



THE COLLEGE OF  
VETERINARIANS  
OF ONTARIO

# UPDATE

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September 2004

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## A thank-you from the President



*by Melody Mason, DVM  
CVO President*

Last January, Council approved two draft position statements for circulation and consultation. These were sent directly to members and groups with known interest in the subjects and were posted on the CVO website.

With the very thoughtful input from many groups and members of the profession, council was able to amend and approve these position statements at its June meeting.

I would like to thank all of you who took the time to provide many excellent and helpful suggestions to the council. Council was very encouraged by the level of interest and the input received and plans to circulate many more draft documents in future. Check out “Regulatory Consultations” on the website - your input is encouraged and welcome!

## Public Member Appointed to Council



*Mr. Don Stobo*

**Don Stobo** has been appointed, by the lieutenant governor of Ontario, to serve on the Council of the College of Veterinarians of Ontario.

Following his graduation from the Diploma Course of the former Agricultural College, (now the University of

Guelph), Don returned home to take over the family farm in Culross Township. In 1998, he sold the home farm and built a house on the grass farm, which he continues to operate.

Don is a member of the Bruce County Cattlemen's Association and for many years was an active member of the Teeswater Agricultural Society. He also served as a trustee of the Bruce County Board of Education for nine years, including one year as chair.

Don resides in Teeswater, with his wife Elizabeth. They have three adult children and five grandchildren.

In addition to his CVO Council responsibilities, Don will serve on the Accreditation, Complaints and Discipline Committees. The Council and staff of the CVO welcome him to his new duties.

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## Incorporation News

As of August 11, 2004 the college has issued 262 Certificates of Authorization.

If you are planning to incorporate by **December 31, 2004**, please note that the cut off date for new name applications is **December 1st, 2004** to allow for processing time before the office closes on December 24th.

Also, a reminder that the Certificate of Accreditation expires when the facility is sold. The new owner must arrange beforehand to have the facility re-inspected immediately. Professional Incorporation by the buyer and seller does not replace the accreditation process.

Please note that a certificate of authorization is valid for a period of three years from its date of issue.

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## Quality Assurance Director Appointed

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*Ms. Susan Winter*

### Winter has come early for the CVO!

A new face can be seen around the CVO these days, and as the new director of Quality Assurance, Susan Winter is committed to helping veterinary professionals across Ontario maintain and enhance exemplary practices for their clients.

Winter joins the CVO from The Society of Certified Management Accountants of Canada where she was Vice President of Member Development. New to the veterinary sector, she brings with her an extensive professional development background in areas such as health, accounting and education. Her diverse experience, she says, will help her work to reinforce the CVO's commitment to continuing education and quality assurance.

"Every professional needs to keep current," says Winter. "For veterinarians, it means giving their clients greater confidence in the safety and quality of the services their animals receive."

To get acquainted with the CVO's current quality assurance measures, and to determine their effectiveness, Winter will carry out a comprehensive assessment of the college's existing professional enhancement programs and services. Modeling similar programs in other health professions across Canada,

she'll then set to work on further developing the overall program, emphasizing the stronger components while rebuilding and adding to others to create a more powerful and dynamic quality assurance agenda for Ontario's veterinary profession.

The college's already strong professional development foundation, is just the beginning of what the CVO hopes will become a fully established quality assurance program encompassing all aspects of veterinary medicine in Ontario.

Building on the experiences of the peer review of medical records and the medical record workshops, the CVO will continue its initiative to provide its members with the tools to demonstrate ongoing professional competency to the public, says CVO Registrar, Dr. Barbara Leslie.

"Susan's enthusiasm for life long learning and anticipation to work with veterinary professionals is obvious," she says. "That kind of energy is what has molded such successful programs in the past, and it will continue to be the case."

The CVO welcomes Susan to the team and looks forward to working closely with her in this progressive initiative.

# Summer Student

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## From the desk of the intern...

by Lena Levison

Creating a summer student position to help facilitate a greater connection with veterinary students and to welcome a unique perspective was on the CVO's agenda this summer - gaining first hand experience with the self-regulation process, guideline development and the many other facets of the regulatory college was on mine as that student.

This being the CVO's first summer student position, outlined by a rather broadly defined job description, I was initially unsure of what my role would be. Besides the typical filing and photocopying errands I expected as a first-year veterinary student intern, I had high hopes of being involved with the CVO's regulatory operations. Indeed, I was not let down. What I discovered was an incredibly hands-on position offering enormous learning opportunity, of which I was determined to take full advantage.

And that's just what I've done.

An open and supportive staff, ready and willing to answer my never-ending stream of questions, allowed me to get the most out of my time at the CVO and to truly feel part of the team. I have gained a great appreciation for the regulatory college's role within the veterinary profession, regarding policy development and facility accreditation as well as seeing to public complaints and professional disciplinary actions.

Being involved in research, surveying and member response compilation for several CVO position statements has illustrated to me the importance of clearly defining guidelines in order to limit interpretation. I've also become aware of the wide array of views among veterinarians, which must be

considered in conjunction with legislation when formulating guidelines. The unmistakable improvements that can result from legible, detailed medical records, clear client communication and a strong veterinarian-client-patient relationship have become evident, as has the humbling realization that at times, even with detailed communication, client satisfaction can be a difficult balancing act.

I was aware of the accountability veterinarians must demonstrate for their actions and the actions of their staff, but discovering the full scope of the *Veterinarians Act* - which includes the *Minimum Standards for Veterinary Facilities in Ontario* - has opened my eyes to the intense degree of professional responsibility involved. I have realized that while the CVO strives to protect public interest, it also protects veterinarians and ensures that standards are continually improved to further advance the profession.

My goals and ambitions for this summer position have without a doubt been successfully realized, and my expectations exceeded. I believe the CVO's purpose has also been fulfilled, as I am eager to share my rewarding experiences and newfound knowledge with my OVC peers. I have attempted to offer my perspective as a veterinary student to the situations I have encountered, and in return the CVO has helped me to gain a thorough understanding of its unique role within this rapidly evolving profession.

Thanks for a great summer CVO!

## CVO/OVMA Liaison Meeting



*(Left to right) Dr. Ed Doering, Dr. David Funston and Dr. Ken Bridge*



*(Sitting) Dr. Rick Healey (Standing left) Dr. Reg Reed and Mr. Doug Raven*



*Dr. Melody Mason and Dr. Mark Spiegle*



*The group enjoys a lunch together*

On May 13, 2004 the semi-annual CVO/OVMA Liaison Meeting, hosted by the CVO, was held at Green Gables Executive Guest House in Kitchener. The Liaison Meeting included the executive of each organization. Meetings are hosted alternately by CVO and OVMA.

### **OVMA Conference January 27-29, 2005**

The Ontario Veterinary Medical Association is holding its annual conference and trade show at the Westin Harbour Castle Hotel in Toronto, Ontario. The conference program will feature concurrent sessions on bovine, equine, small animals and public health, practice management, and hospital personnel. There will be special registration fees for out-of-province delegates.

For further information, contact Christine Neziol, Delegate Coordinator, Ontario Veterinary Medical Association, 245 Commercial Street, Milton, Ontario, L9T 2J3, toll free telephone (800) 670-1702, toll free fax (877) 482-5941, or email [cneziol@ovma.org](mailto:cneziol@ovma.org).

## CVO Letter to the Privacy Commissioner of Canada

*Editor's note: The following is an excerpt of a letter from the CVO Registrar to the Privacy Commissioner of Canada. The Commissioner's response appears on the opposite page. More information on PIPEDA is available on the CVO's website at [www.cvo.org](http://www.cvo.org).*

### **Re: Interaction Between the Personal Information Protection and Electronic Documents Act and the Veterinarians Act**

The College of Veterinarians of Ontario is the statutory body that regulates the veterinary profession in Ontario under the *Veterinarians Act*. We have made a significant commitment to educate our members about the *Personal Information Protection and Electronic Documents Act* (PIPEDA). For example, the CVO has conducted public education sessions for members and prepared detailed resources to help veterinarians understand and comply with PIPEDA.

However, we are having some difficulty developing a consensus among the membership on how PIPEDA might affect a longstanding requirement that veterinarians have to cooperate with each other in cases where clients seek the services of a second veterinarian. Specifically, Ontario veterinarians are bound by regulation (paragraph 17.(1) 40. of Ontario Regulation 1093) to notify the first veterinarian and obtain relevant historical information in the interests of the animal's health.

Prior to PIPEDA, it was generally accepted within the profession that the first veterinarian would provide this information promptly to the second practitioner. While there might be some discomfort in the situation (especially if the client was in the process of changing veterinarians or obtaining a second opinion), veterinarians realized the client's and animal's interests came first.

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**“...veterinarians have to cooperate with each other in cases where clients seek the services of a second veterinarian.”**

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However, in light of PIPEDA, some veterinarians are questioning whether they should continue to comply with this legal requirement and suggest that the regulation is contrary to PIPEDA. Others have indicated that they wish to have a signed consent form from the client before releasing the information.

This latter option is not always practical because by the time the record is obtained, significant treatment decisions will often have been made, without the available patient treatment history.

We would like to remind our members that veterinarians practising in Ontario are obligated by law to release information in these circumstances, and that written consent is not required, since client consent is implied. However, we are writing to solicit your views before confirming this with our members, as this issue involves interaction between the two statutes.

In our view, this is an urgent matter and prompt clarification is needed to ensure that animals receive the best possible veterinary care. We look forward to your response.

**Barbara E. Leslie, DVM MSc**  
Registrar

**Office of the  
Privacy Commissioner  
of Canada**

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May 28, 2004

Ms Barbara E. Leslie  
Registrar  
College of Veterinarians of Ontario  
2106 Gordon Street  
Guelph, Ontario  
N1L 1G6

Dear Ms Leslie:

You recently wrote to Ms Stoddart, the Privacy Commissioner of Canada, inquiring about the impact of the *Personal Information Protection and Electronic Documents Act (PIPEDA)* on veterinarians, specifically the disclosure of information between veterinarians. I am replying on behalf of the Commissioner.

As I understand the situation, when an individual takes an animal to a new veterinarian, that professional has an obligation to notify the previous treating veterinarian and obtain the relevant treatment information. We assume, therefore, that the new veterinarian would only become aware that another veterinarian had provided prior treatment as a result of the individual disclosing this information. Since the individual is voluntarily providing this information to establish a treatment history, it would be reasonable to assume that this information has been provided with consent.

*PIPEDA* contains a reasonable person test. The Purpose clause in the Act refers to the “need of organizations to collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances.” The disclosure of past treatment information to facilitate future treatment would presumably be considered reasonable by most people and certainly the College’s regulation suggests this is a common and expected practice.

In addition, it is not readily apparent that the personal information in question would typically be considered sensitive. The information that the first veterinarian would be disclosing would relate primarily to the treatment of the animal. For example, we would assume that the first veterinarian would not be expected to disclose how much the individual has been billed.

Given the above, we are inclined to agree that signed consent for the disclosure of treatment information between veterinarians would not be required.

One last point, in your letter you refer to a series of question and answers on Industry’s Canada’s web site relating to the application of *PIPEDA* to personal health information. Our Office was involved in the preparation of these questions and answers. We are not sure that they are directly relevant.

A handwritten signature in black ink, appearing to read 'Carmen Baggaley'.

Carmen Baggaley  
Office of the Privacy Commissioner of  
Canada

# Thank-you

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**UNIVERSITY  
of GUELPH**

ONTARIO VETERINARY COLLEGE  
Office of the Dean

June 30, 2004

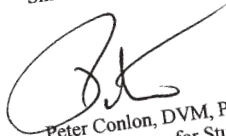
Dr. Alma Conn  
Vice-President  
College of Veterinarians of Ontario  
2106 Gordon Street  
Guelph, Ontario  
N1L 1G6

Dear Alma:

Please accept my sincere thanks, on behalf of the College and the graduates of OVC 2004 for the time you took to attend, and speak at, the Veterinary Oath Ceremony on June 17<sup>th</sup>. Your words of advice and encouragement were right on the mark and I know were much appreciated by the graduates.

Again, my gratitude for ensuring that our new colleagues' entry to the profession was a memorable one.

Sincerely,



Peter Conlon, DVM, PhD  
Assistant Dean for Student Affairs  
PC:es

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## Council Meeting: June 2, 2004

- Acknowledged the contribution made by **Mr. T.G. Menen**, public member of Council. Mr. Menen's term of office expired in June and he was attending his last CVO meeting.
- Welcomed **Mr. Donald Stobo**, the newly-appointed public member of Council.
- Appointed Mr. Stobo to the Complaints, Discipline and Accreditation Committees.
- Appointed **Mr. Doug Walper** to the Discipline Committee.
- Considered input received, amended and approved the Position Statement on Delegating to Auxiliaries in Food Animal & Equine Practice (see insert with this issue of *Update* and on the CVO website at [www.cvo.org](http://www.cvo.org)).
- Sunsetting the Task Force on Delegated Acts and Informed Consent.
- Considered input received, amended and approved the Position Statement on Licensure of Veterinarians in Emergency Situations (see insert with this issue of *Update* and on the CVO website at [www.cvo.org](http://www.cvo.org)).
- Approved an amendment to the By-laws (Section 15. - Meetings of Council open to the Public) to be presented to the membership at the Annual General Meeting on January 19, 2005 (see page 10).
- Approved an amendment to the By-laws (Section 33. - Electronic Meetings) to be presented to the membership at the Annual General Meeting on January 19, 2005 (see page 10).
- Discussed issues related to the operation of Emergency Clinics. Council agreed that guidelines or a position statement are not required. No action to be taken at this time.
- Dr. **Deb Stark**, Assistant Deputy Minister, Ontario Ministry of Agriculture and Food (OMAF), met with Council and reported on the status of issues of concern for the College. This CVO/OMAF liaison was initiated by Minister Peters at the request of the College.
- Appointed Dr. **Mark Spiegle** and a staff representative to participate in an OMAF-facilitated Task Force involving the CVO, the Ontario Association of Veterinary Technicians (OAVT) and the Ontario Veterinary Medical Association (OVMA), regarding self-regulation of Registered Veterinary Technicians.
- Received a report of the CVO Quality Assurance Working Group meeting held at l'Ordre des Médecins Vétérinaires du Québec March 25, 2004.
- Received Financial Reports for six months ending March 31, 2004.
- Received an update on the liaison meeting held with the OVMA on May 13, 2004.
- Received a report from the Registrar, Dr. **Barbara Leslie**, on the progress of the Regulation amendments. The Registrar also reported that **Ms. Susan Winter** will assume the position of Director of Quality Assurance beginning July 1, 2004. Council was also updated on research that staff is doing to prepare items for budgetary considerations.

# Proposed By-law Amendments

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## Proposed By-law Amendments

Council approved the following proposed By-law amendments on June 2nd to be presented to the membership at the 2003/2004 Annual General Meeting, on **January 19, 2005**.

### **Section 15. of the By-laws are amended by adding the following:**

- (13) Council shall conduct its meetings so that they are open to the public.
- (14) Despite subsection (13), the council may exclude the public from any meeting or part of a meeting if it is satisfied that,
  - (a) matters involving public security may be discussed;
  - (b) financial, personal or other information that may be disclosed at the meeting is of such a nature that the desirability of avoiding public disclosure of such information in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public;
  - (c) a person involved in a criminal proceeding, civil suit or another proceeding may be prejudiced;
  - (d) personnel matters or property acquisitions will be discussed;
  - (e) instructions will be given to or opinions received from the solicitors for the college; or
  - (f) the council will deliberate whether to exclude the public from a meeting.

### **Section 33. of the By-laws are amended by repealing subsection (2) and replacing it with the following:**

- (2) The amount payable to councillors and members of a committee is \$250 per half day for the president and \$200 per half day for the other members for attendance at, travel to, and preparation for, meetings to transact college business, subject to subsections (2.1), (3) and (4). A councillor and a member of a committee may be paid not more than one per diem per calendar day.
- (2.1) For electronic meetings, the amount payable to councillors and members of a committee is \$125 per quarter day for the president and \$100 per quarter day for the other members for attendance at, and preparation for, meetings to transact college business. A councillor and a member of a committee may be paid not more than one per diem per calendar day.



## The Complaints Process - Explained

by Alec Martin, deputy registrar

### **The Letter of Complaint**

The complaints process starts when the College receives a letter of complaint. Complaints usually originate from clients, but can come from anyone. Each letter is reviewed by the Deputy Registrar who determines whether a case might be suitable for alternate dispute resolution.

### **Notification of the Member**

The first step in the process is to notify the member(s) identified in the letter of complaint. Members are provided with a covering letter informing them that a complaint has been filed against them and a copy of the letter of complaint is enclosed. Members are asked not to respond to the complaint until the Complaints Coordinator has had an opportunity to confirm the list of issues with the complainant. (Explained below)

### **Alternate Dispute Resolution**

In an appropriate case, the staff may attempt to resolve the letter of complaint through the use of alternate dispute resolution (ADR). Typically, this takes the form of shuttle diplomacy rather than a mediation meeting. It never takes the form of binding arbitration. Both the Deputy Registrar and the Complaints Coordinator have training in mediation and either may attempt to resolve the complaint without a full investigation and review by the Complaints Committee.

The parties to any ADR effort include the complainant, the responding member and the College. The College is represented initially by a member of staff and ultimately by the Complaints Committee itself. While there are no limits to the creativity that can be employed in crafting a given resolution, it must satisfy all three parties before the file is closed. The ADR process can take hours to

weeks depending on the availability and willingness of the parties.

### **Review by the Complaints Committee**

For all other complaints and for those where the attempt at ADR is unsuccessful, an investigative file is prepared for review by the Complaints Committee. The steps in preparation are described below.

### **List of Issues**

After reviewing the letter of complaint, College staff draft a list of the complainant's issues. The list should capture the client's concerns expressed in the letter of complaint. Often the client's own words are used in drafting the issues. The list of issues is created in order to avoid having the Committee focus on aspects of the letter of complaint that are not central to the complainant's concerns; in other words, to avoid having the Committee miss the point of the complainant's letter. It also helps the responding veterinarian focus on addressing the complainant's concerns and avoid addressing aspects of the case that the veterinarian mistakenly assumed were the focus of the complaint.

### **Approval of Issues**

The draft issues, once completed by College staff, are then forwarded to the complainant for approval. The complainant is asked to confirm both the identity of the veterinarian(s) they wish to complain about and the issues of concern. The complainant will frequently alter the wording used in the description of their issues to better capture the flavour of their concerns. The complainant signs the summary of issues and returns it to the College. The final list of approved issues is then forwarded to the responding veterinarian(s) for their comment.

*continued on next page...*

# Complaints Process

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## **Veterinarian's Response**

Members are not required to follow any particular formula in terms of their response, but they are advised to provide everything of relevance to the Committee. This includes the full medical record including radiographs, laboratory data, surgery and anaesthetic logs, radiology logs and may include phone logs, long distance phone records, expert opinions, or submissions from staff members and other veterinarians involved in the case.

The member's response is usually copied to the complainant, who is given a final opportunity to comment on the member's response. Occasionally, the complainant reads the member's response and raises additional issues they want the Committee to consider. The additional issues are added to the original list and the member is asked to respond to these as well. Under these circumstances, the complainant is provided a further opportunity to review the member's response to their additional issues.

## **Review by the Committee**

When all the correspondence has been compiled, the file is placed on the agenda for the Committee's next meeting. Each entire investigative file is copied to all members of the Committee. One member of the Committee is assigned to each file and they are expected to lead the case discussion during the meeting. It is sometimes necessary to defer the case until the next meeting if the Committee decides to seek additional information. The Committee may also decide to interview the member. Interviews can take place in person or by telephone and are used when the Committee has lingering questions about the case that the member may not have explained fully or to the satisfaction of the Committee members. Most cases placed on the meeting agenda are resolved that day, but some require two or more meetings before the investigation is complete to the point that the Committee is prepared to vote on a decision.

## **Committee Decisions**

The main function of the Complaints Committee is to determine whether a complaint is serious enough to refer to a hearing of the Discipline Committee. If the

Committee decides the case is not sufficiently serious to warrant such a referral it may make a number of alternative decisions.

## **Referral to the Discipline Committee**

In a small percentage of cases, the Complaints Committee decides that a referral to the Discipline Committee is warranted. In this case, allegations are drafted with the assistance of the College's legal counsel and the Committee votes on referring these allegations to a hearing of the Discipline Committee.

## **Impairment Referral**

If the Complaints Committee believes that a veterinarian may be suffering from a mental or physical condition impairing his or her ability to practise, the Committee can refer the matter to the Registrar for further inquiry.

## **No Further Action**

If the Committee concludes following its investigation that the case is not serious enough to warrant a referral to the Discipline Committee or to take any further action, this is often an indication that the Committee did not have any concerns with the conduct of the responding veterinarian.

Occasionally, the Committee has concerns with the case that were not raised by the complainant. When these arise, the Committee may advise the member of the concerns by way of a letter written under separate cover. These letters do not form part of the investigative file and are intended only to identify the concerns and offer constructive advice.

Rarely, more serious concerns arise from the Committee's investigation that were neither raised by the complainant nor suitably dealt with by way of a letter of advice under separate cover. Concerns of this nature are instead brought to the attention of the Registrar, who may present them to the Executive Committee.

*continued on next page...*

# Complaints Process

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## **Take some Action**

The Committee may review a case and decide that it is not serious enough to warrant a referral to the Discipline Committee, but that it had some concerns with the conduct of the veterinarian or it believes that the veterinarian might benefit from some educational action. In some cases, the Committee will include advice in the body of the written decision. In other cases, the Committee will require the member to appear before it to receive oral advice. Or, in some cases the Committee will invite the member to participate in a mutual acknowledgement and undertaking. When a member agrees to participate in such an undertaking, they are agreeing to enter into some form of rehabilitative or re-education process to address the concerns of the Committee. These may include writing a research article on an area of veterinary medicine relevant to the case, submitting their medical records for independent review or spending time with a mentor. These educational measures are not recorded in the register of members that is available to the public.

## **Frivolous, Vexatious, Made in Bad Faith or an Abuse of Process**

The *Veterinarians Act* provides for the Complaints Committee to issue a decision that it believes the complaint is outside of the College's jurisdiction, is groundless or was filed by the complainant for insincere reasons. When the Committee believes that a complaint falls into this category, it must notify the member and the complainant that it is considering not investigating the complaint and provide each party thirty days to

respond. It is not possible for any member of staff to make this determination. This power of the Complaints Committee is rarely used because it is often difficult to be certain that a complaint is frivolous or vexatious without first investigating it.

## **Right of Appeal**

Both parties to a complaint may choose to appeal the decision of the Complaints Committee (other than a referral to the Discipline Committee or for impairment inquiries). To do so, they must notify the Health Professions Appeal and Review Board within thirty days of receiving the written Decision and Reasons from the Complaints Committee. The College provides the contact information with the Decision and Reasons. The Health Professions Appeal and Review Board hears appeals from all of the regulated health colleges including, for example, physicians, dentists and optometrists. The Board is composed exclusively of non-health professionals and considers every case from only two perspectives; was the Committee's investigation adequate and was the decision reasonable. If the Board decides that the Committee's decision failed to meet either of those two criteria, it will return the case to the Committee with instructions to conduct additional investigation and/or issue a new decision.

## **Conclusion**

The complaints system is an essential method of assuring the public that the profession is appropriately regulated. However, this can only be done through an impartial process that is procedurally fair.

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## **PEER REVIEW OF MEDICAL RECORDS**

The CVO Peer Review of Medical Records Program provides veterinarians with peer feedback in a voluntary, proactive environment. This free member service program is available to all members either individually or as a practice group.

Please submit your records and join the practices that have taken advantage of this opportunity!

For more information contact:  
**Ms. Susan Winter**, Director of Quality Assurance  
519-824-5600 or toll free 1-800-424-2856  
swinter@cvo.org

# Regulation Amendments

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## Understanding the Recent Amendments to the Regulation

*by Barbara Leslie, registrar*

Recently the provincial cabinet approved many amendments to the Regulation under the *Veterinarians Act*. These amendments have been approved by Council at meetings held in 2001, 2002 and 2003. The full text of the regulation is available through the CVO Website at [www.cvo.org](http://www.cvo.org) under About CVO - CVO Legislation. Members should contact the CVO office if there are any questions about interpretation or effect of any of these amendments.

The amendments cover many different topics that had been saved up over the years. The goals of the amendments include the following:

- To promote inter-provincial mobility of veterinarians
- To make registration requirements more consistent
- To implement the first fee increase in 12 years
- To facilitate remote area companion animal mobiles
- To clarify confidentiality obligations towards clients
- To modernize the rules for the transfer or disposal of animals and animal parts
- To set specific rules for ketamine and targeted drugs
- To update the drug regulations
- To permit the dispensing or administration of drugs when the primary veterinarian is not readily available in limited circumstances
- To permit T-61 to be used in humane situations and
- To modernize the conflict of interest rules

A more detailed description of the more significant changes is set out below.

### **Licensure (Sections 5(3), 7(1) and the Schedule to the Regulation)**

There are three amendments to the regulation regarding requirements for licensure. The first is the inclusion of reference to the Agreement on Mobility of Veterinarians within Canada. This will make it easier for veterinarians who currently have a general licence in another province to become licensed in Ontario. This brings Ontario in compliance with the

Agreement on Internal Trade in respect of veterinary services.

The requirements for the public service license have been amended to include a requirement for successful completion of the North American Veterinary Licensing Exam (NAVLE) for graduates of accredited veterinary schools, and requirements for the NAVLE and the clinical proficiency examination for graduates of acceptable unaccredited veterinary schools. This

*continued on next page...*

# Regulation Amendments

change will help standardize the registration requirements for all veterinarians with long-term licences in Ontario.

The new regulation includes changes to the licensure fees. Membership fees for a general, restricted, academic, post-graduate and residence or public service licence have increased to \$675.00 per year. The prorated fees have been adjusted accordingly. The membership fee for a short term license is now \$250.00, education license is \$125.00 for 6 months. This amended regulation reflects the first licensure fee increase by the CVO in 12 years and was determined by the Council of the College to be necessary based on 5-year projections for the financial future for the College. The increase results from several factors including inflationary increases over the past 12 years, some years of high costs associated with disciplinary proceedings and the addition of new member services including the Professional Enhancement Program, the Professionals Health Program and Incorporation.

## **Remote Area Companion Animal Mobile (Section 11, 13, 14(1) and the Schedule to the Regulation)**

This regulation establishes a new category of accreditation, the remote area companion animal mobile. Council will establish minimum standards for this category which is meant to allow for more flexibility for a companion animal mobile to provide service to remote areas of the province. The inspection fee is \$60.

## **Confidentiality (Section 17(1) 6)**

The confidentiality regulation has been amended to include an express reference to keeping client information confidential. Most veterinarians understood this to be a professional obligation and the duty was certainly reinforced by the advent of privacy legislation. However, the College wanted to make this an explicit requirement for greater clarity. Therefore, it is professional misconduct to "reveal information about a client", except under the specific situations described by the regulation. Previously this regulation referred to "an animal" only.

## **Laboratory Tests (Section 17(1) 7.1)**

This change to the regulation makes it professional misconduct to recommend, refer, order or requisition, laboratory tests, technical procedures or professional services that are not reasonably useful or needed. This amendment is part of a package of reforms to the conflict of interest rules permitting greater flexibility in referring clients to facilities in which the member has an interest (see discussion below).

## **Disposal of Animals and Wastes (Section 17(1) 21 and 22 and 22.1)**

The professional conduct rules have been amended to eliminate the reference to the civil law aspects of disposing of animals, whether deceased or alive. The reference is only to "accepted veterinary standards and practice".

An addition to the professional conduct rules ensure that members will comply with the Environmental Protection Act or with accepted veterinary standards of practice when disposing of biological, pathological or hazardous wastes.

## **Abandoned Animals (Subsection 17(1.1))**

This amended regulation allows, from the College's perspective, for veterinarians to deal with a live animal that has not been claimed by the client within 10 days of the completion of an in-hospital treatment or convalescence or an auxiliary service, by transferring the animal to an animal shelter or a third party. This regulation can only be utilized if the client has agreed to the transfer in writing, (which requires that this is included in the consent signed by the owner), that the member has attempted to contact the client at least 5 times by at least 2 different methods, such as telephone and mail, and has documented the attempts, and the member has attempted to contact any emergency contact person identified by the client.

This will allow for a fair, reasonable and humane method for dealing with abandoned animals where the client's prior consent has been obtained.

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# Regulation Amendments

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## **Ketamine and Targeted Drugs (Sections 23-33)**

The regulation has been amended so that there is a requirement for tighter controls of ketamine and targeted drugs in the veterinary practice. Members are now required to keep as part of their record of purchase for ketamine and targeted drugs, the signature of the member who made the purchase. As well, members must take steps to ensure that ketamine, as well as controlled substances and targeted drugs are protected from loss and theft, and that any loss or theft is reported immediately to a Police Officer and the Minister of Health, Canada, within 10 days of discovering the loss or theft. Members are also required to ensure that any person other than another member or an auxiliary acting upon specific direction of a member, to dispense or have access to ketamine, as well as controlled drugs and targeted drugs. As well, these drugs must now be kept in a locked cabinet designed and constructed to ensure the reasonable safety of drugs.

## **Drugs (Sections 23(1) and (2), 27(4), 28, 29, 30, 33)**

Much of the terminology in the amended regulation updates the reference to controlled and narcotic substances in compliance with new legislation.

## **Providing Drugs to Clients on Behalf of Another Veterinarian (Sections 26 and 33)**

The regulation has been amended to allow veterinarians to dispense a drug, (not including controlled substances, ketamine or a targeted drug), pursuant to an oral or written prescription from another veterinarian.

However, this only applies under very specific situations where the primary veterinarian is not readily available, such as where the animal is out of town (e.g., at the family cottage or on a family holiday) and medication has run out. It must not be reasonably possible for the client to obtain the drug from a prescribing member or a pharmacy.

It must be necessary, in the interests of the animal, to

administer or dispense the drug without the delay that would be associated with returning to the prescribing member. The member must make a reasonable effort to discuss the matter with the prescribing member, the member must conduct a sufficient assessment of the animal's circumstances, which may not require a physical examination in every case, to ascertain that it is unlikely that there has been a material change in the circumstances since the prescription was given by the original veterinarian. As well, the quantity of the drug dispensed can be no more than would reasonably enable the client to return to the prescribing member for future prescriptions or quantities of drugs. The dispensing member is required to make a written record of the transaction.

This will allow veterinarians, who are approached by non-clients, to assist them in these very specific circumstances where the primary veterinarian is not readily available.

## **T-61 (Section 33(f))**

Previously the regulation did not allow for animals, other than dogs and cats, to be administered T-61 that has been provided by a veterinarian to a pound or research facility. The amendment now allows for its administration to wildlife. As well the T-61 can be dispensed not only to people operating a pound or research facility under the Animals for Research Act, but also to those who are employed by the Ontario Society for the Prevention of Cruelty to Animals or an affiliate of the society, or someone acting as a wildlife custodian within the meaning of Section 44, The Fish and Wildlife Conservation Act, 1977.

## **Conflict of Interest (Sections 42 and 43)**

A number of changes have been made to the conflict of interest rules to permit greater flexibility of business arrangements where appropriate safeguards are in place. These changes will assist both in rural areas (where increasing available options can benefit clients) and urban areas (where complex inter-relationships between different facilities require a more principled approach to the rules). However, with

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# Regulation Amendments

the greater flexibility comes the need for safeguards such as greater disclosure to clients of the arrangements.

*Income Sharing with Associates or Employees:* The conflict of interest provisions have been more flexible to permit arrangements with associates and employees as well as partners. This will ensure that similar conflict of interest rules apply regardless of the business relationship between the veterinarians.

The regulation has also been amended to be more flexible in the referring of animals or specimens in some situations where the referring veterinarian or a related person might receive some benefit.

*Referrals to Partners, Associates, Employers or Employees:* A member will not be prevented from referring or transferring an animal or a specimen to another veterinarian who is a partner, associate, employer or employee of the member, if the animal is seen or the specimen is examined in the same facility by both veterinarians, or the member provides a written explanation to the client of the member's relationship to the other veterinarian, if the animal is seen or examined in a different facility.

*Referrals to Corporations or Other Business Entities:* The regulation also does not prevent a member from referring or transferring any animal or a specimen to a corporation or other business entity from which the member receives a benefit, by reason only that the member or a related person has an interest in the corporation or other business entity, if:

- The member provides a written explanation to the client of the member's or related person's interest in the corporation or other business entity;

- The member provides written notice to the client, but if the client chooses another service provider the client's choice will not affect the client's ability to obtain services from the member, unless the choice would result in the care provided to the animal being unco-ordinated;
- In case of laboratory testing or radiological or other technical procedures, the member provides a written explanation to the client that the member is professionally responsible for the quality of the testing or technical procedures performed for the animal; and
- Upon request, the member provides to the College, documents demonstrating that the member has complied with the above requirements.

The impact of this change will be an increased requirement for disclosure on the part of the veterinarian and consent on the part of the client when referring animals to another clinic (including an emergency clinic), to another facility, or to a corporation in which one has an interest.

## **Conflict of Interest: Veterinarians Working at Universities or Colleges (Section 43)**

This regulation has been amended from its previous wording which referred only to the Ontario Veterinary College at the University of Guelph. It now permits a veterinarian to an employee of a public, non-profit university or college. The assumption is that such institutions will share similar public interest values with the veterinary profession that they will strongly support the ethical and high quality of care expected of veterinarians.

# Professionals Health Program

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## Recognizing the Signs and Symptoms of Distress

by Michael Kaufmann, MD  
Director, Professionals Health Program

*The following article written by Dr. Michael Kaufmann contains information originally published in the May 1999 issue of the Ontario Medical Review (Vol. 66, No. 5, p. 46-47)*

Veterinarians, like everyone else, are subject to the effects of stress, burnout, depression and chemical dependency. Even colleagues who appear to be the least susceptible to these health hazards may be vulnerable.

The daily rigours commonly associated with veterinary practice, including long working hours, complexity of problems, intense application of one's skills even at the cost of self-care, and relentless perfectionism, may place veterinarians at particular risk.

Add to these the genetic predisposition in some for a psychiatric illness or chemical dependency, and the conditions exist that heighten the likelihood that a veterinarian will suffer, or even become impaired.

The key to recognition is knowing the performance baseline from which a person normally functions. Everyone is entitled to a bad day - even veterinarians. Some irritability, forgetfulness, or even a minor error or two may represent nothing more than fatigue, suffered by most from time to time. But when these and other changes cease to be infrequent or isolated episodes, the patterns of illness emerge.

It is important to understand that veterinarians who are experiencing symptoms of depression or dependency may feel ashamed, or even deny the magnitude of their problems. A call for help on their own behalf is not common.

Early signs of distress include irritability and mood swings. Frequent fatigue, insomnia, and loss of energy and enthusiasm for the pleasures of life are common. Social and family conflict and withdrawal occur so that spouses, children and friends are usually the first to know something is wrong.

It takes longer for the symptoms to appear at work. Because veterinarians generally derive so much

satisfaction through hard work and commitment to their clients and patients, they tend to work even longer hours when distressed. But their usually excellent work becomes punctuated by episodes of unpredictability or altered habits.

As the illness progresses, attitudinal or behavioural problems unusual for the veterinarian are observed in the workplace. Absenteeism, without notice, and angry or inappropriate outbursts are some of the contributors to client and staff complaints - formal or otherwise. The veterinarian is no longer as reliable as before. Professional isolation may be added to personal isolation. These signs represent the "tip of the iceberg." The veterinarian is seriously ill.

Other signs, especially if the veterinarian is suffering from addiction, include unkempt appearance, alcohol on the breath, drowsiness, and heavy prescribing and "wastage" commonly associated with mood-altering drugs. Overt intoxication may be seen, but is unusual. Serious complaints to clinic partners, administration, or even the regulatory body may have been made. Any of these observations are reason for concern, but especially so when the previously mentioned signs have been present as well.

There are many barriers that prevent a veterinarian from reaching out for help on their own behalf. These include feelings of shame, confidentiality concerns, fear that they will lose their livelihood, lack of knowledge of the help that is available and more. If you are concerned about a veterinarian you know, please contact the Professionals Health Program for advice. Your colleague may be relying on you.

If someone you know is in need of the confidential services offered by the Professionals Health Program, contact the PHP at 1-800-851-6606 or (416) 340-2972.

## 2005 Licence Renewal/Annual General Meeting

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### **Annual Renewal Forms for 2005**

**- Due Date is November 30th, 2004**

Licence fees are due on or before November 30, 2004. Please notify the CVO office if you do not receive a renewal form/invoice prior to the end of October, 2004.

Please contact Karen Gamble, registration coordinator, if you have any questions (800-424-2856/519-824-5600 or email [kgamble@cvo.org](mailto:kgamble@cvo.org)).

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## **CVO ANNUAL GENERAL MEETING**

**Wednesday, January 19, 2005**

at the

**College of Veterinarians of Ontario  
2106 Gordon Street, Guelph, Ontario**

**Coffee and Refreshments: 3:00 p.m. to 3:30 p.m.**

**Meeting Convenes: 3:30 p.m.**

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**To register call the CVO office by January 14, 2005**

**(519) 824-5600 / (800) 424-2856**

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The meeting agenda will include consideration of any by-laws, report of the CVO Council, acceptance of the financial statements and the appointment of auditors.

*Members who wish to receive a copy of the minutes from last year's AGM may contact the CVO office with their request. A limited number of copies will be available at the meeting.*

# In Memoriam

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*The council and staff of the CVO were saddened to learn of the following deaths. We extend our sincere sympathy to their families and friends. In memory of deceased members, the CVO contributes an annual grant to the Ontario Veterinary College Alumni Trust.*

**Kalm, Toomas (Thomas)** (OVC 1959) - Dr. Kalm passed away May 14, 2004. After graduation, he practiced at a large animal clinic in Glencoe and later opened the Blue Cross Animal Hospital in Toronto. In 2002, Dr. Kalm was granted Emeritus Status with the College. He is survived by his wife Leone, and three children, John, Kerry Lee and David.

**Mongeon, Rejean** (Montreal 1977) - Dr. Mongeon passed away June 26, 2004. Dr. Mongeon worked as an equine practitioner in Ontario. He is survived by his wife Andrea and three children.

**Shortt, Harry** (OVC 1949) - Dr. Shortt passed away July 1, 2004. Dr. Shortt practiced in St. Thomas and Wilberforce at a mixed animal practice. He held Emeritus Status with the College. Dr. Shortt is survived by his wife Isabella.

## Professionals Health Program

Confidential toll-free line:

1-800-851-6606

## CVO e-news

Have you signed up for the CVO electronic newsletter? To sign up go to the CVO website ([www.cvo.org](http://www.cvo.org)).

*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.

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