



AGENDA ITEM 6.2

TOPIC: Prescribed Offences

Overview

Both applicants and members of the College are required to share information related to offences and/or charges under the *Veterinarians Act*. The *Veterinary Professionals Act, 2024* maintains these expectations while also introducing a strengthened legislative framework related to member self-reporting. In particular, Sections 38 and 41 of the *Veterinary Professionals Act, 2024* outlines a member's obligations to report offences and/or charges to the College and indicates the need to develop Regulation language that specifically states which types of offences and/or charges that a member is required to report.

Relevant Sections

An overview of the relevant sections of legislation, regulation, by-law, and policy related to offences (both current and future) has been attached to this cover sheet as Appendix "A."

Why Does the College Collect Information Related to Offences?

Professional regulators like the College require detailed information about their members in order to make sound and informed decisions about their ability to safely provide veterinary services to the public. This is especially true when it comes to offences and/or charges as these are most often associated with at-risk behaviour. Collecting and acting upon this information when appropriate is fundamental to public protection and is one of the main public expectations related to the College's licensure role.

History of College Work Related to Offences

Receiving of Information

The College currently has several ways in which it receives information on member related offences and/or charges:

1. Licensure Application Process



Under Regulation 1093, licensure applicants are required to provide a declaration affirming that there has been no finding of guilt and that there is no charge pending an allegation of an offence relevant to the applicant's suitability to practise veterinary medicine. To satisfy these requirements, licensure applicants are required to provide honest and complete declarations and to submit a criminal record check prior to a license being issued.

2. Updating Information

The College's By-laws require members to update certain information, in writing, within 30 days of the change. This includes any findings of guilt of any offence in any jurisdiction, other than the *Highway Traffic Act*, as well as being the subject of any similar proceeding.

3. Investigations Process

The College also becomes aware of offences and/or charges associated with members through its investigation process. This can include direct reports by members of the public, flags in the media, or reports from other members.

Processing of Information

Information related to offences and/or charges is primarily used by the College in two ways. If it relates to an applicant, the information is shared with the Registration Committee for its use in determining the individual's eligibility for licensure. If it relates to a member, the information is referred to the College's investigations and resolutions process for further consideration and review related to the member's conduct and suitability to practise.

What Will Change?

There are no statutory changes made in the *Veterinary Professionals Act, 2024* to the way that applicants are required to share information with the College under the *Veterinarians Act*. Applicants are still required to adhere to all requirements for licensure (which will be outlined in Regulation), and the College maintains its ability to require criminal record checks as part of this process.

The *Veterinary Professionals Act, 2024* elevates the requirements for a member to self-report any specified offences and/or charges from the level of College By-law to a statutory expectation. This was not a specific request by the College but instead was a decision made by the government to reflect the importance of regulators receiving and processing this information to ensure public protection. The *Veterinary Professionals Act, 2024* also requires a higher level of detail related to reportable offences than currently outlined in College By-law.



The *Veterinary Professionals Act, 2024* moves away from the 30-day reporting period currently outlined in College By-law to requiring a member to report any applicable offence and/or charge as soon as reasonably practicable. It also outlines the specific information that is to be shared by the member in their report.

Information received by the College related to members' offences and/or charges will continue to be processed through the investigations and resolutions process. This process remains largely the same under the *Veterinary Professionals Act, 2024*, though the College will now have the ability to seek interim orders (including suspensions) against a member if the information received leads the Investigations and Resolutions Committee to the opinion that the conduct of the member exposes or is likely to expose an animal or human to harm or injury.

The inclusion of mandatory self-reporting of offences will also decrease the College's reliance on third-party sources (such as members of the public or the media) to obtain timely information related to member conduct.

Concept

A draft concept has been developed to support the College's work in this area and to outline the specific offences that a member will be required to self-report to the College (attached to this cover sheet as Appendix "B"). These include:

1. Offences Relevant to the Practice of Veterinary Medicine.

The concept proposes that Regulation language be developed to outline the list of offences that should be reportable due to their correlation with the practice of veterinary medicine. This includes offences related to animal abuse and welfare, horse racing, wildlife conservation, and drug management.

2. Offences Relevant to Professionalism

The concept also proposes that Regulation language be developed to outline the list of offences that should be reportable due to their correlation with professionalism. This includes all criminal offences under the *Criminal Code* as well as more serious aspects of the *Highway Traffic Act* including unsafe or careless driving (the latter of which is directly tied to a member's ability to practise through an accredited mobile veterinary facility).

Discussion

The draft concept on prescribed offences is now being presented to Transition Council for its review and discussion related to next steps.



Options

Following discussion, Transition Council may elect to:

1. Direct that the draft concept be approved for public consultation as presented or amended;
2. Direct that the draft concept be returned to College Staff for further review and development; or
3. Other.

Attachments

1. Appendix A – Relevant Sections of Legislation, Regulation, By-Law and Policy – Prescribed Offences
2. Appendix B – Draft Concept – Prescribed Offences

Prescribed Offences

Relevant Sections of Legislation, Regulation, By-Law, and Policy

Current Framework Under the *Veterinarians Act*

Veterinarians Act

Regulations

7 (1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations with respect to the following matters:

1. Prescribing classes of licences and governing the qualifications and requirements for the issuance of licences or any class thereof and prescribing the conditions and limitations thereof.

By-Laws

9 (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing, may pass by-laws respecting the following matters:

16.3 Requiring members to give the College their home addresses and whatever other information about themselves and their professional activities that the by-law specifies, including the places where they practise the profession, the services they provide there and the names, business addresses, telephone numbers, facsimile numbers and electronic mail addresses of their associates, partners, employers and employees and specifying the form and manner in which the members shall give the information.

Licence required

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. R.S.O. 1990, c. V.3, s. 11 (1).

Professional Misconduct

30 (3) A member or former member of the College shall be found guilty of professional misconduct by the Discipline Committee if,

- (a) the member or former member has been found guilty of an offence relevant to the suitability to practise veterinary medicine, upon proof of such finding;
- (b) the member's or former member's rights or privileges related to the practice of veterinary medicine under an Act of the Parliament of Canada or of the Legislature of Ontario, other than this Act, or the regulations thereunder, have been restricted or withdrawn, unless by the request of the member or former member, upon proof thereof;

(c) there has been a finding of professional misconduct or serious neglect, or a like finding, against the member or former member by a veterinary authority in another jurisdiction, upon proof of such finding; or

(d) the member or former member has been guilty in the opinion of the Committee of professional misconduct as defined in the regulations.

Registrar's investigation

36 (1) Where the Registrar believes on reasonable ground that a member or former member of the College has committed an act of professional misconduct or serious neglect or that there is cause to refuse to issue or renew or to suspend or revoke a certificate of accreditation, the Registrar, with the approval of the Executive Committee, by order may appoint one or more persons to investigate whether such act has occurred or whether there is such cause, and the person or persons appointed shall report the results of the investigation to the Registrar. R.S.O. 1990, c. V.3, s. 36 (1).

Regulation 1093 under the *Veterinarians Act*

3. (1) The requirements for the issuing of any licence are that the applicant,

(e) provides a declaration affirming that there has been no finding of guilt of, and that there is no charge pending involving an allegation of, an offence relevant to the applicant's suitability to practise veterinary medicine;

By-Laws

20.01 – Information Returns

(1) Every Licensed Member, other than a Licensed Member who holds a short-term licence, shall submit to the College by the 30th day of November in each year, an information return in the form available from the Registrar setting out:

(viii) any finding, in Ontario or elsewhere, by a court that the Licensed Member has committed an offence, other than under the *Highway Traffic Act*;

(ix) a summary of any currently existing charges against the Licensed Member, in respect of a federal, provincial or other offence other than under the *Highway Traffic Act*;

(3) The Licensed Member shall notify the College, in writing, of any changes to the information specified in subsection (1) within 30 days of the effective date of the change.

Policy

Policy Statement: Criminal Record Checks found [here](#).

Future Framework under the *Veterinary Professionals Act, 2024*

Licensing

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

Classes of licences

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

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

Licence suspended

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

Conditions and limitations

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

Self-report re offences

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

Contents

(2) The report shall be in writing and must contain,

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

Timing

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

Additional reports

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

Self-report re charges and bail conditions

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

Contents of report

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

Timing of report

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

Additional reports

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

Regulations, Council

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

- 1. prescribing and governing anything in this Act that is described as being prescribed, done in accordance with the regulations, provided for in the regulations or authorized or required by the regulations, other than a matter that this Act describes as being prescribed by the Minister or Lieutenant Governor in Council or provided for in regulations made by the Minister or Lieutenant Governor in Council;
- 12. prescribing classes and subclasses of licences and governing the qualifications and requirements for the issuance or refusal of licences or any class or subclass of licence and prescribing the terms, conditions and limitations that may be applied to licences;
- 13. respecting any matter relating to the provisions of this Act with regard to the issuance, expiration, cancellation, suspension, revocation or refusal of licences;
- 14. prescribing and governing terms, conditions and limitations that are required to be imposed on licences or classes or subclasses of licences;

Prescribed Offences Concept Chart

Section	Main Objectives	Primary Concepts	Additional Information	Transition Comments	Intended Outcomes
This column outlines the specific section of regulation.	This column provides an overview of the College's main objectives for the section of regulation.	This column provides a more in-depth description of the objectives sought and the associated reasoning.	This column provides any additional specific information required to ensure clarity.	This column highlights any relevant transition matters requiring consideration.	This column outlines the College's intended outcomes for the specific section.
Prescribed Offences	<ul style="list-style-type: none"> Based on the structure outlined in the <i>Veterinary Professionals Act, 2024</i>. Focus on offences that impact both: <ul style="list-style-type: none"> the practice of veterinary medicine; and professionalism in general. 	<p>General</p> <p>The College is proposing the development of a Regulation section related to prescribed offences to align with Section 38 (1) and 41 (1) of the <i>Veterinary Professionals Act, 2024</i>.</p> <p>Purpose</p> <p>Professional regulators like the College require detailed information about their members in order to make sound and informed decisions about their ability to safely provide veterinary services to the public.</p> <p>Aligned Offences</p> <p>The <i>Veterinary Professionals Act, 2024</i> requires a member to file a report with the College if they have been charged with and/or found guilty of a prescribed offence. The College is proposing that the following types of offences be outlined as reportable:</p>	<p>The specific offences proposed are:</p> <ul style="list-style-type: none"> An offence under the <i>Criminal Code</i>. * An offence under the <i>Controlled Drugs and Substances Act</i>. * An offence under section 49 of the <i>Provincial Animal Welfare Services Act, 2019</i>. * An offence under the <i>Animals for Research Act</i>. * An offence under the <i>Horse Racing Licence Act, 2015</i>. * An offence under the <i>Fish and Wildlife Conversation Act, 1997</i>. * An offence under the <i>Pounds Act</i>. * 	<p>The College can currently gather information related to offences under the <i>Veterinarians Act</i> through several different, yet not straightforward, methods. The <i>Veterinary Professionals Act, 2024</i> streamlines this approach and increases clarity and transparency around requirements.</p>	<p>Installment of a regulatory framework that is clearly outlined and ensures that the College receives relevant information related to public protection.</p>

Section	Main Objectives	Primary Concepts	Additional Information	Transition Comments	Intended Outcomes
		<p>1. <i>Offences relevant to the practice of veterinary medicine</i></p> <p>The College is proposing offences related to areas such as animal abuse and welfare, horse racing, wildlife conservation, and drug management be included as reportable.</p> <p>2. <i>Offences relevant to professionalism</i></p> <p>The College is proposing offences related to professionalism also be included as reportable. This includes all criminal offences under the <i>Criminal Code</i> as well as more serious aspects of the <i>Highway Traffic Act</i> including unsafe or careless driving.</p> <p>In proposing these offences, the College has applied the lens of public protection with a particular focus on ensuring that all individuals who are offering veterinary services possess the character and integrity that the public expects of professionals.</p>	<ul style="list-style-type: none"> • The following offences under the <i>Highway Traffic Act</i>**: <ul style="list-style-type: none"> ○ Section 84 - penalty for driving unsafe vehicle; ○ Section 130 – careless driving; or ○ Any other offence for which an individual is ordered to pay a fine of not less than \$1,000 and/or to serve an imprisonment term of any length. <p>Offences under the <i>Highway Traffic Act</i> are included due to a member’s ability to practise through an accredited mobile veterinary facility.</p> <p>* Currently collected under the College’s By-laws. ** proposed new addition.</p>		