May 15, 2023

The Honourable Lisa Thompson, MPP
Minister of Agriculture, Food and Rural Affairs
77 Grenville Street, 11th Floor
Toronto, ON M7A 1B3

Dear Minister Thompson,

The Ontario Veterinary Medical Association (OVMA) would like to thank the Ministry for its commitment to modernize the outdated Veterinarians Act.

For many years, OVMA has been an active voice in sharing the struggles that our members have felt in providing care to their patients under an antiquated regulatory framework that is not reflective of the current approach to veterinary medicine. In recognition of these challenges, the association has been pleased to collaborate with the College of Veterinarians of Ontario (CVO) and the Ontario Association of Veterinary Technicians (OAVT) towards the shared goal of updating the Act. It has been clear for some time that the existing legislation has become a barrier to regulatory effectiveness; in turn putting animal and public protection at risk, while contributing to red tape and a heavy regulatory burden that is borne by Ontario’s hardworking veterinarians and their teams.

The recent Discussion Paper: A Proposal to Modernize the Veterinarians Act, provides a framework that is responsive to the changing landscape of veterinary medicine, its delivery and public demand for increase in veterinary care. The association also appreciates the continued inclusion of registered veterinary technicians within the legislation thereby strengthening the animal care system in Ontario.

After reviewing the Discussion Paper, OVMA’s Board of Directors has additional feedback to provide the Ministry:

- **Council Composition.** While trends in human health care regulation see a decrease in a regulatory colleges’ council sizes, there are some foreseeable challenges. OVMA, CVO and OAVT developed and proposed a new College council composition. The proposal is:
  - 10-12 veterinarians;
  - 7-9 public appointments;
  - 2-4 veterinary technicians;
  - 1 academic appointment from the Ontario Veterinary College (veterinarian on faculty); and
- 1 academic appointment from a veterinary technician program (veterinary technician on faculty).

The Veterinarians Act is over 30 years old, and unlike human health, legislation has not been updated as frequently. A sudden increase to more public representation would be difficult for the profession given that there will be a brand new College and associated regulations. These discussions will continue to include technical subject matter and decisions on delivery of care requiring appropriate expertise and strong guidance to navigate parameters of licensure and regulation within the professions. CVO has already created a risk-averse strategy to mitigate conflicts within a self-governing profession such as Task Forces, Public Member Representation, etc.

Also, there have been significant, historical challenges with the Public Appointments Secretariat not being able to fill public member spots with individuals that have appropriate qualifications comparable to human health councils. This has, on several occasions, meant that Council was unconstituted- unable to meet quorum and therefore unable to conduct College business.

Lastly, unlike most other regulatory colleges in Ontario, our regulator oversees a fee-for-service industry, and it is highly unusual to have members of the public responsible governing an industry in which they are paying clients, creating an inherent conflict of interest. Minimizing, rather than drastically increasing, public appointments would mitigate this concern held by the profession. Finally, appointments by the government can, and do, become political. Adding additional public members and the resulting politicization of Council is unproductive and not in the best interest of producers, pet owners, or members of the profession.

**Investigations.** Within the existing legislation the investigative program is unrestricted and vague. It is appreciated that the new legislation will provide a more concise outline of investigative powers making it objective and fair for veterinarians. However, OVMA feels that two proposed powers, a) allowing an inspector to observe the practice of veterinary medicine, and b) taking photos, videos, or audio recordings, are overreaching.

Should an investigation be warranted, it should be conducted based on a specific complaint relating to an action that has already occurred. This does not require ongoing observation of a veterinarian in practice and has no bearing on previous actions. As mental health issues continue to be a predominant concern for the profession, these additional powers and acts of investigations will create more undue stress for both the veterinarians and clinic teams. Should this provision be kept, it is imperative that expectations and limitations are created to ensure inspectors complete their due diligence in a fair and objective way. It is also crucial that the legislation provide context as to when and under what circumstances observation and recordings could be used. OVMA also recommends the following limitations on some of the proposed powers:
- Any documents to be copied shall be done so at the College’s expense.
- An investigator may only remove a document or object if it is not practicable to copy it on location, or a copy of it is not sufficient for the investigative purpose.
- If it is practicable to copy a document or object removed from the practice, the investigator shall return the document or object within a reasonable time.
- If a copy is not sufficient for the purposes of the investigation, the College shall provide the person who was in possession of the document or object with a copy of it within a reasonable time.

- **Hearings.** OVMA agrees that to ensure transparency and promote trust in the College, it is important that the public be made aware of concerns regarding a veterinarian’s conduct through due diligence, fair investigations, and objective review. However, the association opposes the publication of discipline hearing dates, names, and allegations as part of the public registry. Including such information as part of a veterinarian’s formal record could lead the public to believe that the veterinarian has been found guilty before the College’s decision has been rendered. Waiting until the investigation and hearing determines misconduct on the part of the veterinarian is in line with the long-standing principles of innocent until proven guilty. Furthermore, should a hearing find in favour of a veterinarian, any record of a public hearing and accusations should be removed from the veterinarian’s record and public registrar. The legislation should also include a mechanism for notifying the complainant about an upcoming hearing and recommend attendance.

- **Quality Assurance Program.** In the interest of public protection and to maintain the highest standard of practice in veterinary medicine, a Quality Assurance Program is pivotal. OVMA supports the principal of an ongoing Quality Assurance Program for the veterinary profession and inclusion within the Veterinarian’s Act. However, the association would like to ensure a low burden program, that is fair and uses right-touch regulation.

- **Mandatory Reporting.** OVMA supports the proposed requirement for veterinarians to report on perceived incompetence. The association is aware of circumstances where veterinarians that pose a risk to the public due to impairment issues went from practice to practice because there were no reports to CVO. Mandatory Reporting can create transparency and safety within the profession. However, while understanding the requirement, the association has concerns regarding the application of such a system, especially with issues regarding mental health. In particular, creating a system in which members of the profession are obligated to report on another another damages trust and transparency, which ultimately could prevent help-seeking behaviour while also providing a mechanism that could be drastically misunderstood or misused. The association encourages significant due diligence and consultation as this is explored further.
We look forward to continuing to work closely with the Ministry under your leadership and commitment to support the sustainability of the veterinary profession through legislative reform. We are optimistic that we can achieve our mutual goals that will address issues of common concern, through modernization of the Veterinarians Act. If you have any questions regarding this letter, please contact OVMA's Manager of Government and External Relations, Brandi Deimling at bdeimling@ovma.org or 1-800-670-1702, ext. 224.

Sincerely,

[Signature]

Dr. Matthew Richardson, DVM
President