



## AGENDA ITEM 7.3

### **TOPIC: Informed Client Consent**

#### **Overview**

The College is proposing the development of regulation language related to informed client consent as permitted by Section 93 (1) 23 of the *Veterinary Professionals Act, 2024*.

#### **Relevant Sections**

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

#### **History of College Work Related to Informed Client Consent**

##### **Current Framework**

###### *Informed Client Consent*

Informed client consent is an essential conversation that occurs between a veterinarian and their client. From a public protection perspective, informed client consent is the basis on which a veterinarian and their client confirm the veterinary service(s) that will be provided in a specific circumstance.

Section 18 (2) (d) of Regulation 1093 made under the *Veterinarians Act* requires that a member obtain the consent of a client for each veterinary service provided.

The College’s *Professional Practice Standard: Informed Client Consent* is silent on whether a veterinarian can delegate the obtainment of informed client consent. This means that it is currently possible for an auxiliary (including a veterinary technician) to obtain informed client consent under a veterinarian’s supervision and delegation.

###### *Regulatory Exemptions*

Section 18 (3) of Regulation 1093 made under the *Veterinarians Act* outlines a list of circumstances in which the requirements for informed client consent do not apply. These exemptions include emergency situations, working as an employee of the Crown, providing veterinary services under another Act, providing veterinary services in or from a temporary facility, and conducting independent exams.



## **Inclusion in Legislative Reform**

The College's 2018 Concept Paper entitled "Achieving a Modern Approach to the Regulation of Veterinary Medicine in Ontario" contained several recommendations related to the inclusion of both veterinarians and veterinary technicians as licensed professionals under the same statutory framework. As part of this proposal, the Concept Paper indicated the need to continue to adhere to ongoing public expectations related to the practice of veterinary medicine, including the importance of ongoing accountability, client consent, and collaborative teamwork.

Since the Concept Paper was developed in 2018, the College has undertaken additional research and outreach related to informed client consent to ensure currency and consistency. This has included ongoing engagement with several interested parties, including the:

- Ontario Veterinary Medical Association;
- Ontario Association of Veterinary Technicians; and
- Direct conversations with veterinarians and veterinary technicians.

## **What Will This Look Like?**

The practice of veterinary medicine will continue to be overseen by the College under the *Veterinary Professionals Act, 2024*. Both veterinarians and veterinary technicians will become licensed members of the College under the one profession, two professionals model and will be required to adhere to all legislative, regulatory, and College policy requirements related to their practise of veterinary medicine.

Informed client consent will continue to need to be obtained prior to the performance of any specific veterinary procedure(s).

## **Previous Conversations at the Transition Council Table**

In December 2024, Transition Council engaged in thoughtful and innovative conversation related to potential future models for the practice of veterinary medicine in Ontario. This included brief conversation related to the obtainment of informed client consent and whether there was possibility for both types of members to obtain consent.

Based on this feedback, College staff conducted further analysis (including additional review of potential options under the *Veterinary Professionals Act, 2024* and conversations with the College's legal team) and incorporated these findings into the current proposed concept.

## **Conversation with the College of Physicians and Surgeons of Ontario**

**(CPSO)** In recognition of the advancements of team-based care that are occurring in other professions,



College Staff reached out to the CPSO to learn more about the introduction of physician assistants and their proposed scope of practice. As part of this conversation, the CPSO confirmed that physician assistants will be permitted to obtain informed client consent for the treatments that they provide under a physician’s delegation as long as the physician assistant is able to share all of the necessary information. This in recognition of the current ability of other human health care professionals (such as nurses) to obtain informed client consent for the treatments that they provide.

## Concept

A draft concept (attached as Appendix “B”) has been developed to support Transition Council’s work related to informed client consent. In particular, the draft concept speaks to the inclusion of:

### **1. Separate Regulatory Section for Informed Client Consent**

Regulation 1093 under the *Veterinarians Act* currently contains one regulatory section that outlines both the veterinarian-client-patient relationship (VCPR) and informed client consent. As both the VCPR and informed client consent are essential to the safe and accountable practice of clinical veterinary medicine, the draft concept proposes that informed client consent be allotted its own specific section within the regulation to allow **for** clarity surrounding its specific requirements.

### **2. Both Types of Members Permitted to Obtain Informed Client Consent**

In recognition of the one profession, two professional model that will see both types of members delivering veterinary services to clients, the draft concept proposes that both veterinarians and veterinary technicians be permitted to obtain informed client consent if it is for an activity that they are permitted and competent to perform including the ability to share all necessary information. The obtainment of informed client consent would continue to be required to occur through an accredited veterinary facility and be collected in accordance with facility policies established by the Veterinary Facility Director.

### **3. Ongoing Informed Client Consent Requirement**

The draft concept proposes that the current requirement in Regulation 1093 under the *Veterinarians Act* for a member to obtain informed client consent prior to the delivery of a specific service or set of services carry forward to the new regulation.



#### 4. Continuation of Regulatory Exemptions

In recognition of the different situations and circumstances in which members may be practising clinical veterinary medicine, the draft concept also proposes that the current exemptions in Section 18 (3) of Regulation 1093 made under the *Veterinarians Act* related to informed client consent continue under the new regulatory framework. The draft concept also proposes the inclusion of other regulatory exemptions previously discussed by Transition Council, including members working under another piece of federal or provincial legislation.

#### Discussion

The draft regulatory concept related to informed client consent is now being presented to Transition Council for its review and discussion related to next steps. To aid in this discussion, Transition Council is encouraged to consider the following questions:

- Is there anything unclear or missing?
- Does the draft concept seem logical?
- Does the draft concept raise any concerns?
- Does the draft concept raise any thoughts or considerations related to unintended consequences?

#### Attachments

1. Appendix A - Relevant Legislation, Regulation, By-Law and Policy Sections – Informed Client Consent
2. Appendix B - Draft Concept – Informed Client Consent

## Informed Client Consent

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

#### **Current Framework Under the *Veterinarians Act***

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:

8. Prescribing and governing standards of practice for the profession.

#### **Current Framework Under Regulation 1093**

18. (1) A member shall comply with the standards of practice of the profession in the performance of veterinary services. O. Reg. 233/15, s. 12.

(2) A member shall not provide veterinary services in respect of an animal unless the member has,

(a) been retained by the owner of the animal, an authorized representative of the owner or an individual who the member reasonably determines is acting in the interest of the animal;

(b) advised the client that the member will only provide services in accordance with the standards of practice of the profession;

(c) reached an agreement with the client as to the scope of the services to be provided by the member; and

(d) obtained the consent of the client for each service to be provided. O. Reg. 233/15, s. 12.

(3) Subsection (2) does not apply if,

(a) a member, acting reasonably, determines that it is an emergency and that the animal requires immediate veterinary services;

(b) a member is an employee or contractor of the Crown in right of Canada or the Crown in right of Ontario and is providing veterinary services as part of that employment or contractual relationship;

(c) a member is providing veterinary services in or from a temporary facility;

(d) a member is providing veterinary services that are permitted or required under the *Dog Owners' Liability Act*, the *Animals for Research Act*, the *Provincial Animal Welfare Services Act, 2019*, the *Animal Health Act, 2009* or under any other Act except for the *Veterinarians Act*; or

(e) a member is retained or employed by a person other than an animal's owner to conduct an independent examination of the animal and report on the animal's health to that person. O. Reg. 233/15, s. 12; O. Reg. 260/22, s. 3.

**Current College Policy**

*Professional Practice Standard: Informed Client Consent*

**Future Framework under the *Veterinary Professionals Act, 2024***

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

23. prescribing and governing standards of practice of veterinary medicine and standards for veterinary facilities, including respecting standards for the use of technology in the practice of veterinary medicine, when technologies may be used and the manner and circumstances in which they may be used.

**97** (1) The Council may establish,

(b) standards for the practice of veterinary medicine that must be met and maintained by members.

Concept Chart - Informed Client Consent

Section	Primary Concepts Confirmed by Council	Additional Information	Date of Confirmation
<p>This column outlines the specific section of regulation.</p>	<p>This column provides a description of the objectives sought and the associated reasoning.</p>	<p>This column provides any additional specific information required to ensure clarity.</p>	<p>This column outlines when Transition Council confirmed the concept as well any additional questions raised.</p>
<p>Informed Client Consent</p>	<p><b>General</b></p> <p>Transition Council proposes the development of regulation language related to informed client consent in accordance with Section 93 (1) 23 of the <i>Veterinary Professionals Act, 2024</i>.</p> <p>This regulation language will apply to both veterinarians and veterinary technicians.</p> <p><b>Purpose</b></p> <p>The College of Veterinary Professionals of Ontario (CVPO) will be responsible for providing overarching requirements for the practice of veterinary medicine in Ontario.</p> <p><b>Overview</b></p> <p>Informed client consent is an essential conversation between a veterinary professional and a client in which the client confirms the clinical veterinary service(s) to be provided.</p>	<p>The approach outlined by Transition Council reflects current allowances related to the obtainment of informed client consent by veterinarians or those working under their delegation and supervision while providing more context and clarity around professional expectations.</p>	<p>Transition Council confirmed the regulatory concept related to informed client consent in January 2025.</p>

Section	Primary Concepts Confirmed by Council	Additional Information	Date of Confirmation
	<p><b>Separate Regulatory Section for Informed Client Consent</b></p> <p>Regulation 1093 under the <i>Veterinarians Act</i> currently contains one regulatory section that outlines both the veterinarian-client-patient relationship (VCPR) and informed client consent. As both the VCPR and ICC are essential to the safe and accountable practice of clinical veterinary medicine, Transition Council proposes that informed client consent be allocated its own specific section within regulation to allow for clarity surrounding its specific requirements.</p> <p><b>Both Types of Members Permitted to Obtain Informed Client Consent</b></p> <p>In recognition of the one profession, two professionals model that licences both veterinarians and veterinary technicians, Transition Council proposes the development of regulation language that allows both types of members to obtain informed client consent for an activity that they are permitted and competent to perform including the ability to share all necessary information. The obtainment of informed client consent would continue to be required to occur through an accredited facility and in accordance with facility policies established by the Veterinary Facility Director.</p>		



Section	Primary Concepts Confirmed by Council	Additional Information	Date of Confirmation
	<p><b>Ongoing Informed Client Consent Requirement</b></p> <p>Transition Council proposes the development of regulation language that continues the current requirement in Regulation 1093 for a member to obtain informed client consent prior to the delivery of a specific service or set of services.</p>		

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