



THE COLLEGE OF
VETERINARIANS
OF ONTARIO

PROFESSIONAL PRACTICE STANDARD

Conflicts of Interest in the Practice of Veterinary Medicine

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Introduction

Maintaining public trust in veterinary medicine is crucial. The public expects that a veterinarian will use their knowledge, skills, and judgment in the best interest of any animal(s) in their care and that their choice of treatment will be based on objective professional judgment and not by considerations of personal or financial interests. A veterinarian is expected to act in a trustworthy manner by being competent, honest, and reliable. When a veterinarian's animal health care decision-making is influenced by personal interests or potential gain, the reputation of the profession could be at risk.

Conflicts of interest in the practice of veterinary medicine will arise. Being in a conflict of interest or having a potential conflict of interest does not mean that a veterinarian has acted inappropriately. They can arise out of circumstances outside of a veterinarian's control. However, it is important for a veterinarian to avoid conflicts of interest if possible, and to identify when they are in a real or potential conflict of interest and determine how to manage that conflict.

Definitions

Conflict of interest: A conflict of interest arises when a veterinarian's duties and responsibilities may be influenced by some other interest that the veterinarian has, usually a personal or financial interest. The test for a conflict of interest is not only whether the veterinarian believes that such an interest may affect their professional judgement but also the perception of a reasonable person aware of the circumstances as to whether the conflict may

influence the professional judgement of the veterinarian.¹

Practice Expectations

A veterinarian meets the Professional Practice Standard: *Conflicts of Interest in the Practice of Veterinary Medicine* when they comply with the expectations of a veterinarian set out in the *Veterinarians Act* and, in particular, sections 38, 42-44 of Regulation 1093 (see Appendix A), which are summarized as follows:

1. Take appropriate steps to avoid, identify, declare, and manage any perceived or potential conflicts of interest.
2. Understand that if there is a conflict between their duty to a client, the College or the public and their duty to any other person or entity, including a professional corporation, the duty to the client, the College or the public must prevail.
3. Understand that their choice of treatment for an animal must be based on their objective professional judgment and must not be influenced by considerations of personal interest or gain, including financial considerations, as this constitutes a conflict of interest.
4. Understand that no other individual should exercise control or influence over any of the clinical or professional aspects of the services they provide.
5. Understand that it is inappropriate to enter into an agreement where compensation is related to any measure of financial performance respecting the veterinarian's practice other than a partnership, association, or employment agreement with another member.
6. Understand that it is inappropriate to participate in a system in which another person steers or recommends clients to a particular veterinarian or group of veterinarians.
7. Understand that it is inappropriate to give/receive a benefit for referring an animal/specimen from or to another person other than to a member in the same practice, unless a written explanation is given to the client explaining the relationship.
8. Understand that it is inappropriate to inspect or assess an animal on behalf of both the seller and the buyer of the animal unless the veterinarian has informed both parties of the conflict of interest and of the fact that information cannot be kept from either party to the transaction, and has obtained both parties' written consent to proceed.
9. Understand that a veterinarian who is employed/contracted by a person (other than another member or a professional corporation) to perform veterinary services, must not provide veterinary services in the course of that employment/contract for any client other

¹ Adapted from Code of Professional Conduct for Veterinarians, Veterinary Council of New Zealand, January 2020

than the employer/contractor. Exceptions do exist for and include veterinarians employed by or contracted to provide services with a government agency, a public postsecondary institution, a humane society, and zoo or wildlife rehabilitation centre. Other unique exceptions also and listed in Section 43 of Ontario Regulation 1093.

This standard is intended to provide a best available summary of the specific provisions of Regulation 1093 to assist veterinarians with clarity of their obligations to real and potential conflict of interest. In the case of a dispute on interpretation Regulation 1093 takes priority. A full copy of the relevant sections of Regulation 1093 has been attached to this Professional Practice Standard as Appendix A.

Legislative Authority

R.R.O. 1990, Reg. 1093: General, s.1, 17(1)25, 38 and 42-44 (*Veterinarians Act*)

Other References

The following can be found on the College's website at www.cvo.org:

Professional Practice Standard: Informed Client Consent

Guide to the Professional Practice Standard: Informed Client Consent

Professional Practice Standard: Medical Records

Guide to the Professional Practice Standard: Medical Records

Professional Practice Standard: Veterinarian-Client-Patient Relationship

Guide to the Professional Practice Standard: Veterinarian Client Patient Relationship

Resources

Code of Professional Conduct for Veterinarians – Veterinary Council of New Zealand

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.

Appendix A – Relevant Sections from Regulation 1093

38. A member shall not participate directly or indirectly in a system in which another person steers or recommends clients to a member for a professional service or an ancillary service. R.R.O. 1990, Reg. 1093, s. 38.

42. (1) In this Part,

“related person” means a person connected with a member by blood relationship, marriage or adoption, and,

- (a) persons are connected by blood relationship if one is the child or other descendent of the other or one is the brother or sister of the other,
- (b) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other, and
- (c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship, except as a brother or sister, to the other. R.R.O. 1990, Reg. 1093, s. 42 (1).

(2) A member has a conflict of interest where the member, or a related person, or an employee or employer of the member, directly or indirectly,

- (a) enters into any agreement, including a lease of premises, under which any amount payable by or to a member or a related person is related to the amount of fees charged by the member or the net revenue from the member’s practice of veterinary medicine or any other measure of financial performance respecting the member’s practice of veterinary medicine; or
- (b) receives, makes or confers a fee, credit or other benefit by reason of the referral or transfer of an animal or a specimen from or to any other person. R.R.O. 1990, Reg. 1093, s. 42 (2); O. Reg. 233/15, s. 28 (1).

(3) Clause (2) (a) does not prevent a member,

- (a) from entering into a partnership, association or employment agreement with another member under which the drawings, interest or remuneration of the partners, associates or employees, as the case may be, is related to the amount of fees charged by them, the net revenue from their practice of veterinary medicine or any other measure of financial performance respecting their practice of veterinary medicine; or
- (b) from entering into an agreement with another member to form a professional corporation, under which the drawings, interest or remuneration of the members is related to the amount of fees charged by them, the net revenue from their practice of veterinary medicine or any other measure of financial performance respecting their practice of veterinary medicine. O. Reg. 24/02, s. 3; O. Reg. 161/04, s. 20 (1); O. Reg. 233/15, s. 28 (2, 3).

(4) Clause (2) (b) does not prevent a member from referring or transferring an animal or a specimen to another veterinarian who is a partner, associate, employer or employee of the member if,

- (a) the animal is seen or the specimen is examined in the same facility by both veterinarians; or
- (b) the member provides a written explanation to the client of the member's relationship to the other veterinarian, if the animal is seen or the specimen is examined in a different facility. O. Reg. 161/04, s. 20 (2).

(5) Clause (2) (b) does not prevent a member from referring or transferring an 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,

- (a) 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;
- (b) the member provides written notice to the client that, 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 uncoordinated;
- (c) in the 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
- (d) the member provides the College, upon request, documents demonstrating that the member has complied with clauses (a), (b) and (c). O. Reg. 161/04, s. 20 (2).

43. (1) In this section,

“employer” includes a principal. R.R.O. 1990, Reg. 1093, s. 43 (1); O. Reg. 233/15, s. 29 (1).

(2) It is a conflict of interest for a member who is employed by a person other than another member or a professional corporation, or who has a contract to provide veterinary services with such a person, to perform veterinary services in the course of his or her employment or pursuant to his or her contract for a client other than the employer or the contractor. O. Reg. 233/15, s. 29 (2).

(3) Despite subsection (2), a member who is employed by any of the following persons or entities, or who has a contract to provide services with any of the following persons or entities, does not have a conflict of interest if, in the course of his or her employment or pursuant to his or her contract, he or she performs veterinary services for a client other than the employer or the contractor:

1. The Crown in right of Canada or the Crown in right of Ontario or an agency of the Crown.

2. Any university, college of applied arts and technology or post-secondary institution in Ontario, the enrolments of which are counted for purposes of calculating annual operating grants received from the Government of Ontario.
3. Any post-secondary institution that is affiliated with a university referred to in paragraph 2, the enrolments of which are not counted for purposes of calculating annual operating grants received from the Government of Ontario.
4. A Royal Military College.
5. A humane society operated in accordance with the *Ontario Society for the Prevention of Cruelty to Animals Act* or a pound operated under the *Animals for Research Act*.
6. The estate trustee of a deceased member or an attorney pursuant to a continuing power of attorney or a Guardian of Property of a mentally incapacitated member, for a reasonable period of time after the member's death or the commencement of the member's incapacity to settle matters.
7. A zoo or a wildlife rehabilitation centre. O. Reg. 233/15, s. 29 (2).

(4) Despite subsection (2), a member who is employed by, or has a contract to provide veterinary services with, a municipal corporation does not have a conflict of interest with respect to any spay or neuter procedures, including the pre-operative, intra-operative and post-operative management services usually associated with such procedures, that the member performs in the course of his or her employment or pursuant to his or her contract, for a client other than the municipal corporation. O. Reg. 233/15, s. 29 (2).

(4.1) Despite subsection (2), a member who is employed by, or has a contract to provide veterinary services with, an individual, partnership or corporation that sells food or drug products for use in food-producing animals, does not have a conflict of interest with respect to veterinary services that the member provides in the course of his or her employment or pursuant to his or her contract, if the following conditions are met:

1. The veterinary services must relate to the food or drug products sold by the employer or contractor.
2. The veterinary services must be provided to an established customer of the employer or contractor at the customer's farm or at a similar establishment.
3. The member must take all reasonable steps to notify the veterinarian who would normally attend the client's animals of the member's visit and the reasons for it so that that veterinarian may discuss the matter with the client and, if desirable, arrange to meet the member before or at the visit. O. Reg. 233/15, s. 29 (2).

(4.2) Despite subsection (2), a member who is employed by, or has a contract to provide veterinary services with, Eastgen Incorporated does not have a conflict of interest with respect to the following veterinary services that the member provides, in the course of his or her employment or pursuant to his or her contract, to animals that are not owned by Eastgen Incorporated:

1. In the case of a member who has been continuously employed by, or under a contract for veterinary services with, Eastgen Incorporated since September 14, 1998, services in respect of fertility, including ova and embryo transfer.

2. In the case of a member who was employed by, or entered into a contract for veterinary services with, Eastgen Incorporated after September 14, 1998, ova and embryo transfer services. O. Reg. 233/15, s. 29 (2).

(5) Despite subsection (2), it is not a conflict of interest for a member to provide veterinarian services under the following circumstances:

1. The member is employed by, or has a contract to provide services to, an entity that is an individual, a partnership or a corporation.
2. The entity does not provide services or products that are exclusive to veterinary medicine.
3. In the course of the member's employment or provision of services, the member performs veterinary services related only to the entity's products or services, for an established customer of the entity and at the customer's farm or similar establishment.
4. In the course of the member's employment or provision of services, the member takes all reasonable steps to notify the normally attending veterinarian of the member's proposed visit and the reasons for it so that the normally attending veterinarian can discuss the matter with his or her client, and, if desirable, arrange to meet the member before or at the visit. O. Reg. 431/00, s. 10 (3); O. Reg. 233/15, s. 29 (3, 4).

(6) Despite subsection (2), it is not a conflict of interest for a member to provide veterinary services under the following circumstances:

1. The member is employed by, or has a contract to provide services to, an entity that is an individual, a partnership or a corporation.
2. The entity is engaged in manufacturing or selling feed for poultry or is engaged in breeding, hatching, growing, processing or feeding poultry.
3. The entity does not offer veterinary services as an inducement to others to buy its products or to sell products to it. O. Reg. 431/00, s. 10 (3); O. Reg. 233/15, s. 29 (5).

(7) Despite anything in subsections (3) to (6), a member who is employed by a person or entity described in any of those subsections, or who has a contract to provide veterinary services with such a person, has a conflict of interest in respect of any services that the member provides where the employer or contractor exercises control or influences any of the clinical or professional aspects of the provision of services. O. Reg. 233/15, s. 29 (6).

(8) For greater certainty, subsection (7) applies even where the member is providing services to an animal that is owned by, or in the custody of, the person who employs the member or with whom he or she has a contract for the provision of veterinary services. O. Reg. 233/15, s. 29 (6).

44. (1) A member has a conflict of interest if the member or a partner or associate of the member,

- (a) inspects or assesses an animal on behalf of both the seller and the buyer of the animal;
or

(b) being regularly engaged by the seller or buyer of an animal, inspects or assesses an animal on behalf of the other party to a sale. R.R.O. 1990, Reg. 1093, s. 44 (1).

(2) Despite subsection (1), a member, or a partner or associate of the member, may inspect or assess an animal on behalf of both the buyer and seller of the animal or, where one or more of them are regularly engaged by the seller or buyer of an animal, any of them may inspect or assess an animal on behalf of the other party to a sale if, before accepting engagement by the second party, he or she,

(a) informs both parties of the conflict of interest and of the circumstances giving rise to it;

(b) informs both parties that no information received by the member, or a partner or associate of the member, in connection with the transaction can be treated as confidential so far as the other party is concerned; and

(c) after informing the parties under clauses (a) and (b), obtains the consent of both parties to inspect or assess the animal on behalf of both of them, which shall be in writing unless it is impracticable to obtain the consent in written form. R.R.O. 1990, Reg. 1093, s. 44 (2).