



## LEGISLATIVE REFORM

### WHY CHANGE THE VETERINARIANS ACT?

*Richard Steinecke*

When the *Veterinarians Act* was enacted in the late 1980's, it was consistent with the then current legislation for human health practitioners, architects and engineers. However, it has not had any major revisions since then. In contrast, the *Regulation Health Professions Act* was proclaimed in 1993 and has had a number of major rewrites to modernize its approach.

It is difficult to believe that just a quarter of a century later the *Veterinarians Act* is out-of-date. But it is. In 1989 the Cold War was still on, no one had heard of the internet and Harry had just met Sally.

The profession, society and concepts of self-regulation have evolved significantly since then. Imagine if you practised the profession with just the knowledge, procedures, laboratory tests and drugs that were available twenty-five years ago. In all likelihood you would be spending more of your time in court than in practise.

Societal expectations of professions have changed. People no longer trust regulators to protect the public in secret. There is an expectation that regulators will be open when developing policies and when taking action against individual veterinarians. Society also anticipates that members of the public will be able to find all meaningful information about a particular member on the College's website. If it is not available there, many members of the public will turn to other sources like a "Rate My Veterinarian" website.

Client and patient-centeredness has grown significantly. Informed consent requirements are now actually expected to be followed. Information about clients and patients are now viewed as belonging to the client, not the veterinarian.

There are severe limitations on veterinarians being able to assume what is best for the animal or to guess what the client really wants.

Social trends are also moving away from regulation that has no direct connection to protecting the public. Advertising provisions and rules dealing with collegiality among veterinarians have a low priority with the public.

While there still may be a role for some such rules in extreme situations (e.g., making false statements in public about a colleague), they clearly need to be subordinate to provisions dealing with client and patient protection.

Immigration and mobility have also altered the landscape. Practitioners from other provinces and other countries are expecting, with good reason, to have their knowledge, skill and judgment accepted with minimal cost, effort and procedural barriers.

Recognizing an applicant's competence is not only in their interest, but in the interests of the animals and clients (who will have access to more choice in terms of practitioners) and society as a whole (to minimize the waste of precious human resources, especially as our society ages).

Regulatory best practices have evolved accordingly. There has been a shift to proactive regulation and transparent regulation.

Proactive regulation involves supporting individual veterinarians to keep current in their practices. More importantly, it involves providing constructive feedback on their practices so that veterinarians can conscientiously provide high quality care. This is a world away from reactive regulation which held veterinarians responsible for ensuring, on their own, that their services did not fall below the minimum acceptable standard.

Even the complaints system becomes a tool for improving practice rather than simply identifying cases worthy of disciplinary action. In fact, under the proactive regulation model, fewer cases will go to discipline as all but intentional misconduct or gross incompetence can be better dealt with supportively.

Transparent regulation means providing to the public all relevant information so that the public can make informed decisions as to which veterinarian they will use. It goes beyond just publicizing regulatory actions.

It involves educating the public and the profession as to what they can and should expect when seeing a veterinarian, what factors they should consider and then providing information about individual veterinarians (e.g., education, recognitions, areas of practice, regulatory interactions) to facilitate appropriate choices.

There have been enormous changes in the complaints and discipline system as well over the past few decades.

Many of those changes can be, and have been, implemented administratively, such as giving both sides of the complaint a full opportunity to participate meaningfully in the process. However, some of those changes (e.g., allowing the Complaints Committee to impose specified continuing education and remediation programs) will require legislative changes.

Modernizing the *Veterinarians Act* will come. The only question is whether the College and the profession will lead the change or whether it will be imposed precipitously, like it has been for other professions, by the government after a public outcry. When imposed externally, the changes almost always include unilateral rights of intervention by the government and additional external agencies participating in regulatory decisions.

As US Army General Eric Shinseki said: "If you don't like change, you're going to like irrelevance even less."

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