



AGENDA ITEM 6.

TOPIC: Overview of Concept Work Related to the Authorized Activity Model

General Overview

The *Veterinary Professionals Act, 2024* grants the Transition Council of the College of Veterinary Professionals of Ontario the ability to propose regulations to support the implementation of a new statutory framework for the practice of veterinary medicine in Ontario. The development of these regulations remains subject to the approval of the Lieutenant Governor in Council and is supported and overseen by the Ministry of Agriculture, Food, and Agribusiness (OMAFRA).

In developing these proposed regulations, OMAFRA has advised that it would be beneficial for the Transition Council to focus on the development of regulatory concepts – instead of specific regulatory language – to reflect and support the way that OMAFRA conducts its work.

Cohesiveness in approach whenever possible between the Transition Council and OMAFRA during the regulation development process is beneficial as it will allow for both the public and the profession to experience consistency in the way they receive information. Given this, work related to regulation development has moved forward with a concept-based lens for the Transition Council to review and consider.

Process for Regulation Development

A flow chart has been developed to help illustrate the multi-step process required to instill a new Regulation under the *Veterinary Professionals Act, 2024*. (see the last page of this cover sheet).

Work of the Transition Council Related to the Authorized Activity

Model

The regulatory concept related to the authorized activity model is one of the most complex and multi-faceted aspects of the Transition Council's work. Given this, College staff have developed a slightly modified two-part approach to its presentation to allow for as much information and background to be provided as possible. This includes:



1. Multiple Cover Sheets (to outline specific topics and themes within the proposed authorized activity model including their history, proposed direction, associated reasoning, and any applicable specific regulatory language);
2. Outline of Specific Legislative Authority (for ease of reference); and
3. Draft Concept Language (presented as it will appear during the College's public consultation).

Part One focused on the authorized activity model as it relates to the scope of practice for both veterinarians and veterinary technicians.

Part Two will focus on the authorized activity model as it relates to the development of regulatory exemptions for other non-veterinary animal care providers and/or activities.

Overview of the Authorized Activity Model

Section 9 of the *Veterinary Professionals Act, 2024* establishes the legislative authority for the development of an authorized activity model for the practice of veterinary medicine in Ontario. This framework is further supported by Schedule One of the *Act*, where a list of seventeen (17) authorized activities is outlined.

The *Veterinary Professionals Act, 2024* also permits the development of regulatory exemptions related to the authorized activity model.

This cover sheet outlines overall structure and overarching recommendations related to regulatory exemptions for inclusion in a regulatory concept on the authorized activity model.

Relevant Sections

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

History of College Work Related to the Authorized Activity Model and Regulatory Exemptions

Current Framework

The *Veterinarians Act* and Regulation 1093 currently outline an exclusive scope of practice model for veterinary medicine in Ontario. This means that unless otherwise specifically stated veterinary medicine may only be performed by a veterinarian or an auxiliary working under their supervision and delegation.



All current exceptions to this model are contained directly in the *Veterinarians Act*. These include:

1. Rendering first aid or temporary assistance in an emergency without fee;
2. Treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural work by the owner of the animal;
3. Taking blood samples;
4. Preventing or treating fish and invertebrate diseases;
5. Collecting or using semen for the purpose of a business that engages in the artificial insemination of livestock; and
6. Collecting or transporting ova and embryos of animals other than mammals.

There is also an exception made for students in the Doctor of Veterinary Medicine program at the Ontario Veterinary College.

There are no current exceptions or exemptions to this model contained in Regulation 1093.

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 which outlined a proposed shift away from an exclusive scope of practice model in favour of an authorized activity model. This proposed model offered a clearer definition of what veterinary medicine is and laid out a risk-based approach to authorized activities. Activities that posed the greatest risk of harm or potential harm to animals and/or people were proposed to continue to be regulated under the College's oversight. Activities that did not fall within these restrictions were recognized as being within the public domain. This proposed model was designed to assist with clarity for the veterinary profession, the public, and the courts, in determining whether a person had engaged in unauthorized practice.

In addition, the proposed model acknowledged animal care as a system that included both veterinary and non-veterinary animal care providers. The Concept Paper acknowledged that non-veterinary animal care providers can, and do, provide lower-risk therapies and services to animals upon client request and without veterinary oversight. Many of these activities fall outside of the authorized activity model but others cross over. The Concept Paper recognized this overlap and recommended that a system be developed that could properly address these circumstances.

These recommendations were made after several rounds of consideration and conversation amongst both the College's Working Groups and Legacy Council, including extensive background research and two rounds of public consultation.



The *Veterinary Professionals Act, 2024* reflects these recommendations and the Transition Council is now in the position to develop a proposed regulatory concept related to the authorized activity model that reflects this approach.

Additional Detail on the Framework Established by the *Veterinary Professionals Act, 2024*

The *Veterinary Professionals Act, 2024* provides a definition of the practice of veterinary medicine. This definition is not exclusive and is designed to illustrate what activities can be considered as part of the practice of veterinary medicine.

Instead, Schedule One of the *Veterinary Professionals Act, 2024* lays out a list of seventeen (17) authorized activities that can only be performed by members or those working under their delegation unless otherwise specifically stated. If an activity falls outside of this specific list, it exists in the public domain and can be performed by any person even if it falls under the definition of veterinary medicine. However, the *Act* also recognizes that there are still inherent risks to the public in the delivery of these activities and so it contains a risk of harm clause which states that:

“no person other than a member of the College acting within the scope of practice of veterinary medicine shall treat an animal, or advise an owner or their representative with respect to an animal’s health, in circumstances which it is reasonably foreseeable that serious bodily harm to an animal or a person may result from the treatment or advice or from an omission from the treatment of advice.”

If a person violates this risk of harm clause, then the College will have the ability to pursue an investigation of this conduct which may result in fines and/or imprisonment for those persons or corporations involved.

There are two main ways that persons and/or specific activities may be excluded in whole or part from this system.

The first way is through statutory exception. Statutory exceptions appear directly in Schedule One of the *Veterinary Professionals Act, 2024* and come in two forms.

The first form of statutory exception is found in Section 2 of Schedule One, and it outlines the persons and/or specific activities that are excepted from **both** the authorized activity model and the risk of harm clause. These include:

1. Rendering first aid or temporary assistance in an emergency without a fee;
2. Treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal;



3. The administration of a treatment plan by a custodian of an animal if the treatment plan is made by a veterinarian member and carried out at the direction of the owner;
4. Taking blood samples;
5. Preventing or treating fish and invertebrate diseases or pests in fish or invertebrates; and
6. Such other exceptions as may be prescribed.¹

The second form of statutory exception is found in Section 3 of Schedule One, and it outlines the persons and/or specific activities that are excepted from **only** the authorized activity model. These include:

1. Collecting or using semen as part of a business that engages in the artificial insemination of livestock;
2. Implantation of embryos as part of a business that engages in the artificial insemination of livestock;
3. Confirmation of pregnancy in domesticated farm animals of the genus *Ovis* or *Capra* through ultrasound conducted on the surface of the skin;
4. Confirmation of pregnancy in livestock through blood or milk analysis as part of a business;
5. Administration of heat synchronization injections to livestock as part of a business that engages in the artificial insemination of livestock;
6. Collecting or transporting ova and embryos of animals other than mammals;
7. Non-surgical insemination;
8. Artificial insemination of invertebrates;
9. Such other exceptions as may be prescribed.²

Since statutory exceptions in Section 3 of Schedule One are only excepted from the authorized activity model and not the risk of harm clause, this means that persons or corporations who carry out these activities are still required to avoid any action which could reasonably be foreseen to cause serious harm to an animal or person.

The second way that persons and/or specific activities may be excluded in whole or in part from this system is through regulatory exemptions.

The *Veterinary Professionals Act, 2024* permits the College to develop regulatory exemptions in three primary ways:

¹ The College is not proposing any additional statutory exceptions at this time.

² Same as above.



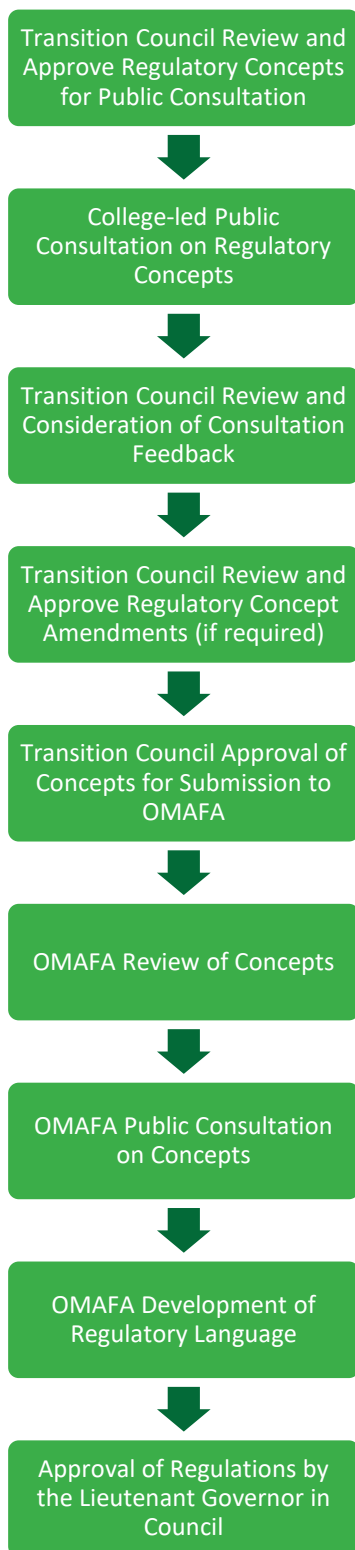
1. The College is permitted to develop regulatory exemptions through the regulation-making power contained in Section 93 (1) 8. of the *Act* that allows for the College to limit or clarify any of the statutory exceptions set out in Sections 2 and 3 of Schedule One;
2. The College is permitted to develop regulatory exemptions through a combination of the statutory wording outlined in Sections 9 (5) and the regulation-making power contained in Section 93 (1) 7. of the *Act* that allows the College to outline persons (who may also be professionals) who may carry out specified authorized activities in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions; and
3. The College is permitted to develop regulatory exemptions through the regulation-making power contained in Section 93 (1) (9) of the *Act* which permits the College to exempt a person from any provision of the authorized activity model, including the risk of harm clause.

It is important to note that neither statutory exceptions nor regulatory exemptions apply to or can be developed for members of the College and can only be used for and by non-members.

Each focus of the authorized activity model as it relates to the development of regulatory exemptions for other non-veterinary animal care providers and/or activities will be managed with separate cover sheets and background information in this agenda package. Each profession or group of persons with proposed recommendations for a regulatory exemption will be discussed in turn, and each will include questions for Transition Council's consideration.

Discussion

In reviewing these documents, the Transition Council is encouraged to debate, discuss, and question any aspect of the material presented. To aid in these discussions, opportunities will be presented at the end of each specific topic to allow for focused feedback. Then, once all specific topics have been presented and discussed, Transition Council will also have the opportunity to review the draft concept language as a whole for its potential approval to be published for public consultation.



Overarching Framework – Authorized Activities

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

Current Framework Under the *Veterinarians Act*

1 (1) In this Act,

“practice of veterinary medicine” includes the practice of dentistry, obstetrics including ova and embryo transfer, and surgery, in relation to an animal other than a human being; (“exercice de la médecine vétérinaire”)

Regulations

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.

Licence required

11 (1) No person shall engage in the practice of veterinary medicine or hold himself, herself or itself out as engaging in the practice of veterinary medicine unless the person is the holder of a licence. R.S.O. 1990, c. V.3, s. 11 (1).

Future Framework under the *Veterinary Professionals Act, 2024*

Authorized activities

9 (1) No person shall carry out an authorized activity described in section 1 of Schedule 1 while engaged in the practice of veterinary medicine unless the person is a member.

Limitations

(2) A member may only carry out an authorized activity while engaged in the practice of veterinary medicine and subject to any prescribed conditions or prohibitions and any terms, conditions or limitations imposed on their licence.

Authorized activities — non-members

(3) Despite subsection (1), a person who is not a member may, subject to any prescribed conditions or prohibitions, carry out an authorized activity while engaged in the practice of veterinary medicine if,

(a) the regulations permit a person who is not a member to carry out the authorized activity; and

(b) the authorized activity is delegated to that person by a member.

Authorized activities — students

(4) Despite subsections (1) and (3), a student may carry out an authorized activity if the student is doing so while fulfilling the requirements to become a member and the activity is done under the supervision or direction of a veterinarian member.

Risk of harm

11 (1) No person other than a member acting within the scope of the practice of veterinary medicine shall treat an animal, or advise an owner or their representative with respect to an animal's health, in circumstances in which it is reasonably foreseeable that serious bodily harm to an animal or a person may result from the treatment or advice or from an omission from the treatment or advice.

Exceptions

(2) Subsection (1) does not apply with respect to,

- (a) any treatment by a person who is acting under the direction of or in collaboration with a member if the treatment is within the scope of the practice of veterinary medicine;
- (b) an activity carried out by a person if the activity is an authorized activity that was delegated under subsection 9 (3) to the person by a member;
- (c) an activity set out in section 2 of Schedule 1, if the person carrying out the activity is not otherwise prevented to do so under the Act; or
- (d) any prescribed treatment, advice, authorized activity or person

Restricted titles

Veterinarian members

12 (1) Unless otherwise permitted by the regulations, no person other than a veterinarian member shall use the title “veterinarian”, “veterinary surgeon” or “doctor” or variations, abbreviations, abbreviations of variations or equivalents in another language, while engaged in the practice of veterinary medicine.

Veterinary technician members

(2) Unless otherwise permitted by the regulations, no person other than a veterinary technician member shall use the title “Registered veterinary technician” or “Registered veterinary technologist” or variations, abbreviations, abbreviations of variations or equivalents in another language, while engaged in the practice of veterinary medicine.

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

1. prescribing and governing anything in this Act that is described as being prescribed, done in accordance with the regulations, provided for in the regulations or authorized or required by the regulations, other than a matter that this Act describes as being prescribed by the Minister or

Lieutenant Governor in Council or provided for in regulations made by the Minister or Lieutenant Governor in Council;

7. with respect to authorized activities,

- i. prescribing authorized activities for the purposes of section 9,
- ii. limiting or clarifying the authorized activities,
- iii. permitting or prohibiting veterinary technician members or classes of veterinarian members from carrying out specified authorized activities and governing the circumstances in which those activities may or shall not be carried out, and
- iv. permitting persons who are not members to carry out specified authorized activities and limiting and governing the carrying out of such activities;

8. prescribing exceptions for the purpose of section 10 or 11 or limiting or clarifying the exceptions set out in sections 2 and 3 of Schedule 1;

97 (1) The Council may establish,

(a) standards for veterinary facilities that must be met by an applicant for a certificate of accreditation and maintained by the holder of a certificate of accreditation or other prescribed persons; and

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

Schedule 1
Authorized Activities

Authorized activities

1 The following are authorized activities for the purposes of the Act:

1. Communicating to an individual a diagnosis identifying a disease, disorder, dysfunction or condition as the cause of an animal's signs and presentation in circumstances in which it is reasonably foreseeable that the individual will rely on the diagnosis.
2. Performing a medical assessment to determine the fitness for purpose or soundness of an animal, or group of animals, on which it is reasonably foreseeable that a person or organization will rely on the assessment.
3. Ordering laboratory tests on an animal or on specimens taken from an animal.
4. Prescribing a drug.
5. Compounding, dispensing or selling a drug.
6. Performing a procedure on tissue below the dermis.
7. Performing a procedure below the surface of a mucous membrane.

8. Performing a procedure on or below the surfaces of the teeth, including the scaling of teeth and occlusal equilibration.
9. Performing a procedure on or below the surface of the cornea.
10. Setting, immobilizing or casting a fracture of a bone or a dislocation of a joint or a severed tendon.
11. Administering a substance by injection or inhalation, or monitoring of such injection or inhalation.
12. Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust.
13. Putting an instrument, arm, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the point in the nasal passages where they normally narrow,
 - iii. beyond the larynx,
 - iv. beyond the opening of the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anus or cloaca, or
 - vii. into any other natural or artificial opening into the body.
14. Applying or ordering the application of a prescribed form of energy.
15. Performing upon an animal any manual procedure for the diagnosis or treatment of pregnancy, sterility or infertility, inclusive of ova and embryo transfer.
16. Performing allergy testing.
17. Such other authorized activities as may be prescribed.

Exceptions

2 The following are exceptions for the purposes of sections 10 and 11 of the Act:

1. Rendering first aid or temporary assistance in an emergency without fee.
2. Treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal.
3. The administration of a treatment plan by a custodian of an animal if the treatment plan is made by a veterinarian member and carried out at the direction of the owner.
4. Taking blood samples.
5. Preventing or treating fish and invertebrate diseases or pests in fish or invertebrates.

6. Such other exceptions as may be prescribed.

Same

3 The following are exceptions for the purposes of section 10 of the Act:

1. Collecting or using semen as part of a business that engages in the artificial insemination of livestock.
2. Implantation of embryos as part of a business that engages in the artificial insemination of livestock.
3. Confirmation of pregnancy in domesticated farm animals of the genus ovis or capra through ultrasound conducted on the surface of the skin.
4. Confirmation of pregnancy in livestock through blood or milk analysis as part of a business.
5. Administration of heat synchronisation injections to livestock as part of a business that engages in the artificial insemination of livestock.
6. Collecting or transporting ova and embryos of animals other than mammals.
7. Non-surgical insemination.
8. Artificial insemination of invertebrates.
9. Such other exceptions as may be prescribed.



AGENDA ITEM 6.1

TOPIC: Forms of Energy

Overview

Schedule One of the *Veterinary Professionals Act, 2024* outlines a list seventeen (17) authorized activities. One of these authorized activities is the applying or ordering of a prescribed form of energy.

The College is permitted to develop regulatory exemptions through a combination of the statutory wording outlined in Sections 9 (5) and the regulation-making power contained in Section 93 (1) 7. of the *Act* that allows the College to outline persons (who may also be professionals) who may carry out specified authorized activities in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions.

As the wording of this authorized activity indicates the need to provide further details in regulation, this cover sheet has been developed to outline proposed recommendations related to which specific forms of energy should qualify under this framework.

Relevant Sections

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

History of College Work Related to Forms of Energy

Current Framework

The *Veterinarians Act* and Regulation 1093 currently outline an exclusive scope of practice model for veterinary medicine. This means that although the use of forms of energy on animals is not specifically stated within the current legislative framework, the College does have the ability to regulate and oversee the use of these modalities as part of its overarching mandate.

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 authorized activity model. This included the recommendation that the applying or ordering of forms of energy be identified as an authorized activity. These recommendations were made after several rounds of consideration and conversation amongst both the College’s Working Groups and



Legacy Council, including extensive background research and two rounds of public consultations.

The *Veterinary Professionals Act, 2024* reflects this recommendation and Transition Council is now in the position to develop a proposed regulatory concept related to the authorized activity model and forms of energy.

What Will This Look Like?

Forms of energy listed as part of the authorized activity will only be permitted to be performed or ordered to be performed on animals by members (veterinarians and veterinary technicians) unless otherwise specifically stated within regulatory exemptions.

Additional Work Completed to Help Inform Regulation Development

In preparation for its potential inclusion in the authorized activity model, the College undertook a significant research and risk-based review and assessment of the use of forms of energy in the treatment and/or care of animals. This review occurred from 2019 to 2021 and resulted in Legacy Council's approval of both a policy and position statement on this topic.

Within these documents, the College outlined a risk-based continuum that places forms of energy within three categories.

The first category was designed to oversee forms of energy that had been determined to have high levels of risk of harm or potential harm associated with their use on animals. In particular, these forms of energy possessed characteristics and/or uses associated with surgery, diagnostics, requirements for sedation, below the dermis procedures, high chance of injury from proper and/or improper administration, requirements for advanced knowledge or training in order to properly administer, and varying degrees of clinical research. Forms of energy that fell under this category included:

- Any forms of energy that employ or produce ionizing radiation;
- Magnetic resonance imaging;
- Any forms of energy used in surgery (laser surgery; lithotripsy; cryosurgery; radiosurgery; etc.); and
- Diagnostic ultrasound unless otherwise stated (i.e. transvaginal, transrectal, transabdominal, etc.).

Given these characteristics, forms of energy that fell under this category were marked for use only by a veterinarian or an auxiliary working under a veterinarian's delegation with immediate or direct supervision.



The second category was designed to oversee forms of energy that had been determined to have moderate levels of risk of harm or potential harm associated with their use on animals. In particular, these forms of energy possessed characteristics and/or uses associated with specific forms of diagnostics, varying requirements for sedation, above the dermis procedures, moderate risk of harm or potential harm from proper and/or improper administration, varying requirements for advanced knowledge or training in order to be properly administered, and carrying degrees of clinical research.

Due to these specific characteristics, this category was further divided into two subcategories.

Forms of energy that fell under Part A of Category Two were marked for use by only a veterinarian or an auxiliary working under a veterinarian's delegation with a level of supervision determined appropriate by the veterinarian. Forms of energy that fell under this category included:

- Transabdominal diagnostic ultrasound when performed for the purpose of pregnancy diagnosis in food producing animals; and
- Focused shockwave.

Forms of energy that fell under Part B of Category Two were marked for use only by a veterinarian, an auxiliary working under a veterinarian's delegation with a level of supervision determined appropriate by the veterinarian, or by a non-veterinarian on referral from a veterinarian. Forms of energy that fell under this category included:

- Class IV lasers when used for therapeutic purposes; and
- Radial shockwave.

The third category was designed to distinguish the forms of energy that had been determined to have lower risk of harm or potential harm when used on animals and were permitted to be used by a veterinarian or non-veterinarian as long as the non-veterinarian did not represent themselves as practising veterinary medicine. Forms of energy that fell under this category included:

- Pulsed electromagnetic field therapy;
- Therapeutic ultrasound;
- Class 3B lasers and below when used for therapeutic purposes; and
- Electrical stimulation.

This framework was adopted in 2021 and has regulated the use of forms of energy in the treatment and/or care of animals since that date.



Proposed Recommendations Related to Forms of Energy

In recognition of the Legacy Council's previous work completed related to the use of forms of energy in the treatment and/or care of animals, it is proposed that the regulatory concept related to authorized activity model incorporate both the forms of energy contained in Category One and Category Two as part of the authorized activity.

Discussion

Transition Council is asked to review these proposed recommendations related to forms of energy and the authorized activity model and to share any associated questions, comments, or concerns. To aid in this discussion, Transition Council is encouraged to consider the following questions:

- Is there anything unclear or missing in these proposed recommendations?
- Do the proposed recommendations seem logical?
- Do the proposed recommendations raise any concerns?
- Do the proposed recommendations raise any thoughts or considerations related to unintended consequences?

Forms of Energy

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

Current Framework Under the *Veterinarians Act*

3 (1) The principal object of the College is to regulate the practice of veterinary medicine and to govern its members in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

(2) For the purpose of carrying out its principal object, the College has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.
2. To establish, maintain and develop standards of qualification and standards of practice for the practice of veterinary medicine.
3. To establish, maintain and develop standards of professional ethics among its members.
4. To promote public awareness of the role of the College.
5. To perform such other duties and exercise such other powers as are imposed or conferred

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

19. (1) A member is responsible for the conduct of his or her auxiliaries and for the suitability and quality of the performance of their acts. R.R.O. 1990, Reg. 1093, s. 19 (1)

Current Framework in College Policy

The College has two existing policy documents related to Forms of Energy:

[Position Statement: Use of Forms of Energy in the Treatment and/or Care of Animals](#)

[Policy Statement: Use of Forms of Energy in the Treatment and/or Care of Animals](#)

Future Framework under the *Veterinary Professionals Act, 2024*

Authorized activities

9 (1) No person shall carry out an authorized activity described in section 1 of Schedule 1 while engaged in the practice of veterinary medicine unless the person is a member.

Limitations

(2) A member may only carry out an authorized activity while engaged in the practice of veterinary medicine and subject to any prescribed conditions or prohibitions and any terms, conditions or limitations imposed on their licence.

Authorized activities — non-members

(3) Despite subsection (1), a person who is not a member may, subject to any prescribed conditions or prohibitions, carry out an authorized activity while engaged in the practice of veterinary medicine if,

(a) the regulations permit a person who is not a member to carry out the authorized activity; and

(b) the authorized activity is delegated to that person by a member.

Authorized activities — students

(4) Despite subsections (1) and (3), a student may carry out an authorized activity if the student is doing so while fulfilling the requirements to become a member and the activity is done under the supervision or direction of a veterinarian member.

Risk of harm

11 (1) No person other than a member acting within the scope of the practice of veterinary medicine shall treat an animal, or advise an owner or their representative with respect to an animal's health, in circumstances in which it is reasonably foreseeable that serious bodily harm to an animal or a person may result from the treatment or advice or from an omission from the treatment or advice.

Exceptions

(2) Subsection (1) does not apply with respect to,

(a) any treatment by a person who is acting under the direction of or in collaboration with a member if the treatment is within the scope of the practice of veterinary medicine;

(b) an activity carried out by a person if the activity is an authorized activity that was delegated under subsection 9 (3) to the person by a member;

(c) an activity set out in section 2 of Schedule 1, if the person carrying out the activity is not otherwise prevented to do so under the Act; or

(d) any prescribed treatment, advice, authorized activity or person

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

1. prescribing and governing anything in this Act that is described as being prescribed, done in accordance with the regulations, provided for in the regulations or authorized or required by the regulations, other than a matter that this Act describes as being prescribed by the Minister or

Lieutenant Governor in Council or provided for in regulations made by the Minister or Lieutenant Governor in Council;

7. with respect to authorized activities,

- i. prescribing authorized activities for the purposes of section 9,
- ii. limiting or clarifying the authorized activities,
- iii. permitting or prohibiting veterinary technician members or classes of veterinarian members from carrying out specified authorized activities and governing the circumstances in which those activities may or shall not be carried out, and
- iv. permitting persons who are not members to carry out specified authorized activities and limiting and governing the carrying out of such activities;

8. prescribing exceptions for the purpose of section 10 or 11 or limiting or clarifying the exceptions set out in sections 2 and 3 of Schedule 1;

97 (1) The Council may establish,

(a) standards for veterinary facilities that must be met by an applicant for a certificate of accreditation and maintained by the holder of a certificate of accreditation or other prescribed persons; and

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

Schedule 1
Authorized Activities

Authorized activities

1 The following are authorized activities for the purposes of the Act:

1. Communicating to an individual a diagnosis identifying a disease, disorder, dysfunction or condition as the cause of an animal's signs and presentation in circumstances in which it is reasonably foreseeable that the individual will rely on the diagnosis.
2. Performing a medical assessment to determine the fitness for purpose or soundness of an animal, or group of animals, on which it is reasonably foreseeable that a person or organization will rely on the assessment.
3. Ordering laboratory tests on an animal or on specimens taken from an animal.
4. Prescribing a drug.
5. Compounding, dispensing or selling a drug.
6. Performing a procedure on tissue below the dermis.
7. Performing a procedure below the surface of a mucous membrane.

8. Performing a procedure on or below the surfaces of the teeth, including the scaling of teeth and occlusal equilibration.
9. Performing a procedure on or below the surface of the cornea.
10. Setting, immobilizing or casting a fracture of a bone or a dislocation of a joint or a severed tendon.
11. Administering a substance by injection or inhalation, or monitoring of such injection or inhalation.
12. Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust.
13. Putting an instrument, arm, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the point in the nasal passages where they normally narrow,
 - iii. beyond the larynx,
 - iv. beyond the opening of the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anus or cloaca, or
 - vii. into any other natural or artificial opening into the body.
14. Applying or ordering the application of a prescribed form of energy.
15. Performing upon an animal any manual procedure for the diagnosis or treatment of pregnancy, sterility or infertility, inclusive of ova and embryo transfer.
16. Performing allergy testing.
17. Such other authorized activities as may be prescribed.

Exceptions

2 The following are exceptions for the purposes of sections 10 and 11 of the Act:

1. Rendering first aid or temporary assistance in an emergency without fee.
2. Treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal.
3. The administration of a treatment plan by a custodian of an animal if the treatment plan is made by a veterinarian member and carried out at the direction of the owner.
4. Taking blood samples.
5. Preventing or treating fish and invertebrate diseases or pests in fish or invertebrates.

6. Such other exceptions as may be prescribed.

Same

3 The following are exceptions for the purposes of section 10 of the Act:

1. Collecting or using semen as part of a business that engages in the artificial insemination of livestock.
2. Implantation of embryos as part of a business that engages in the artificial insemination of livestock.
3. Confirmation of pregnancy in domesticated farm animals of the genus ovis or capra through ultrasound conducted on the surface of the skin.
4. Confirmation of pregnancy in livestock through blood or milk analysis as part of a business.
5. Administration of heat synchronisation injections to livestock as part of a business that engages in the artificial insemination of livestock.
6. Collecting or transporting ova and embryos of animals other than mammals.
7. Non-surgical insemination.
8. Artificial insemination of invertebrates.
9. Such other exceptions as may be prescribed.



AGENDA ITEM 6.2

TOPIC: **Chiropractors**

Overview

Section 9 of the *Veterinary Professionals Act, 2024* establishes the legislative authority for the development of an authorized activity model for the practice of veterinary medicine in Ontario. This framework is further supported by Schedule One of the *Act*, where a list of seventeen (17) authorized activities is outlined.

The *Veterinary Professionals Act, 2024* also permits the development of regulatory exemptions related to the authorized activity model.

The College is permitted to develop regulatory exemptions through a combination of the statutory wording outlined in Sections 9 (5) and the regulation-making power contained in Section 93 (1) 7. of the *Act* that allows the College to outline persons (who may also be professionals) who may carry out specified authorized activities in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions.

This cover sheet outlines proposed recommendations related to a regulatory exemption for chiropractors for inclusion in a regulatory concept on the authorized activity model.

Relevant Sections

An overview of the relevant sections of legislation, regulation, by-law, and policy related to the non-veterinary animal care providers such as chiropractors (both current and future) has been attached to this cover sheet as Appendix “A”.

History of the College’s Work Related to Regulatory Exemptions and Chiropractors

Current Framework

The *Veterinarians Act* and Regulation 1093 currently outline an exclusive scope of practice model for veterinary medicine. This means that unless otherwise specifically stated, veterinary medicine may only be performed by a veterinarian or an auxiliary working under their supervision and delegation.



There are no current specific exceptions or exemptions related to chiropractors within the *Veterinarians Act* or Regulation 1093. However, in recent years, the College has been researching and promoting the importance of interprofessional collaboration between veterinary and non-veterinary animal care providers, including through Legacy Council's work on forms of energy, non-conventional therapies, and shared care in animal rehabilitation.

The College of Chiropractors of Ontario has also held a standard of practice related to the chiropractic care of animals since 1998. This standard has guided chiropractors in animal care and contains many elements that promote interprofessional collaboration and coordination between veterinarians and chiropractors.

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 which outlined a proposed shift away from an exclusive scope of practice model in favour of an authorized activity model. As part of these recommendations, the Concept Paper acknowledged animal care as a system that included both veterinary and non-veterinary animal care providers, the latter of which can, and do, provide lower-risk therapies and services to animals upon client request and without veterinary oversight. Many of these activities fall outside of the authorized activity model but others cross over. The Concept paper recognized this overlap and recommended a system be developed that could properly address these circumstances.

In particular, the Concept Paper recognized that chiropractors possessed a specific set of skills, knowledge, and training that allowed them to safely perform some proposed authorized activities. This included:

- Moving the joints of an animal's spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust; and
- Putting a finger beyond the anus for the purpose of manipulating the tailbone.

These recommendations were made after several rounds of consideration and conversation amongst both the College's Working Groups and Legacy Council, including extensive background research and two rounds of public consultation.

The *Veterinary Professionals Act, 2024* reflects these recommendations (including naming members of the College of Chiropractors of Ontario as a specific type of person to qualify for regulatory exemptions) and Transition Council is now in the position to develop a proposed regulatory concept related to the authorized activity model that contains recommendations related to a regulatory exemption for chiropractors.



What Will This Look Like?

Chiropractors who meet the guidelines, processes, terms, conditions, limitations, and/or prohibitions outlined in regulation would be permitted to perform certain authorized activities on animals. The ability to perform these authorized activities would be independent from a veterinarian member and the public will be able to directly access these services.

Additional Work Completed to Help Inform Regulation Development

In preparation for the potential inclusion of a regulatory exemption in the authorized activity model, the College undertook a significant research and risk-based review and assessment of the practice of chiropractic on animals. This process also included ongoing engagement with several interested parties, most notably the:

- Ontario Chiropractic Association;
- College of Chiropractors of Ontario;
- Veterinary Chiropractic Learning Centre;
- Ontario Association of Equine Practitioners;
- Shared Care in Animal Rehabilitation Working Group; and
- Direct conversations with practicing veterinarians and animal chiropractors.

In completing this work, it became clear that there are many shared foundations and characteristics that are found both in the practice of veterinary medicine and human chiropractic. These foundations and characteristics can be both clinical and non-clinical in nature and reflect the overarching goal of every health-related profession to provide the best care possible for their patients.

Despite these similarities, however, it also became clear that there are fundamental differences that separate these two professions. These differences start at the point of education (where a foundational focus on a single species vs. a multi-species curriculum is evident) and continue throughout the development of a person's professional skills including those related to anatomy, physiology, pathology, pharmacology, toxicology, nutrition, microbiology, and public health. Additional skillsets are then built upon these foundations.

Developing skillsets that occur adjacent to, or outside of, these foundations is more difficult and less straight-forward than those built upon existing core knowledge. This is not to suggest that it is impossible, but instead to highlight that the translation of skills, especially across species, requires specific consideration of what is and is not transferable.

To aid in this consideration, the College acknowledged that it was important to consider both the type of activity and the type of provider and to conduct a risk-based and evidence-informed analysis focused on determining whether there was enough evidence and safeguards in place



to support a recommendation for a regulatory exemption that would ensure safe delivery of services to the public. This included a multi-pronged approach that sought to answer the following questions:

Questions Related to the Authorized Activity
<ul style="list-style-type: none"> • What authorized activity is under consideration? • Is the request related to performance of the authorized activity in its entirety or a portion of it? • If the request relates to a portion – can it easily be defined or parsed out? • Does the request require additional definitions, concepts, or context be provided in order to be fully understood and/or outlined?
Questions Related to the Provider of the Authorized Activity
<ul style="list-style-type: none"> • Does the request seek a specific provider(s) for the authorized activity? • Who is the provider? Can they be easily identified? Referred to? • What level of education, assessments, and training does the provider have? <ul style="list-style-type: none"> ○ Who provides it? Validates it? ○ Is it non-human specific? • How does the provider ensure currency in their education, assessments, and training? <ul style="list-style-type: none"> ○ Who provides it? Validates it? ○ Is it non-human specific? • Who is the provider accountable to? <ul style="list-style-type: none"> ○ Does this accountability extend to non-humans? ○ Has it ever been tested?
Questions Related to the Performance of the Authorized Activity
<ul style="list-style-type: none"> • What is the level of risk of harm or potential harm to the animal and/or provider associated with the performance of the authorized activity? • Does the activity require sedation? • Does the activity cause or induce pain or discomfort? • Is the performance of the activity researched and validated? • What is the level of risk of adverse event if the activity is improperly performed?
Questions Related to the Authorized Activity and Public Expectation
<ul style="list-style-type: none"> • What does the public expect when seeking this authorized activity? • Does the request properly and/or sufficiently address these expectations? • Could the request cause unnecessary confusion for the public?

These lenses facilitated the gathering of necessary insight into the different areas of consideration and helped to inform the development of the recommendations contained in this cover sheet.



Proposed Recommendations Related to a Regulatory Exemption for Chiropractors

Within the regulatory concept related to the authorized activity model, it is proposed that the following two (2) recommendations pertaining to regulatory exemptions for chiropractors be incorporated. These recommendations are in addition to chiropractors being subject to the risk of harm clause under the *Act*.

Each of these recommendations has been developed based on extensive research and conversation including advice obtained from the College's legal team.

Regulatory Exemption for Members of the College of Chiropractors of Ontario

It is proposed that a regulatory exemption be developed for members of the College of Chiropractors of Ontario for the following reasons:

1. Section 9 (5) 1 of the *Veterinary Professionals Act, 2024* clearly states that regulation language may be developed to allow for "a person who, under the *Chiropractic Act, 1991*, is a member of the College of Chiropractors of Ontario" to carry out any such authorized activities as may be prescribed in accordance with any prescribed guidelines, processes, terms, conditions, limitations, or prohibitions;
2. The College's risk-based research and analysis in the area has indicated that certain chiropractors possess the skills, knowledge, and judgement to safely perform specific authorized activities; and
3. The College of Chiropractors of Ontario recognizes their members ability to practice on animals and is supportive of a regulatory exemption that ties said exemption to their licensing model.

This exemption would apply for chiropractors who are duly registered members of the College of Chiropractors of Ontario in the general class and would be subject to any terms, conditions, or limitations that may exist on their certificate of registration. It would also require chiropractors to comply with all current practice standards of the College of Chiropractors of Ontario including those specific to animal care.

Additional Recommendations for Qualification under Regulatory Exemption

In addition to the requirement to be registered with the College of Chiropractors of Ontario, it is proposed that a regulatory exemption for chiropractors also require adherence with the following guidelines, processes, terms, conditions, limitations, and/or prohibitions:



Recommendation	Reasoning
Has completed at least 200 hours of specific training in animal chiropractic which must have included practical experience.	Specific and formal education in animal chiropractic is required for a chiropractor to upskill their foundational education into practice on animals. As part of this training, it is essential that chiropractors receive hands-on practical experience in the provision of animal chiropractic care.
Has completed at least 35 hours of additional training in chiropractic acupuncture on animals which have included practical experience. ¹	In addition to the formalized training required to be able to safely provide animal chiropractic care, chiropractors require additional training in order to safely provide chiropractic acupuncture on animals.
<p>Has the knowledge, skill, and judgment to:</p> <ol style="list-style-type: none"> 1. Perform the authorized activities safely, effectively, and ethically; and 2. Determine the animal's condition warrants performance of the authorized activity based on the known risks and benefits. 	Recognition of the need for chiropractors to reflect on their own knowledge, skills, and judgement to determine whether to proceed with offering authorized activities is fundamental to ensuring public safety and reflects the core principles of professional regulation.

These recommendations were developed based on an in-depth and multi-year research and jurisdictional review that sought to determine the common and consistent frameworks in place related to education and training for chiropractors in animal care.

Chiropractors would not be required to provide proof of their eligibility related to these qualifications to the College. Instead, chiropractors would be expected to review the regulatory exemption and determine whether they meet the requirements.

Should the College become aware of a chiropractor who is offering authorized activities to the public who may not meet these requirements, the College would have the ability to investigate these concerns including requesting proof of eligibility and adherence and to pursue further action, including reporting of a chiropractor to the College of Chiropractors of Ontario as well as its own ability to investigate under either unauthorized practice and/or the risk of harm clause if warranted.

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¹ This component will only need to be met by chiropractors who seek to provide chiropractic acupuncture on animals.



Authorized Activities Permitted to be Performed by Chiropractors Under Regulatory Exemption

It is proposed that a regulatory exemption for chiropractors permit the following authorized activities (or components of) to be performed in the course of engaging in the practice of chiropractic on animals:

Authorized Activity	Reasoning
<p>Communicating a chiropractic diagnosis identifying as the cause of an animal's symptoms,</p> <p>a. a disorder or dysfunction arising from the structures or functions of the spine and their effects on the nervous system, or</p> <p>b. a disorder or dysfunction arising from the structures or functions of the joints of the extremities.</p>	<p>Communicating a chiropractic diagnosis related to a disorder or dysfunction of the spine or joints is included as part of the scope of practice for chiropractors under the <i>Regulated Health Professionals Act, 1991</i>. Proper communication of these types of diagnoses is intertwined throughout the College of Chiropractors of Ontario's standards of practice.</p> <p>It is important to note that these proposed allowances pertain only to disorders and dysfunctions, and do not allow for any form of diagnosis related to diseases or conditions.</p> <p>Training for the practice of chiropractic on animals is designed to enable chiropractors to recognize when chiropractic care is needed and when an animal's condition is beyond the chiropractic scope of practice limits. The College of Chiropractors of Ontario reflects this training in its own standards for chiropractors who practice on animals and requires its members to refer to a veterinarian for further care including when a medical diagnosis may be required.</p> <p>It would be reasonable to assume that animal owners who seek chiropractic care for their animals expect to receive a chiropractic diagnosis.</p> <p>Examples of this types of diagnoses include:</p> <ul style="list-style-type: none"> • spinal facet joint dysfunction/irritation; • costovertebral joint dysfunction; • sacroiliac dysfunction; and • myofascial restriction.



	Given this, it is recommended that chiropractors be permitted to offer these specific forms of diagnosis.
Performing a procedure on tissue below the dermis for the purpose of administering chiropractic acupuncture.	<p>Chiropractors who have received training in animal chiropractic have the ability to access additional formal and specific training related to the performance of chiropractic acupuncture on animals.</p> <p>This training is specific to animals (in particular dogs and horses) and contains both theoretical and practical elements.</p> <p>Chiropractors would not be permitted to perform this authorized activity unless they have completed this training.</p> <p>In addition, chiropractors who wish to practice chiropractic acupuncture on animals would also be required to meet the College of Chiropractors of Ontario standard of practice related to acupuncture which includes requirements related to public safety, professional liability insurance, and maintaining competency.</p>
Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust.	Moving the joints of the spine is a fundamental aspect of the practice of chiropractic and is one of the skills that are further developed by chiropractors who seek additional training in animal care.
Putting a finger beyond the anus for the purpose of manipulating the tailbone.	Manipulating of the tailbone is another fundamental aspect of the practice of chiropractic and is one of the skills that are further developed by chiropractors who seek additional training in animal care.
<p>Applying or ordering the application of the following forms of energy for therapeutic purposes:</p> <ol style="list-style-type: none"> Class IV lasers; and Radial shockwave when sedation is not required. 	<p>Chiropractors who have received additional training in animal chiropractic also have the ability to access additional formal and specific training related to the use of Class IV lasers and radial shockwave on animals when sedation is not required.</p> <p>The ability for a chiropractor to safely apply these forms of energy has previously been reviewed and approved by Legacy Council through its work</p>

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	<p>related to the use of forms of energy in the treatment and/or care of animals published in 2021 (at that time allowing chiropractors and other non-veterinary animal care providers to apply these modalities upon veterinarian referral). This proposed allowance recognizes this previous work while adapting it to the new proposed model.</p>
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Examples Related to Proposed Regulatory Exemption for Chiropractors

Example One

Scenario

An owner brings their animal to a chiropractor seeking assistance in treating its signs of stiffness in its back.

Explanation

An owner with an elderly animal has started noticing signs of stiffness in their animal's back. They have noticed that this is impairing their animal's movement and brings the animal to a chiropractor who has skills, knowledge, and training in performing chiropractic on animals.

The chiropractor examines the animal and, upon assessment, communicates a chiropractic diagnosis identifying a disorder or dysfunction arising from the structures or functions of the spine and their effects on the nervous system as the cause of an animal's symptoms. Based on this chiropractic diagnosis the chiropractor lays out a treatment plan and begins to treat the animal using the following authorized activities:

- Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust;
- Putting a finger beyond the anus for the purpose of manipulating the tailbone; and
- Applying and ordering the application of a Class IV laser for therapeutic purposes.

The chiropractor continues to provide this treatment over the next several weeks and the animal's condition improves without any additional side effects or concerns.

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Example Two

Scenario

An owner brings their animal to a chiropractor seeking assistance in treating its signs of stiffness in its back.

Explanation

An owner with an elderly animal has started noticing signs of stiffness in their animal's back. They have noticed that this is impairing their animal's movement and brings the animal to a chiropractor who has skills, knowledge, and training in performing chiropractic on animals.

The chiropractor examines the animal and, upon assessment, communicates a chiropractic diagnosis identifying a disorder or dysfunction arising from the structures or functions of the spine and their effects on the nervous system as the cause of an animal's symptoms. Based on this chiropractic diagnosis the chiropractor lays out a treatment plan and begins to treat the animal using the following authorized activities:

- Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust;
- Putting a finger beyond the anus for the purpose of manipulating the tailbone; and
- Applying and ordering the application of a Class IV laser for therapeutic purposes.

The chiropractor continues to provide this treatment over the next several weeks. However, in the course of providing this treatment, the chiropractor notices new signs and symptoms in the animal that are outside of their scope of practice and require medical attention. Given this, the chiropractor ceases providing treatment and refers the animal to a veterinarian member so that it can obtain a medical diagnosis and subsequent treatment.

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Example Three

Scenario

An owner brings their animal to a chiropractor seeking assistance in treating its signs of stiffness in its back.

Explanation

An owner with an elderly animal has started noticing signs of stiffness in their animal's back. They have noticed that this is impairing their animal's movement and brings the animal to a chiropractor who has skills, knowledge, and training in performing chiropractic on animals.

The chiropractor examines the animal and, upon assessment, notes signs and symptoms that are outside their scope of practice and require a medical diagnosis and treatment. Given this, the chiropractor declines treatment and refers the animal to a veterinarian member so that it can obtain a medical diagnosis and subsequent treatment.

Discussion

Transition Council is asked to review the proposed recommendations for regulatory exemption for chiropractors for inclusion in a regulatory concept on the authorized activity model. To aid in this discussion, Transition Council is encouraged to consider the following questions:

- Is there anything unclear or missing in these proposed recommendations?
- Do the proposed recommendations seem logical?
- Do the proposed recommendations raise any concerns?
- Do the proposed recommendations raise any thoughts or considerations related to unintended consequences?

Chiropractic

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

Current Framework Under the *Veterinarians Act*

3 (1) The principal object of the College is to regulate the practice of veterinary medicine and to govern its members in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

Idem

(2) For the purpose of carrying out its principal object, the College has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.
2. To establish, maintain and develop standards of qualification and standards of practice for the practice of veterinary medicine.
3. To establish, maintain and develop standards of professional ethics among its members.
4. To promote public awareness of the role of the College.
5. To perform such other duties and exercise such other powers as are imposed or conferred on the College under any 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.

19. (1) A member is responsible for the conduct of his or her auxiliaries and for the suitability and quality of the performance of their acts. R.R.O. 1990, Reg. 1093, s. 19 (1)

Current Framework in College Policy

The College has two existing policy documents related to Forms of Energy:

[Position Statement: Use of Forms of Energy in the Treatment and/or Care of Animals](#)

[Policy Statement: Use of Forms of Energy in the Treatment and/or Care of Animals](#)

The College has an existing policy document related to Veterinary Acupuncture:

[Position Statement: Veterinary Acupuncture](#)

The College has an existing policy document related to Non-Conventional Therapies:

[Position Statement: Use of Non-Conventional Therapies in the Practice of Veterinary Medicine](#)

Future Framework under the *Veterinary Professionals Act, 2024*

Authorized activities

9 (1) No person shall carry out an authorized activity described in section 1 of Schedule 1 while engaged in the practice of veterinary medicine unless the person is a member.

Limitations

(2) A member may only carry out an authorized activity while engaged in the practice of veterinary medicine and subject to any prescribed conditions or prohibitions and any terms, conditions or limitations imposed on their licence.

Authorized activities — non-members

(3) Despite subsection (1), a person who is not a member may, subject to any prescribed conditions or prohibitions, carry out an authorized activity while engaged in the practice of veterinary medicine if,

- (a) the regulations permit a person who is not a member to carry out the authorized activity; and
- (b) the authorized activity is delegated to that person by a member.

Authorized activities — students

(4) Despite subsections (1) and (3), a student may carry out an authorized activity if the student is doing so while fulfilling the requirements to become a member and the activity is done under the supervision or direction of a veterinarian member.

Authorized activities — professionals

(5) Despite subsections (1) and (3), the following persons may, subject to and in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions, carry out such authorized activities as may be prescribed:

1. A person who, under the *Chiropractic Act, 1991*, is a member of the College of Chiropractors of Ontario.

2. A person who, under the *Pharmacy Act, 1991*, is a member of the Ontario College of Pharmacists.

3. A person who belongs to or practises a prescribed profession or such other persons as may be prescribed.

Risk of harm

11 (1) No person other than a member acting within the scope of the practice of veterinary medicine shall treat an animal, or advise an owner or their representative with respect to an animal's health, in circumstances in which it is reasonably foreseeable that serious bodily harm to an animal or a person may result from the treatment or advice or from an omission from the treatment or advice.

Exceptions

(2) Subsection (1) does not apply with respect to,

- (a) any treatment by a person who is acting under the direction of or in collaboration with a member if the treatment is within the scope of the practice of veterinary medicine;
- (b) an activity carried out by a person if the activity is an authorized activity that was delegated under subsection 9 (3) to the person by a member;
- (c) an activity set out in section 2 of Schedule 1, if the person carrying out the activity is not otherwise prevented to do so under the Act; or
- (d) any prescribed treatment, advice, authorized activity or person

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

1. prescribing and governing anything in this Act that is described as being prescribed, done in accordance with the regulations, provided for in the regulations or authorized or required by the regulations, other than a matter that this Act describes as being prescribed by the Minister or Lieutenant Governor in Council or provided for in regulations made by the Minister or Lieutenant Governor in Council;

7. with respect to authorized activities,

- i. prescribing authorized activities for the purposes of section 9,
- ii. limiting or clarifying the authorized activities,
- iii. permitting or prohibiting veterinary technician members or classes of veterinarian members from carrying out specified authorized activities and governing the circumstances in which those activities may or shall not be carried out, and
- iv. permitting persons who are not members to carry out specified authorized activities and limiting and governing the carrying out of such activities;

8. prescribing exceptions for the purpose of section 10 or 11 or limiting or clarifying the exceptions set out in sections 2 and 3 of Schedule 1;

97 (1) The Council may establish,

(a) standards for veterinary facilities that must be met by an applicant for a certificate of accreditation and maintained by the holder of a certificate of accreditation or other prescribed persons; and

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

Schedule 1
Authorized Activities

Authorized activities

1 The following are authorized activities for the purposes of the Act:

1. Communicating to an individual a diagnosis identifying a disease, disorder, dysfunction or condition as the cause of an animal's signs and presentation in circumstances in which it is reasonably foreseeable that the individual will rely on the diagnosis.
2. Performing a medical assessment to determine the fitness for purpose or soundness of an animal, or group of animals, on which it is reasonably foreseeable that a person or organization will rely on the assessment.
3. Ordering laboratory tests on an animal or on specimens taken from an animal.
4. Prescribing a drug.
5. Compounding, dispensing or selling a drug.
6. Performing a procedure on tissue below the dermis.
7. Performing a procedure below the surface of a mucous membrane.
8. Performing a procedure on or below the surfaces of the teeth, including the scaling of teeth and occlusal equilibration.
9. Performing a procedure on or below the surface of the cornea.
10. Setting, immobilizing or casting a fracture of a bone or a dislocation of a joint or a severed tendon.
11. Administering a substance by injection or inhalation, or monitoring of such injection or inhalation.
12. Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust.
13. Putting an instrument, arm, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the point in the nasal passages where they normally narrow,

- iii. beyond the larynx,
 - iv. beyond the opening of the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anus or cloaca, or
 - vii. into any other natural or artificial opening into the body.
14. Applying or ordering the application of a prescribed form of energy.
15. Performing upon an animal any manual procedure for the diagnosis or treatment of pregnancy, sterility or infertility, inclusive of ova and embryo transfer.
16. Performing allergy testing.
17. Such other authorized activities as may be prescribed.

Exceptions

2 The following are exceptions for the purposes of sections 10 and 11 of the Act:

- 1. Rendering first aid or temporary assistance in an emergency without fee.
- 2. Treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal.
- 3. The administration of a treatment plan by a custodian of an animal if the treatment plan is made by a veterinarian member and carried out at the direction of the owner.
- 4. Taking blood samples.
- 5. Preventing or treating fish and invertebrate diseases or pests in fish or invertebrates.
- 6. Such other exceptions as may be prescribed.

Same

3 The following are exceptions for the purposes of section 10 of the Act:

- 1. Collecting or using semen as part of a business that engages in the artificial insemination of livestock.
- 2. Implantation of embryos as part of a business that engages in the artificial insemination of livestock.
- 3. Confirmation of pregnancy in domesticated farm animals of the genus ovis or capra through ultrasound conducted on the surface of the skin.
- 4. Confirmation of pregnancy in livestock through blood or milk analysis as part of a business.

5. Administration of heat synchronisation injections to livestock as part of a business that engages in the artificial insemination of livestock.
6. Collecting or transporting ova and embryos of animals other than mammals.
7. Non-surgical insemination.
8. Artificial insemination of invertebrates.
9. Such other exceptions as may be prescribed.



AGENDA ITEM 6.3

TOPIC: Pharmacists

Overview

Section 9 of the *Veterinary Professionals Act, 2024* establishes the legislative authority for the development of an authorized activity model for the practice of veterinary medicine in Ontario. This framework is further supported by Schedule One of the *Act*, where a list of seventeen (17) authorized activities is outlined.

The *Veterinary Professionals Act, 2024* permits the development of regulatory exemptions related to the authorized activity model.

The College is permitted to develop regulatory exemptions through a combination of the statutory wording outlined in Sections 9 (5) and the regulation-making power contained in Section 93 (1) 7. of the *Act* that allows the College to outline persons (who may also be professionals) who may carry out specified authorized activities in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions.

This cover sheet outlines proposed recommendations related to a regulatory exemption for pharmacists for inclusion in a regulatory concept on the authorized activity model.

Relevant Sections

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

History of the College’s Work Related to Regulatory Exemptions and Pharmacists

Current Framework

The *Veterinarians Act* and Regulation 1093 currently outline an exclusive scope of practice model for veterinary medicine. This means that unless otherwise specifically stated, veterinary medicine may only be performed by a veterinarian or an auxiliary working under their supervision and delegation.



Through a combination of the legislative and regulatory frameworks established by the *Food and Drug Act* (federal), the *Drug and Pharmacy Regulation Act* (provincial) and the *Veterinarians Act* (provincial) licensed pharmacists are permitted to dispense, compound and sell drugs for animals in accordance with a veterinary prescription. The Ontario College of Pharmacists recognizes this allowance and assumes professional responsibility over their members when they are providing these services.

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 which outlined a proposed shift away from an exclusive scope of practice model in favour of an authorized activity model. As part of these recommendations, the Concept Paper acknowledged the role that pharmacists have in dispensing, and compounding and selling drugs for use in animals and sought to continue this allowance under the new proposed system.

This recommendation was made after several rounds of consideration and conversation amongst both the College's Working Groups and Legacy Council, including extensive background research and two rounds of public consultation.

The *Veterinary Professionals Act, 2024* reflects this recommendation (including naming members of the Ontario College of Pharmacists as a specific type of person to qualify for regulatory exemptions) and Transition Council is now in the position to develop a proposed regulatory concept related to the authorized activity model that contains recommendations related to a regulatory exemption for pharmacists.

What Will This Look Like?

Pharmacists who meet the guidelines, processes, terms, conditions, limitations, and/or prohibitions outlined in regulation will be permitted to perform certain authorized activities related to animals. The ability to perform these authorized activities will be independent from a veterinarian member and the public will be able to directly access these services.

Additional Work Completed to Help Inform Regulation Development

In preparation for the potential inclusion of a regulatory exemption in the authorized activity model, the College undertook a research and risk-based review and assessment of the practice of pharmacy on animals. This process also included ongoing engagement either directly or indirectly (through review of submitted materials) with several interested parties, most notably the:

- Ontario College of Pharmacists;
- Ontario Pharmacy Association;



- Competition Bureau; and
- Direct conversations with veterinarians and pharmacists in Ontario.

In completing this work, it became clear that there was a need to ensure the ongoing ability for pharmacists to dispense, compound, and sell drugs for animals in accordance with a veterinary prescription. It also became clear that the current approach to these allowances was more convoluted than necessary (with multiple Acts and regulations stating different aspects of the entire system) and that a clear and straightforward allowance outlined in regulation would assist with clarity and transparency for both the professions and the public related to what is permissible.

Further, it became apparent that the public remains highly vested and interested in their ability to obtain veterinary drugs from pharmacists especially related to ensuring access to care options.

These lenses facilitated the gathering of necessary insight into the different areas of consideration and helped to inform the development of the recommendations contained in this cover sheet.

Proposed Recommendations Related to a Regulatory Exemption for Pharmacists

Within the regulatory concept related to the authorized activity model, it is proposed that the following three (3) recommendations pertaining to a regulatory exemption for pharmacists be incorporated. These recommendations are in addition to pharmacists being subject to the risk of harm clause under the *Act*.

Each of these recommendations has been developed based on extensive research and conversation including advice obtained from the College's legal team.

Regulatory Exemption for Members of the Ontario College of Pharmacists

It is proposed that a regulatory exemption be developed for members of the Ontario College of Pharmacists for the following reasons:

1. Section 9 (5) 2 of the *Veterinary Professionals Act, 2024* clearly states that regulation language may be developed to allow for "a person who, under the *Pharmacy Act, 1991*, is a member of the Ontario College of Pharmacists" to carry out any such authorized activities as may be prescribed in accordance with any prescribed guidelines, processes, terms, conditions, limitations, or prohibitions;



2. The College’s risk-based research and analysis in the area has indicated that certain pharmacists possess the skills, knowledge, and judgement to safely perform specific authorized activities; and
3. The Ontario College of Pharmacists recognizes their members’ ability to practice on animals and is supportive of a regulatory exemption that ties said exemption to their licensing model.

This exemption would apply for pharmacists who are duly registered members of the Ontario College of Pharmacists in Part A of the Pharmacist Class and would be subject to any terms, conditions, or limitations that may exist on their licence. It would also require pharmacists to comply with all practice standards of the Ontario College of Pharmacists including any specific to animal care (if applicable).

Additional Recommendations for Qualification under Regulatory Exemption

In addition to the requirement to be registered with the College of Pharmacists of Ontario, it is proposed that a regulatory exemption for pharmacists also require adherence with the following guidelines, processes, terms, conditions, limitations, and/or prohibitions:

Recommendations	Reasoning
<ol style="list-style-type: none"> 1. That the permitted authorized activities only be performed upon receipt of a prescription from a veterinarian member. 2. That the pharmacist make no therapeutic substitutions for the veterinary prescription. 3. That the pharmacist make no adaptations to the veterinary prescription. 4. That the pharmacist provide no information or education relating to drug use where the provision of the information requires therapeutic knowledge, clinical analysis or clinical assessment.¹ 	<p>The education and training that pharmacists receive enables them to safely dispense, compound, and sell drugs for use in animals. However, since this training is fundamentally based in human medicine, most pharmacists do not have the skills, knowledge, or training to offer services to animals outside of drug disbursement. Given this, it is proposed that pharmacists to be required to adhere to veterinary prescriptions as written and to either directly connect with the veterinarian who provided the prescription (in instances of substitutions or adaptations) or refer animal owners back to their veterinarian when additional information or guidance is required or requested.</p>

These recommendations were developed based on an in-depth and multi-year research and

¹ This recommendation is based on existing Alberta College of Pharmacy Standards, which limit pharmacists to the activities of compounding, dispensing, and selling drugs for animals; and the prescribing of drugs for the purpose of renewing a prescription to dispense a Schedule 1 drug or Schedule 2 drug to ensure continuity of care.



jurisdictional review and seek to reflect the common and consistent frameworks in place related to education and training for pharmacists in animal care. These recommendations were also designed to reflect the longstanding regulatory system that has overseen pharmacists practice in this area.²

Pharmacists would not be required to provide proof of their eligibility related to these qualifications to the College. Instead, pharmacists would be expected to review the regulatory exemption and determine whether they meet the requirements.

Should the College become aware of a pharmacist who is offering authorized activities to the public who may not meet these requirements, the College would have the ability to investigate these concerns including requesting proof of eligibility and adherence and to pursue further action including reporting of a pharmacist to the Ontario College of Pharmacists as well as its own ability to investigate under either unauthorized practice and/or the risk of harm clause if warranted.

Authorized Activities Permitted to be Performed by Pharmacists under Regulatory Exemption

It is proposed that a regulatory exemption for pharmacists permit the following authorized activities (or components of) to be performed in the course of engaging in the practice of pharmacy on animals:

Authorized Activity	Reasoning
Compounding, dispensing, or selling a drug.	Pharmacists are currently able to provide these authorized activities, and this permission would be a continuation of the current framework.
Dispensing a drug for the purpose of renewing a veterinary prescription if, <ul style="list-style-type: none"> a. The quantity of the drug does not exceed the lesser of: <ul style="list-style-type: none"> i. The quantity that was originally prescribed, excluding any refills that were authorized by the veterinarian member; or ii. A one (1) month supply. 	In recognition of the public’s desire for access to care options and in recognition of the increasing demands on veterinary services it is proposed that pharmacists be able to temporarily renew a veterinary prescription. Pharmacists would be required to notify the veterinarian member of the renewal in accordance with standards already established by the Ontario College of Pharmacists.

² In particular, language related to knowledge, skill, and judgement requirements was not included for pharmacists in recognition that this has long been a well-established and legally tested expectation for pharmacists offering services to animals under the Ontario College of Pharmacists.



<p>b. The drug is not a controlled substance or an antimicrobial.</p>	<p>Renewals would not be permissible for controlled substances to reflect the safeguards already in place for human prescriptions.</p> <p>Renewals would also not be permissible for antimicrobials (which includes antibacterials) in recognition of the importance of drug stewardship as well as additional specific requirements related to use of antimicrobials in animals, such as withholding times.</p>
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Examples Related to a Proposed Regulatory Exemption for Pharmacists

Example One

Scenario

A client provides a pharmacist with a written prescription issued by a veterinarian.

Explanation

A pharmacist working in an accredited pharmacy in Ontario is presented with a written veterinary prescription by a client.

The pharmacist reviews the prescription and determines that they carry the specific medication and can fill and dispense the medication to the client without any therapeutic substitutions or adaptations. They also confirm with the client that the veterinarian who provided the prescription explained how to administer the medication and any potential side effects of the medication. Given this, the pharmacist carries out the following authorized activity:

- Dispensing a drug.

The pharmacist provides the drug to the client and instructs them to follow-up with their veterinarian should they have any questions or concerns.

(continued on next page)



Example Two

Scenario

A client provides a pharmacist with a written prescription issued by a veterinarian.

Explanation

A pharmacist working in an accredited pharmacy in Ontario receives a written veterinary prescription from a client of a local veterinary clinic.

Upon review of the prescription, the pharmacist notices that the medication prescribed by the veterinarian is on long-term back order and is unavailable for dispensing. They proceed to contact the veterinarian listed on the prescription to discuss options. After consulting with the veterinarian, the pharmacist receives a new prescription from the veterinarian for a different medication and, after confirming with the client that the veterinarian who provided the prescription explained how to administer the medication and any potential side effects of the medication proceeds to carry out the following authorized activity:

- Dispensing a drug.

The pharmacist provides the drug to the client and instructs them to follow-up with their veterinarian should they have any questions or concerns.

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Example Three

Scenario

A client that a pharmacist has previously dispensed a drug to, based on a veterinary prescription, requests a refill in advance of an upcoming appointment with their veterinarian of record.

Explanation

A pharmacist has previously dispensed a drug based on a veterinary prescription. The client returns to the pharmacy and requests a refill of the drug as they are out of their supply and the next available appointment at their veterinary clinic is two weeks away.

Upon review of the original prescription, the pharmacist determines that the drug is neither a controlled substance or an antibacterial and that the last prescription was for a three-week supply. Based on this, the pharmacist carries out the following authorized activity:

- Dispensing a drug for the purpose of renewing a veterinary prescription.

The pharmacist provides the drug to the client and instructs them to follow-up with their veterinarian should they have any questions or concerns. They also directly inform the veterinarian that they have refilled the prescription including the amount that they dispensed.

Discussion

Transition Council is asked to review the proposed recommendations for regulatory exemption for pharmacists for inclusion in a regulatory concept on the authorized activity model. To aid in this discussion, Transition Council is encouraged to consider the following questions:

- Is there anything unclear or missing in these proposed recommendations?
- Do the proposed recommendations seem logical?
- Do the proposed recommendations raise any concerns?
- Do the proposed recommendations raise any thoughts or considerations related to unintended consequences?

Pharmacy

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

Current Framework Under the *Veterinarians Act*

1 (1) In this Act,

“drug” means drug as defined in subsection 117 (1) of the *Drug and Pharmacies Regulation Act*; (“médicament”)

3 (1) The principal object of the College is to regulate the practice of veterinary medicine and to govern its members in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

Idem

(2) For the purpose of carrying out its principal object, the College has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.
2. To establish, maintain and develop standards of qualification and standards of practice for the practice of veterinary medicine.
3. To establish, maintain and develop standards of professional ethics among its members.
4. To promote public awareness of the role of the College.
5. To perform such other duties and exercise such other powers as are imposed or conferred on the College under any 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
9. Regulating the compounding, dispensing and sale of drugs by members of the College, and the containers and labelling of drugs compounded, dispensed or sold by members, and prescribing the records that shall be kept in respect of such compounding, dispensing and sale.

11 (1) No person shall engage in the practice of veterinary medicine or hold himself, herself or itself out as engaging in the practice of veterinary medicine unless the person is the holder of a licence. R.S.O. 1990, c. V.3, s. 11 (1).

Application of Drug and Pharmacies Regulation Act

(6) The *Drug and Pharmacies Regulation Act* does not apply to prevent a person who holds a licence from compounding, dispensing or selling drugs in the course of engaging in the practice of veterinary medicine. R.S.O. 1990, c. V.3, s. 11 (6); 1998, c. 18, Sched. G, s. 73 (5).

Sale of drugs

(7) Regulations made under the *Animal Health Act, 2009* do not apply to prevent a person who holds a licence from selling a drug in the course of engaging in the practice of veterinary medicine to an owner of livestock for the treatment of livestock. 2009, c. 31, s. 71.

Current Framework Under Regulation 1093

Additional rules related to veterinary prescribing and dispensing are outlined in Sections 23-33.

Current Framework in College Policy

The College has several policy documents related to the prescribing and dispensing of drugs:

1. [Professional Practice Standard: Prescribing a Drug](#)
2. [Guide to the Professional Practice Standard: Prescribing a Drug](#)
3. [Professional Practice Standard: Dispensing a Drug](#)
4. [Guide to the Professional Practice Standard: Dispensing a Drug](#)
5. [Professional Practice Standard: Management and Disposal of Controlled Drugs](#)
6. [Guide to the Professional Practice Standard: Management and Disposal of Controlled Drugs](#)
7. [Professional Practice Standard: Use of Compounded Drugs in Veterinary Medicine](#)
8. [Guide to the Professional Practice Standard: Use of Compounded Drugs in Veterinary Medicine](#)
9. [Professional Practice Standard: Extra-Label Drug Use](#)
10. [Guide to the Professional Practice Standard: Extra-Label Drug Use](#)

Future Framework under the *Veterinary Professionals Act, 2024*

Authorized activities

9 (1) No person shall carry out an authorized activity described in section 1 of Schedule 1 while engaged in the practice of veterinary medicine unless the person is a member.

Limitations

(2) A member may only carry out an authorized activity while engaged in the practice of veterinary medicine and subject to any prescribed conditions or prohibitions and any terms, conditions or limitations imposed on their licence.

Authorized activities — non-members

(3) Despite subsection (1), a person who is not a member may, subject to any prescribed conditions or prohibitions, carry out an authorized activity while engaged in the practice of veterinary medicine if,

(a) the regulations permit a person who is not a member to carry out the authorized activity; and

(b) the authorized activity is delegated to that person by a member.

Authorized activities — students

(4) Despite subsections (1) and (3), a student may carry out an authorized activity if the student is doing so while fulfilling the requirements to become a member and the activity is done under the supervision or direction of a veterinarian member.

Authorized activities — professionals

(5) Despite subsections (1) and (3), the following persons may, subject to and in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions, carry out such authorized activities as may be prescribed:

1. A person who, under the *Chiropractic Act, 1991*, is a member of the College of Chiropractors of Ontario.

2. A person who, under the *Pharmacy Act, 1991*, is a member of the Ontario College of Pharmacists.

3. A person who belongs to or practises a prescribed profession or such other persons as may be prescribed.

Collaboration

(6) When developing a proposal for regulations in relation to subsection (5), the College shall take reasonable steps to consult with such professions as would be addressed in those regulations and shall report to the Minister on the outcome of those consultations.

Exceptions

10 (1) Subsection 9 (1) does not apply to prevent a person from carrying out an activity described in sections 2 and 3 of Schedule 1.

Application of Drug and Pharmacies Regulation Act

(2) The *Drug and Pharmacies Regulation Act* does not apply to prevent a member from compounding, dispensing or selling drugs in the course of engaging in the practice of veterinary medicine.

Sale of drugs

(3) Regulations made under the *Animal Health Act, 2009* do not apply to prevent a member from selling a drug in the course of engaging in the practice of veterinary medicine to an owner of livestock for the treatment of livestock.

Risk of harm

11 (1) No person other than a member acting within the scope of the practice of veterinary medicine shall treat an animal, or advise an owner or their representative with respect to an animal's health, in circumstances in which it is reasonably foreseeable that serious bodily harm to an animal or a person may result from the treatment or advice or from an omission from the treatment or advice.

Exceptions

(2) Subsection (1) does not apply with respect to,

- (a) any treatment by a person who is acting under the direction of or in collaboration with a member if the treatment is within the scope of the practice of veterinary medicine;
- (b) an activity carried out by a person if the activity is an authorized activity that was delegated under subsection 9 (3) to the person by a member;
- (c) an activity set out in section 2 of Schedule 1, if the person carrying out the activity is not otherwise prevented to do so under the Act; or
- (d) any prescribed treatment, advice, authorized activity or person

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

1. prescribing and governing anything in this Act that is described as being prescribed, done in accordance with the regulations, provided for in the regulations or authorized or required by the regulations, other than a matter that this Act describes as being prescribed by the Minister or Lieutenant Governor in Council or provided for in regulations made by the Minister or Lieutenant Governor in Council;

7. with respect to authorized activities,

- i. prescribing authorized activities for the purposes of section 9,
- ii. limiting or clarifying the authorized activities,
- iii. permitting or prohibiting veterinary technician members or classes of veterinarian members from carrying out specified authorized activities and governing the circumstances in which those activities may or shall not be carried out, and
- iv. permitting persons who are not members to carry out specified authorized activities and limiting and governing the carrying out of such activities;

8. prescribing exceptions for the purpose of section 10 or 11 or limiting or clarifying the exceptions set out in sections 2 and 3 of Schedule 1;

97 (1) The Council may establish,

(a) standards for veterinary facilities that must be met by an applicant for a certificate of accreditation and maintained by the holder of a certificate of accreditation or other prescribed persons; and

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

Schedule 1
Authorized Activities

Authorized activities

1 The following are authorized activities for the purposes of the Act:

1. Communicating to an individual a diagnosis identifying a disease, disorder, dysfunction or condition as the cause of an animal's signs and presentation in circumstances in which it is reasonably foreseeable that the individual will rely on the diagnosis.
2. Performing a medical assessment to determine the fitness for purpose or soundness of an animal, or group of animals, on which it is reasonably foreseeable that a person or organization will rely on the assessment.
3. Ordering laboratory tests on an animal or on specimens taken from an animal.
4. Prescribing a drug.
5. Compounding, dispensing or selling a drug.
6. Performing a procedure on tissue below the dermis.
7. Performing a procedure below the surface of a mucous membrane.
8. Performing a procedure on or below the surfaces of the teeth, including the scaling of teeth and occlusal equilibration.
9. Performing a procedure on or below the surface of the cornea.
10. Setting, immobilizing or casting a fracture of a bone or a dislocation of a joint or a severed tendon.
11. Administering a substance by injection or inhalation, or monitoring of such injection or inhalation.
12. Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust.
13. Putting an instrument, arm, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the point in the nasal passages where they normally narrow,
 - iii. beyond the larynx,
 - iv. beyond the opening of the urethra,
 - v. beyond the labia majora,

- vi. beyond the anus or cloaca, or
 - vii. into any other natural or artificial opening into the body.
14. Applying or ordering the application of a prescribed form of energy.
 15. Performing upon an animal any manual procedure for the diagnosis or treatment of pregnancy, sterility or infertility, inclusive of ova and embryo transfer.
 16. Performing allergy testing.
 17. Such other authorized activities as may be prescribed.

Exceptions

2 The following are exceptions for the purposes of sections 10 and 11 of the Act:

1. Rendering first aid or temporary assistance in an emergency without fee.
2. Treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal.
3. The administration of a treatment plan by a custodian of an animal if the treatment plan is made by a veterinarian member and carried out at the direction of the owner.
4. Taking blood samples.
5. Preventing or treating fish and invertebrate diseases or pests in fish or invertebrates.
6. Such other exceptions as may be prescribed.

Same

3 The following are exceptions for the purposes of section 10 of the Act:

1. Collecting or using semen as part of a business that engages in the artificial insemination of livestock.
2. Implantation of embryos as part of a business that engages in the artificial insemination of livestock.
3. Confirmation of pregnancy in domesticated farm animals of the genus ovis or capra through ultrasound conducted on the surface of the skin.
4. Confirmation of pregnancy in livestock through blood or milk analysis as part of a business.
5. Administration of heat synchronisation injections to livestock as part of a business that engages in the artificial insemination of livestock.
6. Collecting or transporting ova and embryos of animals other than mammals.
7. Non-surgical insemination.

8. Artificial insemination of invertebrates.
9. Such other exceptions as may be prescribed.



AGENDA ITEM 6.4

TOPIC: Animal Rehabilitation

Overview

Section 9 of the *Veterinary Professionals Act, 2024* establishes the legislative authority for the development of an authorized activity model for the practice of veterinary medicine in Ontario. This framework is further supported by Schedule One of the *Act*, where a list of seventeen (17) authorized activities is outlined.

The *Veterinary Professionals Act, 2024* also permits the development of regulatory exemptions related to the authorized activity model.

The College is permitted to develop regulatory exemptions through a combination of the statutory wording outlined in Sections 9 (5) and the regulation-making power contained in Section 93 (1) 7. of the *Act* that allows the College to outline persons (who may also be professionals) who may carry out specified authorized activities in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions.

This cover sheet outlines proposed recommendations related to a regulatory exemption for animal rehabilitation for inclusion in a regulatory concept on the authorized activity model.

Relevant Sections

An overview of the relevant sections of legislation, regulation, by-law, and policy related to the non-veterinary animal care providers such as those providing animal rehabilitation (both current and future) has been attached to this cover sheet as Appendix “A”.

History of the College’s Work Related to Regulatory Exemptions and Animal Rehabilitation

Current Framework

The *Veterinarians Act* and Regulation 1093 currently outline an exclusive scope of practice model for veterinary medicine. This means that unless otherwise specifically stated, veterinary medicine may only be performed by a veterinarian or an auxiliary working under their supervision and delegation.



There are no current specific exceptions or exemptions related to animal rehabilitation within the *Veterinarians Act* or Regulation 1093. However, in recent years, the College has been researching and promoting the importance of interprofessional collaboration between veterinary and non-veterinary animal care providers, including through Legacy Council's work on forms of energy, non-conventional therapies, and shared care in animal rehabilitation.

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 which outlined a proposed shift away from an exclusive scope of practice model in favour of an authorized activity model. As part of these recommendations, the Concept Paper acknowledged animal care as a system that included both veterinary and non-veterinary animal care providers, the latter of which can, and do, provide lower-risk therapies and services to animals upon client request and without veterinary oversight. Many of these activities fall outside of the authorized activity model but others cross over. The Concept paper recognized this overlap and recommended a system be developed that could properly address these circumstances.

These recommendations were made after several rounds of consideration and conversation amongst both the College's Working Groups and Legacy Council, including extensive background research and two rounds of public consultation.

The *Veterinary Professionals Act, 2024* reflects these recommendations and Transition Council is now in the position to develop a proposed regulatory concept related to the authorized activity model that contains recommendations related to a regulatory exemption for animal rehabilitation.

What Will This Look Like?

Persons who meet the guidelines, processes, terms, conditions, limitations, and/or prohibitions outlined in regulation will be permitted to perform certain authorized activities related to animals. The ability to perform these authorized activities will be independent from a veterinarian member and the public will be able to directly access these services.

Additional Work Completed to Help Inform Regulation Development

Overview

The topic of animal rehabilitation was only briefly mentioned in the College's 2018 Concept Paper as part of the overall system of animal care that the new proposed model sought to reflect. However, following the publication of this Concept Paper, the College continued to conduct a research and risk-based review of this area of animal care to ensure a well-rounded



understanding of the environment. This process also included ongoing engagement with several interested parties, most notably the:

- College of Physiotherapists of Ontario;
- College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario;
- Ontario Association of Veterinary Technicians;
- The Ontario Physiotherapy Association;
- The Animal Rehabilitation Division of the Canadian Physiotherapy Association;
- Traditional Chinese Medicine Ontario;
- Shared Care in Animal Rehabilitation Working Group; and
- Direct conversations with veterinarians, registered veterinary technicians, chiropractors, and physiotherapists offering services in this area.

From this work, it became evident there were two main groups in this area.

Providers with Human-Based Training and Additional Skillsets in Animal Rehabilitation

The first main group was non-veterinary animal care providers who had core education and training in human medicine who had sought additional education and training in animal rehabilitation. In reviewing this group of providers, it became clear that there are many shared foundations and characteristics that are found both in the practice of veterinary medicine and other human-based professions such as physiotherapy. These foundations and characteristics can be both clinical and non-clinical in nature and reflect the overarching goal of every health-related profession to provide the best care possible for their patients.

Despite these similarities, however, it also became clear that there are fundamental differences that separate veterinary and human-based care. These differences start at the point of education (where a foundational focus on a single species vs. a multi-species curriculum is evident) and continue throughout the development of a person's professional skills including those related to anatomy, physiology, pathology, pharmacology, toxicology, nutrition, microbiology, and public health. Additional skillsets are then built upon these foundations.

To aid in this consideration, the College acknowledged that it was important to consider both the type of activity and the type of provider and to conduct a risk-based and evidence-informed analysis focused on determining whether there was enough evidence and safeguards in place to support a recommendation for regulatory exemption that would ensure safe delivery of services to the public. This included a multi-pronged approach that sought to answer the following questions:



Questions Related to the Authorized Activity
<ul style="list-style-type: none"> • What authorized activity is under consideration? • Is the request related to performance of the authorized activity in its entirety or a portion of it? • If the request relates to a portion – can it easily be defined or parsed out? • Does the request require additional definitions, concepts, or context be provided in order to be fully understood and/or outlined?
Questions Related to the Provider of the Authorized Activity
<ul style="list-style-type: none"> • Does the request seek a specific provider(s) for the authorized activity? • Who is the provider? Can they be easily identified? Referred to? • What level of education, assessments, and training does the provider have? <ul style="list-style-type: none"> ○ Who provides it? Validates it? ○ Is it non-human specific? • How does the provider ensure currency in their education, assessments, and training? <ul style="list-style-type: none"> ○ Who provides it? Validates it? ○ Is it non-human specific? • Who is the provider accountable to? <ul style="list-style-type: none"> ○ Does this accountability extend to non-humans? ○ Has it ever been tested?
Questions Related to the Performance of the Authorized Activity
<ul style="list-style-type: none"> • What is the level of risk of harm or potential harm to the animal and/or provider associated with the performance of the authorized activity? • Does the activity require sedation? • Does the activity cause or induce pain or discomfort? • Is the performance of the activity researched and validated? • What is the level of risk of adverse event if the activity is improperly performed?
Questions Related to the Authorized Activity and Public Expectation
<ul style="list-style-type: none"> • What does the public expect when seeking this authorized activity? • Does the request properly and/or sufficiently address these expectations? • Could the request cause unnecessary confusion for the public?

Further, the College recognized that unlike other human-based regulatory colleges that assumed oversight of their members practice on animals, (such as chiropractors and pharmacists) many of the non-veterinary animal care providers working in animal rehabilitation were associated with professions (such as physiotherapy and traditional Chinese medicine) that only provided regulatory oversight and accountability related to practice on humans. This meant that the College could not propose recommendations that tied allowances to either licensure/registration or protected title and so there was a need to develop recommendations based solely on what skills, knowledge, and judgement a person may possess.



Providers with Veterinary-based Training and Additional Skillsets in Animal Rehabilitation

The second main group was persons who possessed core education and training in veterinary medicine who had sought additional education and training in animal rehabilitation. Many of these providers were identified as registered veterinary technicians but others were persons who had completed veterinary technician training but had not pursued examination and/or registration with the Ontario Association of Veterinary Technicians.

In reviewing this group of providers, it became clear that many of these persons would be able to access the ability to perform authorized activities through licensure with the College. However, others may not qualify for or choose not to pursue licensure (for example, if they wish to continue to independently operate outside of the accredited facility model) and so the College was cognizant of ensuring that these persons still possessed options for continuing to provide animal rehabilitation.

These lenses facilitated the gathering of necessary insight into the different areas of consideration related to animal rehabilitation and helped to inform the development of the recommendations contained in this cover sheet.

Proposed Recommendations Related to a Regulatory Exemption for Animal Rehabilitation

Within the regulatory concept related to the authorized activity model, it is proposed that the three (3) recommendations pertaining to a regulatory exemption for animal rehabilitation be incorporated. These recommendations are in addition to persons offering animal rehabilitation being subject to the risk of harm clause under the *Act*.

Each of these recommendations has been developed based on extensive research and conversation including advice from the College's legal team.

Regulatory Exemption for Providers of Animal Rehabilitation

It is proposed that a regulatory exemption be developed for providers of animal rehabilitation for the following reasons:

1. Section 9 (5) 3 of the *Veterinary Professionals Act, 2024* clearly states that regulation language may be developed to allow for "A person who belongs to or practises a prescribed profession or such other persons as may be prescribed" to carry out any such authorized activities as may be prescribed in accordance with any prescribed guidelines, processes, terms, conditions, limitations, or prohibitions; and



2. The College's risk-based research and analysis in the area has indicated that certain providers possess the skills, knowledge, and judgement to safely perform specific authorized activities.

Recommendations for Qualifications Under Regulatory Exemption

It is proposed that a regulatory exemption related to animal rehabilitation require a person to adhere with the following guidelines, processes, terms, conditions, limitations, and/or prohibitions:

Recommendation	Reasoning
Has formal, recognized education in either animal or human anatomy that garners entry into a profession in animal or human medicine.	A foundational education in either human or animal anatomy is required to facilitate the development of additional skillsets related to animal rehabilitation.
Has completed at least 125 hours of training in animal rehabilitation which must have included practical experience.	Specific and formal training in animal rehabilitation is required for a person to upskill their foundational education. As part of this training, it is essential that a person receive hands-on practical experience in the provision of animal rehabilitation.
Has completed at least 35 hours of additional training in therapeutic acupuncture on animals which must have included practical experience. ¹	In addition to the formalized training required to safely provide animal rehabilitation, a person requires additional training in order to safely provide therapeutic acupuncture on animals.
Has the knowledge, skill, and judgement to: <ol style="list-style-type: none"> 1. Perform the authorized activity safely, effectively, and ethically; and 2. Determine the animal's condition warrants performance of the authorized activity based on the known risks and benefits. 	Recognition of the need for a person to reflect on their own knowledge, skills, and judgement when determining whether to proceed with offering an authorized activity is fundamental to ensuring public safety and reflects the core principles of professional regulation.
Ensures appropriate coordination and consultation with a veterinarian member in the delivery of animal rehabilitation including making referrals when required.	Requiring a person to coordinate with and/or refer when an animal(s) or group of animals' needs are best addressed in collaboration with a veterinarian member reflects the public interest and ensures that any signs and symptoms best addressed through medical

¹ This component will only need to be met by animal rehabilitation providers who seek to provide therapeutic acupuncture on animals.



	diagnosis are offered appropriate pathways for care.
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These recommendations were developed based on an in-depth and multi-year research and jurisdictional review that sought to determine the common and consistent frameworks in place related to the performance of these activities in Ontario.

A person would not be required to provide proof of their eligibility related to these qualifications to the College. Instead, a person would be expected to review the statutory exception and regulatory exemption in combination and determine whether they meet the requirements.

Should the College become aware of a person who is offering animal rehabilitation to the public who may not meet these requirements, the College would have the ability to investigate these concerns including requesting proof of eligibility and adherence and to pursue further action including the ability investigate under either unauthorized practice and/or the risk of harm clause if warranted.

Authorized Activities Permitted to be Performed by Persons Offering Animal Rehabilitation Under Regulatory Exemption

It is proposed that a regulatory exemption related to animal rehabilitation permitted a person to perform the following authorized activities (or components of):

Authorized Activity	Reasoning
Performing a procedure on tissue below the dermis for the purpose of administering therapeutic acupuncture.	<p>A person who has received training in animal rehabilitation also has the ability to access additional formal and specific training related to the performance of therapeutic acupuncture on animals.</p> <p>This training is specific to animals (in particular dogs and horses) and contains both theoretical and practical elements.</p> <p>A person would not be permitted to perform this authorized activity unless they have completed this training.</p>
<p>Applying and ordering the following forms of energy for therapeutic purposes:</p> <ul style="list-style-type: none"> a. Class IV lasers; and b. Radial shockwave when sedation is not required. 	Part of the training for animal rehabilitation includes education in the use of certain forms of energy on animals, in particular Class IV lasers and radial shockwave when sedation is not required.



	<p>The ability for a person to safely apply these forms of energy has previously been reviewed and approved by Legacy Council through its work related to the use of forms of energy in the treatment and/or care of animals published in 2021 (at that time allowing non-veterinary animal care providers to apply these modalities upon veterinarian referral). This proposed allowance recognizes this previous work while adapting it to the new proposed model.</p>
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A Note on Clinical Assessment

The recommendations outlined in this cover sheet are not intended to prevent non-veterinary animal care providers from performing a clinical assessment as this is separate activity from making or communicating a diagnosis.

For clarity, a clinical assessment is completed by gathering information based on an animal(s) or group of animals' history, symptom presentation, and potential treatment and goals. Clinical assessments are achieved through active interview of a client regarding the animal(s) or group of animals, and objective standardized tests and measurements.

A diagnosis is achieved through confirmation of presenting criteria to determine cause. These criteria are based upon symptoms, signs, test results, and in some cases the initial result of treatment.

(continued on next page)



Examples Related to a Proposed Regulatory Exemption for Non-Veterinary Animal Care Providers in Animal Rehabilitation

Example One

Scenario

An owner brings their animal to a non-veterinary animal care provider trained in animal rehabilitation seeking assistance in treating stiffness.

Explanation

An owner with an elderly animal has started noticing signs of stiffness in their animal. They have noticed that this is impairing their animal's movement and brings the animal to a non-veterinary animal care provider who has skills, knowledge, and training in providing animal rehabilitation.

The non-veterinary animal care provider examines the animal and, upon assessment, lays out a treatment plan and begins to treat the animal using the following authorized activity:

- Applying and ordering the application of a Class IV laser for therapeutic purposes.

The non-veterinary animal care provider continues to provide this treatment over the next several weeks and the animal's condition improves without any additional side effects or concerns.

Discussion

Transition Council is asked to review the proposed recommendations for regulatory exemption for animal rehabilitation for inclusion in a regulatory concept on the authorized activity model. To aid in this discussion, Transition Council is encouraged to consider the following questions:

- Is there anything unclear or missing in these proposed recommendations?
- Do the proposed recommendations seem logical?
- Do the proposed recommendations raise any concerns?
- Do the proposed recommendations raise any thoughts or considerations related to unintended consequences?

Animal Rehabilitation

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

Current Framework Under the *Veterinarians Act*

3 (1) The principal object of the College is to regulate the practice of veterinary medicine and to govern its members in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

(2) For the purpose of carrying out its principal object, the College has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.
2. To establish, maintain and develop standards of qualification and standards of practice for the practice of veterinary medicine.
3. To establish, maintain and develop standards of professional ethics among its members.
4. To promote public awareness of the role of the College.
5. To perform such other duties and exercise such other powers as are imposed or conferred

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

19. (1) A member is responsible for the conduct of his or her auxiliaries and for the suitability and quality of the performance of their acts. R.R.O. 1990, Reg. 1093, s. 19 (1)

Current Framework in College Policy

The College has two existing policy documents related to Forms of Energy:

[Position Statement: Use of Forms of Energy in the Treatment and/or Care of Animals](#)

[Policy Statement: Use of Forms of Energy in the Treatment and/or Care of Animals](#)

The College has an existing policy document related to Veterinary Acupuncture:

[Position Statement: Veterinary Acupuncture](#)

The College has an existing policy document related to Non-Conventional Therapies:

[Position Statement: Use of Non-Conventional Therapies in the Practice of Veterinary Medicine](#)

Future Framework under the *Veterinary Professionals Act, 2024*

Authorized activities

9 (1) No person shall carry out an authorized activity described in section 1 of Schedule 1 while engaged in the practice of veterinary medicine unless the person is a member.

Limitations

(2) A member may only carry out an authorized activity while engaged in the practice of veterinary medicine and subject to any prescribed conditions or prohibitions and any terms, conditions or limitations imposed on their licence.

Authorized activities — non-members

(3) Despite subsection (1), a person who is not a member may, subject to any prescribed conditions or prohibitions, carry out an authorized activity while engaged in the practice of veterinary medicine if,

- (a) the regulations permit a person who is not a member to carry out the authorized activity; and
- (b) the authorized activity is delegated to that person by a member.

Authorized activities — students

(4) Despite subsections (1) and (3), a student may carry out an authorized activity if the student is doing so while fulfilling the requirements to become a member and the activity is done under the supervision or direction of a veterinarian member.

Risk of harm

11 (1) No person other than a member acting within the scope of the practice of veterinary medicine shall treat an animal, or advise an owner or their representative with respect to an animal's health, in circumstances in which it is reasonably foreseeable that serious bodily harm to an animal or a person may result from the treatment or advice or from an omission from the treatment or advice.

Exceptions

- (2) Subsection (1) does not apply with respect to,
- (a) any treatment by a person who is acting under the direction of or in collaboration with a member if the treatment is within the scope of the practice of veterinary medicine;
 - (b) an activity carried out by a person if the activity is an authorized activity that was delegated under subsection 9 (3) to the person by a member;
 - (c) an activity set out in section 2 of Schedule 1, if the person carrying out the activity is not otherwise prevented to do so under the Act; or
 - (d) any prescribed treatment, advice, authorized activity or person

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

1. prescribing and governing anything in this Act that is described as being prescribed, done in accordance with the regulations, provided for in the regulations or authorized or required by the regulations, other than a matter that this Act describes as being prescribed by the Minister or Lieutenant Governor in Council or provided for in regulations made by the Minister or Lieutenant Governor in Council;

7. with respect to authorized activities,

i. prescribing authorized activities for the purposes of section 9,

ii. limiting or clarifying the authorized activities,

iii. permitting or prohibiting veterinary technician members or classes of veterinarian members from carrying out specified authorized activities and governing the circumstances in which those activities may or shall not be carried out, and

iv. permitting persons who are not members to carry out specified authorized activities and limiting and governing the carrying out of such activities;

8. prescribing exceptions for the purpose of section 10 or 11 or limiting or clarifying the exceptions set out in sections 2 and 3 of Schedule 1;

97 (1) The Council may establish,

(a) standards for veterinary facilities that must be met by an applicant for a certificate of accreditation and maintained by the holder of a certificate of accreditation or other prescribed persons; and

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

Schedule 1
Authorized Activities

Authorized activities

1 The following are authorized activities for the purposes of the Act:

1. Communicating to an individual a diagnosis identifying a disease, disorder, dysfunction or condition as the cause of an animal's signs and presentation in circumstances in which it is reasonably foreseeable that the individual will rely on the diagnosis.

2. Performing a medical assessment to determine the fitness for purpose or soundness of an animal, or group of animals, on which it is reasonably foreseeable that a person or organization will rely on the assessment.

3. Ordering laboratory tests on an animal or on specimens taken from an animal.

4. Prescribing a drug.
5. Compounding, dispensing or selling a drug.
6. Performing a procedure on tissue below the dermis.
7. Performing a procedure below the surface of a mucous membrane.
8. Performing a procedure on or below the surfaces of the teeth, including the scaling of teeth and occlusal equilibration.
9. Performing a procedure on or below the surface of the cornea.
10. Setting, immobilizing or casting a fracture of a bone or a dislocation of a joint or a severed tendon.
11. Administering a substance by injection or inhalation, or monitoring of such injection or inhalation.
12. Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust.
13. Putting an instrument, arm, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the point in the nasal passages where they normally narrow,
 - iii. beyond the larynx,
 - iv. beyond the opening of the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anus or cloaca, or
 - vii. into any other natural or artificial opening into the body.
14. Applying or ordering the application of a prescribed form of energy.
15. Performing upon an animal any manual procedure for the diagnosis or treatment of pregnancy, sterility or infertility, inclusive of ova and embryo transfer.
16. Performing allergy testing.
17. Such other authorized activities as may be prescribed.

Exceptions

2 The following are exceptions for the purposes of sections 10 and 11 of the Act:

1. Rendering first aid or temporary assistance in an emergency without fee.

2. Treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal.
3. The administration of a treatment plan by a custodian of an animal if the treatment plan is made by a veterinarian member and carried out at the direction of the owner.
4. Taking blood samples.
5. Preventing or treating fish and invertebrate diseases or pests in fish or invertebrates.
6. Such other exceptions as may be prescribed.

Same

3 The following are exceptions for the purposes of section 10 of the Act:

1. Collecting or using semen as part of a business that engages in the artificial insemination of livestock.
2. Implantation of embryos as part of a business that engages in the artificial insemination of livestock.
3. Confirmation of pregnancy in domesticated farm animals of the genus ovis or capra through ultrasound conducted on the surface of the skin.
4. Confirmation of pregnancy in livestock through blood or milk analysis as part of a business.
5. Administration of heat synchronisation injections to livestock as part of a business that engages in the artificial insemination of livestock.
6. Collecting or transporting ova and embryos of animals other than mammals.
7. Non-surgical insemination.
8. Artificial insemination of invertebrates.
9. Such other exceptions as may be prescribed.



AGENDA ITEM 6.5

TOPIC: Mass Culls

Overview

Section 9 of the *Veterinary Professionals Act, 2024* establishes the legislative authority for the development of an authorized activity model for the practice of veterinary medicine in Ontario. This framework is further supported by Schedule One of the *Act*, where a list of seventeen (17) authorized activities is outlined.

The *Veterinary Professionals Act, 2024* permits the development of regulatory exemptions related to the authorized activity model.

The College is permitted to develop regulatory exemptions through a combination of the statutory wording outlined in Sections 9 (5) and the regulation-making power contained in Section 93 (1) 7. of the *Act* that allows the College to outline persons (who may also be professionals) who may carry out specified authorized activities in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions.

This cover sheet outlines proposed recommendations related to a regulatory exemption for mass culls for inclusion in a regulatory concept on the authorized activity model.

Relevant Sections

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

History of the College's Work Related to Mass Culls of Livestock and Poultry

Current Framework

The *Veterinarians Act* and Regulation 1093 currently outlines an exclusive scope of practice model for veterinary medicine. This means that unless otherwise specifically stated, veterinary medicine may only be performed by a veterinarian or auxiliary working under their supervision and delegation.



Under the current framework, the process of mass culls may fall under the scope of practice of veterinary medicine depending on the method used.

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 which outlined a proposed shift away from an exclusive scope of practice model in favour of an authorized activity model.

This proposed model offered a clearer definition of what veterinary medicine is and laid out a risk-based approach to authorized activities. Activities that posed the greatest risk of harm or potential harm to animals and/or people were proposed to continue to be regulated under the College's oversight. Activities that did not fall within these restrictions were recognized as being within the public domain. This proposed model was designed to assist with clarity for the veterinary profession, the public, and the courts, in determining whether a person had engaged in unauthorized practice.

In addition, the proposed model acknowledged animal care as a system that included both veterinary and non-veterinary animal care providers. The Concept Paper acknowledged that non-veterinary animal care providers can, and do, provide lower-risk therapies and services to animals upon client request and without veterinary oversight. Many of these activities fall outside of the authorized activity model but others cross over. The Concept Paper recognized this overlap and recommended that a system be developed that could properly address these circumstances.

These recommendations were made after several rounds of consideration and conversation amongst both the College's Working Groups and Legacy Council, including extensive background research and two rounds of public consultation.

The *Veterinary Professionals Act, 2024* reflects these recommendations and Transition Council is now in the position to develop a proposed regulatory concept related to the authorized activity model that contains recommendations related to a regulatory exemption pertaining to mass culls of livestock and poultry.

What Will This Look Like?

Persons who meet the guidelines, processes, terms, conditions, limitations, and/or prohibitions outlined in regulation will be permitted to perform certain authorized activities related to animals. The ability to perform these authorized activities will be independent from a veterinarian member and the public will be able to directly access these services.



Additional Work Completed to Help Inform Regulation Development

The topic of mass culls in livestock and poultry was not on the list of the College's identified areas for consideration in the development of its 2018 Concept Paper. However, following the May 2023 consultation by the Ministry of Agriculture, Food, and Agribusiness related to the modernization of the *Veterinarians Act*, it was brought to the attention of the College by both staff at the Ministry of Agriculture, Food, and Agribusiness and industry stakeholders who wished to raise the use of substance by inhalation in the performance of mass culls in livestock and poultry for consideration for regulatory exemption.¹

This resulted in the College undertaking a research and risk-based review of the performance of mass culls in livestock and poultry to ensure a well-rounded understanding of the environment. This process included ongoing engagement either directly or indirectly (through review of submitted materials) with several interested parties, most notable:

- Ontario Pork;
- Chicken Farmers of Ontario; and
- Direct conversations with livestock and poultry veterinarians.

In completing this work, it became clear that there was a need to ensure the ongoing ability for third parties to administer substances by inhalation (such as carbon monoxide, nitrogen, and carbon dioxide) in accordance with industry standards to perform mass culls of either livestock or poultry. In particular, the administering of these substances by inhalation were used for population control and disease management and were essential to agricultural practices in the province.

This background work facilitated the gathering of necessary insight into this area of consideration and helped to inform the development of the recommendations contained in this cover sheet.

Proposed Recommendations Related to a Regulatory Exemption to Mass Culls of Livestock and Poultry

Within the regulatory concept related to the authorized activity model, it is proposed that the following two (2) recommendations pertaining to a regulatory exemption for mass culls of livestock and poultry be incorporated. These recommendations are in addition to persons engaging in the mass culling of livestock or poultry being subject to the risk of harm clause under the *Act*.

¹ The specific authorized activities under consideration are "administering a substance by injection or inhalation, or monitoring of such injection or inhalation." And "communicating to an individual a diagnosis..." for the purpose of confirming death.



Each of these recommendations has been developed based on extensive research and conversation including advice obtained from the College’s legal team.

Regulatory Exemption to Allow for Mass Culls of Livestock and Poultry

It is proposed that a regulatory exception be developed to permit the performance of the following authorized activities by a person engaging in the mass culling of livestock or poultry:

1. Administering a substance by inhalation and/or monitoring of such inhalation; and
2. Communicating to an individual the death of an animal(s) or group of animals.

Additional Recommendations for Qualification under the Regulatory Exemption

It is proposed that a regulatory exemption related to mass culls be further restricted to also require a person to adhere with the following guidelines, processes, terms, conditions, limitations, and/or prohibitions:

Recommendation	Reasoning
<p>Has completed specific training in administering substances by inhalation for the purpose of mass culls in livestock and/or poultry that was developed with veterinarian oversight and included practical experience.</p>	<p>The College’s research related to mass culls by substance inhalation indicates that it can be safely performed by a person who has received formal and specific training that was developed with veterinarian oversight and included practical experience.</p> <p>This approach is consistent with recommendations proposed for other regulatory exemptions and is designed to serve the public interest.</p>
<p>Carries out the activities in accordance with the Codes of Practice for the care and handling of farm animals.</p>	<p>The Codes of Practice have been developed to be scientifically informed, practical, and reflect expectations for responsible farm animal care. They are also developed with multi-stakeholder input including that of veterinarians. The Codes of Practice speak directly to mass culls by substance inhalation and serve as a dependable overarching framework for delivery of this service.</p>
<p>Has the knowledge, skill, and judgement to:</p> <ol style="list-style-type: none"> 1. Perform the authorized activity safely, effectively, and ethically; and 	<p>Recognition of the need for persons to reflect on their own knowledge, skills, and judgement when determining whether to proceed with offering an authorized activity is fundamental to ensuring public safety and</p>



2. Determine the animal's condition warrants performance of the authorized activity based on the known risks and benefits.	reflects the core principles of professional regulation.
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These recommendations were developed based on an in-depth and multi-year research and jurisdictional review that sought to determine common and consistent frameworks in place related to the performance of these activities in Ontario.

A person would not be required to provide proof of their eligibility related to these qualifications to the College. Instead, a person would be expected to review the regulatory exemption and determine whether they meet the requirements.

Should the College become aware of a person who is offering mass cull services to the public who may not meet these requirements, the College would have the ability to investigate these concerns including requesting proof of eligibility and adherence and to pursue further action including the ability investigate under either unauthorized practice and/or the risk of harm clause if warranted.

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Example Related to a Regulatory Exemption for Mass Culls of Livestock and Poultry

Example One

Scenario

A supply chain issue has resulted in the need to perform mass culls of swine.

Explanation

A supply chain issue has resulted in the need for several different producers to perform mass culls of swine. The industry has been preparing for this possibility and has developed a veterinarian overseen and approved process for mass cull of swine by way of nitrogen inhalation that also aligns with the Codes of Practice.

One of the producers arranges for a third-party service to arrive on farm to perform the mass cull. The non-veterinary animal care providers of this service conduct an assessment and begin to perform the following authorized activity:

- Administering a substance by inhalation and monitoring of such inhalation.

The non-veterinary care providers encounter no complications or difficulties during the performance of this activity and upon completion, enter the barn to conduct a secondary assessment. Following this assessment, the non-veterinary care providers perform the following authorized activity:

- Communicating to an individual the death of an animal(s) or group of animals.

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Discussion

Transition Council is asked to review these proposed recommendations related to a regulatory exemption for mass culls of livestock and poultry for inclusion in a regulatory concept on the authorized activity model. To aid in this discussion, Transition Council is encouraged to consider the following questions:

- Is there anything unclear or missing in these proposed recommendations?
- Do the proposed recommendations seem logical?
- Do the proposed recommendations raise any concerns?
- Do the proposed recommendations raise any thoughts or considerations related to unintended consequences?

Mass Culls

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

Current Framework Under the *Veterinarians Act*

3 (1) The principal object of the College is to regulate the practice of veterinary medicine and to govern its members in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

Idem

(2) For the purpose of carrying out its principal object, the College has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.
2. To establish, maintain and develop standards of qualification and standards of practice for the practice of veterinary medicine.
3. To establish, maintain and develop standards of professional ethics among its members.
4. To promote public awareness of the role of the College.
5. To perform such other duties and exercise such other powers as are imposed or conferred on the College under any 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

11 (1) No person shall engage in the practice of veterinary medicine or hold himself, herself or itself out as engaging in the practice of veterinary medicine unless the person is the holder of a licence. R.S.O. 1990, c. V.3, s. 11 (1).

Current Framework Under Regulation 1093

1. In this Regulation,

“auxiliary” means a person involved in a member’s practice of veterinary medicine other than another member; (“auxiliaire”)

19. (1) A member is responsible for the conduct of his or her auxiliaries and for the suitability and quality of the performance of their acts. R.R.O. 1990, Reg. 1093, s. 19 (1).

(2) A member is guilty of professional misconduct if an auxiliary of the member does or omits to do anything that, if done or omitted by a member, would constitute professional misconduct. R.R.O. 1990, Reg. 1093, s. 19 (2).

(3) A member shall supervise the performance of an auxiliary's task in one of the following methods, whichever is appropriate in the circumstances:

1. Immediate supervision, where the member is on the same premises as the auxiliary and can see and hear the auxiliary perform the task.
2. Direct supervision, where the member is on the same premises as the auxiliary and, although not present to see and hear the task being performed, is accessible to the auxiliary in a timely and appropriate manner.
3. Indirect supervision, where the member is not on the same premises as the auxiliary while the task is being performed but where the member,
 - i. communicates appropriately with the auxiliary before and after the auxiliary performs the task, and
 - ii. is accessible to the auxiliary in a timely and appropriate manner while the task is being performed. O. Reg. 233/15, s. 13.

Future Framework under the *Veterinary Professionals Act, 2024*

Authorized activities

9 (1) No person shall carry out an authorized activity described in section 1 of Schedule 1 while engaged in the practice of veterinary medicine unless the person is a member.

Limitations

(2) A member may only carry out an authorized activity while engaged in the practice of veterinary medicine and subject to any prescribed conditions or prohibitions and any terms, conditions or limitations imposed on their licence.

Authorized activities — non-members

(3) Despite subsection (1), a person who is not a member may, subject to any prescribed conditions or prohibitions, carry out an authorized activity while engaged in the practice of veterinary medicine if,

- (a) the regulations permit a person who is not a member to carry out the authorized activity; and
- (b) the authorized activity is delegated to that person by a member.

Authorized activities — students

(4) Despite subsections (1) and (3), a student may carry out an authorized activity if the student is doing so while fulfilling the requirements to become a member and the activity is done under the supervision or direction of a veterinarian member.

Authorized activities — professionals

(5) Despite subsections (1) and (3), the following persons may, subject to and in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions, carry out such authorized activities as may be prescribed:

1. A person who, under the *Chiropractic Act, 1991*, is a member of the College of Chiropractors of Ontario.
2. A person who, under the *Pharmacy Act, 1991*, is a member of the Ontario College of Pharmacists.
3. A person who belongs to or practises a prescribed profession or such other persons as may be prescribed.

Collaboration

(6) When developing a proposal for regulations in relation to subsection (5), the College shall take reasonable steps to consult with such professions as would be addressed in those regulations and shall report to the Minister on the outcome of those consultations.

Exceptions

10 (1) Subsection 9 (1) does not apply to prevent a person from carrying out an activity described in sections 2 and 3 of Schedule 1.

Application of *Drug and Pharmacies Regulation Act*

(2) The *Drug and Pharmacies Regulation Act* does not apply to prevent a member from compounding, dispensing or selling drugs in the course of engaging in the practice of veterinary medicine.

Sale of drugs

(3) Regulations made under the *Animal Health Act, 2009* do not apply to prevent a member from selling a drug in the course of engaging in the practice of veterinary medicine to an owner of livestock for the treatment of livestock.

Risk of harm

11 (1) No person other than a member acting within the scope of the practice of veterinary medicine shall treat an animal, or advise an owner or their representative with respect to an animal's health, in circumstances in which it is reasonably foreseeable that serious bodily harm to an animal or a person may result from the treatment or advice or from an omission from the treatment or advice.

Exceptions

(2) Subsection (1) does not apply with respect to,

- (a) any treatment by a person who is acting under the direction of or in collaboration with a member if the treatment is within the scope of the practice of veterinary medicine;

(b) an activity carried out by a person if the activity is an authorized activity that was delegated under subsection 9 (3) to the person by a member;

(c) an activity set out in section 2 of Schedule 1, if the person carrying out the activity is not otherwise prevented to do so under the Act; or

(d) any prescribed treatment, advice, authorized activity or person

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

1. prescribing and governing anything in this Act that is described as being prescribed, done in accordance with the regulations, provided for in the regulations or authorized or required by the regulations, other than a matter that this Act describes as being prescribed by the Minister or Lieutenant Governor in Council or provided for in regulations made by the Minister or Lieutenant Governor in Council;

7. with respect to authorized activities,

i. prescribing authorized activities for the purposes of section 9,

ii. limiting or clarifying the authorized activities,

iii. permitting or prohibiting veterinary technician members or classes of veterinarian members from carrying out specified authorized activities and governing the circumstances in which those activities may or shall not be carried out, and

iv. permitting persons who are not members to carry out specified authorized activities and limiting and governing the carrying out of such activities;

8. prescribing exceptions for the purpose of section 10 or 11 or limiting or clarifying the exceptions set out in sections 2 and 3 of Schedule 1;

97 (1) The Council may establish,

(a) standards for veterinary facilities that must be met by an applicant for a certificate of accreditation and maintained by the holder of a certificate of accreditation or other prescribed persons; and

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

Schedule 1
Authorized Activities

Authorized activities

1 The following are authorized activities for the purposes of the Act:

1. Communicating to an individual a diagnosis identifying a disease, disorder, dysfunction or condition as the cause of an animal's signs and presentation in

circumstances in which it is reasonably foreseeable that the individual will rely on the diagnosis.

2. Performing a medical assessment to determine the fitness for purpose or soundness of an animal, or group of animals, on which it is reasonably foreseeable that a person or organization will rely on the assessment.
3. Ordering laboratory tests on an animal or on specimens taken from an animal.
4. Prescribing a drug.
5. Compounding, dispensing or selling a drug.
6. Performing a procedure on tissue below the dermis.
7. Performing a procedure below the surface of a mucous membrane.
8. Performing a procedure on or below the surfaces of the teeth, including the scaling of teeth and occlusal equilibration.
9. Performing a procedure on or below the surface of the cornea.
10. Setting, immobilizing or casting a fracture of a bone or a dislocation of a joint or a severed tendon.
11. Administering a substance by injection or inhalation, or monitoring of such injection or inhalation.
12. Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust.
13. Putting an instrument, arm, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the point in the nasal passages where they normally narrow,
 - iii. beyond the larynx,
 - iv. beyond the opening of the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anus or cloaca, or
 - vii. into any other natural or artificial opening into the body.
14. Applying or ordering the application of a prescribed form of energy.
15. Performing upon an animal any manual procedure for the diagnosis or treatment of pregnancy, sterility or infertility, inclusive of ova and embryo transfer.
16. Performing allergy testing.
17. Such other authorized activities as may be prescribed.

Exceptions

2 The following are exceptions for the purposes of sections 10 and 11 of the Act:

1. Rendering first aid or temporary assistance in an emergency without fee.
2. Treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal.
3. The administration of a treatment plan by a custodian of an animal if the treatment plan is made by a veterinarian member and carried out at the direction of the owner.
4. Taking blood samples.
5. Preventing or treating fish and invertebrate diseases or pests in fish or invertebrates.
6. Such other exceptions as may be prescribed.

Same

3 The following are exceptions for the purposes of section 10 of the Act:

1. Collecting or using semen as part of a business that engages in the artificial insemination of livestock.
2. Implantation of embryos as part of a business that engages in the artificial insemination of livestock.
3. Confirmation of pregnancy in domesticated farm animals of the genus ovis or capra through ultrasound conducted on the surface of the skin.
4. Confirmation of pregnancy in livestock through blood or milk analysis as part of a business.
5. Administration of heat synchronisation injections to livestock as part of a business that engages in the artificial insemination of livestock.
6. Collecting or transporting ova and embryos of animals other than mammals.
7. Non-surgical insemination.
8. Artificial insemination of invertebrates.
9. Such other exceptions as may be prescribed.



AGENDA ITEM 6.6

TOPIC: Farriers and Hoof Trimmers

Overview

Section 9 of the *Veterinary Professionals Act, 2024* establishes the legislative authority for the development of an authorized activity model for the practice of veterinary medicine in Ontario. This framework is further supported by Schedule One of the *Act*, where a list of seventeen (17) authorized activities is outlined.

The *Veterinary Professionals Act, 2024* also permits the development of regulatory exemptions related to the authorized activity model.

The College is permitted to develop regulatory exemptions through a combination of the statutory wording outlined in Sections 9 (5) and the regulation-making power contained in Section 93 (1) 7. of the *Act* that allows the College to outline persons (who may also be professionals) who may carry out specified authorized activities in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions.

This cover sheet outlines proposed recommendations related to a regulatory exemption for farrier and hoof trimming services for inclusion in a regulatory concept on the authorized activity model.

Relevant Sections

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

History of the College's Work Related to a Regulatory Exemption for Farrier and Hoof Trimming Services

Current Framework

The *Veterinarians Act* and Regulation 1093 currently outline an exclusive scope of practice model for veterinary medicine. This means that unless otherwise specifically stated, veterinary



medicine may only be performed by a veterinarian or an auxiliary working under their supervision and delegation.

Aspects of the provision of farrier or hoof trimming services could currently be considered the practice of veterinary medicine. However, the College does not have any specific policies or guidance related to this aspect of animal care.

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 which outlined a proposed shift away from an exclusive scope of practice model in favour of an authorized activity model.

This proposed model offered a clearer definition of what veterinary medicine is and laid out a risk-based approach to authorized activities. Activities that posed the greatest risk of harm or potential harm to animals and/or people were proposed to continue to be regulated under the College's oversight. Activities that did not fall within these restrictions were recognized as being within the public domain. This proposed model was designed to assist with clarity for the veterinary profession, the public, and the courts, in determining whether a person had engaged in unauthorized practice.

In addition, the proposed model acknowledged animal care as a system that included both veterinary and non-veterinary animal care providers. The Concept Paper acknowledged that non-veterinary animal care providers can, and do, provide lower-risk therapies and services to animals upon client request and without veterinary oversight. Many of these activities fall outside of the authorized activity model but others cross over. The Concept Paper recognized this overlap and recommended that a system be developed that could properly address these circumstances.

These recommendations were made after several rounds of consideration and conversation amongst both the College's Working Groups and Legacy Council, including extensive background research and two rounds of public consultation.

The *Veterinary Professionals Act, 2024* reflects these recommendations and Transition Council is now in the position to develop a proposed regulatory concept related to the authorized activity model that contains recommendations related to a regulatory exemption pertaining to farrier and hoof trimming services.

What Will This Look Like?

Persons who meet the guidelines, processes, terms, conditions, limitations, and/or prohibitions outlined in regulation will be permitted to perform certain authorized activities related to animals. The ability to perform these authorized activities will be independent from a veterinarian member and the public will be able to directly access these services.



Additional Work Completed to Help Inform Regulation Development

The topic of farrier and hoof trimming services was not on the list of the College's identified areas for consideration in the development of its 2018 Concept Paper. However, it was marked as an area for research and review in the College's general preparation for legislative reform.

This resulted in the College undertaking a research and risk-based review of the performance of farrier and hoof trimming services to ensure a well-rounded understanding of the environment. This process also included ongoing engagement with several interested parties, most notably the,

- Ontario Farriers Association;
- Ontario Hoof Trimmers Guild
- Ontario Association of Equine Practitioners; and
- Direct conversations with veterinarians.

In completing this work, it became clear that the level of risk associated with the performance of farrier and hoof trimming services allowed for other trained non-veterinary animal care providers to provide this important service and this background research helped to inform the recommendations contained in this cover sheet.

Proposed Recommendations Related to a Regulatory Exemption for Farrier and Hoof Trimming Services

Within the regulatory concept related to the authorized activity model, it is proposed that the following two (2) recommendations pertaining to a regulatory exemption for farrier and hoof trimming services be incorporated. These recommendations are in addition to persons performing farrier or hoof trimming services being subject to the risk of harm clause under the *Act*.

Each of these recommendations has been developed based on extensive research and conversation including advice obtained from the College's legal team.

Regulatory Exemption for Allowing the Performance of Farrier and Hoof Trimming Services

It is proposed that a regulatory exception be developed to permit the performance of the following authorized activities by a person engaging in farrier or hoof trimming services:

1. Performing a procedure below the dermis if it remains below the coronary band and within the structure of the hoof.



Additional Recommendations for Qualification under the Regulatory Exemption

It is proposed that a regulatory exemption related to farrier and hoof trimming services be further restricted to also require a person to adhere with the following guidelines, processes, terms, conditions, limitations, and/or prohibitions:

Recommendation	Reasoning
<p>Has completed specific training in providing farrier or hoof trimming services which included practical experience.</p>	<p>The College’s research related to farrier and hoof trimming services by persons who have received formal and specific training that included in-person, practical experience.</p> <p>This approach is consistent with recommendations proposed for other regulatory exemptions and is designed to serve the public interest.</p>
<p>Has the knowledge, skill, and judgement to:</p> <ol style="list-style-type: none"> 1. Perform the authorized activity safely, effectively, and ethically; and 2. Determine the animal’s condition warrants performance of the authorized activity based on the known risks and benefits. 	<p>Recognition of the need for a person to reflect on their own knowledge, skills, and judgement when determining whether to proceed with offering an authorized activity is fundamental to ensuring public safety and reflects the core principles of professional regulation.</p>

A Note on Clinical Assessment

The recommendations outlined in this cover sheet are not intended to prevent non-veterinary animal care providers from performing a clinical assessment as this is separate activity from making or communicating a diagnosis.

For clarity, a clinical assessment is completed by gathering information based on an animal(s) or group of animals’ history, symptom presentation, and potential treatment and goals. Clinical assessments are achieved through active interview of a client regarding the animal(s) or group of animals, and objective standardized tests and measurements.

A diagnosis is achieved through confirmation of presenting criteria to determine cause. These criteria are based upon symptoms, signs, test results, and in some cases the initial result of treatment.

A Note on Working Under a Veterinarian Member’s Treatment Plan

The recommendations contained in this cover sheet are related to the farrier or hoof trimming services that a person can carry out independent of a veterinarian member. These recommendations do not preclude a person from also qualifying under the statutory exception



for a person to provide authorized activities in accordance with a treatment plan developed by a veterinarian member. In these cases, a person with farrier or hoof trimming training may be requested by an owner and/or a veterinarian member to assist them in delivering additional services related to the animal's hoof or gait care, and the person would be able to carry out these services as long as they adhered to the treatment plan.

Example Related to a Proposed Regulatory Exemption for Farrier and Hoof-Trimming Services

Example One

Scenario

A horse requires hoof trimming. The owner of the horse reaches out to a non-veterinary animal care provider trained in farriery to provide these services.

Explanation

An owner with a horse requiring hoof trimming and reshoeing reaches out to a non-veterinary animal care provider with the skills, knowledge, and training in farriery to provide the service.

The non-veterinary animal care provider examines the animal and, upon assessment begins to treat the animal using the following authorized activity:

- Performing a procedure below the dermis if it remains below the coronary band and within the structure of the hoof.

While performing these services the non-veterinary animal care provider notices an abscess in the horse's hoof. As this abscess is below the coronary band and within the hoof wall, the non-veterinary animal care provider proceeds with cleaning and draining it.

The non-veterinary care provider proceeds with completing the service and the animal shows no signs of side effects or concerns upon completion.

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Discussion

Transition Council is asked to review these proposed recommendations related to a regulatory exemption for farrier and hoof trimming services for inclusion in a regulatory concept on the authorized activity model. To aid in this discussion, Transition Council is encouraged to consider the following questions:

- Is there anything unclear or missing in these proposed recommendations?
- Do the proposed recommendations seem logical?
- Do the proposed recommendations raise any concerns?
- Do the proposed recommendations raise any thoughts or considerations related to unintended consequences?

Farriers and Hoof Trimmers

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

Current Framework Under the *Veterinarians Act*

3 (1) The principal object of the College is to regulate the practice of veterinary medicine and to govern its members in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

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(2) For the purpose of carrying out its principal object, the College has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.
2. To establish, maintain and develop standards of qualification and standards of practice for the practice of veterinary medicine.
3. To establish, maintain and develop standards of professional ethics among its members.
4. To promote public awareness of the role of the College.
5. To perform such other duties and exercise such other powers as are imposed or conferred on the College under any 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

11 (1) No person shall engage in the practice of veterinary medicine or hold himself, herself or itself out as engaging in the practice of veterinary medicine unless the person is the holder of a licence. R.S.O. 1990, c. V.3, s. 11 (1).

Current Framework Under Regulation 1093

1. In this Regulation,

“auxiliary” means a person involved in a member’s practice of veterinary medicine other than another member; (“auxiliaire”)

19. (1) A member is responsible for the conduct of his or her auxiliaries and for the suitability and quality of the performance of their acts. R.R.O. 1990, Reg. 1093, s. 19 (1).

(2) A member is guilty of professional misconduct if an auxiliary of the member does or omits to do anything that, if done or omitted by a member, would constitute professional misconduct. R.R.O. 1990, Reg. 1093, s. 19 (2).

(3) A member shall supervise the performance of an auxiliary's task in one of the following methods, whichever is appropriate in the circumstances:

1. Immediate supervision, where the member is on the same premises as the auxiliary and can see and hear the auxiliary perform the task.
2. Direct supervision, where the member is on the same premises as the auxiliary and, although not present to see and hear the task being performed, is accessible to the auxiliary in a timely and appropriate manner.
3. Indirect supervision, where the member is not on the same premises as the auxiliary while the task is being performed but where the member,
 - i. communicates appropriately with the auxiliary before and after the auxiliary performs the task, and
 - ii. is accessible to the auxiliary in a timely and appropriate manner while the task is being performed. O. Reg. 233/15, s. 13.

Future Framework under the *Veterinary Professionals Act, 2024*

Authorized activities

9 (1) No person shall carry out an authorized activity described in section 1 of Schedule 1 while engaged in the practice of veterinary medicine unless the person is a member.

Limitations

(2) A member may only carry out an authorized activity while engaged in the practice of veterinary medicine and subject to any prescribed conditions or prohibitions and any terms, conditions or limitations imposed on their licence.

Authorized activities — non-members

(3) Despite subsection (1), a person who is not a member may, subject to any prescribed conditions or prohibitions, carry out an authorized activity while engaged in the practice of veterinary medicine if,

- (a) the regulations permit a person who is not a member to carry out the authorized activity; and
- (b) the authorized activity is delegated to that person by a member.

Authorized activities — students

(4) Despite subsections (1) and (3), a student may carry out an authorized activity if the student is doing so while fulfilling the requirements to become a member and the activity is done under the supervision or direction of a veterinarian member.

Authorized activities — professionals

(5) Despite subsections (1) and (3), the following persons may, subject to and in accordance with any prescribed guidelines, processes, terms, conditions, limitations or prohibitions, carry out such authorized activities as may be prescribed:

1. A person who, under the *Chiropractic Act, 1991*, is a member of the College of Chiropractors of Ontario.
2. A person who, under the *Pharmacy Act, 1991*, is a member of the Ontario College of Pharmacists.
3. A person who belongs to or practises a prescribed profession or such other persons as may be prescribed.

Collaboration

(6) When developing a proposal for regulations in relation to subsection (5), the College shall take reasonable steps to consult with such professions as would be addressed in those regulations and shall report to the Minister on the outcome of those consultations.

Exceptions

10 (1) Subsection 9 (1) does not apply to prevent a person from carrying out an activity described in sections 2 and 3 of Schedule 1.

Application of *Drug and Pharmacies Regulation Act*

(2) The *Drug and Pharmacies Regulation Act* does not apply to prevent a member from compounding, dispensing or selling drugs in the course of engaging in the practice of veterinary medicine.

Sale of drugs

(3) Regulations made under the *Animal Health Act, 2009* do not apply to prevent a member from selling a drug in the course of engaging in the practice of veterinary medicine to an owner of livestock for the treatment of livestock.

Risk of harm

11 (1) No person other than a member acting within the scope of the practice of veterinary medicine shall treat an animal, or advise an owner or their representative with respect to an animal's health, in circumstances in which it is reasonably foreseeable that serious bodily harm to an animal or a person may result from the treatment or advice or from an omission from the treatment or advice.

Exceptions

(2) Subsection (1) does not apply with respect to,

- (a) any treatment by a person who is acting under the direction of or in collaboration with a member if the treatment is within the scope of the practice of veterinary medicine;

- (b) an activity carried out by a person if the activity is an authorized activity that was delegated under subsection 9 (3) to the person by a member;
- (c) an activity set out in section 2 of Schedule 1, if the person carrying out the activity is not otherwise prevented to do so under the Act; or
- (d) any prescribed treatment, advice, authorized activity or person

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

1. prescribing and governing anything in this Act that is described as being prescribed, done in accordance with the regulations, provided for in the regulations or authorized or required by the regulations, other than a matter that this Act describes as being prescribed by the Minister or Lieutenant Governor in Council or provided for in regulations made by the Minister or Lieutenant Governor in Council;

7. with respect to authorized activities,

- i. prescribing authorized activities for the purposes of section 9,
- ii. limiting or clarifying the authorized activities,
- iii. permitting or prohibiting veterinary technician members or classes of veterinarian members from carrying out specified authorized activities and governing the circumstances in which those activities may or shall not be carried out, and
- iv. permitting persons who are not members to carry out specified authorized activities and limiting and governing the carrying out of such activities;

8. prescribing exceptions for the purpose of section 10 or 11 or limiting or clarifying the exceptions set out in sections 2 and 3 of Schedule 1;

97 (1) The Council may establish,

(a) standards for veterinary facilities that must be met by an applicant for a certificate of accreditation and maintained by the holder of a certificate of accreditation or other prescribed persons; and

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

Schedule 1
Authorized Activities

Authorized activities

1 The following are authorized activities for the purposes of the Act:

- 1. Communicating to an individual a diagnosis identifying a disease, disorder, dysfunction or condition as the cause of an animal's signs and presentation in

circumstances in which it is reasonably foreseeable that the individual will rely on the diagnosis.

2. Performing a medical assessment to determine the fitness for purpose or soundness of an animal, or group of animals, on which it is reasonably foreseeable that a person or organization will rely on the assessment.
3. Ordering laboratory tests on an animal or on specimens taken from an animal.
4. Prescribing a drug.
5. Compounding, dispensing or selling a drug.
6. Performing a procedure on tissue below the dermis.
7. Performing a procedure below the surface of a mucous membrane.
8. Performing a procedure on or below the surfaces of the teeth, including the scaling of teeth and occlusal equilibration.
9. Performing a procedure on or below the surface of the cornea.
10. Setting, immobilizing or casting a fracture of a bone or a dislocation of a joint or a severed tendon.
11. Administering a substance by injection or inhalation, or monitoring of such injection or inhalation.
12. Moving the joints of the spine beyond the animal's usual physiological range of motion using a fast, low amplitude thrust.
13. Putting an instrument, arm, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the point in the nasal passages where they normally narrow,
 - iii. beyond the larynx,
 - iv. beyond the opening of the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anus or cloaca, or
 - vii. into any other natural or artificial opening into the body.
14. Applying or ordering the application of a prescribed form of energy.
15. Performing upon an animal any manual procedure for the diagnosis or treatment of pregnancy, sterility or infertility, inclusive of ova and embryo transfer.
16. Performing allergy testing.
17. Such other authorized activities as may be prescribed.

Exceptions

2 The following are exceptions for the purposes of sections 10 and 11 of the Act:

1. Rendering first aid or temporary assistance in an emergency without fee.
2. Treating an animal if the person is the owner of the animal, is a member of the household of the owner of the animal or is employed for general agricultural or domestic work by the owner of the animal.
3. The administration of a treatment plan by a custodian of an animal if the treatment plan is made by a veterinarian member and carried out at the direction of the owner.
4. Taking blood samples.
5. Preventing or treating fish and invertebrate diseases or pests in fish or invertebrates.
6. Such other exceptions as may be prescribed.

Same

3 The following are exceptions for the purposes of section 10 of the Act:

1. Collecting or using semen as part of a business that engages in the artificial insemination of livestock.
2. Implantation of embryos as part of a business that engages in the artificial insemination of livestock.
3. Confirmation of pregnancy in domesticated farm animals of the genus ovis or capra through ultrasound conducted on the surface of the skin.
4. Confirmation of pregnancy in livestock through blood or milk analysis as part of a business.
5. Administration of heat synchronisation injections to livestock as part of a business that engages in the artificial insemination of livestock.
6. Collecting or transporting ova and embryos of animals other than mammals.
7. Non-surgical insemination.
8. Artificial insemination of invertebrates.
9. Such other exceptions as may be prescribed.