

**Veterinarians Act
Loi sur les vétérinaires**

R.R.O. 1990, REGULATION 1093

GENERAL

Consolidation Period: From July 26, 2007 to the [e-Laws currency date](#).

Last amendment: O. Reg. 398/07.

This Regulation is made in English only.

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DEFINITIONS

1. In this Regulation,

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

“member” means a member of the College. R.R.O. 1990, Reg. 1093, s. 1.

**PART I
REGISTRATION AND ACCREDITATION**

DEFINITIONS

2. In this Part,

“acceptable unaccredited veterinary school” means a veterinary school, other than an

accredited veterinary school, that at the time of an applicant's graduation,

- (a) provides an undergraduate program of veterinary medical education leading to a basic degree that includes at least 125 weeks of instruction scheduled over a minimum of thirty-two months, and
- (b) is listed in the World Directory of Veterinary Schools last published by the World Health Organization or is classified as "AVMA — listed" in the Directory of Veterinary Colleges of the World last published by the American Veterinary Medical Association;

"accredited clinical proficiency examination site" means a site where the clinical proficiency examination is administered and that is accredited by the American Veterinary Medical Association;

"accredited veterinary school" means a veterinary school that, at the time of an applicant's graduation, is accredited by the Council on Education of the American Veterinary Medical Association;

"basic degree" means a Doctor of Veterinary Medicine or an equivalent degree in veterinary medicine;

"companion animal" does not include a horse;

"local examination" means an examination approved by the Registration Committee on legal and ethical aspects of veterinary practice in Ontario including reportable diseases;

"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. R.R.O. 1990, Reg. 1093, s. 2; O. Reg. 398/07, s. 1.

LICENCES

3. (1) The requirements for the issuing of any licence are that the applicant,
 - (a) is a Canadian citizen or permanent resident or has another status under the *Immigration Act* (Canada) consistent with the class of licence for which application is made;
 - (b) has an adequate knowledge of English or French, as demonstrated by any of the following:
 1. The applicant has successfully completed before July 30, 1995,
 - i. the Test of English as a Foreign Language with a minimum score of 550 and the Test of Spoken English with a minimum score of 200, or
 - ii. tests acceptable to the College of the applicant's ability to speak and write French with scores that reflect a competence that is at least equivalent to the competence required in English under subparagraph i.
 2. The applicant has successfully completed on or after July 30, 1995,
 - i. the Test of English as a Foreign Language with a minimum score of 550 and the Test of Spoken English with a minimum score of 50, or
 - ii. tests acceptable to the College of the applicant's ability to speak and write

French with scores that reflect a competence that is at least equivalent to the competence required in English under subparagraph i.

3. The applicant has successfully completed, after July 10, 2000,

- i. tests acceptable to the College of the applicant's ability to speak and write in English, or
 - ii. tests acceptable to the College of the applicant's ability to speak and write French with scores that reflect a competence that is at least equivalent to the competence required in English under subparagraph i;
- (c) completes an application for the class of licence for which application is made on a form provided by the Registrar;
 - (d) if the applicant has previously practised veterinary medicine, provides evidence that there has been no finding of, and that there is no current proceeding involving an allegation of, professional misconduct, gross neglect or impairment;
 - (e) provides a declaration affirming that there has been no finding of guilt of, and that there is no charge pending involving an allegation of, an offence relevant to the applicant's suitability to practise veterinary medicine;
 - (f) pays the relevant examination fee, application fee, licence fee, and annual membership fee as set out in the by-laws;
 - (g) meets the requirements for the class of licence for which application is made; and
 - (h) submits proof of his or her identity; and
 - (i) submits his or her basic degree from an accredited veterinary school or an acceptable unaccredited veterinary school or a copy of the degree that is,
 - (i) notarized by a person authorized to notarize documents in a Canadian jurisdiction, or
 - (ii) certified by a person authorized to practice law in a Canadian jurisdiction. R.R.O. 1990, Reg. 1093, s. 3 (1); O. Reg. 431/00, s. 1; O. Reg. 398/07, s. 2.

(2) Clause (1) (b) does not apply if the primary and secondary education of the applicant was conducted in English or French or if the undergraduate veterinary education of the applicant was conducted in English or French. R.R.O. 1990, Reg. 1093, s. 3 (2).

(3) Clause (1) (h) does not apply to an applicant who is a graduate of an accredited veterinary school in Canada or who applies for a short-term licence. R.R.O. 1990, Reg. 1093, s. 3 (3).

3.1 The following classes of licence are established:

- 1. Restricted licence.
- 2. General licence.
- 3. Academic licence.
- 4. Public service licence.
- 5. Short-term licence.
- 6. Educational licence.

7. Postgraduate and resident licence. O. Reg. 161/04, s. 3.

4. (1) A restricted licence is a licence with conditions or limitations imposed by a committee under the Act or by the Council under a predecessor of that Act. R.R.O. 1990, Reg. 1093, s. 4 (1).

(2) A holder of a restricted licence may practise veterinary medicine only in accordance with the conditions of the licence. R.R.O. 1990, Reg. 1093, s. 4 (2).

5. (1) To be eligible for a general licence the applicant must meet the following requirements:

1. The applicant has earned a basic degree from an accredited veterinary school or an acceptable unaccredited veterinary school.
2. The applicant has successfully completed the local examination within two years of application or holds an academic licence.
3. The applicant,
 - i. has obtained a score higher than 1.5 standard deviations below the mean on both parts of the national board examination for veterinary medical licensing of the National Board Examination Committee of the American Veterinary Medical Association, including the clinical competency test, if the examinations are taken on or before November 30, 1992,
 - ii. has obtained a passing mark on both parts of the national board examination for veterinary medical licensing of the National Board Examination Committee of the American Veterinary Medical Association, including the clinical competency test, if the examinations are taken after November 30, 1992 but before November 30, 2000, or
 - iii. has obtained a passing mark on the North American Veterinary Licensing Examination, if the examination is taken on or after November 30, 2000.
4. The applicant,
 - i. if a graduate of an acceptable unaccredited veterinary school, after compliance with paragraph 3 of subsection (1), has successfully completed the clinical proficiency examination of the National Examining Board of the Canadian Veterinary Medical Association administered through an accredited clinical proficiency examination site, or
 - ii. if a graduate of an accredited veterinary school who has failed either or both parts of the national board examination twice or more, after compliance with paragraph 3 of subsection (1), has successfully completed the clinical proficiency examination of the National Examining Board of the Canadian Veterinary Medical Association administered through an accredited clinical proficiency examination site. O. Reg. 431/00, s. 2; O. Reg. 398/07, s. 3.

(2) Despite subsection (1), a member who surrenders a general licence and is issued an educational licence at the same time shall be deemed to meet the requirements for the issuing of a general licence for a period of two months after the termination of the educational licence. O. Reg. 431/00, s. 2.

(3) An applicant whom clause 7 (b) or (c) of the Agreement on Mobility of Veterinarians

within Canada dated August 9, 2001 made between the College and its equivalents in the other provinces and territories of Canada recognizes as having satisfied the academic occupational standards for licensing as a general practice licensee is exempt from the requirements set out in paragraphs 1, 3 and 4 of subsection (1) without further examination or assessment. O. Reg. 161/04, s. 4.

6. (1) The requirements for the issuing of an academic licence are that the applicant,
- (a) has a basic degree from an accredited veterinary school or an acceptable unaccredited veterinary school;
 - (b) has a full-time teaching or research appointment of professorial rank in the Ontario Veterinary College of the University of Guelph with full payment at salary of rank paid by the University; and
 - (c) has successfully completed the local examination within two years of application. R.R.O. 1990, Reg. 1093, s. 6 (1); O. Reg. 510/95, s. 2.

(2) A holder of an academic licence may engage in the practice of veterinary medicine only in the department in which he or she holds a professorial appointment and to the extent required by that appointment. R.R.O. 1990, Reg. 1093, s. 6 (2).

(3) An academic licence terminates when the licensee ceases to hold an appointment in accordance with clause (1) (b). R.R.O. 1990, Reg. 1093, s. 6 (3).

7. (1) The requirements for the issuing of a public service licence are that,
- (a) the applicant has earned a basic degree from an accredited veterinary school or an acceptable unaccredited veterinary school;
 - (b) the applicant,
 - (i) has obtained a score higher than 1.5 standard deviations below the mean on both parts of the national board examination for veterinary medical licensing of the National Board Examination Committee of the American Veterinary Medical Association, including the clinical competency test, if the applicant took the examinations on or before November 30, 1992,
 - (ii) has obtained a passing mark on both parts of the national board examination for veterinary medical licensing of the National Board Examination Committee of the American Veterinary Medical Association, including the clinical competency test, if the applicant took the examinations after November 30, 1992 but before November 30, 2000, or
 - (iii) has obtained a passing mark on the North American Veterinary Licensing Examination, if the applicant took the examination on or after November 30, 2000;
 - (c) the applicant, after complying with clause (b), has successfully completed the clinical proficiency examination of the National Examining Board of the Canadian Veterinary Medical Association administered through an accredited clinical proficiency examination site, if the applicant is,
 - (i) a graduate of an accredited veterinary school who has failed either or both parts of the national board examination described in that clause twice or more, or

(ii) a graduate of an acceptable unaccredited veterinary school; and

(d) the applicant is employed as a veterinarian by the Crown in right of Canada O. Reg. 161/04, s. 5; O. Reg. 398/07, s. 4.

(2) A holder of a public service licence may engage in the practice of veterinary medicine only in the course of employment as a veterinarian by the Crown in right of Canada. R.R.O. 1990, Reg. 1093, s. 7 (2); O.Reg. 308/91, s. 1 (2).

(3) A public service licence terminates when the licensee ceases to be employed as a veterinarian by the Crown in right of Canada. R.R.O. 1990, Reg. 1093, s. 7 (3); O. Reg. 308/91, s. 1 (3).

8. (1) The requirements for the issuing of a short-term licence are that the applicant,

(a) has earned a basic degree from an accredited veterinary school or an acceptable unaccredited veterinary school;

(b) provides a document from a member holding a general licence without conditions that evidences the member's undertaking to supervise the applicant and to be responsible for continuing after the licensee leaves Ontario any veterinary care started in Ontario by the licensee; and

(c) is appointed by the Ontario Veterinary College of the University of Guelph, a regional academy of veterinary medicine in Ontario or a recognized group of members with special veterinary interest, or has the consent of the College, to perform specific veterinary services solely for a short-term, special purpose. R.R.O. 1990, Reg. 1093, s. 8 (1).

(2) A holder of a short-term licence may engage in the practice of veterinary medicine only under the supervision of the member whose undertaking has been given under clause (1) (b) and to the extent required by the appointment or consent under clause (1) (c). R.R.O. 1990, Reg. 1093, s. 8 (2).

(3) A short-term licence terminates on the earliest of,

(a) the day the appointment or consent under clause (1) (c) is terminated;

(b) the day the licensee leaves Ontario; and

(c) thirty days after the licence is issued. R.R.O. 1990, Reg. 1093, s. 8 (3).

9. (1) The requirements for the issuing of an educational licence are that the applicant,

(a) has earned a basic degree from an accredited veterinary school or an acceptable unaccredited veterinary school; and

(b) is enrolled in a program of postgraduate veterinary education provided by the Ontario Veterinary College of the University of Guelph. R.R.O. 1990, Reg. 1093, s. 9 (1).

(2) The holder of an educational licence,

(a) may engage in the practice of veterinary medicine only as required by the program of education in which the licensee is enrolled and only under the supervision of a full-time employee of the University of Guelph who holds a general licence or an academic licence; and

(b) may receive remuneration for veterinary services only in the form of a fixed salary or

stipend. R.R.O. 1990, Reg. 1093, s. 9 (2).

(3) An educational licence terminates when the licensee ceases to be enrolled in a program of postgraduate veterinary education provided by the Ontario Veterinary College of the University of Guelph. R.R.O. 1990, Reg. 1093, s. 9 (3).

9.1 (1) The requirements for issuing a postgraduate and resident licence are that the applicant,

- (a) has a basic degree from an accredited veterinary school or an acceptable unaccredited veterinary school;
- (b) is enrolled as an intern, resident or Doctor of Veterinary Science student at the Veterinary Teaching Hospital of the Ontario Veterinary College; and
- (c) has successfully completed the local examination within two years preceding the application. O. Reg. 431/00, s. 3.

(2) The holder of a postgraduate and resident licence may engage in the practice of veterinary medicine only as required by the program in which he or she is enrolled as an intern, resident or Doctor of Veterinary Science student at the Veterinary Teaching Hospital of the Ontario Veterinary College. O. Reg. 431/00, s. 3.

(3) A postgraduate and resident licence terminates when the holder of the licence ceases to be enrolled as an intern, resident or Doctor of Veterinary Science student at the Veterinary Teaching Hospital of the Ontario Veterinary College. O. Reg. 431/00, s. 3.

CERTIFICATES OF ACCREDITATION

10. The requirements for the issuing or renewing of any certificate of accreditation are that the veterinary facility meets the standards established under subsection 8 (1) of the Act for the class of certificate of accreditation for which application is made and the applicant,

- (a) submits to the College an application in a form provided by the Registrar;
- (b) is the owner of, or a partner in, the practice conducted on or from the facility that is the subject of application, or submits to the College the written authority of the owners or partners of that practice to provide the undertaking required under clause (c);
- (c) provides a written undertaking to be responsible for the facility on a form provided by the Registrar;
- (d) holds a general licence or a restricted licence the conditions of which are consistent with the conditions of the certificate of accreditation; and
- (e) pays the inspection fee set out in the by-laws. R.R.O. 1990, Reg. 1093, s. 10; O. Reg. 398/07, s. 5.

11. (1) It is a condition of a certificate of accreditation that the designation of a veterinary facility described in Column A of the Table contains one of the appropriate terms set out in Column B of the Table:

TABLE

	Column A	Column B
1.	Companion animal hospital	Clinic, Hospital or Services
2.	Companion animal office	Office or Services

3.	Companion animal mobile office	Mobile Office or Mobile Services
4.	Companion animal mobile	Mobile, Mobile Services or House Call Services
4.1	Remote area companion animal mobile	Remote Mobile, Remote Mobile Services
5.	Companion animal emergency clinic	Emergency Clinic or Emergency Hospital
6.	Companion animal spay-neuter clinic	Spay-Neuter Clinic
7.	Food-producing animal hospital	Clinic, Hospital or Services
8.	Food-producing animal mobile	Mobile, Services or Mobile Services
9.	Equine clinic	Clinic, Hospital or Services
10.	Equine mobile	Mobile, Services or Mobile Services
10.1	Equine Emergency mobile	Emergency Mobile, Emergency Services or Emergency Mobile Services
11.	Poultry service	Clinic or Services
12.	Specialty animal hospital	Clinic, Hospital or Services

R.R.O. 1990, Reg. 1093, s. 11; O. Reg. 407/92, s. 2; O. Reg. 161/04, s. 7; O. Reg. 398/07, s. 6.

(2) It is a condition of a certificate of accreditation that if a veterinary facility has a designated name, the designation be approved under section 41. O. Reg. 509/93, s. 2.

11.1 A certificate of accreditation for a specialty animal hospital will only be granted if minimum standards for accreditation as a specialty animal hospital for the applicant's specialty have been established under subsection 8 (1) of the Act. O. Reg. 398/07, s. 7.

12. (1) A certificate of accreditation expires five years after it is issued or renewed unless it expires at an earlier date under subsection (2) or unless the Accreditation Committee issued or renewed the certificate on condition that it expire at an earlier date. O. Reg. 509/93, s. 3.

(2) A certificate of accreditation expires before the period described in subsection (1) if,

(a) a stationary veterinary facility, or a stationary element of a facility with a mobile element, is relocated; or

(b) no member meets the requirements in clauses 10 (a), (b), (c) and (d) in respect of the veterinary facility. R.R.O. 1990, Reg. 1093, s. 12 (2).

13. Every member practising in or from a facility, other than a companion animal mobile, a remote area companion animal mobile, food-producing animal mobile equine mobile or equine emergency mobile, shall ensure that the certificate of accreditation is displayed conspicuously in the facility so that clients can read it easily. R.R.O. 1990, Reg. 1093, s. 13; O. Reg. 407/92, s. 3; O. Reg. 161/04, s. 8.

14. (1) A certificate of accreditation for a companion animal hospital, office, mobile office, mobile, emergency clinic spay-neuter clinic or remote area companion animal mobile limits the veterinary practice in or from the facility to the treatment of companion animals. R.R.O. 1990, Reg. 1093, s. 14 (1); O. Reg. 161/04, s. 9.

(2) A certificate of accreditation for a food-producing animal hospital or mobile limits the veterinary practice in or from the facility to the treatment of food-producing animals and horses. R.R.O. 1990, Reg. 1093, s. 14 (2).

(3) A certificate of accreditation for an equine clinic mobile or emergency mobile limits the veterinary practice in or from the facility to the treatment of horses. R.R.O. 1990, Reg. 1093, s. 14 (3); O. Reg. 407/92, s. 4 (1).

(4) A certificate of accreditation for a poultry service limits the veterinary practice in or from the facility to the treatment of poultry. R.R.O. 1990, Reg. 1093, s. 14 (4).

(5) It is a condition of a certificate of accreditation for a companion animal office that the veterinary services provided in or from the facility do not include radiology, major surgery, overnight confinement or, except for observation and continuing care on the day of treatment, hospitalization. R.R.O. 1990, Reg. 1093, s. 14 (5).

(6) It is a condition of a certificate of accreditation for a companion animal mobile office that the veterinary services provided in or from the facility do not include radiology, major surgery, overnight confinement or hospitalization. R.R.O. 1990, Reg. 1093, s. 14 (6).

(7) A certificate of accreditation for a companion animal mobile limits the veterinary services provided from the facility to,

- (a) assessments;
- (b) vaccinations;
- (c) tranquilization, sedation or local anaesthesia;
- (d) surgical repair of simple wounds for which general anaesthesia is not necessary;
- (e) treatment of abscesses for which general anaesthesia is not necessary;
- (f) tail docks and dewclaw removals on animals less than one week of age;
- (g) nail clipping;
- (h) expression of anal glands;
- (i) cleansing and treatment of ear conditions for which general anaesthesia is not necessary;
- (j) minor dental work for which general anaesthesia is not necessary;
- (k) ophthalmic examinations and simple ocular procedures;
- (l) collection for screening analysis of blood, skin scrapings, urine and feces;
- (m) bandaging;
- (n) euthanasia;
- (o) emergency care pending transport to a companion animal hospital;
- (p) prescribing and dispensing drugs;
- (q) collection of semen;
- (r) artificial insemination; and
- (s) breeding supervision. R.R.O. 1990, Reg. 1093, s. 14 (7).

(8) It is a condition of accreditation for a companion animal emergency clinic that a member and an auxiliary are actually on duty in the facility and available for service with reasonable promptness,

- (a) every weekday from 7 p.m. to 8 a.m. on the following day;
- (b) every weekend from 7 p.m. on Friday to 8 a.m. on the following Monday; and
- (c) every statutory holiday from 7 p.m. on the day before the holiday to 8 a.m. on the day following the holiday. O. Reg. 510/95, s. 3 (1).

(9) A certificate of accreditation for a companion animal spay-neuter clinic limits the

veterinary services provided in or from the facility to spay and neuter procedures, including the pre-, intra- and post-operative management usually associated with those procedures. R.R.O. 1990, Reg. 1093, s. 14 (9).

(10) The following are conditions of a certificate of accreditation for an equine emergency mobile:

1. A member shall be on duty and available for service with reasonable promptness,
 - i. every weekend from 7 p.m. on Friday to 8 a.m. on the following Monday, and
 - ii. every statutory holiday from 7 p.m. on the day before the holiday to 8 a.m. on the day following the holiday.
2. The holder of the certificate shall ensure that clients are directed to an alternate facility by answering machine or answering service when no member is on duty in the facility. O.Reg. 407/92, s. 4 (2); O. Reg. 510/95, s. 3 (2).

(11) The following are conditions of a certificate of accreditation for a specialty animal hospital:

1. The veterinary services provided in or from the facility are limited to the specialty or services necessary to practice the specialty.
2. A member working in or from the facility must,
 - i. be a board certified specialist as described in section 41.1,
 - ii. have completed an accredited residency program in the relevant specialty, be certified by the board as being eligible in the specialty and practice under the supervision of a person described in subparagraph i, or
 - iii. be enrolled in an accredited training program in the relevant specialty and practice under the supervision of a person described in subparagraph i. O. Reg. 398/07, s. 8.

GENERAL

15. (1) The Council may by by-law establish a category of membership for retired members and may,

- (a) designate the name by which the category is to be known; and
- (b) establish the criteria for membership in the category. R.R.O. 1990, Reg. 1093, s. 15 (1).

(2) Retired members are entitled to receive the general mailings of the College and notice of meetings and may speak at meetings but are not eligible to vote on any matter. R.R.O. 1990, Reg. 1093, s. 15 (2).

(3) A retired member may not hold a veterinary licence and may not practise veterinary medicine or hold himself or herself out as engaging in the practice of veterinary medicine. R.R.O. 1990, Reg. 1093, s. 15 (3).

16. (1) The fees payable under the Act are set out in the by-laws. O. Reg. 431/00, s. 4; O. Reg. 398/07, s. 9 (1).

(2), (3) Revoked: O. Reg. 398/07, s. 9 (2).

(4) A postgraduate and resident licence is valid for 12 months. O. Reg. 431/00, s. 4.

(5) The initial fee for a postgraduate and resident licence is due before the licence is issued. O. Reg. 431/00, s. 4; O. Reg. 398/07, s. 9 (3).

(6) Revoked: O. Reg. 398/07, s. 9 (4).

PART II PRACTICE STANDARDS

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

1. An act or omission inconsistent with the Act or this Regulation.
2. Failing to maintain the standard of practice of the profession.
3. Failing to fulfil the terms of an agreement with a client.
4. Failing to continue to provide professional services to an animal until the services are no longer required or until the client has had a reasonable opportunity to arrange for the services of another member.
5. Failing to provide within a reasonable time and without cause any certificate or report requested by a client or his or her agent in respect to an examination or treatment performed by the member.
6. Revealing information concerning a client, an animal or any professional service performed for an animal, to any person other than the client or another member treating the animal except,
 - i. with the consent of the client,
 - ii. when required to do so by law,
 - iii. to prevent, or contribute information for the treatment of, a disease or physical injury of a person,
 - iv. when it appears that the animal has been abused, or
 - v. for the purpose of identifying, locating or notifying the apparent owner of the animal, protecting the rights of the apparent owner or enforcing applicable laws in respect of the animal, where it appears that the animal is not owned by the person presenting it for treatment.
7. Providing, or attempting or offering to provide, services that are not reasonably useful or needed.
 - 7.1 Recommending, referring, ordering or requisitioning laboratory tests, technical procedures or professional services that are not reasonably useful or needed.
8. Making a misrepresentation to a client or prospective client.
9. Making a claim respecting the utility of any remedy, treatment, device or procedure other than a claim which can reasonably be supported as professional opinion.
10. Guaranteeing a cure, or making a statement which a client would reasonably understand as a guarantee of a cure.
11. Charging a fee that is excessive in relation to the services performed.

12. Charging a fee for an unperformed service, except a fee for an appointment missed without at least twenty-four hours notice.
13. Revoked: O. Reg. 510/95, s. 4.
14. Adding a charge to a disbursement.
15. Knowingly submitting a false or misleading account or charge for professional services.
16. Failing to issue a statement or receipt when a statement or receipt is requested by a client or his or her agent.
17. Failing to itemize the services provided, the fees therefor and the disbursements charged, when an itemized account is requested by a client or his or her agent.
18. Reducing, or offering to reduce, an account for prompt payment without notifying the client of the terms of reduction before providing the pertinent service.
19. Charging interest on an account without notifying the client of the terms of interest before providing the pertinent service, except where interest has been granted by a court.
20. Selling, or attempting to sell, an account for professional services to a third party.
21. Failing to dispose of an animal, whether deceased or alive, or a part of it, in accordance with the client's instructions if those instructions are in accordance with accepted veterinary standards and practice.
22. Disposing of an animal, whether deceased or alive, or a part of it, by any means that are not in accordance with accepted veterinary standards and practice, if the client does not give instructions regarding such disposal or gives instructions that are not in accordance with accepted veterinary standards and practice.
- 22.1 Failing to dispose of biological, pathological or hazardous wastes in accordance with the requirements of the *Environmental Protection Act* or, if there are no such requirements, in accordance with accepted veterinary standards and practice.
23. If an animal has died unexpectedly or from an anaesthetic, failing to promptly inform the client about the availability of a necropsy through a veterinarian independent of the attending veterinarian but, having provided the information, the attending veterinarian or an associate, upon the client's request, may perform the necropsy.
24. Abusing a client verbally or physically or permitting or counselling an associate or auxiliary to abuse a client verbally or physically.
25. Having a conflict of interest.
26. Having a licence under the *Livestock Medicines Act* or an interest in an establishment or undertaking that has a licence under that Act, or deriving a benefit directly or indirectly from an establishment or undertaking that has a licence under the *Livestock Medicines Act*.
27. Failing to make or retain the records required by this Regulation.
28. Falsifying a record regarding professional services.
29. Failing to abide by a condition in a licence or a certificate of accreditation.

30. Failing to direct or supervise, or inadequately directing or supervising, an auxiliary.
31. Permitting, counselling or assisting any person, other than a member, to practise, or to attempt to practise, veterinary medicine.
32. Permitting, advising or assisting any person, other than a member, to perform any act or function which should properly be performed by a member.
33. Directly or by implication representing any person to be a member who is not a member.
34. Signing or issuing a veterinary certificate, report or similar document that contains a statement that the member knows or ought to know is false, misleading or otherwise improper.
35. Signing or issuing a veterinary certificate, report or similar document without ascertaining, or taking reasonable measures to determine, the accuracy of its contents.
36. Permitting a veterinary certificate, report or similar document to be issued in the member's name, or with his or her concurrence, without personally signing it.
37. If a licence of another person is suspended or has been revoked, cancelled or terminated, a member for any purpose related to the practice of veterinary medicine, except with the prior written consent of the Executive Committee and subject to the terms of that consent,
 - i. retains or uses the services of that person,
 - ii. employs or is employed by him or her,
 - iii. maintains a partnership or association with him or her or is a shareholder in a professional corporation in which he or she is a shareholder or of which he or she is an employee,
 - iv. directly or indirectly receives, makes or confers any remuneration or benefit from or to him or her, or
 - v. shares or occupies space with him or her.
38. Failing to reply appropriately or within a reasonable time to a written inquiry received from the College.
 - 38.1 Providing false or misleading information to the College.
39. Making any statement, orally or in writing, calculated to belittle or injure the professional reputation of another veterinarian, or unnecessarily commenting adversely upon any professional act of another veterinarian.
40. Treating an animal receiving veterinary services from another member without notifying the other member and obtaining the relevant historical information as soon as practicable except if the treatment is done in accordance with subsection 33 (1.1).
41. Treating an animal receiving veterinary services from another member who did not refer the animal without advising the client that such uncoordinated veterinary services may place the animal at risk except if the treatment is done in accordance with subsection 33 (1.1).
42. Engaging in or permitting the publication, broadcast, display, distribution or use of, a

testimonial or endorsement.

43. Touting or, except as permitted by this Regulation, soliciting professional business.

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

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

45. Conduct unbecoming a veterinarian. R.R.O. 1990, Reg. 1093, s.17 (1); O. Reg. 513/94, s. 1; O. Reg. 510/95, s. 4; O. Reg. 431/00, s. 5 (1, 2); O. Reg. 24/02, s. 1 (1-4); O. Reg. 161/04, s. 11 (1-5); O. Reg. 398/07, s. 10.

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

- (a) the client has agreed in writing to the transfer;
- (b) the member has attempted to contact the client at least five times by at least two different methods, such as telephone and mail, and has documented the attempts; and
- (c) the member has attempted to contact any emergency contact person identified by the client. O. Reg. 161/04, s. 11 (6).

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

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

- (a) the member does not have a financial interest in the entity;
- (b) the entity is engaged in manufacturing or selling feed for poultry or is engaged in breeding, hatching, growing, processing or feeding poultry;
- (c) the entity is licensed under the *Livestock Medicines Act*; and
- (d) the entity does not offer veterinary services as an inducement to others to buy its products or to sell products to it. O. Reg. 431/00, s. 5 (3).

(4) For the purposes of,

- (a) paragraph 14 of subsection (1), it is not professional misconduct to charge a fee for the interpretation of the results of a laboratory investigation;
- (b) paragraph 20 of subsection (1), it is not professional misconduct to retain a lawyer or agent to collect unpaid accounts or to accept payment for professional services by credit card. O. Reg. 24/02, s. 1 (5).

18. A member shall exercise generally accepted standards of practice and procedures in the

performance of veterinary services. R.R.O. 1990, Reg. 1093, s. 18.

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 properly supervises the performance of an auxiliary's task if the member,
- (a) is physically present on the premises when the task is performed, remains available for personal intervention if required and monitors the performance to determine that the task is properly carried out; or
 - (b) if absent on account of an emergency or otherwise temporarily absent and the performance of the task does not require a member's attendance, has given general instructions for such an occasion and the member ascertains as soon as practicable after the task is performed that it was properly carried out. R.R.O. 1990, Reg. 1093, s. 19 (3).

(4) A member may direct an auxiliary who is suitably qualified by education or experience to perform, under the supervision of a member, the tasks traditionally assigned to auxiliaries including flushing and infusion procedures in the course of embryo transfers after appropriate assessment by a member. R.R.O. 1990, Reg. 1093, s. 19 (4).

20. (1) A member is responsible for providing reasonably prompt services outside of regular practice hours if the services are medically necessary for animals that he or she has recently treated or that he or she treats regularly. R.R.O. 1990, Reg. 1093, s. 20 (1).

(2) The services required under subsection (1) may be provided by the member or an associate or by referral to another member who has agreed to cover the referring member's practice. R.R.O. 1990, Reg. 1093, s. 20 (2).

(3) If a member provides services under subsection (1) outside of regular practice hours by referring an animal to an emergency clinic, the member is responsible for promptly continuing to provide medically necessary services to the animal after discharge from the emergency clinic until the services are no longer required or until the client has had a reasonable opportunity to arrange for the services of another member. R.R.O. 1990, Reg. 1093, s. 20 (3).

21. (1) A member who induces general anaesthesia in an animal or undertakes critical care of an animal is responsible for monitoring the recovery of the animal until its medical condition is stable and satisfactory. R.R.O. 1990, Reg. 1093, s. 21 (1).

(2) The monitoring under subsection (1) may be done personally, through another member or through an auxiliary who is suitably qualified by education or experience if supervised by the member. R.R.O. 1990, Reg. 1093, s. 21 (2).

22. (1) The records required in respect of each companion animal shall contain the following information:

1. Patient identification, including species, age and sex.
2. The client's name, address and telephone numbers.
3. If the client is likely to be absent from his or her address while the animal is confined

with the member, the name, address and telephone number of a person to be contacted in case of an emergency.

4. Date of each time that the member sees the animal.
5. A history of the animal's health, including a record of vaccinations.
6. The animal's current weight.
7. Particulars of each assessment, including any laboratory investigations, performed or ordered by the member and the results of each assessment.
8. A note of any professional advice given regarding the animal and an indication of when and to whom such advice was given if other than to the client.
9. All medical or surgical treatments and procedures used, dispensed, prescribed or performed by or at the direction of the member, including the name, strength, dose and quantity of any drugs.
- 9.1 One of the following with respect to each surgical treatment:
 - i. The written consent to the surgical treatment signed by or on behalf of the owner of the animal.
 - ii. A note that the owner of the animal or a person on the owner's behalf consented orally to the surgical treatment, and the reason why the consent was not in writing.
 - iii. A note that neither the owner of the animal nor anyone on the owner's behalf was available to consent to the surgical treatment, and the reason why, in the member's opinion, it was medically advisable to conduct the surgical treatment.
10. A copy of all reports prepared by the member in respect of the animal.
11. A final assessment of the animal.
12. The fees and charges, showing separately those for drugs and those for advice or other services.
13. Any additional records required by this Regulation. R.R.O. 1990, Reg. 1093, s. 22 (1); O. Reg. 431/00, s. 6.

(2) The records required in respect of each food-producing animal or herd shall contain the following information:

1. Individual or herd identification, including breed and sex.
2. If individual advice or care is given, at least one of the animal's name, the animal's tattoo or ear-tag number or the animal's colour, markings or other distinguishing physical features.
3. The client's name, address and telephone numbers.
4. The name and telephone number of a person to be contacted in the absence of the client.
5. Date of each service.
6. A history of the presenting complaint.
7. If there is a presenting complaint, particulars of each assessment, including any

laboratory investigations performed or ordered by the member and the results of each assessment.

8. A note of any professional advice regarding the individual or herd and an indication of to whom the advice was given if other than to the client.
9. A complete record of all written prescriptions and drugs that the member has prescribed or dispensed.
10. A copy of any report prepared by the member in respect of the individual or herd.
11. The fees and charges, showing separately those for drugs and those for advice or other services.
12. Any additional records required by this Regulation. R.R.O. 1990, Reg. 1093, s. 22 (2); O. Reg. 510/95, s. 5 (1).

(3) The records required in respect of a horse are the same as those required in respect of a food-producing animal. R.R.O. 1990, Reg. 1093, s. 22 (3).

(4) The records required in respect of poultry, for each bird or flock, shall contain the following information:

1. Bird or flock identification, or both, including species and type.
2. The client's name, address and telephone numbers.
3. The name and telephone number of a person to be contacted in the absence of the client.
4. Date of each service.
5. A history of the presenting complaint.
6. If there is a presenting complaint, particulars of each assessment, including any laboratory investigations performed or ordered by the member and the results of each assessment.
7. A note of any professional advice regarding the bird or flock and an indication of to whom the advice was given if other than to the client.
8. A complete record of all written prescriptions and drugs dispensed or prescribed by the member, made in accordance with section 27.
9. A copy of any report prepared by the member in respect of the bird or flock.
10. The fees and charges showing separately those for drugs and those for advice or other services.
11. Any additional records required by this Regulation. R.R.O. 1990, Reg. 1093, s. 22 (4).

(5) The records required under this section shall be,

- (a) legibly written or typewritten;
- (b) kept in a systematic manner;
 - (b.1) in practices of more than one practitioner or practices that employ locums, identified after each entry with the initials or code of the veterinarian responsible for the procedure; and
- (c) retained for a period of at least five years after the date of the last entry in the record or

until two years after the member ceases to practise veterinary medicine, whichever occurs first. R.R.O. 1990, Reg. 1093, s. 22 (5); O. Reg. 510/95, s. 5 (2).

(6) Despite subsection (5), the records required under this section may be maintained in any electronic medium that provides a visual display of recorded information if,

- (a) the recorded information is capable of being printed promptly; and
- (b) any changes in the recorded information are clearly indicated as changes. R.R.O. 1990, Reg. 1093, s. 22 (6).

PART III DRUGS

23. (1) In this Part,

“controlled substance” means a controlled substance as defined in subsection 2 (1) of the *Controlled Drugs and Substances Act* (Canada);

“dispense” means administer, sell, distribute or give away;

“drug” means any substance or preparation containing any substance,

- (a) manufactured, sold or represented for use in,
 - (i) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical or mental state or the symptoms thereof, in humans, animals or fowl, or
 - (ii) restoring, correcting or modifying functions in humans, animals or fowl,
- (b) referred to in Schedule C, D or E,
- (c) listed in a publication named by the regulations made under the *Drug and Pharmacies Regulation Act*, or
- (d) named in the regulations made under the *Drug and Pharmacies Regulation Act*,

but does not include,

- (e) any substance or preparation referred to in clause (a), (b) or (c) manufactured, offered for sale or sold as, or as part of, a food, drink or cosmetic,
- (f) any proprietary medicine as defined from time to time by the regulations made under the *Food and Drugs Act* (Canada) that does not contain any substance or preparation containing any substance referred to in Schedule C, D or E, or
- (g) a substance or preparation named in Schedule A or B;

“internal use” means local or systemic absorption upon introduction into the body by the parenteral route or through a body orifice;

“ketamine” means ketamine and its salts;

“pharmacist” means a member of the Ontario College of Pharmacists;

“targeted drug” means any substance included in the Benzodiazepines and other Targeted Substances Regulations, SOR/2000-217 made under the *Controlled Drugs and Substances Act* (Canada). R.R.O.1990, Reg. 1093, s. 23 (1); O. Reg. 510/95, s. 6; O. Reg. 161/04, s. 12 (1-3).

(2) In this Part, a reference to Schedule A, B, C, D or E is a reference to such Schedule

established by Ontario Regulation 297/96 made under the *Drug and Pharmacies Regulation Act*. O. Reg. 161/04, s. 12 (4); O. Reg. 398/07, s. 11.

24. Subsections 22 (5) and (6) apply to the registers, entries and other records required by this Part. R.R.O. 1990, Reg. 1093, s. 24.

25. (1) Every member who dispenses drugs shall maintain a system for filing the records of the purchase and dispensing of the drugs. R.R.O. 1990, Reg. 1093, s. 25 (1).

(2) A member shall keep a record of every purchase of a drug and, immediately upon such purchase shall enter,

- (a) the date of the purchase;
- (b) the name, strength and quantity of the drug;
- (c) the name and address of the person from whom the drug was purchased or received;
- (d) the purchase price; and
- (e) in the case of a controlled substance, ketamine or a targeted drug, the signature of the member who made the purchase. R.R.O. 1990, Reg. 1093, s. 25 (2); O. Reg. 161/04, s. 13.

(3) The maintenance in systematic order of all drug purchase invoices is a record for the purposes of subsection (2). R.R.O. 1990, Reg. 1093, s. 25 (3).

26. If a member decides to treat an animal with a drug and either does not dispense it or is asked by the owner for a prescription, the member shall give a written prescription to the owner or offer to give an oral prescription acceptable to the owner to a pharmacist or to another veterinarian in accordance with subsection 33 (1.1). O. Reg. 161/04, s. 14.

27. (1) A member who dispenses a drug shall make a written record showing,

- (a) the name and address of the owner of the animal or group of animals for which the drug is prescribed;
- (b) the name, strength and quantity of the prescribed drug;
- (c) the directions for use if they are different than the directions for use on the manufacturer's label or if the manufacturer's label does not specify the directions for use;
- (d) the date on which the drug is dispensed; and
- (e) the price charged. R.R.O. 1990, Reg. 1093, s. 27 (1).

(2) The member shall retain the written record required under subsection (1) for a period of at least five years or until he or she ceases to practice veterinary medicine, whichever occurs first. R.R.O. 1990, Reg. 1093, s. 27 (2).

(3) A member who dispenses a drug shall mark the container in which the drug is dispensed with,

- (a) the name, strength and quantity of the drug;
- (b) the date the drug is dispensed;
- (c) the name and address of the member;

- (d) the identity of the animal or group of animals for which it is dispensed;
- (e) the name of the owner of the animal or animals; and
- (f) the prescribed directions for use. R.R.O. 1990, Reg. 1093, s. 27 (3).

(4) Except for a drug marked C1, C2, C3, F1 or N in Schedule E, subsection (3) does not apply if the container in which a drug is dispensed is the original and unopened container in which the drug was packaged, the original label on the container has not been altered and the prescribed directions for use are the same as the directions for use on the original label. R.R.O. 1990, Reg. 1093, s. 27 (4); O. Reg. 161/04, s. 15.

28. (1) A member who dispenses a controlled substance, ketamine or a targeted drug shall keep a controlled substances register in which is entered,

- (a) the date of the dispensing;
- (b) the name and address of the owner of the animal or animals for which the drug was dispensed;
- (c) the name, strength and quantity of the drug dispensed; and
- (d) the quantity of the drug remaining after dispensing. R.R.O. 1990, Reg. 1093, s. 28 (1); O. Reg. 510/95, s. 7; O. Reg. 161/04, s. 16 (1); O. Reg. 398/07, s. 12.

(2) A member shall,

- (a) protect controlled substances, ketamine and targeted drugs in his or her possession from loss and theft; and
- (b) report any loss or theft of controlled substances, ketamine or targeted drugs in his or her possession to,
 - (i) a police officer immediately, and
 - (ii) the Minister of Health, Canada, within 10 days of discovering the loss or theft. O. Reg. 161/04, s. 16 (2).

(3) A member shall not permit any person, other than another member or an auxiliary acting upon the specific direction of a member, to dispense or have access to the controlled substances, ketamine or targeted drugs in the member's possession. O. Reg. 161/04, s. 16 (2).

(4) A member shall ensure that the controlled substances, ketamine and targeted drugs in his or her possession are kept in a locked cabinet designed and constructed to ensure the reasonable security of the drugs. O. Reg. 161/04, s. 16 (2).

(5) The cabinet mentioned in subsection (4) shall be kept locked except when drugs are being placed in or removed from the cabinet. R.R.O. 1990, Reg. 1093, s. 28 (5).

(6) A member shall not prescribe or dispense a controlled substance, ketamine or a targeted drug unless,

- (a) the animal for which the controlled substance, ketamine or targeted drug is prescribed or dispensed is an animal under his or her professional treatment; and
- (b) the controlled substance, ketamine or targeted drug is required for a condition for which the animal is receiving treatment from the member. O. Reg. 161/04, s. 16 (2).

29., 30. Revoked: O. Reg. 398/07, s. 13.

31. (1) In this section,

“withholding time” means, in reference to an animal that receives a drug or substance, the period of time for which the animal or the product of the animal should be withheld or withdrawn from sale for consumption. R.R.O. 1990, Reg. 1093, s. 31 (1).

(2) When a member dispenses a drug or substance for use in food-producing animals, the member shall advise the recipient of the drug or substance of an appropriate withholding time, which shall be at least as long as the withholding time recommended by the manufacturer of the drug or substance. R.R.O. 1990, Reg. 1093, s. 31 (2).

(3) The container in which the drug or substance is dispensed shall include on the label, legibly and conspicuously displayed on the outer surface of the container, a warning of an appropriate withholding time, which shall be at least as long as the withholding time recommended by the manufacturer. R.R.O. 1990, Reg. 1093, s. 31 (3).

(4) When a member dispenses a drug or substance for use in food-producing animals and the member knows or suspects that use will be made or a dosage will be administered of the drug or substance that is different than the use or dosage that is customary or recommended by the manufacturer, the member shall, in addition to the advice required under subsection (2), advise the recipient of the drug or substance that the appropriate withholding time is not known but should be substantially longer than the recommended withholding time. R.R.O. 1990, Reg. 1093, s. 31 (4).

32. (1) In this section,

“child resistant package” means a container or package that meets the requirements of the regulations made under the *Food and Drugs Act* (Canada). R.R.O. 1990, Reg. 1093, s. 32 (1).

(2) A member shall dispense a drug in a child resistant package unless,

- (a) a child resistant package is unobtainable through no fault of the member;
- (b) a child resistant package is not suitable because of the amount or physical form of the drug;
- (c) the recipient directs otherwise; or
- (d) in the best interests of the recipient it is advisable not to use a child resistant package. R.R.O. 1990, Reg. 1093, s. 32 (2); O. Reg. 510/95, s. 8.

33. (1) No member shall administer, dispense or prescribe a drug unless,

- (a) the member has assumed the responsibility for making medical judgements regarding the health of the animal or group of animals and the need for medical treatment and the custodian of the animal or group of animals has indicated a willingness to accept the advice of the member;
- (b) the member has sufficient knowledge of the animal or group of animals by virtue of a history and inquiry and either physical examination of the animal or group of animals or medically appropriate and timely visits to the premises where the animal or group of animals is kept to reach at least a general or preliminary diagnosis;
- (c) the member believes that the drug is prophylactically or therapeutically indicated for the animal or group of animals; and

(d) the member is readily available in case of adverse reactions to the drug or failure of the regimen of therapy. R.R.O. 1990, Reg. 1093, s. 33 (1); O. Reg. 431/00, s. 7.

(1.1) Subsection (1) does not apply to a member who administers or dispenses a drug, other than a controlled substance, ketamine or a targeted drug, pursuant to an oral or written prescription from another member if,

- (a) it is not reasonably possible for the client to obtain the drug from the prescribing member or a pharmacy;
- (b) it is necessary in the interests of the animal to administer or dispense the drug without the delay that would be associated with returning to the prescribing member;
- (c) the member makes a reasonable effort to discuss the matter with the prescribing member;
- (d) the member conducts a sufficient assessment of the animal's circumstances, which may not require a physical examination in every case, to ascertain that it is unlikely that there has been a material change in the circumstances since the prescription was given;
- (e) the quantity of the drug dispensed is no more than would reasonably enable the client to return to the prescribing member for future prescriptions or quantities of the drug; and
- (f) the member makes a written record of the transaction as otherwise required by this Regulation. O. Reg. 161/04, s. 19 (1).

(2) No member shall,

- (a) sign a blank prescription form;
- (b) knowingly represent that a drug is a drug which it is not or that it contains a substance which it does not;
- (c) send through the mail, except by a form of mail that provides proof of delivery, a controlled substance, ketamine or a targeted drug or a drug referred to in Schedule D or E;
- (d) knowingly dispense a drug for resale except to another member or a pharmacist;
- (e) dispense a drug or possess a drug for the purpose of dispensing the drug at any place other than a veterinary facility where he or she regularly practises veterinary medicine; or
- (f) dispense pharmaceutical product T-61 except if it is for administration by a member or a person who is known to the member to be competent in the humane administration of euthanasia and aware of the advisability of administering sedation to the animal before administering the product and who,
 - (i) is an auxiliary of the member acting upon the specific direction of the member, or
 - (ii) is carrying out euthanasia procedures on animals, including wild animals, while,
 - (A) operating, or being employed by a person operating, a pound or research facility within the meaning of the *Animals for Research Act*,
 - (B) being employed by the Ontario Society for the Prevention of Cruelty to

Animals or an affiliate of the Society, or

(C) acting as a wildlife custodian within the meaning of section 44 of the *Fish and Wildlife Conservation Act, 1997*. R.R.O. 1990, Reg. 1093, s. 33 (2); O. Reg. 407/92, s. 5; O. Reg. 161/04, s. 19 (2); O. Reg. 398/07, s. 14.

PART IV HOLDING OUT

34. In this Part,

“ancillary services” means boarding, grooming, funeral services and sales of foods, supplies and other goods and services used by or with animals that is provided by a member whether as part of, or separately from, his or her practice of veterinary medicine. R.R.O. 1990, Reg. 1093, s. 34.

35. No member shall publish, display, distribute or use, or permit, directly or indirectly, the publication, display, distribution or use of any advertisement, announcement or similar form of communication related to the member’s professional services or ancillary services or to a member’s association with, or employment by, any person, except as permitted by this Part. R.R.O. 1990, Reg. 1093, s. 35.

36. (1) Except as provided in this Part, a member may communicate factual, accurate and verifiable information that a reasonable person would consider relevant in the choice of a veterinarian, including the availability of ancillary services, that,

- (a) is not false, misleading or deceptive by the inclusion or omission of any information;
- (b) is readily comprehensible, dignified and in good taste;
- (c) contains no testimonial or comparative statements;
- (d) contains no information in respect of a fee or price; and
- (e) contains no reference to a specific drug, appliance or equipment. R.R.O. 1990, Reg. 1093, s. 36 (1).

(2) Despite clause (1) (d), a member may display or distribute within the veterinary facility where he or she practises a fee schedule stating the fee for some or all professional services or ancillary services or an explanation of the basis for the calculation of such fees, or both. R.R.O. 1990, Reg. 1093, s. 36 (2).

(3) The location and size of a displayed fee schedule permitted by subsection (2) shall be such that it cannot be read by a person outside the veterinary facility. R.R.O. 1990, Reg. 1093, s. 36 (3).

(4) No information shall be communicated using a medium that is not equally accessible to all interested members to use. O. Reg. 308/91, s. 2.

37. (1) A member shall not cause or permit, directly or indirectly, his or her name to appear in any communication offering to the public any product or service other than the member’s professional services and ancillary services. R.R.O. 1990, Reg. 1093, s. 37 (1).

(2) A member shall not be associated with the advertising or promotion of any product or service other than the member’s professional services and ancillary services. R.R.O. 1990, Reg. 1093, s. 37 (2).

(3) Despite subsections (1) and (2), a member may be associated with the advertising of a product or service and permit his or her name to appear in a communication offering to the public a product or service in a printed publication intended to be read principally by veterinarians. R.R.O. 1990, Reg. 1093, s. 37 (3).

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

39. A member shall not contact or communicate with, or attempt to contact or communicate with, any person in order to solicit patronage of professional services or ancillary services. R.R.O. 1990, Reg. 1093, s. 39.

40. (1) Despite section 39, a member may,

(a) send written communications, consistent with subsection 36 (1), generally to persons not known to need professional services or ancillary services but who might in general find the availability of such services useful; and

(b) communicate with his or her regular clients regarding any matter relating to the member's professional or ancillary services. O. Reg. 431/00, s. 8.

(2) For the purposes of subsection (1),

(a) a person is a regular client of a member if,

(i) the person uses the professional services of the member regularly and with reasonable frequency, and

(ii) the person has not requested the transfer of the records for the person's animal to another member; and

(b) a person who uses the professional services of a member who is in the employment of another member shall be deemed to be a client only of the employer member. R.R.O. 1990, Reg. 1093, s. 40 (2).

(3) A communication authorized by clause (1) (a) shall be clearly and prominently marked "advertisement" on each page. R.R.O. 1990, Reg. 1093, s. 40 (3).

41. (1) The name used by a member in the practice of veterinary medicine shall be the same as the name in which the member is entered in the register. R.R.O. 1990, Reg. 1093, s. 41 (1).

(1.1) If a member practises veterinary medicine on behalf of a professional corporation, he or she may, despite subsection (1), use the name of the professional corporation in practising the profession. O. Reg. 24/02, s. 2 (1).

(2) A member may name the veterinary facility in which he or she carries on an independent or private practice of veterinary medicine with a designation approved by the Registrar. R.R.O. 1990, Reg. 1093, s. 41 (2); O. Reg. 509/93, s. 4 (1).

(3) The designation under subsection (2) shall contain,

(a) a geographical reference appropriate to the location of the facility or the surname of a member who is or was associated with the practice;

(b) the word "animal", "pet" or "veterinary" except,

- (i) if the practice in or from the facility is restricted to one particular species or specialty, the name of that species or specialty or one of the words “animal”, “pet”, or “veterinary” or both the name of the species or specialty and one of the words “animal”, “pet” or “veterinary”, and
- (ii) if the practice in or from the facility is restricted to poultry, the word “poultry” with or without the word “veterinary”; and

(c) an appropriate term required under section 11 for the class of certificate of accreditation of the facility. R.R.O. 1990, Reg. 1093, s. 41 (3); O. Reg. 398/07, s. 15.

(3.1) If the Registrar is in doubt as to whether or not a designation meets the requirements set out in subsection (3), he or she shall refer the matter to the Accreditation Committee. O. Reg. 509/93, s. 4 (2).

(4) Neither the Registrar nor the Accreditation Committee shall approve the designation if of the opinion that it,

- (a) is inconsistent with subsection (3);
- (b) is improper or unfitting; or
- (c) may tend to be confused with the designation of another veterinary facility or the name of a professional corporation. R.R.O. 1990, Reg. 1093, s. 41 (4); O. Reg. 510/95, s. 9; O. Reg. 24/02, s. 2 (2).

(5) Revoked: O. Reg. 509/93, s. 4 (3).

41.1 (1) Except as authorized by this section, a member shall not use a term, title or designation which indicates specialization in veterinary medicine, or represents to the public that the member is a specialist or is specially qualified in a branch of veterinary medicine. O. Reg. 431/00, s. 9.

(2) A member who holds a certificate of specialization from the National Examining Board of the Canadian Veterinary Medical Association may use a designation for the specialty approved by the Board of that Association. O. Reg. 431/00, s. 9.

(3) A member who holds a certification recognition in a specialty from the Board of the American Veterinary Medical Association may use a designation for the specialty approved by the Board of that Association. O. Reg. 431/00, s. 9.

PART V CONFLICT OF INTEREST

42. (1) In this Part,

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

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

relationship, except as a brother or sister, to the other. R.R.O. 1990, Reg. 1093, s. 42 (1).

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

- (a) enters into any agreement, including a lease of premises, under which any amount payable by or to a member or a related person is related to the amount of fees charged by the member; or
- (b) receives, makes or confers a fee, credit or other benefit by reason of the referral or transfer of an animal or a specimen from or to any other person. R.R.O. 1990, Reg. 1093, s. 42 (2).

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

- (a) from entering into a partnership, association or employment agreement with another member under which the drawings, interest or remuneration of the partners, associates or employees, as the case may be, is related to the amount of fees charged by them; or
- (b) from entering into an agreement with another member to form a professional corporation, under which the drawings, interest or remuneration of the members is related to the amount of fees charged by them. O. Reg. 24/02, s. 3; O. Reg. 161/04, s. 20 (1).

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

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

(5) Clause (2) (b) does not prevent a member from referring or transferring an animal or a specimen to a corporation or other business entity from which the member receives a benefit, by reason only that the member or a related person has an interest in the corporation or other business entity, if,

- (a) the member provides a written explanation to the client of the member's or related person's interest in the corporation or other business entity;
- (b) the member provides written notice to the client that, if the client chooses another service provider, the client's choice will not affect the client's ability to obtain services from the member unless the choice would result in the care provided to the animal being unco-ordinated;
- (c) in the case of laboratory testing or radiological or other technical procedures, the member provides a written explanation to the client that the member is professionally responsible for the quality of the testing or technical procedures performed for the animal; and
- (d) the member provides the College, upon request, documents demonstrating that the member has complied with clauses (a), (b) and (c). O. Reg. 161/04, s. 20 (2).

43. (1) In this section,

“employee” includes an agent;

“employer” includes a principal. R.R.O. 1990, Reg. 1093, s. 43 (1).

(2) A member has a conflict of interest who performs a veterinary service in the course of employment by any person, other than another member, except a service provided to the member’s employer or in accordance with subsection (4), (5) or (6). R.R.O. 1990, Reg. 1093, s. 43 (2); O. Reg. 431/00, s. 10 (1).

(3) For the purposes of subsection (2),

(a) a member who performs a veterinary service for an animal shall be deemed to perform the service to the owner of the animal which received the service; and

(b) a member employed by a humane society operated in accordance with the *Ontario Society for the Prevention of Cruelty to Animals Act* or by a pound operated under the *Animals for Research Act* who performs a veterinary service for an animal seized by, or irrevocably surrendered to, the society or pound shall be deemed to perform the service to his or her employer. R.R.O. 1990, Reg. 1093, s. 43 (3).

(4) A member may practise veterinary medicine as,

(a) an employee of the Crown in right of Canada or of Ontario or an agency of the Crown;

(b) an employee of a public, non-profit university or college;

(c) an employee of a municipal corporation if, in the course of such employment, the member’s practice with respect to animals not owned by the corporation is limited to spay and neuter procedures, including the pre-operative, intra-operative and post-operative management usually associated with such procedures;

(d) an employee of an individual, partnership or corporation selling food or drug products for use in food-producing animals if, in the course of the employment,

(i) the member performs professional services related only to the employer’s products and only for an established customer of the employer and at the customer’s farm or similar establishment, and

(ii) the member takes all reasonable steps to notify the normally attending veterinarian of the member’s proposed visit and the reasons for it so that the normally attending veterinarian can discuss the matter with his or her client, and, if desirable, arrange to meet the member before or at the visit;

(e) an employee of a humane society operated in accordance with the *Ontario Society for the Prevention of Cruelty to Animals Act* if, in the course of the employment, the member provides professional services under a written contract that provides that the member is responsible for all decisions relating to the quality and promotion of the member’s professional services and the health of the subject animals;

(f) an employee of Gencor The Genetic Corporation who has been employed continuously by it since September 14, 1998, if, in the course of employment, the member’s practice with respect to animals not owned by Gencor is limited to services in respect of fertility, including ova and embryo transfer;

(f.1) an employee of Gencor The Genetic Corporation who has not been employed

continuously by it since September 14, 1998, if, in the course of employment, the member's practice with respect to animals not owned by Gencor is limited to services in respect of ova and embryo transfer;

(g) an employee of the personal representative of a deceased member or the guardian of an impaired member for a reasonable period of time after the member's death or the commencement of the member's impairment to settle matters.

(h) a shareholder or employee of a professional corporation. R.R.O. 1990, Reg. 1093, s. 43 (4); O. Reg. 431/00, s. 10 (2); O. Reg. 24/02, s. 4; O. Reg. 161/04, s. 21.

(5) A member may practice veterinary medicine if all of the following requirements are met:

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

(6) A member may practice veterinary medicine if all of the following requirements are met:

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

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

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

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

- (a) informs both parties of the conflict of interest and of the circumstances giving rise to it;
- (b) informs both parties that no information received by the member, or a partner or associate of the member, in connection with the transaction can be treated as confidential so far as the other party is concerned; and
- (c) after informing the parties under clauses (a) and (b), obtains the consent of both parties to inspect or assess the animal on behalf of both of them, which shall be in writing unless it is impracticable to obtain the consent in written form. R.R.O. 1990, Reg. 1093, s. 44 (2).

PART V.1 (ss. 44.1- 44.11) Revoked: O. Reg. 398/07, s. 16.

PART VI EXEMPTIONS

- 45.** (1) If a member or group of members sponsors a program to vaccinate domestic animals in order to reduce human exposure to rabies, the member may advertise the location, date and time of the program, the names of participating members and the cost of the vaccination if,
- (a) all members practising in the area are invited to participate in the program at least two weeks before the vaccinations are to be carried out;
 - (b) the co-operation of the medical officer or officers of health for the area is requested; and
 - (c) the Registrar is given written notification of the program at least two weeks before the vaccinations are to be carried out and the notice confirms that there has been compliance with clauses (a) and (b). R.R.O. 1990, Reg. 1093, s. 45 (1).
- (2) The vaccinations carried out in a program under subsection (1) need not be performed in an accredited veterinary facility if,
- (a) drugs suitable for use in conventional veterinary emergencies are available on the premises where the program is being conducted;
 - (b) vaccines are kept refrigerated;
 - (c) the premises where the program is being conducted are kept clean; and
 - (d) vaccines are administered by an aseptic technique. R.R.O. 1990, Reg. 1093, s. 45 (2).
- (3) The records in section 22 are not required in respect of a vaccination carried out in a program under subsection (1), but a member shall record,
- (a) a reasonable identification of the vaccinated animal;
 - (b) the owner's name, address and telephone numbers;
 - (c) the date and fact of vaccination; and
 - (d) the type of vaccine, including the lot and serial number of the vaccine administered. R.R.O. 1990, Reg. 1093, s. 45 (3).
- (4) The information recorded under subsection (3) shall be maintained in a systematic manner by the members organizing the program. R.R.O. 1990, Reg. 1093, s. 45 (4).
- (5) A conventional assessment is not required before a vaccination is performed under this Part. R.R.O. 1990, Reg. 1093, s. 45 (5).

(5.1) A vaccination performed under this Part must be performed by a member. O. Reg. 431/00, s. 11.

(6) After the vaccination, the member shall sign and give to the custodian of each vaccinated animal a certificate of vaccination for that animal, which shall legibly set out the name and telephone number of the vaccinating member. R.R.O. 1990, Reg. 1093, s. 45 (6).

PART VII ADMINISTRATION

46., 47. Revoked: O. Reg. 398/07, s. 17.

48. (1) A member in private practice in Ontario shall maintain a principal place of practice. R.R.O. 1990, Reg. 1093, s. 48 (1).

(2)-(5) Revoked: O. Reg. 398/07, s. 18.

49. Revoked: O. Reg. 398/07, s. 19.

50. (1) The Registrar shall cause, and the members shall permit, the inspection of facilities and of the records kept by members in connection with the practice of veterinary medicine, in order to determine if,

- (a) the facility is being operated under and in accordance with a certificate of accreditation;
- (b) the facility and the applicant or holder of a certificate of accreditation meet the qualifications and requirements for a certificate of accreditation;
- (c) the records in respect of the practice of veterinary medicine are being kept as required; and
- (d) the veterinary medicine being practised is generally in accordance with the standards of practice of the profession. R.R.O. 1990, Reg. 1093, s. 50 (1).

(2) A holder of a certificate of accreditation who meets the requirements of section 10 is eligible for a renewal of the certificate if an application for the renewal is submitted not earlier than five months and not later than three months before the expiry of the certificate. R.R.O. 1990, Reg. 1093, s. 50 (2).

(3) If an application for renewal is not submitted in the time specified under subsection (2) and the certificate of accreditation expires, the holder of the certificate must submit a new application. R.R.O. 1990, Reg. 1093, s. 50 (3).

(4) Upon receipt of an application for renewal, the Registrar shall promptly cause an inspection under subsection (1) to be carried out. R.R.O. 1990, Reg. 1093, s. 50 (4).

(5) If a holder of a certificate of accreditation applies in accordance with subsection (2), and the inspection does not occur one month or more before the expiry of the certificate of accreditation, the certificate of accreditation remains valid,

- (a) until the Registrar renews the certificate of accreditation; or
- (b) where the Registrar refuses to renew the certificate of accreditation, until the Accreditation Committee decides the disposition of the application. R.R.O. 1990, Reg. 1093, s. 50 (5).

(6) If a member applies for a certificate of accreditation and complies with clauses 10 (a) to

(d), the Registrar shall promptly cause an inspection to be carried out in order to determine if the veterinary facility meets the applicable standards established under subsection 8 (1) of the Act. R.R.O. 1990, Reg. 1093, s. 50 (6).

51. (1) Subject to subsection (2), the name of a member entered in the register shall be the same as the name of the member in the documentary evidence of his or her basic degree in veterinary medicine. R.R.O. 1990, Reg. 1093, s. 51 (1).

(2) The Registrar shall direct the entry of a name other than the name required by subsection (1) if the member satisfies the Registrar that the use of the other name is not for an improper purpose and deposits with the College,

- (a) a certified copy of an order of a court of competent jurisdiction in Ontario changing the member's name or a change of name certificate issued under the *Change of Name Act*;
- (b) a certified copy of a valid certificate of marriage or of a decree absolute of divorce from a court in Canada;
- (c) documentary material that, in the opinion of the Registrar, sufficiently identifies the member as the person named in the documentary evidence of his or her basic degree in veterinary medicine; or
- (d) any combination of material referred to in clauses (a), (b) and (c). R.R.O. 1990, Reg. 1093, s. 51 (2).

(3) Subsection (2) applies with necessary modifications to an applicant for a licence. R.R.O. 1990, Reg. 1093, s. 51 (3).

52. The Registrar shall enter in the register the following information for each member:

- 1. The name of the member.
- 2. The university and year of graduation of the member.
- 3. The year the member joined the College.
- 4. The member's principal place of practice or residence.
- 5. The address of the member's principal place of practice or, if none, a current address for contacting the member.
- 6. The member's business telephone number, if there is one.
- 7. The member's professional activity.
- 8. The member's employment function and type of employment.
- 9. The language or languages in which the member can offer professional services.
- 10. The class of licence held by the member.
- 11. The conditions and limitations imposed on the member's licence.
- 12. A notation of every decision or sanction imposed on the member's licence. O. Reg. 398/07, s. 20.

53. (1) Any person may inspect the information entered in the register or in the directory during the normal hours of operation of the College's offices. R.R.O. 1990, Reg. 1093, s. 53 (1).

(2) The register or the directory may be maintained in an electronic form and, if so, the

information entered in the register or in the directory shall be capable of being printed promptly. R.R.O. 1990, Reg. 1093, s. 53 (2).

(3) The Registrar may give information from the register or the directory to any person in printed form or orally. R.R.O. 1990, Reg. 1093, s. 53 (3).

54. (1) The Registrar shall issue a certificate of standing in respect of a member to any person who requests a certificate and pays the appropriate fee set out in the by-laws. R.R.O. 1990, Reg. 1093, s. 54 (1); O. Reg. 398/07, s. 21.

(2) A certificate of standing shall set out,

- (a) the information respecting the member that is entered in the register; and
- (b) whether there is any outstanding referral to the Discipline Committee or the Registration Committee in respect of the member. R.R.O. 1990, Reg. 1093, s. 54 (2).

55. (1) The Registrar shall publish the written reasons for any decision of the Discipline Committee in the original or a modified form and, in any such publication,

- (a) the identity of the member shall be made known if the name of the member or former member is required by the Act to be included in the publication of the Committee's finding; or
- (b) if clause (a) does not apply, the identity of the member shall not be made known unless the member requests in writing that he or she be identified. R.R.O. 1990, Reg. 1093, s. 55 (1).

(2) The written reasons for a decision of the Discipline Committee, in their original or modified form, shall be available to the public upon request. R.R.O. 1990, Reg. 1093, s. 55 (2).

(3) The Registrar may communicate orally or in writing, or both, the decision of the Discipline Committee to any complainant and upon request, to any witness who testified at the hearing and the Registrar may also provide any other information necessary to explain the proceedings and the decision to the complainant or witness, including a copy of any written reasons of the committee in their original or modified form. R.R.O. 1990, Reg. 1093, s. 55 (3).

(4) The Registrar may publish the findings and reasons for a decision of the Registration Committee in respect of impairment proceedings but, in any such publication, the identity of any member who is the subject of impairment proceedings shall not be made known. R.R.O. 1990, Reg. 1093, s. 55 (4).

(5) The Registrar may confirm the licence number of a member to any person who requests it. O. Reg. 398/07, s. 22.

56. Information in respect of matters referred to in subsection 38 (1) of the Act may be disclosed,

- (a) upon the approval of the Executive Committee, to a law enforcement agency for an investigation with a view to law enforcement;
 - (a.1) to a body that regulates a profession, whether inside or outside of Ontario, or to an umbrella organization for such bodies, where the College believes that such disclosure is in the public interest or that such disclosure will promote reciprocal disclosure of regulatory information; or
- (b) for publication in statistical form as long as individual confidentiality is preserved.

O.Reg. 165/94, s. 1; O. Reg. 398/07, s. 23.

SCHEDULE Revoked: O. Reg. 398/07, s. 24.

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