December 21, 2017

Steve Jacobs, DVM
President
College of Veterinarians of Ontario
2106 Gordon Street
Guelph, ON N1L 1G6

Dear Dr. Jacobs:

On behalf of the veterinary profession in Ontario, we appreciate the opportunity to review the College’s proposed bylaw changes as circulated this fall. OVMA’s Board of Directors met on November 29, 2017 to review the draft bylaws. Based on that review, OVMA is providing the following feedback to CVO:

Professional Corporations

OVMA agrees that it is problematic for professional corporations (PCs) to be named after former shareholders, but disagrees with the solution proposed by the College. OVMA sees no reason to prohibit corporations from being named after the practice with which they’re affiliated. Requiring the corporation to instead include the name of a veterinarian or veterinarians will inevitably result in unnecessary legal and administrative costs for all concerned, as the names of the individuals involved in the corporation will change far more often than the name of the practice. OVMA therefore recommends that the by-law only be amended to prohibit professional corporations from being named after non-shareholders. PCs would still be able to be named after one or more of the current shareholders or the affiliated veterinary practice. This naming convention would enable the College to still properly identify the veterinarian(s) who own the practice.

Fees

CVO’s draft bylaws state that there are no fee increases relating to professional corporations. While this is technically true, this assertion is disingenuous. As CVO is proposing to change the renewal cycle from three years to one, the increased frequency of renewals will increase the cost to the corporation. Currently, new PCs pay a $400 application fee that includes a three-year certificate. CVO is proposing to require the application fee plus the annual fee of $100. This results in fees totaling $700 for the first three years, a 75% increase. Furthermore, existing PCs will see their fees double, from $150 over three years to $300 over the same period.

In 2013, CVO stated that the cost of running the professional corporation program exceeded the revenue CVO received from associated fees. OVMA agreed that CVO should not run the program at a loss. However, the fees first proposed at the time would have resulted in revenue 70% higher than the cost of running the program. OVMA opposed the proposed increase and suggested that CVO increase fees only enough to recover the cost of administering the program. Council agreed and introduced a lower increase. The changes currently being proposed in this draft would effectively reintroduce, and exceed the original proposal.
The professional corporation program should operate solely on a cost-recovery basis. Owners of professional corporations should not be asked to subsidize the rest of the College’s operations. It is therefore recommended that CVO set the annual fee to $50 per year and the application fee to $250, instead of $400. This would keep overall costs consistent with the current fee structure.

**CVO Council**

OVMA supports the proposals that would improve processes, transparency and accountability of CVO Council, including the proposal to outline criteria and a process for the disqualification of CVO Councillors, the proposal to hold a by-election in the case of a vacancy, instead of having a councilor appointed by the President, and clearer language that defines a conflict of interest for Councillors and Committee members.

**Licence Renewal**

OVMA opposes the publication of criminal charges on the public register, as listing charges without a conviction wrongly implies guilt, and is inconsistent with the legal principal that an individual is innocent until proven guilty. OVMA recommends that the requirement to report charges be removed from this proposal. Only convictions should be disclosed.

There are many unanswered questions associated with the proposal to require veterinarians to disclose “any mental or physical condition or disorder that might impair a member’s ability to practice the profession safely”, including:

- What is the definition of “condition or disorder”? The current language is very vague, and could be deemed to include such things as minor injuries or pregnancy. Assuming that is not the College’s intent, it is recommended that CVO amend the wording to more properly reflect the intent of this proposal.
- Who determines how severe a “condition or disorder” is and when it impairs the ability to practice veterinary medicine?
- Would a veterinarian who is seeking treatment for a condition or disorder need to make a disclosure?
- If an illness or disorder occurred in the middle of the year, would a veterinarian need to make a report mid-year about that issue?
- What will CVO do with this information? How long will it be retained? To whom could CVO disclose it?
- Could a veterinarian who makes such a disclosure be subject to disciplinary action?
- CVO proposes to ask applicants if there have ever been allegations of incompetence or incapacity in another jurisdiction. Likewise, if an Ontario veterinarian moved to another province, would a self-disclosure of incapacity in Ontario be disclosed to another regulator?

In the absence of additional information, OVMA opposes this provision and requests clarity on the implications and intent of the self-disclosure of incapacity by a veterinarian.

**CVO Annual General Meeting**

As noted as part of OVMA’s comments on the College’s proposed amendments to the *Veterinarians Act*, the association has not taken a stance for or against the discontinuation of CVO’s Annual General
Meeting. OVMA’s focus in this regard is solely on ensuring that CVO has appropriate mechanisms in place to adequately communicate significant developments to the profession. Before making a decision to no longer hold its AGM, OVMA recommends that CVO set out how it plans to engage with Ontario’s licensed veterinarians in the future. OVMA would like to reiterate that, whatever mechanisms CVO ultimately chooses to achieve that objective must include publication of audited financial statements and an opportunity for members to discuss current developments at the College with CVO representatives.

If you have any questions regarding OVMA’s comments on any of the proposed changes to the bylaws, please contact OVMA’s Manager of Government and External Relations, John Stevens at jstevens@ovma.org or 800.670.1702, ext. 24.

Sincerely,

Kathleen Norman, DVM
President