

**Regulations Respecting Veterinary Medicine**  
**made by the Council of the Nova Scotia Veterinary Medical Association**  
**pursuant to Section 6 of Chapter 13 of the Acts of 2001,**  
***the Veterinary Medical Act***

**Interpretation**

**Citation**

1        These regulations may be cited as the *Veterinary Medical Regulations*.

**Definitions**

2        (1)     In these regulations.

- (a)     "accredited facility" means a facility that holds a current accreditation certificate or an interim accreditation certificate;
- (b)     "Act" means the *Veterinary Medical Act*;
- (c)     "corporate permit" means a permit issued by the Registrar or Council under the Act and these regulations that allows a corporation to carry on the practice of veterinary medicine in the Province;
- (d)     "emergency" means a situation in which an illness or injury occurs to an animal that requires immediate veterinary attention;
- (e)     "large animal" means
  - (i)     an animal that is of a species that typically resides in a farm environment as an agricultural animal, and includes horses, cattle, sheep, goats, poultry and other food and fibre-producing animals,
  - (ii)    a zoo or circus animal or
  - (iii)   a wild animal;
- (f)     "major surgery" means surgery in which viscera, bones or extensive areas of tissue are exposed, and includes surgery that is required when an otherwise minor surgical procedure fails and endangers the life or organ function of an animal:

- (g) "National Examining Board" means the National Examining Board of the Canadian Veterinary Medical Association;
  - (h) "non-practising licence" means a non-practising licence issued under clause 11(b) of the Act;
  - (i) "nursing care" means assistance with or provision of diagnostic procedures in the surgical, medical and custodial care of animals;
  - (j) "prescribed fee" means an applicable fee fixed by the method established in the by-laws under the Act;
  - (k) "Register" means the Register established and maintained under Section 10 of the Act;
  - (l) "small animal" means an animal that is of a species that typically resides as a pet in a home environment, and includes dogs, cats, small rodents and reptiles;
  - (m) "temporary licence" means a licence issued under clause 11(d) of the Act.
- (2) The definitions set out in the Act apply to these regulations.

### **Registration and Licensing**

#### **Continuation of membership and licences**

- 3 (1) On the coming into force of the Act, the name of every person who is a member of the Association under the former Act must be entered in the Register.
- (2) A general licence issued to a person under the former Act continues in effect as a general practice licence until the earliest of
- (a) December 31 of the year the Act comes into force;
  - (b) the date that a general practice licence is issued to replace it; and
  - (c) the date that the licence is suspended or revoked.
- (3) A general non-practising licence issued to a person under the former Act continues in effect as a non-practising licence until the earliest of
- (a) December 31 of the year the Act comes into force;
  - (b) the date that a non-practising licence is issued to replace it; and

- (c) the date that the licence is suspended or revoked.
- (4) Every life membership or honorary status in the Association granted under the former Act continues as a life membership or honorary status under the Act and these regulations.

**Membership and licence categories**

4 (1) The categories of membership are as follows:

- (a) general practising;
- (b) non-practising;
- (c) life; and
- (d) non-active.

(2) The categories of licence are as follows:

- (a) general practice;
- (b) non-practising; and
- (c) temporary.

**Entry on Register as member**

5 An applicant is qualified to become a member of the Association and to have their name entered on the Register under subsection 10(2) of the Act, if the applicant submits a completed registration application to the Registrar on the form approved by the Registrar together with all of the following:

- (a) the prescribed fee;
- (b) such information as the Registrar requires to establish that the applicant
  - (i) is a graduate in veterinary medicine from a university, college or school recognized by the Canadian Veterinary Medical Association and meets one of the following qualifications:
    - (A) holds a Certificate of Qualification from the National Examining Board of the Canadian Veterinary Medical Association,
    - (B) is a member in good standing of a veterinary medical association of another jurisdiction with comparable registration criteria as determined by Council, and is licensed or entitled to practise veterinary medicine

under the law of that jurisdiction,

- (C) is a member in good standing of a veterinary medical association of another province or territory that is a signatory to any agreement under the Agreement on Internal Trade that is signed by the Association and that mandates registration of the applicant in Nova Scotia,
- (ii) is not subject to a disciplinary finding that prohibits the applicant from engaging in the practice of veterinary medicine.
- (iii) has completed the examinations approved by Council, including an examination demonstrating knowledge of the Act regulations and by-laws,
- (iv) is competent and of such character to safely and ethically engage in the practice of veterinary medicine, and
- (v) if their first language is other than English, has passed the Test of English as a Foreign Language or another test that Council determines, with a score determined by Council.

#### **General practice licence application**

- 6 (1) A member who has not held a general practice licence in the immediately preceding calendar year may apply to the Registrar for a general practice licence by submitting a completed licence application to the Registrar on the form approved by the Registrar together with all of the following:
- (a) the prescribed fee;
  - (b) such information as the Registrar requires to establish that the member
    - (i) has done one of the following:
      - (A) graduated in veterinary medicine in the 5 years immediately before the application from a university, college or school recognized by the Canadian Veterinary Medical Association,
      - (B) obtained a Certificate of Qualification from the National Examining Board in the 5 years immediately before the application,

- (C) engaged in the practice of veterinary medicine for at least 1000 hours in the 5 years immediately before the application.
  - (D) engaged in the practice of veterinary medicine for at least 300 hours in the 12 months immediately before the application.
- (ii) is not subject to a disciplinary finding that prohibits the applicant from engaging in the practice of veterinary medicine.
  - (iii) is competent and of such character to safely and ethically engage in the practice of veterinary,
  - (iv) undertakes to engage in the practice of veterinary medicine in a professional and becoming manner and in accordance with the provisions of the Act, regulations, by-laws and any code of ethics adopted by the Association;
- (c) such information as the Registrar requires to establish that the facility or facilities in or from which the member intends to practise are accredited facilities.
- (2) A member who holds a general practice licence from another jurisdiction and who seeks to obtain a general practice licence must meet the requirements of clauses (1)(a) and (b).

#### **General practice licence term and renewal**

- 7 (1) A general practice licence is valid for the calendar year in which it is issued, unless otherwise suspended or revoked.
- (2) A member may renew their general practice licence on or before the expiry date by submitting a completed renewal application to the Registrar on the form approved by the Registrar together with all of the following:
  - (a) the prescribed fee;
  - (b) such information as the Registrar requires to establish that the member has met the professional development requirements approved by resolution of Council;
  - (c) the information required by subclauses 6(1)(b)(ii) to (iv) and clause 6(1)(c).

#### **General practice licence entitlements**

- 8 A member who holds a general practice licence is

- (a) entitled to practise veterinary medicine in or from an accredited facility;
- (b) eligible for election to Council;
- (c) eligible to hold a position on a Committee appointed by Council and to vote at any meeting of a Committee on which they hold a position; and
- (d) eligible to vote at any meeting of the Association.

#### **Non-practising licence application**

9 A member may apply to the Registrar for a non-practising licence or renewal of a non-practising licence by submitting a completed licence application to the Registrar on the form approved by the Registrar together with all of the following:

- (a) the prescribed fee;
- (b) such information as the Registrar requires to establish that the applicant undertakes not to engage in the practice of veterinary medicine.

#### **Non-practising licence term and renewal**

- 10 (1) A non-practising licence is valid for the calendar year in which it is issued, unless otherwise suspended or revoked.
- (2) A member may renew a non-practising licence on or before the expiry date in accordance with Section 9.

#### **Non-practising membership entitlements**

11 A member who holds a non-practising licence has all of the privileges and obligations of a member who holds a general practice licence, except that a non-practising member is not entitled to engage in the practice of veterinary medicine.

#### **Life membership**

- 12 (1) A member becomes a life member if
- (a) the member is 65 years or older;
  - (b) the member has been a member for 10 or more consecutive years;
  - (c) Council determines the member has taken an active interest in the affairs of the Association;
  - (d) the member is nominated for life membership by 3 members and Council approves the nomination; and

- (e) a vote is passed at an Annual General Meeting approving the entry of the member into the life membership category.
- (2) A life member is not required to pay a fee to maintain the status of life member, but must pay other prescribed fees as applicable.

**Life membership entitlements**

- 13 A life member has all of the privileges and obligations of a member who holds a general practice licence, except that a life member is not permitted to engage in the practice of veterinary medicine unless the life member also holds a general practice licence.

**Non-active members**

- 14 (1) A member who is not licensed in any category must be listed on the Register as a non-active member.
- (2) A non-active member is
- (a) not entitled to engage in the practice of veterinary medicine;
  - (b) not eligible for election to Council;
  - (c) not eligible to hold a position on a Committee approved by Council, nor to vote at a meeting of a Committee; and
  - (d) not eligible to vote at a meeting of the Association.

**Temporary licence application**

- 15 (1) The following people may apply for a temporary licence:
- (a) a member who meets all of the criteria for renewal of a general practice licence in subsection 7(2), except for the professional development requirements under clause 7(2)(b);
  - (b) a member who holds a general practice licence on behalf of a non-member who is a veterinarian registered in another jurisdiction and is recognized as a specialist in accordance with criteria established by resolution of Council, for purposes of examining and treating animals only at an accredited facility and within the scope of their specialty;
  - (c) a person intending to practise veterinary medicine for a period no longer than 60 days at a time, if the person meets all the criteria for a general practice licence in subsection 6(1) except for the requirement to be a member of the Association.
- (2) A person may apply for a temporary licence by submitting a completed licence application to the Registrar on the form approved by the Registrar

together with the prescribed fee and such information as the Registrar requires to establish that the applicant meets the requirements of subsection 1

### **Temporary licence term and renewal**

- 16 A temporary licence is valid for a term determined by the Registrar that is no longer than 60 days, unless renewed by the Registrar.

### **Temporary licence restrictions**

- 17 A person who holds a temporary licence may engage in the practice of veterinary medicine only in or from an accredited facility.

### **Honorary status**

- 18 (1) Honorary status may be granted by resolution of Council to a veterinarian or non-veterinarian who has rendered distinguished or valuable service to the profession of veterinary medicine.
- (2) A person who is granted honorary status is entitled to such rights and privileges as granted by Council.

### **Information on registration or licensing status**

- 19 Anyone may request verification of a member's registration or licensing status from the Registrar.

### **Removal of name from Register and revocation of licence**

- 20 (1) The Registrar must remove the name of a member from the Register if
- (a) the member requests it and surrenders their membership card and any licence;
  - (b) the member's name is incorrectly entered on the Register;
  - (c) the Registrar is notified of the member's death;
  - (d) the member fails to pay fees levied under the Act or these regulations;
  - (e) the member is suspended, for the term of the suspension; or
  - (f) the registration of the member is revoked.
- (2) The Registrar must revoke a member's licence if
- (a) the member has made a request under clause (1)(a);
  - (b) the member's name is incorrectly entered on their licence;
  - (c) the Registrar is notified of the member's death;

- (d) the member fails to pay fees levied under the Act or these regulations;  
or
  - (e) the registration of the member is revoked.
- (3) The Registrar may restore a person's name to the Register and re-issue an applicable licence to the person on
- (a) application by the person;
  - (b) payment of the prescribed fee; and
  - (c) satisfaction of the applicable requirements for registration and licensing.

### **Corporate Permits**

#### **Corporate permit application**

- 21 (1) A corporation may apply for a corporate permit by submitting a completed permit application to the Registrar on the form approved by the Registrar together with all of the following:
- (a) the prescribed fee;
  - (b) such information as the Registrar requires to establish that
    - (i) the corporation is in good standing,
    - (ii) the name of the corporation and any business name or names used by the corporation are fit and proper names for a corporation engaged in the practice of veterinary medicine,
    - (iii) the corporation meets the shareholding requirements of the Act,
    - (iv) a majority of the directors and officers of the corporation hold general practice licences, and
    - (v) each person who will engage in the practice of veterinary medicine for and on behalf of the corporation holds a general practice licence.
- (2) The Registrar must issue a corporate permit to a corporation that meets the requirements of subsection (1).
- (3) The Registrar must maintain a Register of Corporate Permits, showing the name and business address of the corporation, together with all of the

following:

- (a) a list of the directors and officers of the corporation;
- (b) the names of the persons who hold general practice licences;
- (c) the names of the persons who will engage in the practice of veterinary medicine for and on behalf of the corporation;
- (d) any additional information determined by the Registrar.

#### **Corporate permit term and renewal**

- 22 (1) A corporate permit is valid for the calendar year in which it is issued.
- (2) A corporation may renew its corporate permit on or before the expiry date by submitting a completed permit application to the Registrar on the form approved by the Registrar together with all of the following:
- (a) the prescribed fee;
  - (b) such information as the Registrar requires to establish that the corporation continues to meet the requirements of subclauses 21(l)(b)(i) to (v).

#### **Suspension, revocation or refusal to renew corporate permit**

- 23 If it appears to the Council that a corporation that holds a corporate permit fails to meet any of the requirements of subclauses 21(l)(b)(i) to (v), the Council must
- (a) notify the corporation in writing of the specific requirements that the corporation failed to meet; and
  - (b) suspend, revoke or refuse to renew the corporate permit.

#### **Permit displayed at premises**

- 24 A corporation must display its current corporate permit, or a copy of it, in a conspicuous place at its premises at all times.

#### **Registrar notified of changes to corporation**

- 25 Within 15 days of the change, a corporation must notify the Registrar in writing with the specifics of any changes to its
- (a) voting shareholders;
  - (b) officers;
  - (c) directors; or

- (d) persons who engage in the practice of veterinary medicine for and on behalf of the corporation.

**Records of corporate permit holder**

26 A corporation that holds a corporate permit must in accordance with generally accepted accounting principles and business standards,

- (a) have financial statements prepared at the end of each fiscal year;
- (b) maintain current financial records;
- (c) maintain current patient records in accordance with the standards set out in the by-laws; and
- (d) maintain records about its employees.

**Notice to and from corporate permit holder**

- 27 (1) A notice required to be given to a corporation under the Act or these regulations may be sent by pre-paid registered mail to the address recorded on the Register of Corporate Permits and is deemed to have been received on the 3rd day after the notice is sent.
- (2) Notice of any act or thing that is required to be given to the Registrar or the Council by a corporation under the Act or these regulations must be in writing and sent by pre-paid registered mail and is deemed to have been received on the 3rd day after the notice is sent.

**Professional-Conduct Process**

**Complaint**

- 28 (1) A complaint must be either originated by or sent to the Registrar.
- (2) The Registrar must forward a copy of a complaint to each of
- (a) the respondent; and
  - (b) the Chair of the Complaints Committee.
- (3) Despite subsections (1) and (2), if the Registrar is the subject of a complaint or may otherwise be involved in the substance of a complaint, the complaint must be sent directly to the Chair of the Complaints Committee, and the Chair must request that Council appoint an Acting Registrar for the purposes of the professional-conduct process concerning the complaint.
- (4) The parties to a complaint are the Association and the respondent.

**Preservation of evidence in complaint that is not dismissed**

- 29 Evidence obtained by a panel of the Professional Conduct Committee and information obtained by a panel of the Complaints Committee and an investigator in a complaint that is not dismissed by the Complaints Committee, must be preserved for at least 5 years from the date the evidence or information was obtained.

**Panel of Complaints Committee**

- 30 (1) A panel of the Complaints Committee must consist of at least 5 persons one of whom must be a non-member, and one of whom may be the Chair of the Complaints Committee.
- (2) If the Chair of the Complaints Committee is
- (a) appointed to a panel of the Complaints Committee, the Chair of the Complaints Committee must act as chair of the panel; or
- (b) not appointed to a panel of the Complaints Committee, the Chair of the Complaints Committee must appoint a chair for the panel.
- (3) Any 3 persons of a panel of the Complaints Committee, regardless of whether they are members or non-members, constitutes a quorum of the panel.
- (4) A decision of a panel of the Complaints Committee requires the vote of a majority of the quorum of the panel that is reviewing the matter.
- (5) A panel of the Complaints Committee retains jurisdiction over a complaint until the commencement of a hearing before the Professional Conduct Committee or the acceptance of a settlement proposal by the Professional Conduct Committee.

**Investigation of complaint**

- 31 (1) During an investigation, an investigator may
- (a) request additional written or oral explanations from the complainant, the respondent or a third party;
- (b) request an interview with the complainant, the respondent or a third party; and
- (c) investigate any additional matter that arises in the course of the investigation relating to the respondent and that may constitute professional misconduct conduct unbecoming the profession, incompetence or incapacity.
- (2) A respondent may submit both medical information and other information relevant to the complaint to the investigator investigating the complaint.

- (3) If an investigator recommends in their written report to a panel that the panel exercise a power under subsection 32(2), the investigator must also send a statement to the respondent, advising them of the recommendation.
- (4) The failure of an investigator to send a statement under subsection (3) does not affect the jurisdiction of the Complaints Committee to exercise its power under subsection 32(2).

**Decision of panel of Complaints Committee**

- 32 (1) A panel of the Complaints Committee must
- (a) if it determines that it is in the interest of the respondent, the complainant, the public and the Association to do so, consider an informal resolution to the complaint;
  - (b) if it determines that a complaint is not within the jurisdiction of the Association or is incapable of substantiation, frivolous or vexatious, dismiss the complaint and advise the complainant and respondent of their decision: or
  - (c) if it determines that clauses (a) and (b) do not apply, provide the complainant, the respondent or other person the opportunity to appear before the panel and to submit representations or explanations, and then
    - (i) dismiss the complaint,
    - (ii) counsel the respondent,
    - (iii) caution the respondent,
    - (iv) counsel and caution the respondent,
    - (v) with the consent of the respondent, reprimand the respondent and order that the reprimand be communicated to the respondent, the complainant and such other person as the panel considers appropriate,
    - (vi) informally resolve the complaint, or
    - (vi) if the panel determines that the matter or matters before it warrant a hearing, refer the matter or matters to the Professional Conduct Committee.
- (2) Before making a decision under clause (1)(c), a panel of the Complaints Committee may require the respondent to do one or both of the following:

- (a) submit to a review of the respondent's practice by a person or persons whom the panel considers qualified to perform the review, and authorize the provision of a copy of the review to the panel;
  - (b) produce any records kept with respect to the respondents practice as considered appropriate by the panel.
- (3) If a respondent fails to comply with an action required under subsection (2) a panel of the Complaints Committee may direct the Registrar to suspend the respondent under Section 25 of the Act.
- (4) The cost of complying with a requirement under subsection (2) must be initially borne by the Association, but may be awarded as costs against the respondent under Section 49.

**Caution or counsel**

33 A counsel or a caution issued under sub clause 32(1)(c)(ii), (iii) or (iv) is not considered a disciplinary finding against the respondent and must not be published or disclosed to the public, but must be disclosed to

- (a) the respondent;
- (b) the complainant;
- (c) any additional person the panel of the Complaints Committee considers appropriate: and
- (d) the Complaints Committee in any subsequent complaints filed against the respondent.

**Reprimand**

34 A reprimand issued under sub clause 32(1)(c)(v) is considered a disciplinary finding against the respondent.

**Matter referred directly to Professional Conduct Committee**

- 35 (1) A respondent who has been suspended under Section 25 of the Act may request that a panel of the Complaints Committee refer their matter directly to the Professional Conduct Committee.
- (2) Despite Section 32, after receiving a request under subsection (1), a panel must refer the matter to the Professional Conduct Committee.

**Preparation of settlement proposal**

- 36 (1) A settlement proposal tendered in writing to the other party must include an admission or admissions by the respondent to one or more of the allegations set out in the notice of hearing and the respondent's consent to a specified disposition, conditional upon the acceptance of the settlement proposal by

the Professional Conduct Committee.

- (2) A settlement proposal may include any disposition that could be ordered by a panel of the Professional Conduct Committee under Section 47.
- (3) If all parties agree they may use a mediator to help prepare a settlement proposal and the costs of the mediator must be divided equally between the Association and the respondent, unless otherwise agreed by the parties.
- (4) To enter into a settlement proposal under Section 28 of the Act, a panel of the Complaints Committee must be satisfied that
  - (a) the public is protected;
  - (b) the conduct of the respondent or its causes can be, or has been, successfully remedied or treated, and if appropriate, the respondent is likely to successfully pursue remediation or treatment; and
  - (c) settlement is in the best interests of the public and the veterinary medical profession.

**Amendment of settlement proposal by Complaints Committee**

- 37
- (1) A Complaints Committee may suggest amendments to a settlement proposal and return it to the Association and the respondent for review.
  - (2) If either the respondent or the Association does not accept amendments suggested under subsection (1), the matter must continue to a Professional Conduct Committee for hearing.

**Acceptance of settlement proposal by Professional Conduct Committee**

- 38
- (1) A panel of the Complaints Committee must refer a settlement proposal that it has entered into to a panel of the Professional Conduct Committee for acceptance.
  - (2) If the panel of the Professional Conduct Committee accepts the settlement proposal,
    - (a) the settlement proposal forms part of the order of the Professional Conduct Committee disposing of the matter; and
    - (b) unless the settlement proposal is breached, there is no hearing before the Professional Conduct Committee.
  - (3) If the panel of the Professional Conduct Committee does not accept a settlement proposal, the Professional Conduct Committee may
    - (a) suggest amendments to the settlement proposal and return it to the

parties for review; and

- (i) if both parties do not agree with the Professional Conduct Committee's amendments, the settlement proposal is deemed to be rejected and the matter must be referred to another panel of the Professional Conduct Committee for a hearing, or
- (ii) if both parties agree with the Professional Conduct Committee's amendments, the settlement proposal is sent back to the panel of the Complaints Committee, who may
  - (A) accept the settlement proposal, or
  - (B) reject the settlement proposal and refer the matter to another panel of the Professional Conduct Committee for a hearing; or
- (b) reject the settlement proposal, in which case the matter must be forwarded to another panel of the Professional Conduct Committee for a hearing.

#### **Breach of accepted settlement proposal**

39 An alleged breach by a respondent of an undertaking or a condition set out in a settlement proposal that is accepted by the Professional Conduct Committee must be referred to the Professional Conduct Committee and may form the subject of a hearing before a panel of the Professional Conduct Committee.

#### **Panel of the Professional Conduct Committee**

- 40
- (1) A panel of the Professional Conduct Committee must consist of at least 5 persons from the Professional Conduct Committee, one of whom must be a non-member, and one of whom may be the Chair of the Professional Conduct Committee.
  - (2) If the Chair of the Professional Conduct Committee is
    - (a) appointed to a panel of the Professional Conduct Committee, the Chair of the Professional Conduct Committee must act as chair of the panel; or
    - (b) not appointed to a panel of the Professional Conduct Committee, the Chair of the Professional Conduct Committee must appoint a chair for the panel.
  - (3) Any 3 persons from a panel of the Professional Conduct Committee, regardless of whether they are members or non-members, constitutes a quorum of the panel.

- (4) A decision of a panel of the Professional Conduct Committee requires the vote of a majority of the quorum of the panel that is reviewing the matter.
- (5) A person who sat on a panel of the Professional Conduct Committee that reviewed a rejected settlement proposal must not sit on the panel that conducts the hearing with respect to the same matter.

#### **Notice of hearing**

- 41
- (1) Service of a notice of hearing required by subsection 27(3) of the Act must be either by personal service or by pre-paid registered mail to the respondent's or the complainant's last known address.
  - (2) A notice of hearing that is sent by mail is deemed to have been received on the 3rd day after it was sent.
  - (3) A notice of hearing must state the details of the complaint and must specify the time and place of the hearing and state that the respondent may be represented by counsel.

#### **Amendment of notice of hearing**

- 42
- (1) At any time before or during a hearing, a panel of the Professional Conduct Committee may amend or alter the notice of hearing to correct an alleged defect in substance or form, or to make the notice conform to the evidence if there appears to be a discrepancy between the evidence and the notice, or if the evidence discloses potential professional misconduct, conduct unbecoming the profession, incapacity or incompetence that is not alleged in the notice.
  - (2) If an amendment or alteration is made by a panel of the Professional Conduct Committee under subsection (1), a respondent must be given sufficient opportunity to prepare an answer to the amendment or alteration.
  - (3) If a panel of the Professional Conduct Committee determines that an amendment or alteration sought by a party to the notice of hearing is not appropriate, the Professional Conduct Committee may refuse to make the amendment, and if considered appropriate, may refer any new allegations to the Registrar as a new complaint.

#### **Conducting Professional Conduct Committee hearing**

- 43
- (1) A complainant is not entitled to participate as a party at a hearing before a panel of the Professional Conduct Committee.
  - (2) A complainant or other persons wishing to attend a hearing of the Professional Conduct Committee may do so, but a panel of the Professional Conduct Committee may at any time exclude a non-party from a hearing, or determine conditions for a person to remain at a hearing.

- (3) The Professional Conduct Committee may impose a publication ban on such information arising from a hearing of the Professional Conduct Committee as it considers appropriate.
- (4) A respondent is responsible for all expenses incurred in the respondent's defence.
- (5) Subject to the Act and these regulations, the Professional Conduct Committee may determine its own rules of procedure for a hearing, which must at a minimum, provide for the direct examination and cross-examination of witnesses called by the Association and the respondent as required by subsection 30(2) of the Act.
- (6) The testimony of a witness at a hearing of the Professional Conduct Committee must be taken under oath or affirmation, administered by a member of the panel of the Professional Conduct Committee or other person in attendance authorized by law to administer oaths or affirmations.
- (7) A hearing must proceed without reference to any rejected settlement proposal or any admission contained in a rejected settlement proposal until such time as the Professional Conduct Committee has determined whether professional misconduct, conduct unbecoming the profession, incompetence or incapacity have been proven.

**Failure to attend Professional Conduct Committee hearing**

44 If a respondent does not attend a hearing of the Professional Conduct Committee, a panel of the Professional Conduct Committee, upon proof of service of the notice of hearing, may proceed with the hearing in the respondent's absence and, without further notice to the respondent, take such action as it is authorized to take under the Act or these regulations.

**Witness fees for Professional Conduct Committee hearing**

45 A witness present under subpoena at a hearing is entitled to the same allowances as a witness attending a trial of an action in the Supreme Court of Nova Scotia.

**Recording of evidence at Professional Conduct Committee hearing**

- 46 (1) All evidence submitted to a panel of the Professional Conduct Committee must be reduced to writing, taken down in shorthand or mechanically recorded by a person authorized by the Association.
- (2) Subject to subsections 30(2) and (3) of the Act, evidence may be given before a panel of the Professional Conduct Committee in any manner that the panel considers appropriate, and the panel is not bound by the rules of law respecting evidence applicable to judicial proceedings.

**Disposition by Professional Conduct Committee**

47 (1) If a panel of the Professional Conduct Committee finds professional

misconduct, conduct unbecoming the profession, incompetence or incapacity on the part of a respondent the panel may

- (a) revoke the registration and licence of the respondent and order that the respondent's name be removed from the Register;
  - (b) suspend the licence of the respondent for a specific period of time, during which the respondent loses all privileges pertaining to the licence;
  - (c) suspend the respondent from the practice of veterinary medicine pending the satisfaction and completion of any conditions that are ordered by the Professional Conduct Committee;
  - (d) impose restrictions and conditions on the respondent for a period designated by the committee and record the restrictions and conditions on the licence if the Committee considers it necessary;
  - (e) reprimand the member and, if the Committee considers it warranted, direct that the fact of the reprimand be recorded;
  - (f) direct that the respondent must pass a particular course of study or satisfy the Professional Conduct Committee or any other committee established under this Act as to the respondent's competence generally or in a field of practice:
  - (g) direct the respondent to obtain medical treatment;
  - (h) direct the respondent to obtain counselling that, in the opinion of the Professional Conduct Committee, is appropriate;
  - (i) publish its findings in a manner it considers appropriate;
  - (j) inform such persons as it considers appropriate of its findings; or
  - (k) carry out any combination of the above.
- (2) Before making a decision under subsection (1), a panel of the Professional Conduct Committee may require the respondent to do one or both of the following:
- (a) submit to a review of the respondent's practice by a person or persons whom the panel considers qualified to perform the review, and authorize the provision of a copy of the review to the panel;
  - (b) produce any records kept with respect to the respondent's practice as considered appropriate by the panel.

- (3) If a respondent fails to comply with an action required under subsection (2), a panel of the Professional Conduct Committee may resolve that the respondent be suspended until the respondent complies.
- (4) The costs of complying with a requirement under subsection (2) must be borne initially by the Association, but may be awarded as costs against a respondent under Section 49.

**Written decision of Professional Conduct Committee**

- 48 A panel of the Professional Conduct Committee must prepare a written report of its decision and the reasons for the decision and send a copy of the report within a reasonable time frame by pre-paid registered mail or personal service to each of
- (a) the respondent;
  - (b) the complainant; and
  - (c) any additional persons considered appropriate by the Professional Conduct Committee.

**Costs of Professional Conduct Committee**

- 49 (1) For the purposes of this Section, "costs of the Professional Conduct Committee" include
- (a) expenses incurred by the Association, the Council, the investigator, the Complaints Committee and the Professional Conduct Committee; and
  - (b) solicitor and client costs, disbursements and HST of the Association, the Council, the investigator, the Complaints Committee and the Professional Conduct Committee, relating to the investigation, hearing and adjudication of the complaint.
- (2) If a panel of the Professional Conduct Committee decides against a respondent, it may order that the respondent pay the costs of the Professional Conduct Committee in whole or in part.
  - (3) A panel of the Professional Conduct Committee may consider any rejected settlement proposal exchanged between the parties when awarding costs of the Professional Conduct Committee.
  - (4) If a respondent is ordered to pay the costs of the Professional Conduct Committee under subsection (2), a panel of the Professional Conduct Committee may make it a condition of the registration or licence of the respondent that the costs be paid immediately, or at the time and on the terms that the panel fixes, and direct that if a respondent fails to pay the costs of the Professional Conduct Committee within the time ordered, the Registrar may

suspend the respondent's licence until payment is made or satisfactory arrangements for payment have been established.

### **Reinstatement application**

50 An application for reinstatement under Section 32 of the Act must be on the prescribed form and must include all of the following:

- (a) the prescribed fee:
- (b) such information as required by the Reinstatement Committee to establish that the objects of the professional-conduct process will be met if reinstatement is granted.

### **Investigation respecting reinstatement application**

- 51 (1) If the Registrar receives an application for reinstatement, the Reinstatement Committee may order that an investigation be conducted to gather relevant and appropriate information concerning the application.
- (2) If an investigation is ordered under subsection (1), an investigator must give the Reinstatement Committee and the applicant a written report that includes all material relevant to the application, including the original decision of the panel of the Professional Conduct Committee and any relevant information gathered during the investigation.

### **Date, time and place of reinstatement hearing**

52 After an investigation under Section 51 is completed, the Reinstatement Committee must set a date, time and place for the hearing of an application for reinstatement and must advise the applicant of the date time and place.

### **Conducting reinstatement hearing**

- 53 (1) An applicant and a representative of the Association may appear before the Reinstatement Committee at a hearing with or without legal counsel.
- (2) Subject to the Act and these regulations, the Reinstatement Committee may determine its own rules of procedure, which must, at a minimum, provide for the direct examination and cross-examination of witnesses called by the Association and the applicant.
- (3) All evidence submitted to the Reinstatement Committee must be reduced to writing, taken down in shorthand or mechanically recorded by a person authorized by the Association.
- (4) For purposes of a reinstatement hearing, each person on the Reinstatement Committee has all of the rights, powers and privileges of a commissioner appointed under the *Public Inquiries Act*.

### **Decision of Reinstatement Committee**

- 54 (1) A decision of the Reinstatement Committee must be communicated in writing to the applicant and to the Registrar.
- (2) If an application for reinstatement is accepted, the Reinstatement Committee may impose the terms and conditions it considers appropriate on the applicant's reinstatement and the applicant must satisfy all criteria required for the issuing of a new licence under these regulations.
- (3) A decision of the Reinstatement Committee concerning an application for reinstatement is final.
- (4) Despite subsection (3), if an application is rejected, the applicant may resubmit an application for reinstatement after a year has elapsed following the date of the decision of the Reinstatement Committee, or at a later date set out in its decision.

### **Costs of Reinstatement Committee**

- 55 The Reinstatement Committee may recover costs from an applicant, including any of the following:
- (a) expenses incurred by the Association and the Reinstatement Committee in investigating the application for reinstatement;
  - (b) expenses incurred by the Association and the Reinstatement Committee for the role of the Association or the Reinstatement Committee in the reinstatement application process;
  - (c) solicitor and client costs, disbursements and HST of the Association and the Reinstatement Committee relating to the investigation and hearing and adjudication of the application for reinstatement, including the solicitor and client costs, disbursements and HST of the Association's counsel;
  - (d) fees for obtaining an expert's report or for preparing any necessary transcripts of the proceedings;
  - (e) travel costs and reasonable expenses of any witnesses required to appear before the Reinstatement Committee.

### **Code of Ethics and Standards of Practice**

- 56 Council must by resolution approve the Code of Ethics and the Standards of Practice that apply to all members.

## **Accreditation and Categories of Facilities**

### **Application for interim accreditation certificate**

- 57 (1) A member seeking to engage in the practice of veterinary medicine in a

facility that does not hold a current accreditation certificate must apply to the Accreditation Committee for an interim accreditation certificate by submitting a completed application to the Registrar on a form approved by the Registrar, indicating the category or categories of facility, together with the prescribed fee.

- (2) On receiving an application under subsection (1), the Accreditation Committee must appoint an inspector to inspect the facility.
- (3) If an inspector is satisfied that a facility meets the standards for the applicable category or categories of facility as set out in the by-laws with the exception of those standards that can only be met once the facility is in operation, the inspector must issue an interim accreditation certificate to the facility in the applicable category or categories.

**Term of interim accreditation certificate**

58 An interim accreditation certificate must be issued for a term of no longer than 60 days.

**Notification of interim accreditation certificate to Accreditation Committee**

59 An inspector must notify the Registrar and the Chair of the Accreditation Committee when they issue an interim accreditation certificate.

**Denial of interim accreditation certificate**

- 60
- (1) If an inspector does not issue an interim accreditation certificate to an applicant, the inspector must give the Accreditation Committee a written recommendation for denial including the reasons for the recommendation.
  - (2) On receiving a recommendation for denial from an inspector, the Accreditation Committee must notify the applicant of the recommendation and invite the applicant to present any further relevant information to the Accreditation Committee either orally or in writing as determined by the Accreditation Committee.
  - (3) On receiving information from an applicant under subsection (2), and after reviewing the information with the inspector if the Accreditation Committee considers it necessary, the Accreditation Committee must issue or deny an interim accreditation certificate.

**Issue of accreditation certificate**

- 61
- (1) Before an interim accreditation certificate expires an inspector must revisit a facility to conduct a further inspection of the facility and determine whether all of the standards set out in the by-laws for the applicable category of facility are met.
  - (2) On reinspecting a facility, if an inspector is satisfied that the facility meets the standards for the applicable category or categories of facility as set out in

the by-laws, the inspector must issue an accreditation certificate for the applicable category or categories of the facility.

**Term of accreditation certificate**

- 62 (1) An accreditation certificate must be issued for a term of no longer than 3 years.
- (2) An accreditation certificate expires on the earliest of
- (a) the expiration date of the accreditation certificate;
  - (b) 30 days from the date of a change in the majority of the owners of a facility, unless the member or members operating in or from the facility have given notification of the change in ownership under Section 67;
  - (c) the date that the accreditation certificate is revoked under Section 69; and
  - (d) the date that a member refuses to comply with an inspection required under these regulations.

**Renewal of accreditation certificate**

- 63 (1) At least 90 days before the expiry date of a facility's current accreditation certificate, a member engaged in the practice of veterinary medicine in the facility must be
- (a) sent a renewal application form approved by the Registrar; and
  - (b) notified by the Accreditation Committee that the member must apply for renewal of the facility's accreditation certificate.
- (2) A member may apply for renewal of an accreditation certificate by submitting a completed renewal application to the Accreditation Committee on a form approved by the Registrar together with the prescribed fee at least 60 days before the expiry date of the current accreditation certificate.
- (3) On receiving an application under subsection (2), the Accreditation Committee must appoint an inspector to conduct an inspection of a facility and the inspector must conduct the inspection before the expiry of the facility's current accreditation certificate.
- (4) If an inspector is satisfied that a facility inspected under subsection (3) meets the standards for the applicable category or categories of facility as set out in the by-laws, the inspector must issue a new accreditation certificate to the facility in the applicable category or categories.

### **Notification of accreditation certificate to accreditation Committee**

64 An inspector must notify the Registrar and the Chair of the Accreditation Committee when they grant or renew an accreditation certificate.

### **Denial of accreditation certificate**

- 65 (1) If an inspector does not issue an accreditation certificate under subsection 61(2) or 63(4), the inspector must give the Accreditation Committee a written recommendation for denial, including reasons for the recommendation.
- (2) On receiving a recommendation for denial from an inspector the Accreditation Committee must notify the applicant of the recommendation, and invite the applicant to present any further relevant information to the Accreditation Committee either orally or in writing, as determined by the Accreditation Committee.
- (3) On receiving information from an applicant under subsection (2) and after reviewing the information with the inspector, if the Accreditation Committee considers it necessary, the Accreditation Committee must issue or deny an accreditation certificate.

### **Appeal from denial of renewal of accreditation certificate**

66 A member or members who have been denied renewal of an accreditation certificate under Section 65 may appeal the decision of the Accreditation Committee to the Accreditation Appeal Committee in the same manner as an appeal from a denial of an accreditation certificate under Section 41 of the Act.

### **Change in ownership of facility**

- 67 (1) If the majority of the owners of a facility changes during the term of an accreditation certificate, or if the majority of the voting shareholders of a corporate owner of a facility changes during the term of an accreditation certificate, the member or members who intend to practise in the facility following the change in ownership must notify the Registrar of the change in majority ownership and reapply for an interim accreditation certificate in accordance with Section 57 within 30 days of the change.
- (2) An accreditation certificate of a facility in effect before a change in the majority of owners remains in effect until an interim accreditation certificate is issued or denied.

### **Re-inspection of facility suspected of non-compliance**

- 68 (1) If the Accreditation Committee has reasonable and probable grounds to believe that a facility that holds a current accreditation certificate is no longer in compliance with the standards required for that category of facility as set out in the by-laws, the Accreditation Committee must direct an inspector to conduct an immediate re-inspection of the facility.

- (2) If an inspector determines that a facility suspected of non-compliance complies with the standards required for that category of facility as set out in the by-laws, the inspector must notify the Registrar and the Chair of the Accreditation Committee of the facility's compliance, and no further action is required.

**Revocation of accreditation certificate**

- 69
- (1) If an inspector determines that a facility suspected of non-compliance does not meet the standards required for that category of facility as set out in the by-laws the inspector must give the Accreditation Committee a report of the inspection, including details of the non-compliance.
  - (2) On receiving an inspector's report under subsection (1), the Accreditation Committee must notify the member or members engaged in the practice of veterinary medicine in the facility of the inspector's report, and invite the member or members to present any further relevant information to the Accreditation Committee either orally or in writing, as determined by the Accreditation Committee.
  - (3) On receiving information from a member or members under subsection (2), and after reviewing the information with the inspector, if the Accreditation Committee considers it necessary, the Accreditation Committee must revoke or uphold the accreditation certificate of the facility.
  - (4) A member or members engaged in the practice of veterinary medicine in a facility for which the accreditation certificate is revoked may appeal the decision of the Accreditation Committee to the Accreditation Appeal Committee in the same manner as an appeal from a denial of an accreditation certificate under Section 41 of the Act.

**Categories of facilities**

70 The categories of facilities are as follows:

- (a) small animal hospital;
- (b) small animal clinic;
- (c) small animal mobile service;
- (d) small animal house call service;
- (e) large animal hospital;
- (f) large animal clinic;
- (g) large animal mobile service; and

- (h) emergency clinic.

#### **Small animal hospital**

- 71 (1) The scope of practice for a small animal hospital is limited to examination, diagnostic and prophylactic services and medical and surgical treatment for small animals, including major surgery.
- (2) A small animal hospital must be equipped to provide housing and nursing care for small animals during illness, convalescence and major surgery.

#### **Small animal clinic**

- 72 (1) The scope of practice for a small animal clinic is limited to examination diagnostic and prophylactic services and medical and surgical treatment for small animals, and does not include major surgery.
- (2) Despite subsection (1), ovariohysterectomies may be performed in a small animal clinic if anesthetic services, overnight compartments and an area for major surgical procedures, as required by the standards for a small animal hospital set out in the by-laws, are provided within the small animal clinic.
- (3) A small animal clinic must be associated with a small animal hospital that is located within reasonable proximity to the area served by the small animal clinic and that has agreed to provide hospitalization, surgery and other services not provided by the small animal clinic.

#### **Small animal mobile service**

- 73 (1) The scope of practice for a small animal mobile service is limited to examination, diagnostic and prophylactic services and minor surgical procedures for small animals that require only local anesthesia, not general anesthesia or sedation, only if the equipment required in the standards for a small animal mobile service is available, and does not include radiology and major surgery.
- (2) A small animal mobile service may provide the same services as a small animal clinic if there is no small animal clinic or small animal hospital within an 80-km driving distance of the small animal mobile service or if approved by the Accreditation Committee.
- (3) A small animal mobile service must be conducted from a vehicle and must be operated from, and under the same ownership as, a small animal hospital.

#### **Small animal house call service**

- 74 (1) The scope of practice for a small animal house call service is limited to the same services as a small animal mobile service if the standards for a small animal mobile service as set out in the by-laws are met.
- (2) A small animal house call service must be operated from, and under the

same ownership as, a small animal hospital and the services must be performed during visits to clients' residences.

**Large animal hospital**

- 75 (1) The scope of practice for a large animal hospital is limited to examination, diagnostic and prophylactic services and medical and surgical treatment for large animals including major surgery.
- (2) A large animal hospital must be equipped to provide housing and nursing care for large animals during illness, convalescence and major surgery.

**Large animal clinic**

- 76 The scope of practice for a large animal clinic is limited to the same services as a large animal hospital, if the standards for a large animal hospital as set out in the by-laws are met.

**Large animal mobile service**

- 77 (1) The scope of practice for a large animal mobile service is limited to the same services as a large animal hospital, if the standards for a large animal hospital as set out in the by-laws are met.
- (2) A large animal mobile service must be conducted from a vehicle and must be operated from, and under the same ownership as, a large animal hospital or large animal clinic.

**Emergency clinic**

- 78 (1) The scope of practice for an emergency clinic is limited to examination, diagnostic and prophylactic services and medical and surgical treatment for small animals, including major surgery.
- (2) An emergency clinic must be open only during hours that are outside the regular business hours of small animal hospitals or small animal clinics in the vicinity of the emergency clinic.
- (3) An emergency clinic must
- (a) be operated, equipped and staffed to provide emergency services;
  - (b) have a member who holds a general practice licence and sufficient staff to provide timely and appropriate care in attendance at all times during the operation of the facility;
  - (c) specify its hours of operation, which must principally be the hours when most other categories of facilities are not providing client services;
  - (d) transfer patients' records to the primary care provider of each patient

on the next available business day:

when the clinic closes, arrange for the transfer of a patient to the patient's primary care provider if necessary;

meet the standards for small animal hospitals as set out in the by-laws; and

have the equipment required for emergency clinics as specified in the standards set out in the by-laws.

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