



THE COLLEGE OF
VETERINARIANS
OF ONTARIO

Council Meeting

June 19, 2019

9:00 a.m., Radisson Hotel Sudbury

MINUTES

Presiding Officer: Dr. Patricia Lechten

Members present: Dr. Patricia Alderson
Dr. Peter Borgs
Dr. Tyrrel de Langley
Ms. Diane Freeman
Mr. Andrew Glenny
Dr. Lorie Gold
Dr. Christine Hickman
Dr. Steven Jacobs
Dr. Shannah Kavonic
Mr. Donald Mayne
Ms. Claudia Newman
Dr. Alana Parisi
Ms. Maureen Ralph
Dr. Sarah Thompson
Dr. Susan Warren
Dr. Wade Wright

Regrets: Dr. Paula Menzies

Appointed Officer: Ms. Jan Robinson, Registrar and CEO

Staff in Attendance: Ms. Kim Huson, Communications Specialist
Ms. Sarah Kirby, Policy Specialist
Dr. Kim Lambert, Associate Registrar, Quality Practice
Ms. Beth Ready, Executive Partner, Corporate Services
Ms. Shilo Tooze, Associate Registrar, Licensure

Guests: Ms. Brandi Deimling, OVMA Representative

Observers: Dr. Martha Harding
Dr. Marc Marin
Dr. Ilyas Rasheed

1. Call to order

Dr. Lechten called the meeting to order at 9:03 a.m. and welcomed Councillors, guests and observers who were in attendance. Dr. Lechten also welcomed Ms. Maureen Ralph, newly appointed public member to the Council.

2. Adoption of Agenda

MOTION: It was moved and seconded,
“That the agenda be adopted as circulated.”

CARRIED

3. Conflict of Interest

No conflicts were declared.

4. Consent Agenda

Councillors reviewed the consent agenda and it was requested that

- 4.3 Registrar’s Report
- 4.4.1 Accreditation Committee Report
- 4.4.2 Registration Committee Report
- 4.4.3 Complaints Committee Report

be removed from the consent agenda to be discussed separately.

All of the following consent agenda items were approved as presented:

- 4.1 Minutes from the March 20 and 21, 2019 meeting
- 4.2 President’s Report
- 4.4 Committee Reports
 - 4.4.4 Discipline
 - 4.4.5 Executive
 - 4.4.6 Quality Assurance
 - 4.4.7 Governance, Audit and Risk

MOTION: It was moved and seconded,

“That the Consent Agenda be approved with items 4.3, 4.4.1, 4.4.2, and 4.4.3 to be discussed separately.”

CARRIED

4.3 Registrar’s Report

The Associate Registrar, Licensure, provided an update on the status of the College’s database.

It was noted that the College does not accredit research facilities that employ a veterinarian. Under the Animal Research highlight in the report it indicated in error that the College does accredit research facilities.

At this time Council watched a video on the value of a licence. Council commented that the video was very impressive. The video will be posted on the College website.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario accept the Registrar’s Report as presented.”

CARRIED

4.4.1 Accreditation Committee Report

Ms. Diane Freeman, Chair of the Accreditation Committee, provided an overview of the policy issues highlighted in the report.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario accept the Accreditation Committee Report as presented.”

CARRIED

4.4.2 Registration Committee Report

Dr. Peter Borgs, a member of the Registration Committee, provided an overview of the policy issues highlighted in the report.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario accept the Registration Committee Report as presented.”

CARRIED

4.4.3 Complaints Committee Report

A Councillor commented on the importance of completing medical records. Not following through with complete medical records, any veterinarian who subsequently treats an animal will not be able to provide the best care possible and may find themselves ethically compromised in not doing so.

Clarification was provided on the mediation cases outlined in the report.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario accept the Complaints Committee Report as presented.”

CARRIED

5. Registrar's 2020 Goals (in-camera session)

MOTION: It was moved and seconded,

"That the Council of the College of Veterinarians of Ontario move in-camera to discuss the Registrar's 2020 goals."

CARRIED

All staff, except the Registrar and CEO, guests and visitors present left the meeting for the duration of the discussion.

MOTION: It was moved and seconded,

"That the Council of the College of Veterinarians of Ontario move out of in-camera."

CARRIED

MOTION: It was moved and seconded,

"That the Council of the College of Veterinarians of Ontario acknowledge receipt of the Registrar's 2020 goals."

CARRIED

6. Strategic Alignment

6.1 Evaluation

- March 20 and 21, 2019

Ms. Claudia Newman introduced this agenda item.

Council reviewed the meeting evaluation from its meeting held March 20 and 21, 2019. Comments received were positive.

Councillors were reminded to use their microphones when speaking.

6.2 Strategic Plan

6.2.1 Strategy 2020 – Year 3 Tactics

Dr. Susan Warren introduced this agenda item.

Council reviewed the Strategy 2020 update on third year tactics which included objectives, tactics and accomplishments.

The document was provided to Council for information.

6.2.2 Strategy 2023 – Proposed Process

The Registrar and CEO reported that Council is currently in year 3 of its existing Strategic Plan – Strategy 2020. It is time to begin preparing for the development of a next plan. The following approach was suggested:

- rather than a retreat, creating a thoughtful conversation that occurs over 3 Council meetings – Council will also reconfirm its existing mission and vision statements
- Council currently has so much data including: advisory panel reports, trends analyses, reputation surveys, practice advice summaries, risk reports, etc. – it is suggested to hire an external consultant to objectively review the material and present a document on key themes for Council’s deliberation
- the themed report would then be compared to outcomes from the upcoming Future of Veterinary Medicine symposium being held in November 2019 – the results of the symposium can be layered on Council’s initial work to assist in identifying 3 or 4 key areas of focus
- the key objectives can be tested by its advisory panels and 5 to 10 stakeholders prior to setting the tactics
- a renewed Strategy 2023 to be approved in March or June of 2020

It was also reported that the plan would require a financial allocation. This was discussed within agenda item 7.3.

Council considered the suggested process and provided its feedback.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario approve the process for strategic planning - Strategy 2023 as presented.”

CARRIED

6.3 Policy Priorities

Council reviewed the Project Priorities Chart which outlines current work that has been developed to support decision-making related to new and evolving priorities.

The Project Priorities Chart was provided for information.

6.4 Performance Measurement

6.4.1 Key Performance Indicators

Ms. Claudia Newman introduced this agenda item.

The performance indicators are intended to assist Council to focus on risks to the organization and within the practice of veterinary medicine.

The Associate Registrar, Licensure, reviewed the Dashboard with Council. Council reviewed and provided its feedback on the Dashboard. A revised Dashboard, as per Council’s minor suggestions, will be provided at its next meeting.

Council is provided with a Dashboard on a quarterly basis.

6.5 Council Roundtable

Media Trends - Regulatory Trends - Legal Trends – Public Trends

Councillors were provided by staff with the top trends relating to media, regulation, recent legal cases, and public.

Councillors reviewed each category and provided comments.

General Trends

Councillors were given the opportunity to raise any matter that they believe is relevant to the College. Comments included:

- continue to see articles relating to anti-vaccine issues
- article – physicians who object on moral grounds to providing health-care services (for example, abortion and birth control), must offer their patients referral to another doctor – there is evidence that patients will suffer harm in the absence of a referral – the Court of Appeal for Ontario has ruled in support of this issue
- recent article – physician accused of sexually abusing patients – questions were raised about whether the medical regulator is equipped to investigate sexual-abuse complaints – is the College adequately protecting patients?
- article – “Israeli research shows medical scans are vulnerable to hacking” – hackers have the ability to access scans of patients and add or remove images
- conversations continue on the use of cannabis
- as per the Quality Assurance Committee trends – Law Society of Ontario – “anti-regulation” individuals are now members of Council
- disruptive changes at the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario termination of the Registrar – Council re-composition – this is a living example of regulatory capture and is a case to watch to see what transpires
- a Northern Ontario Animal Summit held in Thunder Bay
- New York state voted to ban cat declawing at a jurisdictional level
- article – Saskatchewan physician’s licence was revoked – now providing advice through his Youtube channel
- continue conversations with some veterinarians relating to personal use accounts

7. Finance

7.1 Financial Statements ending April 30, 2019

Council reviewed the Variance Report, Balance Sheet, and Revenue and Expenses Statement, ending April 30, 2019.

These documents are presented as information only.

7.2 Preliminary Budget 2020 Discussion

In order to assist the Registrar and CEO with the preparation of the 2019/2020 budget, Councillors were provided with suggested areas of primary allocation for the upcoming year.

The Registrar and CEO answered questions posed by Councillors relating to key factors.

7.3 Reserve Allocation

The Registrar and CEO indicated that two separate reserve allocations are being brought forward to Council for consideration.

The first request relates to assisting the College in establishing its next strategic framework. The early phases of planning require an external consultant. This work is to occur prior to September 2019.

Council considered this request and provided its feedback.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario approve a \$20,000 allocation from capital reserve to support the development of Strategy 2023.”

CARRIED

The second request relates to planning for College new facility space. Council has had conversations related to securing new space in the near future. In order for Council to make its final decision, to lease or own, projections related to actual space needs are required. The College has selected a space design firm to assist with the process. Phase 1 of the process is to complete a detailed analysis of the College’s work-flow and work culture requirements. Phase 1 work is to be completed over the summer of 2019 with a report to Council in the fall.

Council considered this request and provided its feedback.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario approve a \$22,000 allocation from capital reserve to support the planning for new College space acquisition.”

CARRIED

8. Public Policy

8.1 Position Statement – Pain Management

The Registrar and CEO introduced this agenda item and Ms. Sarah Kirby, Policy Specialist, joined the table to answer any questions.

In February 2019, the Executive Committee was presented with a proposed updated position statement. Upon review, the Executive Committee recommended a few minor edits and expressed support for its presentation to Council.

In March 2019, the updated position statement was presented to Council for consideration. After discussion, the updated position statement was returned to staff for minor revisions.

Council considered a revised Position Statement on Pain Management in Veterinary Medicine and provided its feedback.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario approve the updated Position Statement on Pain Management in Veterinary Medicine as presented, with minor formatting changes.”

CARRIED

8.2 Policy Statement – After-Hours Care Services

Dr. Steven Jacobs introduced this agenda item and Ms. Sarah Kirby, Policy Specialist, joined the table to answer any questions.

At its March 2019 meeting, Council was provided an update on the work that had been completed by staff. This update included a review of the risks associated with the provision of after-hours care, including veterinarian confusion related to legislative requirements, increased feelings of burden, and concerns about work-life balance. It also included ideas for risk mitigation that considered both current changes that could be made to the College’s policy statement and potential amendments that could be made through legislative reform.

Since March 2019, the policy statement has been reviewed and heavily revised to provide clearer and more flexible expectations that are more in line with existing legislative requirements.

In May 2019, the Executive Committee was presented with the draft updated policy statement. The Executive Committee recommended a few edits and expressed support for its presentation to Council.

Council considered a revised Policy Statement on After-Hours Care Services and provided its feedback. It was noted that public consultation is not required as it is an interpretation of already existing regulatory requirements.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario approve the draft updated Policy Statement on After-Hours Care Services for posting as amended.”

CARRIED

8.3 Policy Statement – Non-Drug Veterinary Products

The Registrar and CEO introduced this agenda item and Ms. Sarah Kirby, Policy Specialist, joined the table to answer any questions.

At its June 2018 meeting, Council reviewed a briefing note that proposed three different approaches to how certain veterinary substances and products may or may not be sold without a Veterinarian-Client-Patient Relationship (VCPR) or without a prescription and

recent and sufficient knowledge of an animal(s). Following this review, Council directed staff to provide further analysis on the possibility of allowing veterinarians to sell certain substances and products (not defined as “drugs”) without a prescription but within a VCPR.

At its December 2018 meeting, Council reviewed a briefing note that provided the requested further analysis. Following this review, Council directed staff to begin to develop a policy statement which would permit veterinarians to sell certain substances and products without a prescription but within a VCPR.

Council considered a proposed Policy Statement on the Sale of Non-Drug Veterinary Products and provided its feedback.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario direct that the proposed draft Policy Statement on Sale of Non-Drug Veterinary Products, as presented, be circulated to the profession and the public, inclusive of the public panel for comment.”

CARRIED

8.4 Professional Practice Standard – Veterinary Euthanasia

Dr. Tyrrel de Langley introduced this agenda item and Ms. Sarah Kirby, Policy Specialist, joined the table to answer any questions.

The Professional Practice Standard on Veterinary Euthanasia has been available in its current form since November 2016. Recently, there has been an influx in veterinarian and public confusion related to the standard, in particular a practice expectation which states that a licensed veterinarian meets the standard when he/she:

Understands that there are certain circumstances, defined in legislation, that permit veterinarians to perform euthanasia without client consent.

The intention of this practice expectation was to reference a licensed veterinarian’s ability to euthanize an animal without client consent if said animal was under the control of an inspector duly authorized by the *Ontario Society for the Prevention of Cruelty to Animals Act* (“OSPCA Act”). However, the generality of the language used has resulted in the expectation being interpreted by some individuals to suggest that licensed veterinarians have the ability to euthanize an animal without client consent based on their own professional judgement. This interpretation is misguided, as consultation with the College’s legal team has confirmed that, even in emergency situations, a licensed veterinarian is not able to euthanize an animal without client consent.

In May 2019, the Professional Practice Standard on Veterinary Euthanasia was referred to Executive Committee for review. Following discussion, the Executive Committee directed that the Professional Practice Standard on Veterinary Euthanasia be referred to Council with the suggestion to remove that particular practice expectation.

Council considered a draft amended Professional Practice Standard on Veterinary Euthanasia and provided its feedback.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario direct that the draft Professional Practice Standard on Veterinary Euthanasia be approved as amended and publicly posted.”

CARRIED

8.5 Facility Accreditation Model – Review of Outcomes-based Approach to the Draft Standards

Dr. Kim Lambert, Associate Registrar, Quality Practice, provided a presentation on the New Facility Accreditation Model Outcome Based Approach.

Councillors found the presentation to be very informative.

8.6 Code of Ethics

Dr. Sarah Thompson introduced this agenda item and Dr. Kim Lambert, Associate Registrar, Quality Practice, joined the table to answer any questions.

On March 20, 2019 the proposed revised draft Code of Ethics was reviewed by Council. The decision of Council was to direct the Quality Assurance Committee to continue to work on the draft with particular attention to how the Code may be used by veterinarians who practice with food animals and laboratory animals.

On May 30, 2019 the Quality Assurance Committee reviewed a new draft of the Code of Ethics with revisions reflecting input from veterinarians practicing with food animals and laboratory animals. The Committee approved the revised draft Code of Ethics for Council’s consideration.

Council considered a proposed, revised Code of Ethics and provided its feedback. Council also considered the recommendation by the Quality Assurance Committee that a consultation period take place prior to Council’s final approval of the document.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario approve the proposed, revised Code of Ethics as amended for consultation.”

CARRIED

8.7 Licensure Categories

Dr. Peter Borgs introduced this agenda item.

At its meeting in March 2018, Council directed the Registration Committee to proceed with conducting a formal review of the College’s seven licence categories, including a study of licensure pathways and report its findings back to Council.

Since March 2018, staff have provided the Committee with updates about the work on the project. At the May 2019 Registration Committee meeting, staff presented the Committee with a draft document outlining proposed changes to the licence category and pathway framework and a set of accompanying recommendations.

Council considered a Briefing Note on Licence Category Review and Proposed Recommendations and Framework to Modernize the Licensure Categories and Pathways and provided its feedback. It was commented that the report provided was excellent.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario direct the Registration Committee to continue its work with additional components for consideration.”

CARRIED

8.8 Veterinary Medicine and Forms of Energy – Update

The Registrar and CEO provided an update on this agenda item.

In 2017, Council adopted a Position Statement on Regulatory Effectiveness which highlights that the College is focused on risk in relation to its governance of the practice of veterinary medicine in Ontario. The Governance, Audit and Risk Committee, as part of its mandate, regularly reviews strategic risks identified by staff to determine those which are of the highest priority and in need of elevation to Council.

As part of its Strategic Risk dialogue, Council reviewed at its September 2018 meeting two strategic risks that the Governance, Audit and Risk Committee believed required Council’s attention. One of the topics discussed was the use of forms of energy in the treatment of animals. Council determined that the use of forms of energy in the treatment of animals is an area of strategic risk and directed staff to begin to research ways to manage and mitigate the risk and/or prevent the real or perceived harm associated with its provision.

Staff proceeded to develop an internal work plan to help guide its research. In December 2018, Council was informed that work had begun to identify the forms of energy used in the treatment of animals and to develop a risk analysis related to their use.

Research has been conducted to develop a deeper understanding of the forms of energy used in the treatment of animals and their associated benefits and risks. Identified forms of energy have been evaluated to determine which, if any, pose an evidenced-based risk of real or potential harm to both animals and humans. Each identified form of energy has been reviewed. A preliminary list of forms of energy that pose a high level of evidence-based risk of real or potential harm has been developed. The list is in its early stages and will evolve as further information is gathered.

Moving forward, targeted conversations will be held with identified stakeholders and a summary of findings will be presented for Council’s consideration by the end of 2019.

8.9 Animal Welfare & the Ministry of the Solicitor General

8.9.1 Proposed Changes to Section 43.(2) of Regulation 1093

The Registrar and CEO introduced this agenda item.

Section 43 of Ontario Regulation 1093 under the *Veterinarians Act* provides that, other than in a few listed exceptions, it is a conflict of interest for a veterinarian who is contracted/employed by another person (other than another veterinarian or veterinary professional corporation) to provide veterinary services in the course of their contract/employment for clients other than the employer/person to whom they are contracted/employed.

One of the listed exceptions in Regulation 1093 is if the veterinarian is working for a humane society “operated in accordance with the OSPCA Act”. The wording of the OSPCA Act makes it clear that this exception means that the humane society must be “affiliated” with the OSPCA. It is anticipated that humane societies in Ontario may choose to no longer be affiliated with the OSPCA given the change in the OSPCA’s mandate. The recent introduction of Bill 117, amending the OSPCA Act, further clarifies that inspection services will now be under the direct oversight of the Solicitor General.

It does not appear to be in the public interest for the College to make it impossible for veterinarians to work for humane societies that offer low cost veterinary services to the public simply because those humane societies are no longer affiliated with the OSPCA.

It would be in the interest of the public to permit humane societies to provide care for animals only through accredited facilities being operated in accordance with the high standards set by the College.

In order, however, to manage the existing conflict of interest provisions in Regulation 1093, Council was asked to determine that a greater public good is met by interpreting 43.(3)(5) as permissive of a veterinarian who is employed by a humane society to continue to offer publicly available veterinary services from an accredited facility regardless of changes to, or sunseting of, the existing OSPCA Act.

To help assure the continuing delivery of safe, quality veterinary medicine at a humane society, through Ontario licenced veterinarians and an Ontario accredited veterinary facility, it is suggested that the veterinarians would need to confirm:

- (i) the humane society is, or was, the Ontario Society for the Prevention of Cruelty to Animals or an affiliated society within the meaning of the *Ontario Society for the Prevention of Cruelty to Animals Act, RSO 1990.c.0.36*;
- (ii) the veterinarian’s contract of employment or services has been provided to the College; and
- (iii) the veterinarian has signed an undertaking with the College in which they agree to not allow the humane society, or any representatives of it, to influence their clinical decisions

Conditions (ii) and (iii) are a component of accreditation and currently exist in section 10 of Regulation 1093.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario approve the policy direction as suggested.”

CARRIED

A statement indicating its contemporary interpretation of section 43.(3)(5) will be posted publicly.

8.9.2 New Animal Welfare Act

The Registrar and CEO provided an update on this agenda item.

It was reported that meetings have been held with the Ministry and conversations are ongoing relating to work on animal welfare in the province of Ontario. The issue of restricting medically unnecessary veterinary surgery was also brought forward to the Ministry for its consideration.

It was noted that the College is a public interest organization and is not an advocate or a lobbyist. College comments are premised on its mandate of the oversight of veterinarians and the practice of veterinary medicine.

The College will be a contributor in the research and development phase of the Ministry's work and will assist in ongoing dialogue.

8.10 Notice of Motion (Ms. Diane Freeman)

A Notice of Motion is the way in which a Councillor can request Council take action on an issue, as per Robert's Rules.

At its meeting held March 21, 2019, Ms. Diane Freeman made the following statement of intent to make a motion at the next Council meeting:

That the College of Veterinarians of Ontario consider a motion to ban medically unnecessary surgical procedures.

Ms. Freeman provided a background document for her motion and spoke to the matter.

Council robustly discussed the statement of intent presented by Ms. Freeman. It was noted that both a legal opinion and a public consultation process are necessary in relation to any go forward position of Council.

MOTION: It was moved and seconded,

“That the College of Veterinarians of Ontario moves that a veterinarian licensed in the Province of Ontario shall not perform, or permit to be performed, non-therapeutic treatment where cosmetic surgery means surgery performed solely for altering the appearance of an animal, without a medical benefit. This interpretation supports:

- (a) surgery performed by a veterinarian to treat an injury or disease of an animal or for other medical reasons determined by a veterinarian to be necessary or beneficial to the health of the animal;

(b) agricultural practices carried out in accordance with the National Farm Animal Care Council codes of practice or any other codes of practice prescribed by the regulations.”

6 For
10 Opposed
Defeated

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario recommend that the original proposed motion be forwarded to legal counsel for an opinion and then returned to Council for further consideration.”

CARRIED

9. Organizational Policy

9.1 2020 Draft Meeting Schedule

Council considered a draft 2020 meeting schedule.

Council reviewed the schedule and will make note of the 2020 dates.

9.2 Councillor Recognition

Due to time constraints this agenda item was deferred.

9.3 Creating a Culture of Independence

Due to time constraints this agenda item was deferred.

9.4 Committee Composition

Dr. Susan Warren introduced this agenda item.

As of May 2018, the composition of Council has been absent one public appointee. Two additional public members’ terms end on June 26, 2019. Confirmations have been received that three public members have been appointed. One member, Ms. Ralph, attended the June meeting.

At its meeting held in May the Executive Committee suggested interim Committee slate changes to ensure that College Committee activity is well supported.

Council considered the suggested changes.

MOTION: It was moved and seconded,

“That the Council of the College of Veterinarians of Ontario approve the Executive Committee’s slate recommendations as presented.”

CARRIED

10. Other Business

The President informed Council that the two newly appointed public members will be attending the September Council meeting.

At this time the President recognized Ms. Diane Freeman and Ms. Claudia Newman for their dedication that they exhibited in their term of office as a member of Council appointed by the Lieutenant Governor. A letter and citation will be forwarded to Ms. Freeman and Ms. Newman.

11. Notice of Motion

No notice of motion was brought forward.

12. Confidentiality

Councillors were reminded that Council meetings are public meetings.

Information discussed in in-camera sessions must be kept confidential by all in attendance. All budget/financial documents are not to be shared outside of the meeting as these documents are working documents of Council and not public material.

Minutes of the Council meeting are not approved until its next meeting.

13. Evaluation Form

The Council meeting evaluation form will be forwarded for completion electronically via Survey Monkey. Councillors are encouraged to complete the evaluation which is helpful in continually improving future Council meetings.

14. Date of Next Meeting

The next regular meeting of Council will be held on September 24 and 25, 2019.

15. Adjourn

MOTION: It was moved,

“That the meeting of Council be adjourned.”

CARRIED

The meeting adjourned at 3:45 p.m.

Dr. Patricia Lechten, DVM
President

Jan Robinson
Registrar and CEO

Beth Ready
Recording Secretary