



THE COLLEGE OF
VETERINARIANS
OF ONTARIO

POLICY STATEMENT

Determining Applicant Suitability to Practise

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Purpose

This policy explains, in the interests of transparency and fairness, how the College of Veterinarians of Ontario assesses information about an applicant's suitability to practise; and identifies the criteria that the College uses when conducting such an assessment. This policy replaces the Applicant Character Assessment Policy Statement.

Scope

This policy applies to all applicants for licensure to practise veterinary medicine in Ontario – including those who apply under the Canadian Free Trade Agreement (CFTA).

Background

One of the ways that the College ensures that members of the public receive safe and professional services from veterinarians is by ensuring that all applicants for licensure are suitable to practise the profession. This determination includes a review of additional information beyond the requirement for the applicant to demonstrate professional competence.

Suitability to practise includes an applicant's conduct and character, such as previous findings of professional misconduct, being found guilty of a criminal offence or academic misconduct. Suitability to practise also includes determining whether an applicant has a physical or mental condition or disorder that could affect their ability to practise safely.

Veterinarians are expected to demonstrate honesty and integrity in all of their actions, to practice in a safe and professional manner, and to comply with all legislation, regulations, College By-laws, and policy governing the profession. Given the high level of importance of

suitability to practise, applicants of the College are required to answer a set of questions pertaining to their suitability to practise on the licensure application form.

Suitability to practise is an ongoing expectation of licensed members of the College. Once licensed, veterinarians are required to make declarations about their suitability to practise during the annual licence renewal process (and/or within 30 days of a change occurring)

The College keeps all information confidential except as required or allowed by law.

Providing false or misleading information that is relevant to the member's suitability to practise veterinary medicine, either knowingly or in circumstances where the applicant ought to have known the information was false or misleading, will impact the suitability to practise assessment.

Procedure

1. The Registrar considers the suitability to practise of every applicant but may initiate a more detailed review of an applicant's suitability to practise in cases where:

- An applicant answers "yes" to any question in the suitability to practise section of the application form; and/or
- When a confirmation of an applicant's licensure in relation to any profession, in any jurisdiction, indicates an investigation, current proceeding or finding of professional misconduct, incompetency, or incapacity; and/or
- Information comes to the College's attention that suggests that something in the applicant's past may afford reasonable grounds for the belief that the applicant will not practise veterinary medicine in a safe and professional manner.

2. If the Registrar has reasonable doubts about the applicant's suitability to practise, the applicant will be notified in writing of the Registrar's concerns and that the Registrar has referred the application to the Registration Committee for review and decision. The applicant will be provided with a period of time to make submissions, including providing any supporting documentation, to the Registration Committee. The onus is on the applicant to prove that their conduct, character, physical or mental condition or disorder do not make them unsuitable to practise.

3. In some instances, the College may be in possession of documents relevant to the applicant's application submitted by other parties or obtained by some other means. The College will disclose these materials to the applicant and provide the applicant with time to make a submission regarding these materials prior to any decision on suitability being made.

4. During the application process, or upon receiving written notification that the application has been referred to the Registration Committee, the applicant may submit any supporting documentation they feel is relevant. Some examples, include:

- A personal statement describing the circumstances of the incident(s), and an explanation as to whether the incident(s) currently impacts the applicant's ability to practise professionally and safely;
- Official copies of any court transcripts, charges, reports, orders, evidence of compliance, discharges, pardons, etc. Applicants are responsible for making arrangements, at their own expense, with the proper authorities to have official information (such as transcripts) sent directly to the College;
- Evidence of the successful completion of any Order imposed by a court or another regulatory body;
- Letters of reference from employers or colleagues who are aware of the facts of the matter;
- Letters from physicians or others who are/were engaged in treating the applicant, providing a professional opinion on the current capacity of the applicant to practice.

5. The documentation submitted by the applicant and other information that comes to the College's attention will form the material to be reviewed by the Registration Committee before a decision on licensure is made. Should the applicant find that additional time is needed to arrange for supporting documentation to be sent the College, the applicant must contact the College directly to request this extension.

6. All decisions are made in the public interest. When undertaking a review, the Registration Committee will consider each application on a case by case basis, and will consider all of the information provided. Should the Committee find that additional information or clarification of any information is necessary before a decision can be reached, the applicant will be notified in writing. The applicant will then be given a period of additional time to supply the requested information, documentation or clarification.

7. The Committee will examine several factors associated with the applicant's suitability to practise, which may include, but are not limited to:

- a) The nature of the conduct, and/or physical or mental condition or disorder in question:
 - seriousness;
 - impact of the incident(s);
 - how long ago the incident(s) occurred;
 - the relevance to professional practice;
 - motivation of the applicant;
 - whether the behaviour or condition was or is isolated or recurring;
 - whether there were any mitigating or aggravating circumstances;
 - intoxication or impairment;
 - issues related to physical or mental capacity;
 - how the conduct and/or condition is relevant to professional practice; and
 - impact on public safety.
- b) Honesty and forthrightness of the applicant:

- did the applicant answer the suitability to practise questions honestly and completely; or
- did the College learn of the applicant's prior conduct and/or condition by some other means, for example, from another regulatory body?
- did the applicant submit the requested documents and cooperate with requests from the College?

c) Resulting actions taken by the applicant:

- was there any remediation or rehabilitation taken by the applicant;
- was there an expression of remorse from the applicant;
- does the applicant show insight into the Registrar's concerns; and,
- was the applicant able to subsequently practise veterinary medicine following the incident(s)/onset of the condition with no further evidence of issues related to their ability to practise safely and ethically?

8. The reviews carried out by the Registration Committee will result in a decision that might range from a refusal to licence, to directing the issuance of a licence with specific conditions and/or limitations placed on it, to issuing an unrestricted licence.

If the Committee determines that placing conditions and/or limitations on a licence (such as an undertaking, supervision, or educational requirements) is appropriate, this is intended as a means of protecting both the public interest and the reputation of the profession where appropriate.

9. Applicants will be provided with a written decision from the Registration Committee setting out both the decision and the reasons.

10. All decisions of the Registration Committee may be appealed by the applicant to the Health Professions Appeal and Review Board (HPARB) within 30 days of receiving the written notification from the Registration Committee.

Registration Committee Assessments

When making decisions about the issuance of a licence, the College is committed to ensuring that:

1. Decisions are made in the public interest.
2. Decisions are made using a process that is transparent and fair, by committee members acting in an objective and impartial manner.
3. Decisions are grounded in reasons that are fully explained in writing.
4. Decisions are made on the specific merits of the case under review.

Definitions

Academic Misconduct: Academic Misconduct is defined by each individual post-secondary institution. Generally, it encompasses a departure from academic integrity (e.g., plagiarism,

unauthorized use of materials, forgery) or conduct that infringes on the rights of other members of the school's community and/or violates any student code of conduct in place.

Character: Character is an individual's values, attitudes, ethics, integrity, honesty, and manner in which relationships are established and maintained; usually evaluated by an assessment of conduct.

Conduct: Conduct is the measurable action and behaviour of an individual.

Conduct unbecoming a member: Conduct unbecoming a member is conduct that occurs either inside or outside of the practice environment and that has the potential to bring the profession into disrepute.

Ethics: Ethical behaviour is when one is able to distinguish right from wrong and has the courage to do the right thing under the circumstances, regardless of personal consequences.

Finding: A finding is a decision made by an authority for a jurisdiction that an individual is guilty of misconduct, criminal activity or incompetence, or that an individual is impaired. Other than impairment findings, examples of findings and/or proceedings that the College reviews as part of the application assessment process include:

- Any criminal record;
- Any court finding of an offense resulting in incarceration, including house arrest, or a fine of more than \$1,000;
- Cheating on examinations or assignments;
- Incompetence or practicing below the professional standard of medical care;
- Falsification of records;
- Selling drugs without a VCPR; and
- Harassment, discrimination, abuse.

Good Character: Good character is generally held to mean that an individual is honest, trustworthy, responsible, and ethical.

Good Standing: Good standing is a status with the regulatory body that indicates a licensed professional's fees and practice information have been submitted as required.

Impairment: Impairment is a medical condition or disorder, either physical or mental, which has the potential to negatively impact an individual's ability to perform in his/her capacity as a regulated professional.

Jurisdiction: Jurisdiction is an area over which an authority governs, be it geographical (provincial, federal), professional (regulators that govern a group of licensed, registered or certified individuals; examination boards), or legal (criminal or civil).

Letter of Standing: Letter of Standing is an official document issued by a regulatory body on request that includes information about the licensure history of a licensee or former licensee.

Offence: Offence is a violation or breach of a law. This includes criminal offences, as well as any other offences under federal, provincial or municipal statutes.

Proceeding: Proceeding is a formal hearing by a court, tribunal, or statutory committee of the body that is authorized by government to regulate a profession and its members.

Professionalism: Professionalism is a set of behaviours, attitudes and skills that reflects the values of the profession, as expressed in the Code of Ethics, and reinforces the social contract between the profession and the public.

Professional misconduct: Professional misconduct is unacceptable conduct carried out within the scope of the professional's practice, as defined in Reg. 1093 under the Veterinarians Act or under a similar provision in another jurisdiction.

Legislative Authority

Veterinarians Act R.S.O. 1990, s. 14

R.R.O. 1990, Reg. 1093: General s. 3

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.