



AGENDA ITEM 6.6

TOPIC: Professional Misconduct

Overview

Outlining the activities and behaviours that constitute professional misconduct is one of the fundamental roles of any professional regulatory body and is essential to ensuring the College's ability to address and mitigate practice concerns as they arise. Section 91 (1) 35 and 36 of the *Veterinary Professionals Act, 2024* reflects the College's ongoing obligations in this area and the College seeks to modernize its approach in accordance with the new statutory framework.

Relevant Sections

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

History of College Work Related to Professional Misconduct

Current Framework

Acts of professional misconduct have been outlined in Regulation 1093 under the *Veterinarians Act* since it was introduced in 1990. Though some regulatory amendments have occurred over the years, the primary structure and approach has remained the same.

Most acts of professional misconduct currently listed in Regulation 1093 remain current and defensible. There are some areas however where additional and/or adapted language would assist in both clarity and transparency related to applicability. There are also some areas that have been flagged by both the profession and the public as clear omissions or oversights that require addressing.

Legislative Reform – Professional Misconduct

The College's 2018 Concept Paper entitled "Achieving a Modern Approach to the Regulation of Veterinary Medicine in Ontario" contained several recommendations related to enhancing the College's ability to efficiently and effectively manage concerns related to professional misconduct. These requests were made after several rounds of consideration and conversation



amongst both the College's Working Groups and College Council, including extensive background research and two rounds of public consultation. While not designed to gather information on specific acts of professional misconduct, the information gathered during this process did result in several flags for the College related to potential edits and/or inclusions.

Legislative Reform – Licensing of Veterinary Technicians

Inclusion of both veterinarians and veterinary technicians as licensed professionals under the same statutory framework was also one of the core principles of the College's 2018 concept paper. Part of this proposal was ensuring that both types of members were held to the same expectations related to their practice, which includes oversight related to professional misconduct.

What Will Change?

The introduction of the *Veterinary Professionals Act, 2024* necessitates several updates to the current provisions for professional misconduct found under the *Veterinarians Act*. These includes modifications to reflect the new one profession, two professionals model which will require both veterinarians and veterinary technicians to operate under the same system for professional misconduct. In implementing these changes there may be instances where an act of professional misconduct will apply to one type of professional but not the other. However, most acts of professional misconduct will apply equally to all members.

Concept

A draft concept has been developed to support the College's work in this area and to outline the specific supplementary components that are required in Regulation to ensure clear and defensible language related to acts of professional misconduct that is focused on public protection. (attached to this cover sheet as Appendix "B"). In particular, the concept speaks to the proposed inclusion of:

1. Language Reflecting the One Profession, Two Professionals Model

The concept proposes that Regulation language be developed that reflects the introduction of two types of members (veterinarian and veterinary technicians) under one College and outlines what types of professional misconduct apply to what types of members.

2. Language Focused on Clarity and Transparency

The concept proposes that Regulation language be developed to ensure clarity and transparency around the different forms of professional misconduct and how they may be applied to professional practice.



3. Language Highlighting the Importance of Competency

The concept proposes that Regulation language be developed that highlights that members are expected to practice within their sphere of competence.

4. Language Related to Authorized Activities

The concept proposes that Regulation language be developed to reflect the introduction of an authorized activity model for the practice of veterinary medicine including provisions related to performing an activity that a member is not permitted to perform, performing activities for an improper purpose, and improper delegation of an authorized activity.

5. Language Related to Quality Assurance

The concept proposes that Regulation language be developed to reflect the introduction of a mandatory quality assurance program for the practice of veterinary medicine including provisions related to failure to comply and providing false information to an assessor.

6. Language Related to Ungovernable Behaviour

The concept proposes that Regulation language be developed to identify and address member behaviour that qualifies as ungovernable, including provisions related to failure to appear before a panel of the Investigations and Resolutions Committee and failure to cooperate with the College or an investigator of the College.

7. Language Related to Animal Abuse, Neglect, and Abandonment

The concept proposes that Regulation language be developed to formally recognize that any form of animal abuse or neglect by a member constitutes professional misconduct. The concept also proposes that the current approach for managing animal abandonment by clients be updated to mirror the approach outlined in the *Provincial Animal Welfare Services Act, 2019*.

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

Example Language

In recognition of the highly technical nature of professional misconduct and the difficulty of accurately reflecting all acts that may qualify within larger themed buckets, a draft version of



potential professional misconduct language developed by the College has been attached to this cover sheet as Appendix “C”.

This language is being shared with the Transition Council to help shape its understanding of the College’s proposed approach.

It is important to note that this draft language is not designed or intended to be viewed as the language that may eventually appear in a Regulation made under the *Veterinary Professionals Act, 2024*. Development of this language will be the responsibility of the legislative drafters of the provincial government and will be overseen by the Ontario Ministry of Agriculture, Food and Agribusiness.

Discussion

The draft concept and associated draft language related to professional misconduct 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 – Professional Misconduct
2. Appendix B – Draft Concept – Professional Misconduct
3. Appendix C – Draft Version of Professional Misconduct Regulatory Language

Professional Misconduct

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

Current Framework Under the *Veterinarians Act*

Veterinarians Act, 1990

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:

13. Defining professional misconduct for the purposes of this Act.

Professional misconduct

(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.

Serious neglect

(4) A member or former member of the College shall be found guilty of serious neglect by the Discipline Committee if the member or former member has displayed in his or her professional care of an animal a lack of knowledge, skill or judgment or disregard for the welfare of the animal of a nature or to an extent that demonstrates the member or former member is unfit to engage in the practice of veterinary medicine or is fit to engage in the practice of veterinary medicine only subject to the conditions and limitations imposed by the Discipline Committee.

Current Framework Under Regulation 1093

17. (1) For the purposes of the Act, professional misconduct includes the following:

1. An act or omission inconsistent with the Act or this Regulation.
2. Failing to maintain the standard of practice of the profession.
3. Failing to fulfil the terms of an agreement with a client.

4. Failing to continue to provide professional services to an animal until the services are no longer required or until the client has had a reasonable opportunity to arrange for the services of another member.
5. Failing to provide within a reasonable time and without cause any certificate or report requested by a client or his or her agent in respect to an examination or treatment performed by the member.
6. Revealing information concerning a client, an animal or any professional service performed for an animal, to any person other than the client or another member treating the animal except,
 - i. with the consent of the client,
 - ii. if required or authorized to do so by law,
 - iii. to prevent, or contribute information for the treatment of, a disease or physical injury of a person, or
 - iv. Revoked: O. Reg. 233/15, s. 11 (1).
 - v. for the purpose of identifying, locating or notifying the apparent owner of the animal, protecting the rights of the apparent owner or enforcing applicable laws in respect of the animal, where it appears that the animal is not owned by the person presenting it for treatment.
7. Providing, or attempting or offering to provide, services that are not reasonably useful or needed.
 - 7.1 Recommending, referring, ordering or requisitioning laboratory tests, technical procedures or professional services that are not reasonably useful or needed.
8. Making a misrepresentation to a client or prospective client.
9. Making a claim respecting the utility of any remedy, treatment, device or procedure other than a claim which can reasonably be supported as professional opinion.
10. Guaranteeing a cure, or making a statement which a client would reasonably understand as a guarantee of a cure.
11. Charging a fee that is excessive in relation to the amount normally charged for the services performed or the product dispensed or adding a charge that is excessive when recovering any disbursement incurred in the course of providing services.
12. Charging a fee for an unperformed service, except a fee for an appointment missed without at least twenty-four hours notice.
13. Revoked: O. Reg. 510/95, s. 4.
14. Revoked: O. Reg. 233/15, s. 11 (3).
15. Knowingly submitting a false or misleading account or charge for professional services.

16. Failing to issue a statement or receipt when a statement or receipt is requested by a client or his or her agent.
17. Failing to itemize the services provided, the fees therefor and the disbursements charged, when an itemized account is requested by a client or his or her agent.
18. Reducing, or offering to reduce, an account for prompt payment without notifying the client of the terms of reduction before providing the pertinent service.
19. Charging interest on an account without notifying the client of the terms of interest before providing the pertinent service, except where interest has been granted by a court.
20. Selling, or attempting to sell, an account for professional services to a third party.
21. Failing to dispose of an animal, whether deceased or alive, or a part of it, in accordance with the client's instructions if those instructions are in accordance with the standards of practice of the profession.
22. Disposing of an animal, whether deceased or alive, or a part of it, by any means that are not in accordance with the standards of practice of the profession, if the client does not give instructions regarding such disposal or gives instructions that are not in accordance with the standards of practice of the profession.
 - 22.1 Failing to dispose of biological, pathological or hazardous wastes in accordance with the requirements of the *Environmental Protection Act* or, if there are no such requirements, in accordance with the standards of practice of the profession.
23. If an animal has died unexpectedly or from an anaesthetic, failing to promptly inform the client about the availability of a necropsy through a veterinarian independent of the attending veterinarian but, having provided the information, the attending veterinarian or an associate, upon the client's request, may perform the necropsy.
24. Abusing a client verbally or physically or permitting or counselling an associate or auxiliary to abuse a client verbally or physically.
25. Having a conflict of interest.
26. Having a licence under the *Livestock Medicines Act* or an interest in an establishment or undertaking that has a licence under that Act, or deriving a benefit directly or indirectly from an establishment or undertaking that has a licence under the *Livestock Medicines Act*.
27. Failing to make or retain the records required by this Regulation.
28. Falsifying a record regarding professional services.
29. Failing to abide by a condition in a licence or a certificate of accreditation.
30. Failing to direct or supervise, or inadequately directing or supervising, an auxiliary.
31. Permitting, counselling or assisting any person, other than a member, to practise, or to attempt to practise, veterinary medicine.

32. Permitting, advising or assisting any person, other than a member, to perform any act or function which should properly be performed by a member.
33. Directly or by implication representing any person to be a member who is not a member.
34. Signing or issuing a veterinary certificate, report or similar document that contains a statement that the member knows or ought to know is false, misleading or otherwise improper.
35. Signing or issuing a veterinary certificate, report or similar document without ascertaining, or taking reasonable measures to determine, the accuracy of its contents.
36. Permitting a veterinary certificate, report or similar document to be issued in the member's name, or with his or her concurrence, without personally signing it.
37. If a licence of another person is suspended or has been revoked, cancelled or terminated, a member for any purpose related to the practice of veterinary medicine, except with the prior written consent of the Executive Committee and subject to the terms of that consent,
- i. retains or uses the services of that person,
 - ii. employs or is employed by him or her,
 - iii. maintains a partnership or association with him or her or is a shareholder in a professional corporation in which he or she is a shareholder or of which he or she is an employee,
 - iv. directly or indirectly receives, makes or confers any remuneration or benefit from or to him or her, or
 - v. shares or occupies space with him or her.
38. Failing to reply appropriately to a written inquiry received from the College or failing to reply to the inquiry within the time specified in the inquiry or, if no time is specified, within 25 days after the day the inquiry was received by the member.
- 38.1 Providing false or misleading information to the College.
39. Making any statement, orally or in writing, calculated to belittle or injure the professional reputation of another veterinarian, or unnecessarily commenting adversely upon any professional act of another veterinarian.
40. Treating an animal receiving veterinary services from another member without notifying the other member and obtaining the relevant historical information as soon as practicable except if the treatment is done in accordance with subsection 33 (1.1).
41. Treating an animal receiving veterinary services from another member who did not refer the animal without advising the client that such uncoordinated veterinary services may place the animal at risk except if the treatment is done in accordance with subsection 33 (1.1).
- 42., 43. Revoked: O. Reg. 233/15, s. 11 (6).

43.1 Being a shareholder, officer or director of a professional corporation where the professional corporation does or omits to do anything that would be professional misconduct if done or omitted to be done by the member.

44. An act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as disgraceful, dishonourable or unprofessional.

45. Conduct unbecoming a veterinarian.

46. Contravening a law if,

i. the purpose of the law is to protect or promote the health or welfare of animals or to protect or promote public health, or

ii. the contravention is relevant to the member's suitability to practise veterinary medicine. R.R.O. 1990, Reg. 1093, s. 17 (1); O. Reg. 513/94, s. 1; O. Reg. 510/95, s. 4; O. Reg. 431/00, s. 5 (1, 2); O. Reg. 24/02, s. 1 (1-4); O. Reg. 161/04, s. 11 (1-5); O. Reg. 398/07, s. 10; O. Reg. 233/15, s. 11 (1-7).

(1.1) Despite paragraph 21 of subsection (1), it is not professional misconduct for a member to dispose of a live animal that is not claimed by the client after the completion of an in-hospital treatment and convalescence or of an ancillary service as defined in section 34 by transferring the animal to an animal shelter or to a third party owner if at least 10 days have passed since the completion of the treatment, convalescence or ancillary service and,

(a) the client has agreed in writing to the transfer; or

(b) the member has done all of the following and has not received notice from the client that he or she is unable to pay the applicable fees and costs necessary to the return of the animal:

(i) attempted to contact the client on at least five occasions and by at least two different methods,

(ii) made a written record of the attempts described in subclause (i) and keeps the record in accordance with subsection (1.2), and

(iii) made at least one attempt to contact the emergency contact person identified by the client. O. Reg. 233/15, s. 11 (8).

(1.2) A member shall keep a record described in subclause (1.1) (b) (ii) for the shorter of the following two periods:

1. A period of five years after the last attempt to contact the client is documented.

2. A period of two years after the member ceases to practise veterinary medicine. O. Reg. 233/15, s. 11 (8).

(2) Despite paragraph 26 of subsection (1), it is not professional misconduct for a member to own shares in a corporation the shares of which are publicly traded through the Toronto Stock Exchange even if the corporation has a licence under the *Livestock Medicines Act*. R.R.O. 1990, Reg. 1093, s. 17 (2); O. Reg. 233/15, s. 11 (9).

(3) Despite paragraph 26 of subsection (1), it is not professional misconduct for a member to be employed by, or have a contract to provide services to, an entity that is an individual, a partnership or a corporation, if,

- (a) the member does not have a financial interest in the entity;
- (b) the entity is engaged in manufacturing or selling feed for poultry or is engaged in breeding, hatching, growing, processing or feeding poultry;
- (c) the entity is licensed under the *Livestock Medicines Act*; and
- (d) 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. 5 (3).

(4) Despite paragraph 20 of subsection (1), it is not professional misconduct to retain a lawyer or agent to collect unpaid accounts or to accept payment for professional services by credit card. O. Reg. 233/15, s. 11 (10).

(5) A treatment provided in the circumstances described in paragraphs 40 and 41 of subsection (1) does not constitute professional misconduct if the treatment is provided in a temporary facility and,

- (a) in the case of a treatment provided in circumstances described in paragraph 40, relevant historical medical information is obtained from the client before providing the treatment and the client is advised to inform the other member of the treatment provided at the temporary facility; and
- (b) in the case of a treatment provided in circumstances described in paragraph 41, the treatment received at the temporary facility does not place the animal at risk with respect to any other veterinary services that it may receive elsewhere. O. Reg. 233/15, s. 11 (10).

Future Framework under the *Veterinary Professionals Act, 2024*

Professional misconduct

59 (1) After conducting a hearing, the Discipline and Fitness to Practise Committee shall find that a member or former member has committed an act of professional misconduct if,

- (a) the member or former member has been found guilty of an offence that is relevant to the suitability to practise veterinary medicine;
- (b) there is proof that a member's or former member's rights or privileges related to the practice of veterinary medicine have been restricted or withdrawn under an Act of the Parliament of Canada or of the Legislature of Ontario, other than under this Act, unless by the request of the member or former member;
- (c) the veterinary authority of a jurisdiction other than Ontario has found that the member or former member committed an act of professional misconduct that would, in the opinion of the Committee, be an act of professional misconduct under this Act;

(d) the member or former member has committed an act of professional misconduct as defined in the regulations; or

(e) the member or former member has failed to co-operate with the Quality Assurance Committee or any assessor appointed by that committee.

Incompetence

(2) After conducting a hearing, the Discipline and Fitness to Practise Committee shall find a member or former member to be incompetent if,

(a) in their professional care of an animal, the member or former member displays a lack of knowledge, skill or judgment or disregard for the welfare of the animal of a nature or to an extent that demonstrates the member or former member is unfit to engage in the practice of veterinary medicine or is fit to engage in the practice of veterinary medicine only subject to terms, conditions and limitations; or

(b) the veterinary authority of a jurisdiction other than Ontario has found that the member or former member is incompetent and, in the opinion of the Committee, the reasons for the finding would lead to a finding of incompetence under this Act.

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

35. defining the terms “professional misconduct”, “veterinary facility director” and “private dwelling” for the purposes of this Act and the regulations;

36. designating acts of professional misconduct that must be reported by members and rules respecting the making of such reports;

Professional Misconduct Concept Chart

Section	Main Objectives	Primary Concepts	Additional Information	Transition Comments	Intended Outcomes
<p>This column outlines the specific section of regulation.</p>	<p>This column provides an overview of the College’s main objectives for the section of regulation.</p>	<p>This column provides a more in-depth 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 highlights any relevant transition matters requiring consideration.</p>	<p>This column outlines the College’s intended outcomes for the specific section.</p>
<p>Professional Misconduct</p>	<ul style="list-style-type: none"> • Designed to reflect the one profession, two professionals model. • Focus on clarity and transparency. • Highlight the importance of competency. • Inclusion of clauses related to Authorized Activities. • Inclusion of clauses related to Quality Assurance. • Clear language related to ungovernable behaviour. • Recognition of animal abuse and neglect including animal abandonment clauses reflective of the <i>Provincial Animal Welfare Services Act</i>. 	<p>General</p> <p>The College is proposing the development of a regulation section related to professional misconduct as outlined in Section 91 (1) 35 and 36 of the <i>Veterinary Professionals Act, 2024</i>.</p> <p>Purpose</p> <p>Outlining the activities and behaviours that constitute professional misconduct is one of the fundamental roles of any professional regulatory body and is essential to ensuring the College’s ability to address and mitigate practice concerns as they arise.</p> <p>Reflecting the One Profession, Two Professionals Model</p> <p>The introduction of two professionals (veterinarians and veterinary technicians) regulated under one College results in instances where more specific distinctions</p>	<p>Any clauses that apply only to one type of member would be clearly laid out.</p>	<p>The College’s proposal related to Professional Conduct has been influenced by the College’s current framework outlined in Section 17 of Regulation 1093 made under the <i>Veterinarians Act</i> and includes some direct translations.</p>	<p>Clear and defensible language related to acts of professional misconduct that is focused on public protection.</p>

Section	Main Objectives	Primary Concepts	Additional Information	Transition Comments	Intended Outcomes
		<p>between which types of professional misconduct apply to which type of member is required. While most clauses would apply to both professionals, there would be some cases (such as those related to facility director responsibilities, supervision, etc.) where the specific act of professional misconduct would only apply to one type of member.</p> <p>Focus on Clarity and Transparency</p> <p>The College is proposing provisions focused on ensuring clarity and transparency around the different forms of professional misconduct and how they may be applied to professional practice. For example, the College is proposing that it be professional misconduct for a member to practice under any other name than their name(s) as set out in the public register.</p> <p>Highlighting the Importance of Competency</p> <p>The College is proposing provisions designed to highlight that members are expected to practice within their spheres of competence. These provisions are proposed to ensure a clear and consistent understanding of a member’s responsibility to only perform activities that they have the</p>			

Section	Main Objectives	Primary Concepts	Additional Information	Transition Comments	Intended Outcomes
		<p>knowledge, skill, and judgement to perform safely.</p> <p>Inclusion of Clauses Related to Authorized Activities</p> <p>The <i>Veterinary Professionals Act, 2024</i> introduces an authorized activity model for the practice of veterinary medicine. This introduction requires corresponding compliance provisions.</p> <p>Inclusion of Clauses Related to Quality Assurance</p> <p>The <i>Veterinary Professionals Act, 2024</i> introduces a mandatory quality assurance program for veterinary medicine. This introduction requires corresponding compliance provisions.</p> <p>Clear Language Related to Ungovernable Behaviour</p> <p>The College is proposing the inclusion of provisions designed to identify and address member behaviour that qualifies as ungovernable. For example, making it clear that it is professional misconduct for a member to fail to appear before a panel of the Investigations and Resolutions Committee to receive a caution.</p>			

Section	Main Objectives	Primary Concepts	Additional Information	Transition Comments	Intended Outcomes
		<p>Recognition of Animal Abuse and Neglect Including Animal Abandonment Clauses Reflective of the <i>Provincial Animal Welfare Services Act</i>.</p> <p>The College has heard from and agrees with members of the profession and the public that any form of abuse or neglect of an animal by a member should be distinctly laid out as professional misconduct.</p> <p>The College has also heard from the profession and the public that rules related to animal abandonment should be consistent across the province and not overly onerous. Given this, the College is proposing that the approach for managing animal abandonment by clients mirror that of the <i>Provincial Animal Welfare Services Act, 2019</i>.</p>			

ONTARIO REGULATION [#]
PART I
PROFESSIONAL MISCONDUCT

Professional Misconduct

1. For the purposes of the Act, professional misconduct includes the following:

1. An act or omission inconsistent with the Act, its Regulations or bylaws.
2. Failing to maintain the standard of practice of the profession including a published standard of the College.
3. Failing to fulfill the terms of an agreement with a client.
4. Discontinuing professional services unless,
 - i. the client requests the discontinuation; or
 - ii. the client is given a reasonable opportunity to arrange alternative services.
5. An act or omission relevant to the practice of veterinary medicine that, having regard to the circumstances, would be regarded by members as disgraceful, dishonourable, or unprofessional.
6. Conduct unbecoming a member.
7. Contravening any federal, provincial or territorial law or municipal by-law:
 - i. whose purpose is to protect or promote the health or welfare of animals or to protect and promote public health; or
 - ii. that is otherwise relevant to the member's suitability to practise.
8. Contravening a term, condition or limitation imposed on the member's licence.
9. Failing to reply appropriately to a written inquiry received from the College or failing to reply to the inquiry within the time specified in the inquiry or, if no time is specified, within 30 days after the day the inquiry was received by the member.
10. Providing information to the College that the member knows or ought to know is false or misleading.
11. Where an animal has died unexpectedly during, or as a result of, a veterinary procedure, failure on the part of a veterinarian member to promptly inform the client about the availability of a necropsy through another veterinarian.
12. Performing a professional service that the member knows or ought to know they do not have the knowledge, skill or judgment to perform.

- 13.** Failing to take reasonable steps to prevent another member from committing or repeating an act of professional misconduct where the member knows or ought to know that an act of professional misconduct may be committed.
- 14.** Failure on the part of a veterinarian member to advise a client to consult another veterinarian member where the member knows or ought to know that the client requires a service that the member does not have the knowledge, skill or judgment to offer or is beyond their scope of practice.
- 15.** Practising the profession while the member's ability to do so is impaired or adversely affected by any substance, condition, dysfunction, disorder or circumstance that the member knows or ought to know impairs or adversely affects their ability to practise
- 16.** Failing to comply with the Quality Assurance program or knowingly giving false information to the Quality Assurance Committee or an assessor.
- 17.** Failing to appear before a panel of the Investigations and Resolutions Committee when directed to do so.
- 18.** Failing to cooperate with the College or an investigator during an investigation or inquiry.
- 19.** Failing to carry out or comply with an undertaking with the College or a Specified Continuing Education or Remediation Program or breaching an agreement with the College, a Committee of the College or the Registrar.
- 20.** Failing to comply with a decision of a Committee or a panel of a Committee of the College.
- 21.** Recommending or providing unnecessary treatment or continuing to treat a patient where the treatment is no longer indicated or has ceased to be effective.
- 22.** Delivering to a patient or client any service for which consent is required by law, without such consent.
- 23.** Practising the profession while the member's licence is under suspension.
- 24.** Receiving any form of benefit from the practice of veterinary medicine while under suspension, unless prior approval has been given by the Registrar..
- 25.** Abusing or harassing a client, a colleague, or a staff member verbally, physically, sexually, psychologically, or emotionally.
- 26.** Abusing an animal.
- 27.** Neglecting an animal or demonstrating disregard for the welfare of an animal.
- 28.** Failing without reasonable cause to provide any documentation regarding any service provided to a client within a reasonable time after the client has requested such a document.
- 29.** Failing to make or retain records in accordance with the standards of the profession or the published standards of the College.
- 30.** Falsifying a record.

- 31.** Signing or Issuing a document that the member knows or ought to know is false, misleading or otherwise improper.
- 32.** On the part of a member holding a veterinarian licence, signing or issuing a veterinary certificate, report or similar document that contains a statement that the member knows or ought to know is false, misleading or otherwise improper.
- 33.** Failing to adequately ensure continuity of care by:
- a) Failing to make reasonable efforts to obtain necessary medical information about an animal or animals from the client and from previous treating professionals;
 - b) Treating an animal receiving veterinary services from another member without notifying the other member;
 - c) Failing to inform a client that uncoordinated veterinary services may place the animal at risk; or
 - d) Failing without reasonable cause to forward information regarding professional services within a reasonable time to another member, when requested to do so.
- 34.** Making a misrepresentation to a client or prospective client.
- 35.** Directly, or by implication, representing any person to be a member who is not a member
- 36.** Using a name other than the member's name as set out in the register, in the course of providing or offering to provide veterinary services.
- 37.** Using a facility name other than the facility name set out in the register, in the course of providing or offering to provide veterinary services.
- 38.** Inappropriately using a term, title or designation in respect of the member's practice.
- 39.** Inappropriately using a term, title or designation indicating or implying a specialization in the profession.
- 40.** Failing to comply with the requirements of this Regulation regarding advertising.
- 41.** Making a claim about a therapeutic approach, modality, remedy, treatment, device or procedure that is not based on evidence.
- 42.** Permitting, counselling or assisting a person to perform an authorized activity that the person is not authorized to perform.
- 43.** Performing an authorized activity that the member is not authorized to perform.
- 44.** Performing an authorized activity where the performance of that activity is for an improper purpose.
- 45.** Delegating an authorized activity in contravention of the Act or these regulations.
- 46.** Performing an authorized activity without the necessary knowledge, skill and judgment to perform the authorized activity.
- 47.** Delegating an authorized activity to a person without ensuring that person has the knowledge, skill and judgment to safely perform the authorized activity.

48. Failing to supervise appropriately.
49. Charging a fee that is excessive in relation to the services or products provided.
50. Charging a fee for an unperformed service, except a block fee in accordance with College standards or a fee for an appointment missed without at least twenty-four hours' notice.
51. Knowingly submitting a false or misleading account or charge for professional services.
52. Failing to itemize the services provided and related fees, including disbursements, when requested by a client.
53. Being a shareholder, officer or director of a professional corporation where the professional corporation does or omits to do anything that would be professional misconduct if done or omitted to be done by the member.
54. Failing to give reasonable notice when closing a veterinary facility permanently or for an extended period of time.
55. Establishing or operating a veterinary facility without a certificate of accreditation.
56. Contravening a term, condition or limitation imposed on a certificate of accreditation.
57. Failing to maintain any of the standards of accreditation.
58. Failing to cooperate with an inspector of the College.
59. If another member's licence is suspended or has been revoked, cancelled or terminated, a designated facility director doing any of the following related to the practice of veterinary medicine:
 - a. retains or uses the services of that member,
 - b. employs or is employed by the member,
 - c. maintains a partnership or association with the member or is a shareholder in a professional corporation in which the member is a shareholder or of which the member is an employee, or
 - d. directly or indirectly receives, makes or confers any remuneration or benefit from or to the member.
60. Practising the profession while in a conflict of interest.
61. Revealing information concerning a client, an animal or any professional service performed for an animal, to any person other than the client or another member treating the animal except,
 - i. with the consent of the client,
 - ii. if required or authorized to do so by law,
 - iii. to prevent, or contribute information for the treatment of, a disease or physical injury of a person, or
 - iv. for the purpose of identifying, locating or notifying the apparent owner of the animal, protecting the rights of the apparent owner or complying with applicable laws in respect

of the animal, where it appears that the animal is not owned by the person presenting it for treatment.

62. Failing to dispose of biological, pathological or hazardous wastes in accordance with the requirements of the *Environmental Protection Act* or, if there are no such requirements, in accordance with the standards of practice of the profession.

63. Failing on the part of a member to dispose of an animal, whether deceased or alive, or a part of it, in accordance with the client's instructions, except where:

- a. those instructions are not in accordance with the standards of practice of the profession;
or
- b. a live animal is not claimed by the client within five days after completion of in-hospital treatment and convalescence or of an ancillary service, and:
 - i. the member has attempted to contact the client on at least five occasions and by at least two different methods;
 - ii. the member has made at least one attempt to contact the emergency contact identified by the client;
 - iii. the member has made a written records of the attempts described in subclauses (i) and (ii);
 - iv. the animal is transferred to an animal shelter or third-party owner; and
 - v. the written records described in subclause (iii) is retained for the shorter of five years or two years after the member ceases to practice veterinary medicine.

64. Selling or assigning any debt owed to the member for professional services to a third party, except for:

- a. accepting a credit card to pay for professional services;
- b. retaining a lawyer or agent to collect unpaid accounts; and
- c. making a general assignment of debts as collateral for a loan to finance the member's veterinary practice.