



THE COLLEGE OF
VETERINARIANS
OF ONTARIO

UPDATE

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CVO welcomes Steve Peters, Minister of Agriculture and Food



(Pictured, left to right): Dr. Barbara Leslie, registrar, Minister Steve Peters and Dr. Melody Mason, CVO president

On March 18, 2004, the CVO was delighted to host a meeting with Steve Peters, Ontario's Minister of Agriculture and Food, and welcome him to his new portfolio. Minister Peters accepted the Council's invitation to get together and took the opportunity to tour the CVO administrative building. An avid history buff, he was particularly intrigued with the display of veterinary memorabilia. Staff enjoyed meeting with Minister Peters and discussing their respective roles in fulfilling the College mandate.

During a formal meeting with members of the Council, many issues were discussed and Minister Peters was responsive to CVO's concerns. He expressed great appreciation for the many roles that veterinarians fulfill in Ontario. In particular, Minister Peters was very supportive regarding the passing of new regulations and appointment of public members to Council. Other topics of discussion included the Livestock Medicine Outlets, access to the profession, and the CVO's response to the provincial Meat Inspection Review.

CVO Council and staff were pleased to have the opportunity to meet with the Minister directly and discuss these important issues openly. In response to CVO's request for ongoing and regular communication with his office, Minister Peters has appointed Dr. Deb Stark, Assistant Deputy Minister, to serve as his Ministry's contact. The CVO greatly appreciated this very worthwhile opportunity and looks forward to ongoing communication and exchange of ideas.

College of Veterinarians of Ontario Award

Congratulations!



Dr. Melody Mason, CVO president, congratulating Heather

Heather Aiken, OVC 2004, recipient of the College of Veterinarians of Ontario Award, was invited to join Council for lunch on March 24, 2004, where she was formally congratulated on her award.

The CVO Award is given to a student who has completed Phase 3 of the DVM program and has been active and shown leadership in college or university affairs. The recipient is selected by a vote of the class.

Congratulations Heather!

In Memoriam Donation



April 22, 2004

Dr. Barbara Leslie
Registrar
The College of Veterinarians of Ontario
2106 Gordon Street
Guelph, ON
N1L 1G6

Dear Dr. Leslie,

On behalf of the Ontario Veterinary College Alumni Association, please accept my sincere thanks for CVO's recent gift of \$750 directed to the Alumni Trust in memory of members who passed away in the previous year.

This year, funds from the OVC Alumni Trust will be used towards the purchase of new anesthetic machines for use in the teaching program in Clinical Studies. The current machines are rapidly declining, and the OVC Alumni Association is proud to be able to support the College with high priority projects such as this.

Thank you for CVO's support of students, alumni and the College through the Alumni Trust.

Sincerely,

A handwritten signature in black ink, appearing to read 'Grant Scherer'.

Dr. Grant Scherer, DVM '92
President
OVC Alumni Association

Ontario Veterinary College
Alumni Association

c/o Manager, Alumni Affairs
Dean's Office, Ontario Veterinary College
University of Guelph
Guelph, Ontario
N1G 2W1 Canada

T: (519) 824-4120 ext. 5440
F: (519) 827-1230

It's Election Time!

On **October 5th**, the College of Veterinarians of Ontario will hold elections in four constituencies.

Constituency 1: (Essex, Kent, Lambton and Middlesex) Dr. **Steve Stewart** is not eligible for re-election because he has served two three-year terms.

Constituency 4: (University of Guelph) Dr. **Wendy Parker** is not eligible for re-election as she has retired from the Ontario Veterinary College.

Constituency 6: (Wellington) Dr. **Cheryl Yuill** is not eligible for re-election because she has served two three-year terms.

Constituency 10: (York and Metro Toronto) Dr. **Deji Odetoyinbo** is eligible for re-election, as he has served one three-year term.

An election will not be held in Constituency 3 as Dr. **Ed Doering** has served on the Executive Committee for the year immediately preceding this election (By-law 4.-(4)).

CVO councillors have interesting and wide-ranging responsibilities. Serving on Council is an opportunity and challenge that can offer an immense amount of personal satisfaction and fulfillment. Some frequently asked questions are addressed below.

Q *What is the Council of the College?*

The Council is the governing body, or Board of Directors, for the CVO, and its composition and powers are established in the *Veterinarians Act*. The Council is composed of 13 veterinarians and three to five public (non-veterinarian) members. Veterinarian members of Council are elected by their peers and bring their understanding of the profession, from the perspective of the setting in which they practice, to the Council table. Public members are appointed by the Lieutenant Governor in Council and bring the public perspective to Council decisions.

Q *What is the time commitment?*

Councillors can expect to attend approximately six regular council meetings per year to make policy decisions affecting the practice of veterinary medicine, and discuss other matters as they pertain to the legislation of the profession. They will also be appointed to at least one other committee, with varying time commitments. Council meetings usually run for a full day and take place at the CVO office in Guelph.

Q *How am I compensated?*

Councillors are paid a per diem, currently \$400/day, and reimbursed expenses for all meeting days.

Q *How long is the term of office?*

Councillors are elected or appointed for a three-year term. Two consecutive three-year terms may be served.

Q *How do I get further information?*

If you are interested in standing for election, or would like to have further information, please contact Ms. **Mary Wyness**, assistant coordinator, at 519-824-5600, toll free at 800-424-2856 or by e-mail at mwyness@cvo.org. Nomination forms and the Notice of Election will be forwarded to every member in each constituency prior to **July 20, 2004**. The deadline for receiving nominations is **August 27, 2004** at 4:00 p.m.

Dr. Arie (Harry) Vreugdenhil - Constituency #2



After graduation from OVC in 1973, Dr. Vreugdenhil moved to Dunnville, where he has practiced veterinary medicine for more than 30 years. He is a partner in the Dunnville Veterinary Clinic, a mixed-animal practice which includes five veterinarians. Dr. Vreugdenhil's practice area focuses mainly on large animals, particularly dairy cattle.

Harry and his wife, Gloria, have six children, and several grandchildren.

Dr. Richard Liddell - Constituency #11



Upon graduation from veterinary college in 1969, Dr. Liddell practiced in Flint, Michigan for a year. When he returned to Ontario in 1970, he established the Ajax Animal Hospital, with his partner and classmate, Dr. David Manuel.

Dr. Liddell has served as a board member of the OVMA, the United Way of Ajax, and the St. Paul's United Church in Bowmanville. He is a member of the South Durham Region Veterinary Association, the OVMA and the CVMA. Professionally, he has consulted for several veterinary-related companies and is president of Veterinary Consultants of North America Inc.

In his spare time, Dr. Liddell writes a column for the Walkerville Times, entitled "Rich Remembrances."

Director leaving CVO

Dr. Empringham Bids Farewell

A true ambassador for the CVO and the veterinary profession is moving on this summer to the next chapter in his life.

As a well known veterinarian and dedicated family man, Dr. Ed Empringham is retiring with the same enthusiasm he lent to his five years as the CVO's first director of Professional Enhancement.

The Professional Enhancement Program was initiated by the CVO in 1999 to meet a public expectation of the veterinary profession to ensure its standards of care. Empringham nursed the initiative through its infancy and development to become a well-established, voluntary program offering peer review of medical records, with literature and province-wide workshops to facilitate their improvement.

"The whole concept of a self-regulating veterinary profession and its recognition of the need for lifetime learning is a sign of maturity," says Empringham. "And it empowers the profession to raise its own standards."

Expanding minimum legislated requirements for medical records in bovine, equine, swine and companion animal sectors created record expectations for the Peer Review Program - a voluntary

program allowing practitioners to submit medical records for review by trained peers and receive feedback.

Medical record workshops followed to address the common issues that arose in record reviews. The workshops have been another successful component of the program, with additional dates often being scheduled to accommodate the overwhelming interest.

Both the peer review and the workshops have become well-known and well-utilized



components of the Professional Enhancement Program. Dr. Brian MacCormick, a small animal practice owner, was impressed by the prompt and constructive response he received after submitting his records in March. Participating in these programs, he says, has helped him and his employees work as a more efficient team, and his clients are responding.

"They see the records being filled out in front of them," says MacCormick. "It makes them more aware of the value of the exam and of the professional work we do."

Dr. Bob Saunders knows practitioners can be sensitive about exposing their medical records. But he and MacCormick agree that Empringham's suggestions are positive. Saunders took part in the Peer Review Program and found the experience encouraging.

"Ed made me feel comfortable talking about my concerns or problems," says Saunders. "He was never judgmental, and his comments were given in a very constructive manner."

CVO Registrar, Dr. Barbara Leslie, says Empringham has provided members with the tools to raise their level of practice. "He has enabled them to achieve greater confidence that they are meeting and exceeding clients' expectations."

Not only has he been the figurehead for what is often called "Ed's program", he has been an ambassador for the CVO, visiting practices all over the province. Dr. Susan Sabatini, who acted as a peer reviewer, says Empringham brought out the profession's enthusiasm for the program.

"He has exposed the CVO as a valuable resource and helped to show practitioners what it can do for them," says Sabatini.

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Director leaving CVO

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And to add more fuel to his fire, the last year and a half has kept Empringham even busier coordinating the CVO's member communications. As editor of its website and quarterly *Update* newsletter, he has been able to keep members in tune with the latest developments at CVO.

Now, with a strong program infrastructure in place, Empringham - often found sharing family pictures and stories - is looking forward to a summer of kayaking and SCUBA diving with his wife, children and grandchildren at his cottage in Nova Scotia.



"One of my buzzes in life is to see people grow," says Empringham. And as the CVO's Director of Professional Enhancement, that's just what he has helped people do. What he will miss the most are the relationships that have emerged along the way with the profession, the CVO staff and the students he's had the opportunity to interact with. "I'm going to miss the team," he says.

His leadership and friendship will be missed in return. The CVO wishes Dr. Empringham the best and thanks him for bringing his enthusiasm and determination to the office and to the program.

Things I have noticed in my travels...

by Ed Empringham, DVM

As the Director of Professional Enhancement, I have the opportunity to visit many practices around the province. Many practices have innovative ideas or ingenious solutions to problems that many of us face. "Things I have noticed in my travels..." is my way of sharing these solutions and ideas amongst the membership.

Since May 1999, in my role at CVO, I have had the opportunity to visit a large number of practices in Ontario, meet veterinarians at meetings and events and interact with veterinarians in the Peer Review of Medical Records Program, both as reviewers and participants. My observation is that the veterinarians I have met have been positive and constructive in their professional practice, with a desire to excel and a lifetime commitment to learning.

As veterinary medicine evolves, there are more case hand-offs due to the use of emergency services, referral

services, part-time employment, better qualified technical staff and multiple veterinarian practices. This creates a need for better documentation of cases in the medical record so that another veterinarian can follow and understand the case and know what client communication has occurred.

Ontario veterinarians have embraced the Professional Enhancement Program and the Peer Review of Medical Records. These programs, the communications about them, and the activities within them have served to raise the profile of the importance of the medical records as a case management and communication tool.

The experience has been challenging and professionally rewarding. The work that has been done provides a base for future quality assurance initiatives in the profession. The PrEP has empowered the profession to work proactively together on a path of continuous improvement. Future initiatives will provide more tools for the profession to use.

Council Bulletin

Council Meeting: March 24, 2004

- Reviewed and updated the Council Policies and Procedures Manual.
- Approved variance in salaries and benefits budget line to accommodate anticipated change in staffing. This will allow the CVO to hire an OVC student for the summer, as well as an additional full-time staff person.
- Met by teleconference with Dr. **Phil Garriock**, the CVO representative to the Livestock Medicines Advisory Council, to discuss the agenda for an upcoming meeting.
- Received presentations on compounding from the President of the OAEP and representatives of the Summit Veterinary Pharmacy Inc.
- Agreed to participate in a working group with the OAVT on self regulation of veterinary technicians.
- Reviewed a proposal to expand the authority to prescribe controlled substances to regulated health professionals other than practitioners of medicine, dentistry or veterinary medicine, under the *Controlled Drugs and Substances Act*. Agreed to advise the Department of Health that CVO is interested in being represented on an advisory group to be established.
- Received a report of the Health Canada Meeting - APIs and Compounding.
- Wrote to **Minister Peters**, Ontario Ministry of Agriculture and Food, requesting ongoing and regular communication with the Minister's Office and the appointment of an OMAF staff to the CVO council in an ex-officio capacity.
- Received report of the working group on Monitoring Prudent Management of Operations (in accordance with the Board Governance Policies).
- Received the quarterly financial report.
- Received updates from the CVO President, Dr. **Melody Mason**, who reported on her attendance at a meeting with the CVMA president and executive director, and a meeting with Minister Steve Peters. Dr. Mason also reported that an OVMA-sponsored presentation to OVC students by Dr. **Michael Kaufmann**, Professionals Health Program, was extremely well received.
- Received a report from the Registrar, Dr. **Barbara Leslie**, on her attendance and presentation at a Toronto Academy of Veterinary Medicine meeting; her upcoming attendance at an Open Exchange in London; meetings with the ORC and OAEP and OVMA; and, the upcoming lecture to Phase I at the Ontario Veterinary College. The Registrar also gave a status report on the hiring process for the new Director of Quality Assurance.

AIM for EXCELLENCE

The CVO Peer Review of Medical Records Program provides you with peer feedback in a voluntary, proactive environment where YOU retain control over change.

This member service program is available to all members either individually or as a practice group. Join the practices that have taken advantage of this opportunity!

www.cvo.org - CVO member resource center

- downloadable forms and information on CVO Forms - under Member Services
- INFO SHEETS, CVO newsletter "*Update*", sign-up for the CVO electronic newsletter "CVO e-news"
- policies and applications for rabies clinics and other programs
- practice/member directory
- registration, accreditation, incorporation information
- Provincial Veterinary Associations, Acts and Regulations, Veterinary Organizations, Canadian Colleges available under Links
- Professionals Health Program, Professional Enhancement Program

New materials on the CVO website:

(Under Regulatory Services - Facility Accreditation - Accreditation Services)

This information provides practice directors/owners with the materials required for accreditation of veterinary facilities in Ontario. Accreditation services such as: opening a new practice, relocating a practice, adding or changing a category for a practice, changing the practice name, etc. have a list of quick start items as well as other useful items that are either linked to downloadable documents or to other websites with the relevant materials.

The CVO website, **www.cvo.org**, is a searchable resource for members. The materials on the website are also available by contacting the office by phone, fax or email. In addition, staff is available to assist with any questions.

Website Usage

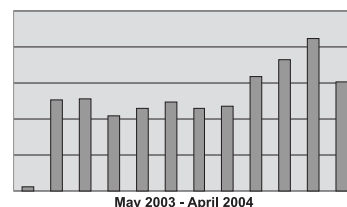
Reviewing the website statistics for the past year, there is an increase in usage as measured by hits, files, pages, visits and KBytes. The statistics provide a great deal of detail allowing us to monitor such things as the pages visited, the browsers used and what website they were referred from.

This chart depicting Kbytes per month is indicative of the usage pattern.

Since launching the new CVO website one year ago at www.cvo.org, we have added updated material on a regular basis. If you have signed up for the CVO e-news, you are notified when significant material has been added.

The website is searchable, providing members with a searchable resource centre available at any time. If you have internet access in your practice, the most current versions of the legislation will be available to you. This is accepted by the accreditation program in place of hard copy versions of the legislation.

Website KBytes 2003-2004



Complaints Case

I'm Sorry, We No Longer Treat Rabbits...

From time to time, a decision is made in veterinary practice to cease providing services for certain types of animals, such as birds, "pocket" pets, or even the large animal component of a mixed practice. The following complaint case illustrates a situation that arose when two companion animal facilities in the same area elected to discontinue providing care to pet rabbits.

Case:

On December 1, 2002, Mrs. Owner contacted the First Animal Hospital to bring in her ill rabbit, Bunny, who had been seen at this facility three years previously. The hospital director, Dr. One, informed her that Bunny could not be seen because a decision had been made, two years prior, that the First Animal Hospital would treat only cats and dogs. Dr. One provided the names of two other facilities that treated rabbits.

Mrs. Owner contacted one of the facilities, the Second Animal Hospital. Bunny was seen that day and received care.

The next day, Bunny's condition deteriorated. Mrs. Owner rushed him to the nearest facility, the Third Animal Hospital, where service was declined because they did not treat exotic animals. Bunny later died.

Mrs. Owner subsequently filed a complaint with the College, and raised the following issues:

1. Dr. One refused to provide care to her ill rabbit on December 1, 2002 because it was considered an

"exotic" animal and the facility had stopped treating this type of pet two years earlier. Previous to that, her rabbit had been a patient at this facility.

2. The receptionist at the Third Animal Hospital, without consulting the director, Dr. Three, refused care to Mrs. Owner's ill rabbit on December 2, 2002 because the rabbit was not a patient, and the facility did not treat exotic animals.

"...Dr. One also documented Mrs. Owner's call on December 1, 2002, including his advice to seek care for her rabbit at the two other facilities..."

Decision and Reasons:

Regarding Issue #1: Dr. One submitted that Bunny had been seen at his facility on two occasions (1996 and 1999), which was substantiated in the medical records. Dr. One also documented Mrs. Owner's call on December 1, 2002, including his advice to seek care for her rabbit at the two other facilities.

In its deliberations, the committee considered that veterinarians have an obligation to provide service to animals that they have recently treated, or treat regularly, regardless

of species. This obligation is partly described in subsection 17.-(1) of Ontario Regulation 1093 under the *Veterinarians Act*, which states:

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

4. Failing to continue to provide professional services to an animal until the services are no longer required or until the client has had a reasonable opportunity to arrange for the services of another member.

The legislation also defines a "regular client" in subsections 40.-(2)(i) and (ii) of Regulation 1093. This legislation states:

40.-(2) For the purposes of subsection (1),

(a) a person is a regular client of a member if,

(i) the person uses the professional services of the member regularly and with reasonable frequency, and

(ii) the person has not requested the transfer of the records for the person's animal to another member.

While the medical records affirmed that Bunny was seen at the First Animal Hospital once in 1996 and once in 1999, the committee did not believe that this constituted "reasonable frequency" and therefore, concluded that Mrs. Owner was not a regular client.

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Complaints Case

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Following its review of the medical records, the committee found there had not been any care given to Bunny in 1996 or 1999 which resulted in a commitment on the part of the First Animal Hospital clinicians to continue to provide professional service when Mrs. Owner called on December 1, 2002.

The committee also considered it significant that Dr. One did refer Mrs. Owner to two facilities that Dr. One believed treated rabbits. This action was consistent with providing Mrs. Owner a reasonable opportunity to arrange for the services of another veterinarian, despite having no obligation to do so. In addition, Dr. One appropriately documented his conversation with Mrs. Owner, including his advice, in the medical records.

The committee concluded that the conduct of Dr. One warranted no further action.

Regarding Issue #2: Dr. Three, the director of the Third Animal Hospital, submitted that Bunny had never been a patient at her facility, and Mrs. Owner had not been a client since 1994. In addition, Dr. Three had not accepted any new clients for three years, and had not accepted rabbits as patients for five years, of which the receptionist was aware.

Dr. Three submitted further: "I did not feel competent to offer an opinion about rabbit illnesses. I would certainly explain this to anyone requesting my opinion about a rabbit. My receptionists are aware of this."

The committee determined that since Mrs. Owner was not a regular client of the Third Animal Hospital, and her rabbit had never been seen there, there was no obligation on the part of the veterinarians at this facility to provide service.

The committee concluded that the conduct of Dr. Three and her receptionist in this case warranted no further action.

Discussion:

The committee recognized that the public expects a sophisticated level of veterinary care for all species,

"...there was no obligation on the part of the veterinarians at this facility to provide service..."

including exotic pets. "Exotic pets" are generally regarded as companion animals other than dogs and cats, and include such species as rabbits, ferrets, guinea pigs, iguanas, birds and hamsters. Most practitioners see these species infrequently. Insofar as they differ in their anatomy, habits, common diseases and drug dosages, it takes significant time and training to become competent in the provision of their care, to the level that the public has come to expect. For this reason, many practitioners elect not to treat these animals.

The committee noted that there are a growing number of practitioners with a special interest in exotics, who choose to limit their practices mainly or solely to this type of pet.

It has therefore become the responsibility of clients, when they obtain an exotic pet, to seek out a veterinary facility that will provide the necessary care, and maintain an ongoing professional relationship with that facility.

If a veterinarian elects to discontinue providing care to a certain type of animal, he/she has a professional responsibility to ensure that if any such animals have been recent or regular patients, the clients should be informed in a timely manner that service will no longer be provided. This will give them a reasonable opportunity to engage the services of another veterinarian. Advice to a client regarding the termination of service should be documented in the patient's medical record.

The committee believes the standard of practice of the profession calls for a veterinarian to assess their own abilities to deal with each situation as it arises. In circumstances where the veterinarian believes the case exceeds their ability to provide care, they should inform the client of this and assist the client in locating a veterinarian more capable of providing the required care.

PRIVACY LEGISLATION - What's it all about?

Despite the fact that the College had no role in developing the legislation, it has tried to be pro-active in providing timely and practical information for members. It has obtained a Guide and Checklist for members to adapt for their own practices. The Members' Forum on January 29, 2004, which was very well attended, involved a major presentation on the legislation for members. The College continues to receive many calls about the implications of the new federal privacy legislation for veterinarians in Ontario. The following FAQ's may assist members.

Q Where can I get a copy of the consent form for our clinic to use?

There is no specific form that you have to use. Indeed, consent does not have to be in writing (although having it in writing can be useful if a question arises later). A sample consent form that can be adapted to your particular needs is found on page 16 of the PIPEDA Guide on the CVO website by clicking on "Federal Privacy Legislation (PIPEDA) - Guide and Checklist" on the CVO home page.

Q A new client has just presented their pet to our clinic. When I contacted the client's previous clinic they refused to transfer the records until the client attended their clinic to sign a consent allowing them to transfer the information.

- a) Can they do this?
- b) Is it acceptable for the client to sign the consent form via facsimile?
- c) Is a verbal consent acceptable?
- d) What if the client has moved to another city?

The purpose of privacy legislation was to give the client more control over their personal information, not less. Neither the College nor the federal Information and Privacy Commissioner will look kindly on a veterinarian who creates hurdles for their clients or former clients wishing to consult with another veterinarian. Requiring a client to attend one's clinic to sign a form before the information will be shared is an unnecessary barrier. In most circumstances, the verbal

statement from the requesting veterinarian that he or she has the client's consent for the request should be sufficient for the disclosing veterinarian (the disclosing veterinarian should make a note of this request in the medical record). Where there are reasonable grounds to doubt the accuracy of the requesting veterinarian's statement, the disclosing veterinarian should confirm the instructions of the client in a simple and accessible manner (e.g., a verbal consent, a faxed form). Both veterinarians have a duty to ensure that they accommodate the client so that continuity of care, based on the most accurate information, is promptly available.

Q A new client presented their pet where immediate treatment was required. The client left the clinic and was unavailable for contact. When I contacted the previous clinic, they refused to release the required information, even verbally, until they were able to speak to the client personally to receive consent. Are they allowed to do this?

This question is similar to the previous one. The disclosing veterinarian is not permitted to raise artificial barriers to thwart the client's obvious intent. Unless there are special circumstances, the disclosing veterinarian should be able to rely on the statement by the requesting veterinarian that the client attended and consented to the disclosure. In respect of human health, Industry Canada (the Minister overseeing federal privacy legislation) has published the following information, which is posted on their website as a series of questions and answers. The website address is: <http://e-com.ic.gc.ca>.

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Q 40. Can consent be implied for the use and disclosure of personal health information under PIPEDA?

Yes, once patients are made aware of their privacy rights (refer to answer #38), consent is implied if the patient continues to seek care and treatment. Thus current practice of implied consent for the primary use of personal information in the direct care and treatment of an individual patient, as defined in a circle of care, will continue under PIPEDA. For example, a lab may infer consent because the individual would reasonably expect that the results be sent to the provider who ordered the lab work.

Q 56. If a health professional receives a request from another health professional, can patient information for circle of care purposes be disclosed to the requesting party without the patient's express consent?

Yes, under PIPEDA, express consent of the patient is not required if the information is disclosed for the care and treatment of the patient within the circle of care.

Not only should these same principles apply to veterinary services, veterinarians have a legal duty to obtain and share information with subsequently treating practitioners.

Q A new patient was presented and I required vaccination information only. When I contacted the previous clinic and requested the information verbally they refused to release it to me unless (a) the client physically attended their clinic to sign a consent form and (b) the client paid a fee for the transfer of records. The client even spoke with them on the telephone and they still refused. Is this appropriate?

One has difficulty seeing how the verbal consent of the client in these circumstances would not be sufficient for the disclosing veterinarian. In addition, the charging of fees should not become a barrier to ensuring there is prompt continuation of care. The council policy on the transfer of medical records is posted at www.cvo.org.

Q When I contacted a client's previous clinic to request the pertinent history on the pet, they informed me that when the client signed the privacy consent form they indicated that they did not wish the information to be released. What do I do now?

There are a few options. One is to ask the client to contact the previous clinic to obtain a copy of the privacy consent form. The client can rescind the previous instructions if in fact that is what the form says. Later instructions supersede earlier ones. If a problem remains the client can contact the office of the federal Information and Privacy Commissioner.

The previous clinic has a duty to provide the information to the subsequently treating veterinarian. The College would take a dim view of any veterinarian who tried to use the privacy consent process to initiate instructions in an attempt to circumvent that duty.

Q Veterinary Clinic A is requiring all other clinics in the area to sign a privacy form and has indicated they will not release any information unless the form is signed. Do we have to do this?

No, you do not have to sign Clinic A's consent form. Clinic A misunderstands the privacy requirements. Privacy assurances apply to situations in which Clinic A transfers information to one of its own agents (e.g., its lawyer or accountant) for Clinic A's purpose. In that situation Clinic A is accountable for how its own agents handle personal information. However, where a client asks for information to be disclosed to a third party for the client's benefit, Clinic A need not and should not ask for a privacy assurance. It is as if Clinic A is giving the information to the client directly.

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Q What is the College's role in enforcing privacy legislation?

The College does not enforce privacy legislation directly. The federal Information and Privacy Commissioner has primary enforcement jurisdiction and the College will forward most concerns to the Commissioner. However, certain breaches of privacy obligations would also be a breach of a veterinarian's professional duties to his or her client including the duty of confidentiality. The College can and does enforce those duties. In addition, a serious breach of any law can reflect on a veterinarian's suitability to be a member of the profession and is professional misconduct. Thus, a significant breach of the Criminal Code of Canada, drug legislation, animal welfare legislation or privacy legislation could, depending on the circumstances, also be professional misconduct and result in discipline by the College.

Q Who enforces the privacy legislation?

The federal privacy legislation is enforced by the Information and Privacy Commissioner in Ottawa. The Commissioner has the authority to investigate complaints about a breach of the legislation and to mediate resolutions. Where a resolution is not possible, the Commissioner can make a report finding that a veterinarian has breached the legislation. Such a report can then be taken to the Federal Court of Canada for an enforcement order. The Commissioner's website has much useful information on it and also has a copy of previous decisions by the Commissioner. The Commissioner can be contacted as follows:

112 Kent Street | Ottawa, Ontario | K1A 1H3
Phone (613) 995-8210 | Toll-free 1-800-282-1376
Fax (613) 947-6850 | TTY (613) 992-9190
www.privcom.gc.ca

Q A number of veterinary hospitals/clinics offer ancillary services i.e. grooming and/or boarding. Some call the regular veterinarian to request information regarding the vaccination status of the animal. A few even want to know the date of the vaccination and a make and serial number of the vaccine used. Common sense dictates that only the vaccination status of the animal should be provided to a non-professional establishment if that establishment is located on the same premises of a hospital or not. I would ask CVO to give practicing veterinarians a definite guideline for handling this request.

An ancillary service, such as grooming, is not considered the practice of veterinary medicine. If the only service being provided by a veterinarian's office is ancillary, the veterinarian was not treating the animal within the meaning of paragraph 17.(1) 40. which states:

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

40. Treating an animal receiving veterinary services from another member without notifying the other member and obtaining the relevant historical information as soon as practicable.

Therefore, there is no requirement for the groomer to attain this historical information from the regular veterinarian. As well, the regular veterinarian is not required to release this information and is entitled to request the express consent of the client to do so.

Once appropriate consent to release the information is obtained, it can be provided to the requesting party and may include all information to which the consent applies.

Letter to the Editor

Update welcomes and encourages letters from members, signed by the author. The CVO reserves the right to edit letters for style, clarity, and length, and may decline to publish letters. Please write to the editor, *Update*, College of Veterinarians of Ontario, 2106 Gordon Street, Guelph, Ontario N1L 1G6 or fax (519) 824-6497, toll free fax in Ontario (888) 662-9479.

 Dear CVO:

Re: CVO's New Mission Statement: "To protect the public by regulating and enhancing the veterinary profession in Ontario."

On taking a poll in this practice, I discovered that I am not the only veterinarian in Ontario offended by the CVO's new mission statement. The Royal College of Veterinary Surgeons statement is "Promoting and Sustaining Public Confidence in Veterinary Medicine." Does this not say the same thing in a far more positive way? Have the veterinarians of Ontario so run amok that the public needs to be protected from us?

Both the CVO and the RCVS are regulating bodies that have the responsibility of ensuring that veterinary medicine is practiced to the highest standard. The vast majority of the veterinarians in this province are doing that. By planting in the minds of the general public their need to be protected, you undermine their confidence in us.

Hazel Eaglesome, D.V.M.
Toronto, Ontario

Rabies Vaccination Clinics

When planning a Rabies Vaccination Clinic, it is required that all members in the area be invited to participate and that the Registrar be notified in writing two weeks in advance of the Rabies Vaccination Clinic.

Guidelines for rabies vaccination clinics and an application form are available on the CVO Website, www.cvo.org, or from the CVO office which includes the necessary information.

New! On the CVO website under **Links** an additional site has been added to the Ministry of Natural Resources - <http://rabies.mnr.gov.on.ca> (Rabies Research and Development Unit Site).

Public Award / Medical Record Workshops

Call for Nominations for CVO Public Award

Do you know someone who deserves the CVO Public Award?

This award may be given annually to recognize a citizen for his or her contribution to the veterinary profession and/or animal care or service.

This award will be given for the sixth time in November of 2004.

Previous recipients include **Mr. Charles Gracey** (1999), **Mrs. Peggy Knapp** (2000), **Mr. Fred Milton** (2001), **Mr. John Core** (2002) and **Mr. Stewart Cressman** (2003).

Submit Your Nomination

If you would like to nominate someone for this award, please contact **Christine Simpson** for a **nomination form** or the form can be downloaded off the CVO website at www.cvo.org.

College of Veterinarians of Ontario
2106 Gordon Street, Guelph, Ontario N1L 1G6
Phone: 519-824-5600 / 1-800-424-2856
Fax: 519-824-6497 / 1-888-662-9479
email: csimpson@cvo.org.

Nominations are due by **September 3, 2004**.

Medical Record Workshops

CVO members and their practice care teams responded enthusiastically to a series of 9 Medical Record Workshops throughout Ontario during January to April 2004 through the Professional Enhancement Program. Over 200 veterinarians and their practice care team members participated in the workshops.

The workshops, delivered in a participative style, drew on the results of the initial two years of the Peer Review of Medical Records Program to provide examples of issues requiring solutions. In true workshop style, many of the solutions came from the participants. In some cases, more than one solution was discussed.

The workshops demonstrated why medical records are important as both a case and practice management tool and the use of protocols and templates to maximize record value while minimizing input requirements. The workshops also recognized the important role that the various members of the animal care team play in medical records.

The positive, enthusiastic response of participants to the workshops has encouraged a continuation of this approach in the next fiscal year.

Mutual Acknowledgement and Undertakings

The following Mutual Acknowledgement and Undertakings were made between the College of Veterinarians of Ontario and members of the College. An abbreviated version of the agreements follow:

I, DR. X,

(1) acknowledge that my conduct concerning my professional advertising and my conduct concerning my failure to respond to correspondence from the College regarding my professional advertising contravenes Ontario Regulation 1093 which states:

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

38. Failing to reply appropriately or within a reasonable time to a written inquiry received from the College.

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

34. In this Part, "ancillary services" means boarding, grooming, funeral services and sales of foods, supplies and other goods and services used by or with animals that is provided by a member whether as part of, or separately from, his or her practice of veterinary medicine. R.R.O. 1990, Reg. 1093, s. 34.

35. No member shall publish, display, distribute or use, or permit, directly or indirectly, the publication, display, distribution or use of any advertisement, announcement or similar form of communication related to the member's professional services or ancillary services or to a member's association with, or employment by, any person, except as permitted by this Part. R.R.O. 1990, Reg. 1093, s. 35.

36.(1) Except as provided in this Part, a member may communicate factual, accurate and verifiable information that a reasonable person would consider relevant in the choice of a veterinarian, including the availability of ancillary services, that,

(a) is not false, misleading or deceptive by the inclusion or omission of any information;

(b) is readily comprehensible, dignified and in good taste;

(c) contains no testimonial or comparative statements;

(d) contains no information in respect of a fee or price; and

(e) contains no reference to a specific drug, appliance or equipment. R.R.O. 1990, Reg. 1093, s. 36 (1).

38. A member shall not participate directly or indirectly in a system in which another person steers or recommends clients to a member for a professional service or an ancillary service. R.R.O. 1990, Reg. 1093, s. 38.

39. A member shall not contact or communicate with, or attempt to contact or communicate with, any person in order to solicit patronage of professional services or ancillary services. R.R.O. 1990, Reg. 1093, s. 39.

40.(1) Despite section 39, a member may,

(b) communicate with his or her regular clients regarding any matter relating to the member's professional or ancillary services. O. Reg. 431/00, s. 8.

(1) undertake that I will submit all proposed advertising to the college for approval before it is made public, for a period of five years from the date of signing this document,

(2) undertake to write the CVO Local Examination for Licensure, at my expense, within sixty days of signing this document,

(3) undertake to donate \$5,000 to the Ontario Veterinary College "Dean's Greatest Needs Fund," and

(4) undertake to rescind immediately all advertising that contains infractions.

Mutual Acknowledgement and Undertakings

I, DR. EMPLOYEE,

(1) undertake that I have fully disclosed to the Registrar of the College of Veterinarians of Ontario (the 'college'), my conduct in practising veterinary medicine in Ontario without a licence, from July 1, 2003 to December 11, 2003.

(2) acknowledge that my conduct contravened section 11.(1) of the *Veterinarians Act, 1989* which states:

11.(1) No person shall engage in the practice of veterinary medicine or hold himself, herself or itself out as engaging in the practice of veterinary medicine unless the person is the holder of a licence.

(3) undertake that henceforth I will abide by Ontario Regulation 1093 under the *Veterinarians Act*, specifically the section referred to in paragraph (2) of this document; and

(4) undertake to donate \$500 to the Ontario Veterinary College "Dean's Greatest Needs Fund."

I, DR. EMPLOYER,

(1) undertake that I have fully disclosed to the Registrar of the College of Veterinarians of Ontario (the 'college'), my conduct in employing an unlicensed person to practice veterinary medicine in Ontario, from July 1, 2003 to December 11, 2003.

(2) acknowledge that my conduct contravened sections 17.(1) 31., 32., and 33. of Ontario Regulation 1093, which states:

17.(1) 31. Permitting, counselling or assisting any person, other than a member, to practise, or to attempt to practise, veterinary medicine.

32. Permitting, advising or assisting any person, other than a member, to perform any act or function which should properly be performed by a member.

33. Directly, or by implication representing any person to be a member who is not a member.

(3) undertake that henceforth I will abide by Ontario Regulation 1093 under the *Veterinarians Act*, specifically the sections referred to in paragraph (2) of this document; and

(4) undertake to donate \$500 to the Ontario Veterinary College "Dean's Greatest Needs Fund."

Hiring A New Graduate or Someone New to Ontario?

To ensure that the veterinarian you plan to hire is licensed with the CVO, please check with the CVO office at:

(519) 824-5600 / toll free (Ontario) (800) 424-2856

or e-mail **Karen Gamble**
registration co-ordinator, at kgamble@cvo.org

**OVC 2004 graduates were eligible to
practice mid-May**

Mutual Acknowledgement and Undertakings

I, DR. Y,

(1) undertake that I have fully disclosed to the College of Veterinarians of Ontario my conduct with respect to its inquiries.

(2) undertake that I will henceforth:

(a) use a new surgical pack for every surgical patient;

(b) not re-use suture material;

(c) never agree to perform, and charge for, pre-anaesthetic blood tests and fail to perform them prior to anesthetizing the animal. If I am unable to draw the blood before anesthetizing the animal, I will advise the owner of that fact prior to anesthesia or have prior permission to proceed without the test results;

(d) advise owners whether the bedding and toys they leave at my facility for their pets will be placed with the pets or not;

(e) provide adequate exercise for all hospitalized or boarded animals;

(f) ensure that no non-veterinarians in my facility vaccinate animals for rabies; and

(g) take appropriate steps to ensure that clients are not under the impression that Mr. [Employee] is a veterinarian.

I, DR. A,

(1) undertake that I have fully disclosed to the College of Veterinarians of Ontario my conduct with respect to its inquiries.

(2) undertake that I will henceforth:

a) not participate in a system of steering;

b) use individual surgical packs to perform surgery on only one animal;

c) properly dispose of hazardous materials (sharps);

d) maintain appropriate levels of anaesthesia and pain control;

e) only use sterilized needles and syringes;

f) administer only the correct dose of vaccine with all required information recorded in the medical record;

g) only issue proper vaccination certificates; and

h) only handle or restrain animals in a humane and professional manner, treating them with the utmost care and respect.

(3) undertake that I will participate in a practice enhancement program to be provided by a mentor/evaluator who will be a member of the college acceptable to the Registrar. The mentor/evaluator will conduct an evaluation of my knowledge and judgement as it relates to anaesthesia and provide advice related to this aspect of my practice. This evaluation will be in the form of two sessions.

(4) undertake that each mentoring/evaluation session will consist of 8 hours with the mentor/evaluator accompanying me in my clinic, observing my performance of at least two major surgical procedures requiring anaesthesia, reviewing all aspects of anaesthesia technique in my practice and interviewing my staff. The mentor/evaluator will provide a written report of his/her findings to the College.

(5) undertake that I will be responsible for paying to the College the evaluator's hourly rate and expenses, which will be determined by the chosen mentor/evaluator.

(6) undertake that I will allow unannounced inspections of my facility, to be carried out two times per year, at my expense, for three years from the date of this undertaking.

(7) undertake that these inspections will focus on compliance with the *Minimum Standards for Veterinary Facilities in Ontario*, the safety and comfort of hospitalized and boarded animals, and will include interviews with associates and lay staff, to ensure that the conditions contained in this undertaking are being fulfilled.

In Memoriam



Council and staff of the CVO were saddened to learn of the death of Mr. **Michael Johnston**, a public member on CVO Council, on April 14, 2004.

Mr. Johnston joined the CVO in June of 2002 after being appointed by the lieutenant governor of Ontario to serve on the Council of the College of Veterinarians of Ontario. He served on the registration, complaints, discipline and executive committees.

Before being appointed as a public member, Mike was involved with marketing at various companies. He lived in the Cramahe Township area for over 24 years and was the Township's Deputy Mayor. On his personal time, Mike enjoyed looking after his cattle.

Mike was involved in various organizations including the Canadian Angus Association, the Red Angus Promotional Society, Riding for the Disabled, and the Royal Agricultural Winter Fair.

Mr. Johnston is survived by his wife, Irene, two children, Christopher and Erin and two grandchildren, Samantha and Murray.

Update, the official publication of the College of Veterinarians of Ontario, is the principle means of communication between the College and its members. It is the primary means of informing the membership on regulatory issues, with the expectation that members will govern themselves accordingly. *Update* is charged with the responsibility of providing comprehensive, accurate and defensible information.

Deadline for the September 2004 edition of *Update* is, August 9, 2004. Send in your submissions to the editor c/o CVO, 2106 Gordon Street, Guelph, Ontario N1L 1G6.

Phone: 519-824-5600
Ontario toll free: 1-800-424-2856
Fax: 519-824-6497
Ontario toll free: 1-888-662-9479

email: inquiries@cvo.org
visit our website: www.cvo.org

editor: Dr. Ed Empringham
assistant to the editor: Ms. Beth Ready

Publication mail agreement Number: 40583010

Professionals Health Program

Confidential toll-free line:

1-800-851-6606

Open Exchange

September 22, 2004

5:00 - 10:00 p.m.

Four Points Sheraton, Thorold

All members welcome

Please contact the CVO office for further information.