



AGENDA ITEM 7.3

TOPIC: Non-Delegable Activities – Further Consideration of Dental Extractions

Overview

On November 7, 2024, Transition Council reviewed a list of authorized activities (or components of) that were proposed as non-delegable and therefore would only be able to be performed by veterinarian members.

For more information on this review, please refer to the reference document at the end of this agenda package.

During this review and discussion, Transition Council flagged the performance of dental extractions as requiring more background research and consideration before determining whether to recommend that this procedure be non-delegable.

For more information on this review, please refer to the reference document at the end of this agenda package.

Following review of this additional information, Transition Council noted that it required more insight into how the performance of dental extractions does or does not intersect with the performance of major surgery and the pros and cons including this activity at the regulation or policy level. Further information related to the performance of dental extractions in other Canadian jurisdictions was also requested.

Additional Work Completed Since November 28, 2024

Current Framework for Major Surgery and Dental Extractions

The current definition of major surgery contained in Regulation 1093 under the *Veterinarians Act* states:

“major surgery” means surgery,

- (a) In which bone, viscera or an extensive area of subcutaneous tissue is exposed,
or
- (b) The failure of which would endanger the life or organ function of the animal.

The *Professional Practice Standard: Delegation* relies on this definition and states:

A veterinarian meets the *Professional Practice Standard: Delegation* when they... do not delegate the acts of diagnosis, prognosis, prescribing, or performing major surgery.



While not currently proposed to carry over into the new regulation under the *Veterinary Professionals Act, 2024* it is expected that the current definition of major surgery will serve as a precedent for the development of College Policy related to non-delegable activities and the performance of major surgery by veterinarian members by the new Council of the College of Veterinary Professionals of Ontario.

There are no current references to dental extractions in either the *Veterinarians Act* or Regulation 1093.

College Policy does not currently define dental extractions as major surgery. Instead, the *Professional Practice Standard: Veterinary Dentistry* provides a definition of veterinary dentistry which states:

Veterinary Dentistry is a discipline within the scope of veterinary practice that involves the professional consultation, evaluation, diagnosis, prevention, treatment (nonsurgical, surgical or related procedures) of conditions, diseases, and disorders of the oral cavity and maxillofacial area and their adjacent associated structures.

The *Professional Practice Standard: Veterinary Dentistry* also states:

A veterinarian who provides dental services to any animal meets the *Professional Practice Standard: Veterinary Dentistry* when they..... do not delegate extraction procedures.

Current Approaches in Nova Scotia and Saskatchewan

The November 28, 2024, meeting package contained jurisdictional information related to the performance of dental extractions in other provinces. Transition Council requested at that time that further information be gathered related to the approaches taken in Nova Scotia and Saskatchewan.

The *Veterinary Medical Act* in Nova Scotia currently permits a registered veterinary technologist to perform dental extractions that do not require drilling or sectioning of teeth under a veterinarian's immediate supervision. The NSVMA by-laws expand on this wording by stating that:

While most non-surgical dental procedures may be delegated to an appropriately trained veterinary health care worker, exodontics (extractions), surgical treatment of sub-gingival pockets and attachment loss, gingivectomy surgery, restorations, oral mass removal, and endodontics must be performed by licensed veterinarians only.

Upon further conversation with Nova Scotia Veterinary Medical Association (NSVMA), the College has confirmed that as part of their legislative modernization process the NSVMA will be moving away from its current legislative wording in favour of indicating that dental extractions requiring



elevation of a tooth are non-delegable. This decision comes from their consideration that these dental extractions are considered a high-risk activity akin to surgery, which cannot be delegated. Extractions where elevation is not required, which has been considered a minor extraction, will be allowed to be delegated.

Under the last publicly available copy of the Saskatchewan Veterinary Medical Association (SVMA) By-Laws, the SVMA states that an auxiliary may assist in performing a surgical or dental operation on an animal. Upon further conversation with the SVMA, the College has confirmed that these By-Laws have been updated by their membership since their last public posting and no longer contain this allowance. This decision was based on the available curriculum for RVTs which does not refer to dental extractions, leading to it being considered as a non-delegable task.

Legal Advice

Since Transition Council's last conversation, the College has also sought legal advice related to the potential inclusion of dental extractions as non-delegable. The College's Legal Team has advised that:

- The Transition Council has the authority to articulate parameters and criteria around delegation pursuant to Section 93 (1) 7 iii. and iv. of the *Veterinary Professionals Act, 2024*; and
- That it is Transition Council's ultimate decision related to whether it wishes to comment on dental extractions in regulation; and
- That if Transition Council wishes to provide guidance in this area it may be beneficial to state that dental extractions cannot be delegated in regulation and then in College standards state what is not considered a dental extraction.

The College's Legal Team has also advised that while placing specific activities within regulation may increase clarity and intent it may also create confusion amongst the profession and public as to why some higher-risk activities are specifically listed in regulation while others are further detailed in College standards.

Options for Consideration

Based on this additional information, Transition Council is now asked to consider what guidance it would be like to provide related to the delegation of dental extractions. To help in this discussion, the following options are presented for consideration:



Option One – Dental Extractions are Delegable

Potential Guidance	Dental extractions are delegable.
Potential Approach	Dental extractions are not included as part of the list of non-delegable authorized activities.
Additional Notes	In providing this guidance, Transition Council could also provide further comment on whether any additional requirements relating to the delegation of the activity (such as limiting to whom it could be delegated, under what levels of supervision it could be delegated, species-specific considerations, etc.) should be suggested for development through College standards in accordance with Section 97 of the <i>Veterinary Professionals Act, 2024</i> .
Pros	<ul style="list-style-type: none"> • Allows for agility and adaptation without regulatory amendment. • Allows for further details to be outlined through College standards.
Cons	<ul style="list-style-type: none"> • Not in line with other Canadian jurisdictions. • Leaves risk mitigation solely to College standards.

Option Two – Dental Extractions are Non-Delegable

Potential Guidance	Dental extractions are non-delegable.
Potential Approach	Dental extractions are included in the list of non-delegable authorized activities.
Additional Notes	In providing this guidance, Transition Council could also provide further comment on whether any additional requirements relating to this activity (what qualifies as a dental extraction, whether a veterinary technician or auxiliary can provide direct assistance to a veterinarian member, etc.) should be suggested for development through College standards in accordance with Section 97 of the <i>Veterinary Professionals Act, 2024</i> .
Pros	<ul style="list-style-type: none"> • In line with legal advice related to potential approach. • In line with other Canadian jurisdictions. • Multi-layered approach to risk mitigation. • Allows for further details to be outlined through College standards.
Cons	<ul style="list-style-type: none"> • Decreased agility; will require regulatory amendment to alter. • May cause confusion amongst the profession and the public as to why one higher-risk activity is specifically listed in regulation while others are outlined in College standard.



Discussion

Transition Council is asked to review this additional information as well as the associated options related to the delegation of the performance of dental extractions and to provide its guidance related to its inclusion in a regulatory concept related to the authorized activity model.