



POSITION STATEMENT

Unauthorized Practice

Published: October 2013

Purpose

This position statement provides guidance to stakeholders about the unauthorized practice of veterinary medicine in Ontario. It clarifies the College's role in investigating and taking action on unauthorized practice for the purpose of public protection.

Introduction

The College regularly receives information raising concerns about the possible practise of veterinary medicine by non-veterinarians. Section 11 of the *Veterinarians Act* (the "Act") is clear that only a holder of a valid licence, issued by the College of Veterinarians of Ontario, can practise veterinary medicine in the province or hold himself or herself out as a veterinarian. The purpose of restricting the practice of veterinary medicine to registered veterinarians only is for public protection given the highly skilled and highly technical nature of the profession. Such protection assures that safe, quality veterinary medicine is provided to animals.

Definitions

Agricultural operation:¹ An agricultural operation is defined as a farm, ranch or other operation that produces agricultural products intended for sale. It includes horse operations that do not sell agricultural products but offer boarding, riding or training services.

Agricultural worker:² Agricultural worker includes a farm worker employed on a farm whose work is directly related to primary production of certain agricultural products. Primary production includes: planting crops, cultivating, pruning, feeding and caring for livestock.

¹ Statistics Canada 2011 Census of Agriculture

² Ministry of Labour, Ontario 2013

Domestic worker: A domestic worker means a person who is employed by a householder to perform services in the household or to provide care, supervision or personal assistance to members of the household.

Household of the owner: Household of the owner is a house and its occupants regarded as a unit.

Self employed:³ Self-employed indicators include works independently; no one oversees activities; free to work when and for whom he chooses; may provide services to different payers at the same time; can accept or refuse work from the payer.

Scope of Practice

The practice of veterinary medicine is broadly defined in the Act section 1.(1) as:

“veterinary medicine includes the practice of dentistry, obstetrics including ova and embryo transfer, and surgery, in relation to an animal other than a human being.”

Veterinary medicine is further described in the veterinarian regulatory body pan-Canadian Agreement on Internal Trade (AIT) as:

“the practice of medicine, surgery, and dentistry on animals, and includes the examining, diagnosing, prescribing, manipulating and treating for the prevention, alleviation or correction of a disease, injury, condition, deformity, defect, or lesion in an animal with or without the use of any instrument, appliance, drug, or biologics.”

In plainer language veterinary medicine encompasses the assessment, diagnosis, and treatment, including surgery, of all animal species other than humans. It also includes but is not limited to (in relation to all animal species other than humans) dentistry; floating teeth; rehabilitative; complementary and alternative therapies; and microchipping.

Veterinarians often practise with veterinary auxiliaries or assistants. Auxiliaries are supervised in carrying out their functions within an accredited veterinary facility. Students of veterinary medicine are permitted to practise veterinary medicine in the course of their studies.

There are some exceptions identified in the Act which permit other individuals to perform specific activities on animals; these include:

- rendering first aid or temporary assistance in an emergency without fee;
- treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal;
- taking blood samples;
- preventing or treating fish and invertebrate diseases;

³ Canada Revenue Agency

- collecting or using semen for the purposes of a business that engages in the artificial insemination of livestock;
- collecting or transporting ova and embryos of animals other than mammals

Position

The College's principal object is to regulate the practice of veterinary medicine in Ontario and to govern its licensed members so that the public interest may be served and protected. This is to assure the delivery of safe veterinary medicine by licensed veterinarians meets the expected standard of practice. When an unlicensed individual or an organization is believed to be engaging in the practice of veterinary medicine and it is reported to the College of Veterinarians of Ontario, the College will investigate. Where the results of the investigation clearly demonstrate evidence of a violation of section 11 of the *Veterinarians Act*, the College will issue a cease and desist notice and request confirmation that the offending individual or organization will cease to perform the activity or activities at issue. When an individual or an organization is non-compliant with a cease and desist notice, the College may proceed with legal action through the Ontario court system.

Penalty

If the unauthorized practice of veterinary medicine by an unlicensed individual or organization is proven in court, the following penalties may apply:

- first offence is a fine of not more than \$15,000
- each subsequent offence is a fine of not more than \$30,000

The unauthorized use of veterinary titles, terms or descriptions may also result in a penalty:

- first offence is a fine of not more than \$5,000
- each subsequent offence is a fine of not more than \$15,000

These penalties are payable to the Treasurer of Ontario, not to the College.

Legislative Authority

Veterinarians Act, R.S.O. 1990, s. 11, 40

College publications contain practice parameters and standards which should be considered by all Ontario veterinarians in the care of their patients and in the practice of the profession. College publications are developed in consultation with the profession and describe current professional expectations. It is important to note that these College publications may be used by the College or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained. The College encourages you to refer to the website (www.cvo.org) to ensure you are referring to the most recent version of any document.