100; (“conseil transitoire”)

“transition date” means the day on which section 120 comes into force. (“date de transition”)

Transition Council

100 (1) Within two months after the commencement date, the College shall establish a Transition Council composed of,

- (a) the persons who were members of the Council under the *Veterinarians Act* immediately before the commencement date; and
- (b) no more than 3 persons who are permitted to use the title “Registered Veterinary Technician” under the *Ontario Association of Veterinary Technicians Act, 1993* and who are appointed by the Ontario Association of Veterinary Technicians.

Appointment by Lieutenant Governor in Council

(2) If the Ontario Association of Veterinary Technicians fails to appoint any members under clause (1) (b) within two months after the commencement date, the Lieutenant Governor in Council may appoint such members.

~~Powers and duties of Transition Council~~

~~(3) During the Council transition period, the Transition Council,~~

- ~~—(a) may do anything that is necessary or advisable for the implementation of this Act and anything that the Council could do under this Act; and~~
- ~~—(b) shall conduct elections of the first Council for the purposes of section 4 and ensure that the Council is established within nine months after the transition date.~~

Changes to membership

(3) If the membership of the Council under the *Veterinarians Act* changes before the transition date, the membership of the Transition Council shall change accordingly.

Powers and duties of Transition Council

(3.1) The Transition Council shall have the following powers and duties at the following times:

1. During the period that begins on the commencement date and ends on the first Council date, the Transition Council may make any regulations, by-laws or standards that the Council could make under this Act, but such regulations, by-laws or standards shall not come into effect before the transition date.
2. During the Council transition period, the Transition Council,
 - i. may do anything that is necessary or advisable for the implementation of this Act and anything that the Council could do under this Act, and
 - ii. shall conduct elections of the first Council for the purposes of section 4 and ensure that the Council is established within nine months after the transition date.

Same

(4) On the first Council date, any powers and duties exercised by the Transition Council are deemed to have been exercised by the Council.

Dissolution of Transition Council

(5) On the first Council date, the Transition Council is dissolved.

Powers of Minister re Transition Council

- (6) The Minister may,
- (a) review the Transition Council’s activities and require the Transition Council to provide reports and information;
 - (b) require the Transition Council to make, amend or revoke a regulation under section 93; and
 - (c) require the Transition Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act.

Transition Council to comply

(7) If the Minister requires the Transition Council to do anything under subsection (6), the Transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report to the Minister.

Regulations

(8) If the Minister requires the Transition Council to make, amend or revoke a regulation under clause (6) (b) and the Transition Council does not do so within 60 days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Same

(9) Subsection (8) does not give the Lieutenant Governor in Council authority to do anything that the Transition Council does not have authority to do.

Registrar

101 The Registrar who held a valid appointment under the *Veterinarians Act* on the transition date shall, on and after that day, continue as the Registrar under this Act until such time as a new Registrar is appointed under subsection 5 (2) of this Act.

Members

102 (1) A person who was a member of the College of Veterinarians of Ontario immediately before the transition date is deemed, on the transition date, to be a veterinarian member of the College and to hold the class of licence determined under the regulations, subject to such terms, conditions or limitations as are set out in the regulations.

Suspension continued

(2) If a person's membership in the College of Veterinarians of Ontario was suspended under the *Veterinarians Act* immediately before the transition date, the person's membership shall continue to be suspended under this Act on and after the transition date in accordance with the same terms, conditions and limitations of the original suspension.

Any conditions or limitations on a licence

(3) Any terms, conditions, limitations or restrictions imposed on a licence under the *Veterinarians Act*, or under an agreement or undertaking made pursuant to the *Veterinarians Act*, that are in effect immediately before the transition date are deemed as of the transition date to be a term, condition, limitation or restriction on the member's licence under this Act.

Certificates of accreditation continued

103 (1) A certificate of accreditation that was in force under the *Veterinarians Act* immediately before the transition date is deemed, on the transition date, to be a certificate of accreditation issued under this Act.

Suspension continued

(2) If a certificate of accreditation was suspended under the *Veterinarians Act* immediately before the transition date, the certificate of accreditation is deemed to be suspended under this Act as of the transition date in accordance with the same terms, conditions and limitations of the original suspension.

Order imposing terms, conditions, etc.

(3) Any terms, conditions, limitations or restrictions imposed on a certificate of accreditation under the *Veterinarians Act*, or under an agreement or undertaking made pursuant to the *Veterinarians Act*, that are in effect immediately before the transition date are deemed as of the transition date to be a term, condition, limitation or restriction on the certificate of accreditation under this Act.

Certificates of authorization

104 A certificate of authorization that is in effect immediately before the transition date is deemed, as of the transition date, to be a certificate of authorization issued under the Act authorizing the holder to do the same things that were authorized by the original certificate.

Orders and directions

105 Any member or person who, immediately before the transition date, was subject to any of the following shall continue to be subject to that requirement as if it was issued under this Act on and after the transition date:

1. An order issued under the *Veterinarians Act* by a committee, the Board or the Court, including an order to pay fines, costs or expenses of the College of Veterinarians of Ontario or other authorities.
2. A direction of a committee, the Board or a court.
3. Any other order, direction or other instruments prescribed by the Minister.

Reporting re fitness to practise

106 A member who, before the transition date, learns that another member's fitness to practise may be impaired shall report the impairment in accordance with section 37 within 30 days after the transition date.

Regulations

107 (1) The Minister may make regulations,

- (a) providing for transitional matters as the Minister considers necessary or advisable to,
 - (i) facilitate the implementation of this Act, and
 - (ii) address any transitional matters arising as a result of the repeal of the *Veterinarians Act*;
- (b) establishing a transition period before the repeal of the *Veterinarians Act* during which its application may be phased out;
- (c) providing that a provision or requirement of the *Veterinarians Act* ceases to apply, applies in a modified way or only applies, either as written or in a modified way, to specified geographic areas or specified persons or for a specified period during the transition period;
- (d) governing the continuation or conclusion of reviews, hearings, investigations or inquiries commenced under the *Veterinarians Act* before the transition date;
- (e) prescribing orders, directions and other instruments for the purposes of section 105;
- (f) governing other transitional matters that may arise due to the anticipated repeal of the *Veterinarians Act*.

Conflicts

(2) If there is a conflict between a regulation made under this section and a provision of this Act or a regulation made under this Act, the regulation made under this section prevails.

Retroactive

(3) A regulation under this section is, if it so provides, effective with reference to a period before it is filed.

PART XVII SELF-AMENDMENTS, CONSEQUENTIAL AMENDMENTS AND REPEAL

Self-amendment

108 (1) Subsection 12 (2) of this Act is amended by striking out ““Registered veterinary technician” or “Registered veterinary technologist”” and substituting ““Registered veterinary technician”, “Registered veterinary technologist”, “veterinary technician” or “veterinary technologist””.

(2) Subsection 77 (2) of this Act is amended by striking out “registered” wherever it appears.

(3) Clause 83 (1) (d) of this Act is amended by striking out “police officer” and substituting “police officer, First Nation Officer, as that term is defined in subsection 2 (1) of the *Community Safety and Policing Act, 2019*”.

Animal Health Act, 2009

109 (1) The definition of “veterinarian” in section 2 of the *Animal Health Act, 2009* is amended by striking out “a person licensed under the *Veterinarians Act* to engage in the practice of veterinary medicine” at the end and substituting “a veterinarian member within the meaning of the *Veterinary Professionals Act, 2024*”.

(2) Subsection 11 (2) of the Act is amended by striking out “*Veterinarians Act*” at the end and substituting “*Veterinary Professionals Act, 2024*”.

Animals for Research Act

110 The definition of “veterinarian” in subsection 1 (1) of the *Animals for Research Act* is amended by striking out “a person registered under *Veterinarians Act*” at the end and substituting “a veterinarian member within the meaning of the *Veterinary Professionals Act, 2024*”.

Business Corporations Act

111 Paragraph 5 of subclause 3.1 (2) (b) of the *Business Corporations Act* is repealed and the following substituted:

5. *Veterinary Professionals Act, 2024*.

Dog Owners’ Liability Act

112 Section 19 of the *Dog Owners’ Liability Act* is amended by striking out “a member of the College of Veterinarians of Ontario” wherever it appears and substituting in each case “a veterinarian member of the College of Veterinary Professionals of Ontario”.

Drug and Pharmacies Regulation Act

113 Clause 118 (1) (c) of the *Drug and Pharmacies Regulation Act* is amended by striking out “a veterinarian under the *Veterinarians Act*” at the end and substituting “a member within the meaning of the *Veterinary Professionals Act, 2024*, as authorized under that Act”.

Fair Access to Regulated Professions and Compulsory Trades Act, 2006

114 Paragraph 5 of section 1 of Schedule 1 to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* is repealed and the following substituted:

5. The College of Veterinary Professionals of Ontario.

Livestock Community Sales Act

115 The definition of “veterinarian” in section 1 of the *Livestock Community Sales Act* is amended by striking out “a person licensed under the *Veterinarians Act*” at the end and substituting “a veterinarian member within the meaning of the *Veterinary Professionals Act, 2024*”.

Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998

116 Section 4 of the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998* is amended by striking out “or” at the end of clause (b) and by repealing clause (c) and substituting the following:

- (c) is or has been a member of the College of Veterinary Professionals of Ontario or of the Council of the College; or
(d) has been a member of the College of Veterinarians of Ontario or of the Council of the College.

Ontario Labour Mobility Act, 2009

117 Table 1 to the *Ontario Labour Mobility Act, 2009* is amended by,

- (a) striking out item 20;
(b) striking out “*Veterinarians Act*” in Column 2 of item 42 and substituting “*Veterinary Professionals Act, 2024*”; and
(c) striking out “College of Veterinarians of Ontario” in Column 3 of item 42 and substituting “College of Veterinary Professionals of Ontario”.

Opioid Damages and Health Care Costs Recovery Act, 2019

118 Clause (a) in the definition of “practitioner” in subsection 1 (1) of the *Opioid Damages and Health Care Costs Recovery Act, 2019* is amended by striking out “*Veterinarians Act*” and substituting “*Veterinary Professionals Act, 2024*”.

Provincial Animal Welfare Services Act, 2019

119 (1) The definition of “accredited veterinary facility” in subsection 1 (1) of the *Provincial Animal Welfare Services Act, 2019* is amended by striking out “*Veterinarians Act* that is accredited under that Act” at the end and substituting “*Veterinary Professionals Act, 2024* for which a certificate of accreditation has been issued under that Act”.

(2) The definition of “veterinarian” in subsection 1 (1) of the Act is amended by striking out “a person licensed as a veterinarian by the College of Veterinarians of Ontario” at the end and substituting “a veterinarian member within the meaning of the *Veterinary Professionals Act, 2024*”.

(3) Clause 13 (3) (a) of the Act is amended by striking out “*Veterinarians Act*” at the end and substituting “*Veterinary Professionals Act, 2024*”.

(4) Clause 15 (5) (a) of the Act is amended by striking out “*Veterinarians Act*” and substituting “*Veterinary Professionals Act, 2024*”.

(5) Section 24 of the Act is amended by striking out “*Veterinarians Act*” wherever it appears and substituting in each case “*Veterinary Professionals Act, 2024*”.

Repeal

120 The *Veterinarians Act* is repealed.

**PART XVIII
COMMENCEMENT AND SHORT TITLE**

Commencement

121 (1) Except as otherwise provided in this section, the Act set out in this Schedule comes into force on the day the *Enhancing Professional Care for Animals Act, 2024* receives Royal Assent.

(2) Sections 1 to 98, subsections 108 (1) and (2) and sections 109 to 120 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsection 108 (3) comes into force on the later of the day subsection 2 (1) of the *Community Safety and Policing Act, 2019* comes into force and the day subsection 83 (1) of this Act comes into force.

Short title

122 The short title of the Act set out in this Schedule is the *Veterinary Professionals Act, 2024*.

**SCHEDULE 1
AUTHORIZED ACTIVITIES**

Authorized activities

1 The following are authorized activities for the purposes of the Act:

1. 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.
2. 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.
3. Ordering laboratory tests on an animal or on specimens taken from an animal.
4. Prescribing a drug.
5. Compounding, dispensing or selling a drug.
6. Performing a procedure on tissue below the dermis.
7. Performing a procedure below the surface of a mucous membrane.
8. Performing a procedure on or below the surfaces of the teeth, including the scaling of teeth and occlusal equilibration.
9. Performing a procedure on or below the surface of the cornea.
10. Setting, immobilizing or casting a fracture of a bone or a dislocation of a joint or a severed tendon.
11. Administering a substance by injection or inhalation, or monitoring of such injection or inhalation.
12. Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust.
13. Putting an instrument, arm, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the point in the nasal passages where they normally narrow,
 - iii. beyond the larynx,
 - iv. beyond the opening of the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anus or cloaca, or
 - vii. into any other natural or artificial opening into the body.
14. Applying or ordering the application of a prescribed form of energy.
15. Performing upon an animal any manual procedure for the diagnosis or treatment of pregnancy, sterility or infertility, inclusive of ova and embryo transfer.
16. Performing allergy testing.
17. Such other authorized activities as may be prescribed.

Exceptions

2 The following are exceptions for the purposes of sections 10 and 11 of the Act:

1. Rendering first aid or temporary assistance in an emergency without fee.
2. Treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal.
3. The administration of a treatment plan by a custodian of an animal if the treatment plan is made by a veterinarian member and carried out at the direction of the owner.
4. Taking blood samples.
5. Preventing or treating fish and invertebrate diseases or pests in fish or invertebrates.
6. Such other exceptions as may be prescribed.

Same

3 The following are exceptions for the purposes of section 10 of the Act:

1. Collecting or using semen as part of a business that engages in the artificial insemination of livestock.
2. Implantation of embryos as part of a business that engages in the artificial insemination of livestock.
3. Confirmation of pregnancy in domesticated farm animals of the genus ovis or capra through ultrasound conducted on the surface of the skin.
4. Confirmation of pregnancy in livestock through blood or milk analysis as part of a business.
5. Administration of heat synchronisation injections to livestock as part of a business that engages in the artificial insemination of livestock.
6. Collecting or transporting ova and embryos of animals other than mammals.
7. Non-surgical insemination.
8. Artificial insemination of invertebrates.
9. Such other exceptions as may be prescribed.

SCHEDULE 2
ONTARIO ASSOCIATION OF VETERINARY TECHNICIANS ACT, 1993

1 Section 1 of the *Ontario Association of Veterinary Technicians Act, 1993* is amended by adding the following definitions:

“board” means the board of directors of the Association;

“by-laws” means the by-laws of the Association.

2 Sections 3 and 4 of the Act are repealed and the following substituted:

Purposes

3 The purposes of the Association are,

- (a) to promote and maintain the professional standards of members;
- (b) to promote and further the education of its members and other interested persons in the field of veterinary technology and animal care;
- (c) to sponsor, encourage and promote collaboration with other persons, associations and groups engaged in similar or related fields of activity; and
- (d) to promote the interests of the Association.

Board

4 (1) The affairs and activities of the Association shall be managed by the board.

Same, by-laws

(2) The following shall be determined by the by-laws:

1. The size and composition of the board.
2. The qualifications, nomination and election or appointment of the members of the board.
3. The terms of office of the members of the board.
4. The quorum required for meetings of the board.
5. The declaration and filling of vacancies on the board.
6. The appointment, composition, terms of reference and procedures of the committees of the board.
7. The calling, holding and conducting of meetings of the board, committees of the board and of the members of the Association.
8. The appointment and removal of the officers of the Association and their duties.
9. Any other matters relevant to the Association’s corporate governance.

3 (1) **Subsection 5 (1) of the Act is amended by striking out “a registrar” and substituting “an executive director”.**

(2) Subsection 5 (2) of the Act is amended by striking out “registrar” wherever it occurs and substituting in each case “executive director”.

(3) Section 5 of the Act is amended by adding the following subsection:

Transition

(3) The person who was serving as registrar of the Association immediately before the day subsection 3 (3) of Schedule 2 to the *Enhancing Professional Care for Animals Act, 2024* comes into force shall be the executive director of the Association on and after that day until such time as a new executive director is appointed to the position.

4 Sections 6 and 7 of the Act are repealed and the following substituted:

By-laws

6 (1) Subject to subsection (2), the board may pass by-laws regarding such matters as are necessary to regulate the activities and affairs of the Association and to carry out the purposes of the Association.

(2) The board may not pass a by-law that permits the Association to do anything contrary to the *Not-for-Profit Corporations Act, 2010* that is not already permitted under this Act.

Same

(3) Without restricting the generality of subsection (1), the board may pass by-laws,

- (a) providing for the matters set out in subsection 4 (2);

- (b) establishing one or more classes of membership in the Association, prescribing the requirements for membership in each class, including academic and experience qualifications, and prescribing conditions on membership;
- (c) establishing continuing education requirements applicable to members of the Association, including the reporting of professional development activities;
- (d) establishing a code of ethics for members;
- (e) providing for and governing the suspension or termination of membership for failure to pay a required fee or for a contravention of the code of ethics, including establishing procedures for suspensions and terminations;
- (f) establishing procedures for appealing decisions to refuse to issue membership or to suspend or terminate membership;
- (g) requiring the payment of fees by members to the Association and prescribing the amount of the fees and their manner and time of payment;
- (h) governing the acquisition, management and disposition of the property of the Association.

Open to the public

- (4) The by-laws of the Association shall be posted on the Association's public website.

Membership

7 (1) The Association shall grant membership in the Association, for a term as set out in the by-laws, to any individual who applies for membership in accordance with the by-laws if the individual satisfies the requirements for membership set out in the by-laws.

Renewal of membership

(2) The Association shall renew a person's membership in the Association, for a term specified in the by-laws, for every person who applies for renewal in accordance with the by-laws if the person satisfies the requirements for membership and renewal specified in the by-laws.

Resignation

(3) A member may resign from membership in the Association by giving a written notice of resignation to the executive director, and the resignation shall be effective on the day it is received by the executive director or on a later day specified in the notice.

Suspension

(4) A person whose membership in the Association is suspended is not a member of the Association for the period of the suspension.

5 (1) Subsection 8 (1) of the Act is amended by striking out "registrar" and substituting "executive director".

(2) Subsection 8 (2) of the Act is repealed and the following substituted:

Removal from register

- (2) The executive director shall cause the removal of the name of a person from the register,
 - (a) at the request or with the written consent of the person;
 - (b) where the name has been incorrectly entered;
 - (c) where notification has been received of the person's death;
 - (d) where the registration of the person has been suspended or terminated under the by-laws and the board has requested the removal; or
 - (e) where the person has failed to renew membership.

Restoration to register

(3) The board, on such grounds as it considers sufficient, may cause the name of a person removed from the register to be restored and may order, as it considers appropriate, that the restoration be done with or without the payment of a fee or any arrears in fees and any additional amount required by the by-laws.

Restoration, with conditions

(4) If the name of a person whose registration has been suspended or terminated under the by-laws is to be restored to the register, the board may, by resolution, direct that the name be restored subject to such conditions as the board may impose.

Same

(5) Subsections (3) and (4) apply despite subsection 186 (1) of the *Not-for-Profit Corporations Act, 2010*.

6 Sections 9 to 14 of the Act are repealed and the following substituted:

Conflict, *Veterinary Professionals Act, 2024*

9 In the event of conflict between this Act and the *Veterinary Professionals Act, 2024*, that Act prevails to the extent of the conflict.

Non-profit corporation

10 The Association shall be carried on without the purpose of gain for the members of the Association and any profits or other accretions to the Association shall be used in promoting its purposes and shall not be divided among its members.

Commencement

7 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.