



## College of Veterinarians of British Columbia

# *Unauthorized Practice of Veterinary Medicine in BC*

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### **The Problem**

Many persons in BC, who are not veterinarians, profess to have special skill, knowledge or qualifications in the area of veterinary medicine. The unauthorized practise of veterinary medicine poses a risk to the public and its animals. The public interest requires that there be a means to not only regulate who is qualified to offer, but also regulate the quality of the services offered.

### **The Mandate**

The primary responsibility of self-governing professions such as the College of Veterinarians of British Columbia (CVBC) under the provincial Veterinarian's Act (the Act) is to serve the public interest with a strong, competent and ethical profession. This is the purpose for which self-governed professional regulatory bodies are established. Protection of the public from the unauthorized practice of the regulated profession is an integral component of that mandate. Professions must have the ability to prevent unqualified and unauthorized persons from offering and performing regulated services, and from holding themselves out as duly qualified.

### **Defining Authorized versus Unauthorized Veterinary Practice (UVP)**

Section 1 of the Act defines the term 'veterinary medicine' as follows:

*In this Act: .....*

*"veterinary medicine" means the art and science of veterinary medicine, dentistry and surgery, and includes, whether or not for consideration,*

- (a) the diagnosis and treatment of animals for the prevention, alleviation or correction of disease, injury, pain, defect, disorder, or other similar condition,*
- (b) the provision of a service prescribed by regulation of the Lieutenant Governor in Council, and*
- (c) the provision of advice in respect of a matter referred to in paragraph (a) or (b).*

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<sup>1</sup> Substantive revisions limited to updating bylaw references on p. 3

Section 46 restricts the practice of veterinary medicine to those who are registrants of the College:

- (2) A person who is not a registrant must not do any of the following: (a) perform, offer to perform, or imply that the person is entitled to perform, in British Columbia, any act described in the definition of "veterinary medicine II in section 1,*

Section 47 restricts the use of title to registrants of the College:

- (2) A person who is not a registrant must not use*

*(a) the title "veterinarian", "veterinary surgeon" or "veterinary practitioner", or (b) any title, name, description or abbreviation of a name or title, or an equivalent of a name or title in another language, in any manner that reasonably suggests that the person (i) is a registrant, or (ii) practices veterinary medicine.*

- (3) Despite subsection (2), a person's use of a title or name described in subsection (2) (a) or (b) (ii) is not a contravention of that subsection if the person*

*(a) is authorized by a body in another jurisdiction that regulates the practice of veterinary medicine to use the title or name to indicate registration in that body,*

*(b) indicates, in using the title or name, the name of the other jurisdiction and whether the person is authorized to practice veterinary medicine in that other jurisdiction, and*

*(c) uses the title or name only for the purpose of indicating whether the person is authorized to practice veterinary medicine in the other jurisdiction.*

In short:

1. offering of veterinary services,
2. holding oneself out as a veterinarian or as qualified to provide; or
3. providing any of the services and advice listed,

is the practice of veterinary medicine and can only be performed by a person properly registered by the CVBC as a veterinarian under the Act and the Bylaws.

## **The Tool**

Section 75 of the Act permits the College to apply to court for an injunction to enjoin any unauthorized practice of veterinary medicine:

*(1) The college may apply to the Supreme Court for an injunction to restrain a person from contravening any provision of this Act, the regulations or the bylaws.*

*(2) The court may grant an injunction sought under subsection (1) if the court is satisfied that there is reason to believe that there has been or will be a contravention of this Act, the regulation or the bylaws.*

*(3) The court may grant an interim injunction pending the outcome of an application commenced under subsection (1).*

In addition, the court has the ability to issue an award of costs where it concludes that a person has engaged in the unauthorized practice of veterinary medicine.

## Offences

In exceptional circumstances a person may be prosecuted for contravening the act. Section 74 of the Act creates an offence for those who carry on the unauthorized practice of medicine or wrongfully use the name and title of veterinarian:

- (1) *A person who contravenes either of the following commits an offence:*
  - (a) *section 46 (2) [prohibitions regarding practice of veterinary medicine];*
  - (b) *section 47 (1) or (2) [prohibitions regarding registration and use of titles].*

## CVBC Registrants' Duty to Report Suspected Unauthorized Practice

Registrants of the college have an ethical duty to report to the College instances of unauthorized practice. Section 224-227 of the Bylaws of the College define Unauthorized Practice and set out the registrant's duty:

- 224. *For the purposes of the sections 225 and 226, “**unauthorized practice**” means a breach of one or more of the following provisions of Act:*
  - (a) *section 46;*
  - (b) *section 47;*
  - (c) *section 48.*
- 225 (1) *A registrant must not allow an individual who is not also a registrant to provide a service that constitutes unauthorized practice or that otherwise contravenes the Act.*
  - (2) *A registrant must not aid, abet or acquiesce to an individual providing a service that constitutes unauthorized practice or that otherwise contravenes the Act.*
- 226 (1) *A registrant must report to the registrar or to an inspector if that registrant believes that an individual has provided or may provide a service that constitutes unauthorized practice or has otherwise engaged or may engage in an unauthorized practice.*
  - (2) *Without limiting the generality of foregoing,*
    - (a) *a registrant must advise the registrar or an inspector of any unauthorized practice by a registrant of another profession;*
- 227 (1) *A registrant must not practice beyond the scope of that registrant's granted category of registration.*
  - (2) *A registrant must report to the registrar if that registrant has a reason to believe another registrant is practicing beyond the scope of that registrant's granted category of registration.*

## Charging a Fee

Only registrants of the College may charge a fee. Section 46 (b) provides:

*A person who is not a registrant must not do any of the following:*

- (b) recover a fee or remuneration in any court in respect of the performance, in British Columbia, of any act described in the definition of "veterinary medicine" in section 1.*

Note however, that the practice of veterinary medicine does not encompass the charging of a fee. Thus, it is no defense to a person who is carrying on the unauthorized practice of medicine to justify their actions by declaring that no fee was charged or collected.

### **Exemption to Prohibition Against Unregistered Persons**

Animal owners and other individuals in specific situations may be permitted to perform veterinary services. Section 46 (3) sets out these exceptions:

*Nothing in this Act applies to or affects any of the following:*

- (a) the furnishing of first aid or temporary assistance to an animal in an emergency;*
- (b) the treatment of an animal by its owner, by a member of the owner's household or by a person regularly employed full time by the owner in agricultural or domestic work;*
- (c) caponizing and taking of poultry blood samples;*
- (d) the treatment of an animal by an employee of a registrant under the supervision of the registrant, or by an enrolled student of veterinary medicine employed by a registrant and authorized by that registrant to undertake the treatment;*
- (e) the practice of veterinary medicine by a person not ordinarily resident in British Columbia but registered under the governing Act of any other province, state or jurisdiction, while employed or engaged by a registrant to advise or assist the registrant as a consultant concerning veterinary medicine;*
- (f) a person engaging in scientific research which reasonably requires experimentation involving animals.*
- (g) a certified technician practicing the aspects of veterinary medicine that the certified technician is authorized to provide or perform in accordance with this Act, the regulations and the bylaws;*
- (h) a person practicing a profession, a discipline or another occupation in accordance with another Act;*
- (i) a person engaging in an activity prescribed by regulation of the Lieutenant Governor in Council in accordance with the limits or conditions, if any, specified in that regulation.*

### **Protocol for Enforcement Action**

Enforcement against a Registrant who permits or acquiesces in unauthorized practice will be pursuant to the disciplinary procedures of the College.

Enforcement action against an unregistered person, i.e. a member of the public, will be pursuant to the civil remedy of injunction pursuant to section 75 of the Act.

## Common Areas of Unauthorized Practice

The more common areas of unauthorized practice occur:

- **Acupuncture and Acutherapy:** examination and stimulation of specific points on animals by use of acupuncture needles, moxibustion, injections, low-level lasers, magnets for the diagnosis and treatment of numerous conditions.
- **Alternative and/or Complementary practices:** includes "alternative-approach health care", Reiki, Tellington Touch, acupuncture, acupressure, Traditional Chinese Medicine (TCM), and homeopathy (including diets).
- **"Behavioural":** Consultants who independently assess and 'treat' companion animals (dogs, cats).
- **Botanical Medicine:** use of plants and plant derivatives as therapeutic agents.
- **Chiropractic:** examination, diagnosis, and treatment of animals through manipulation and adjustments of specific joints and cranial sutures. Usually human chiropractors independently assessing and treating companion animals (dogs and horses) through corrective manipulation.
- **Dentistry:** anything beyond cosmetic teeth cleaning as clarified by the Supreme Court in *BCVMA v. K-9 Dental Care*. Primarily related to scaling (hand or machine) and extraction. Equine primarily limited to floating and wolf teeth extraction.
- **"General":** includes assessing, diagnosing, neutering, administering vaccines or drugs, dehorning ruminants (cattle, goats, sheep), diagnostic testing (thyroid, dental x-ray, ultrasound, blood and urine), advertising with "Veterinary" title or implying qualification as a veterinarian, performing surgery (suturing, cattle/ swine caesarian) and providing advice or treatment recommendations. Diagnosis and prescription of drugs are not exempted and always fall within the scope that significant harm can be easily demonstrated.
- **Homeopathy:** administration of substances in very minute doses to animals that are capable of producing clinical signs in healthy animals similar to those of the animal to be treated.
- **Holistic Medicine:** comprehensive approach to health care employing alternative or complementary and conventional diagnostic, and therapeutic modalities; in practice, holistic medicine may incorporate any or all of the above modalities as well as conventional medicine, surgery, and dentistry.
- **Massage therapy:** use of the hands and body to massage soft tissues.
- **Massage and Physical or Physic-therapy:** rehabilitation of animal injuries; including by stretching, massage therapy, stimulation by low level lasers, electrical sources, magnetic fields, and ultrasound, rehabilitation exercises, hydrotherapy, and application of heat and cold. Includes laypersons who provide physiotherapy, therapeutic massage, myotherapy, hydrotherapy, and non-registered chiropractors.

- **Nutraceutical Medicine:** use of micro- and macronutrients, and other nutritional supplements as therapeutic agents.
- **Pharmacy:** really diagnosing and/or prescribing by pharmacists. Major issues pertain to independently providing treatment advice and failure to follow provincial Pharmacy Operation and Drug Scheduling Act (PODSA). Inquiries that pertain to the retail of medicines by provincial lay outlets are referred to the Ministry of Agriculture.
- **Veterinary:** Includes retired veterinarians and consultants not registered with BCVMA as Private Practice (PP) or Specialty Private Practice (SPP), and registered veterinarians practicing from non-accredited facilities.

## **Frequently Asked Questions**

### **Who is permitted to practice veterinary medicine in BC?**

Only those individuals who are registered by the College of Veterinarians of British Columbia (CVBC), and are in good standing, may practice veterinary medicine in B.C.

### **Does the law allow any non-registrants to independently provide veterinary services?**

No. No other occupational group has the legislated authority in BC to independently offer and carry out veterinary tasks on animals.

### **What is the definition of the practice of veterinary medicine?**

See s. 1 of the Veterinarians Act.

### **Does the law expressly prohibit non-registrants from practicing veterinary medicine?**

Yes, in s. 46(2) of the Veterinarians Act.

### **Are there any exceptions to this?**

Yes, in s. 46 (3) of the Veterinarians Act; these are narrow exceptions. The only one that applies is the exception for employees of veterinarians.

### **Are there any title restrictions with respect to the provision of veterinary services?**

Yes, see s. 47(2) of the Veterinarians Act.

### **Are there any exceptions to these title restrictions?**

No.

### **Does the law permit the involvement of non-veterinarians in patient care? If so under what conditions?**

Yes, under the following conditions:

- under the proper delegation and level of supervision by a registered veterinarian;
- the veterinarian must make the diagnosis and prescribe the treatment;
- the veterinarian must be satisfied that the delegatee is competent to perform the tasks.

### **Is this a referral?**

No. This is a delegation and must be under the appropriate level of supervision. A referral occurs between two practitioners who are legally entitled to engage in the independent provision of health care. Only veterinarians have that privilege with respect to animals.

### **Who may veterinarians refer to?**

Veterinarians may refer to other registered veterinarians, and again with respect to other service providers who are not registrants under the Veterinarians Act, they may only delegate and must provide the proper level of supervision.

### **Who is responsible for the outcome of delegated tasks?**

The registered veterinarian is responsible to the CVBC for the course and outcome of delegated tasks. The delegatee might be held responsible in civil law; seek legal advice.

### **Who may charge a fee for delegated services? How should a delegatee be paid?**

Unregistered persons or their enterprises may not earn money from the performance of veterinary tasks. Only registered individuals may perform and render a charge for veterinary services. A non-veterinarian or non-registrant who performs delegated tasks should be paid directly by the delegating veterinarian, not by the client.

### **What services can't be delegated?**

Only a veterinarian may assess and provide the diagnosis, determine the course of treatment or therapy and provide supervision. For example, a **Farrrier** may trim cow and horse feet; however, he or she is not permitted to provide health assessment, render diagnoses, prescribe treatment including corrective therapy, or assess the efficacy of treatment.

### **May any person in B.C. use titles such as 'Certified Animal Chiropractic'?**

No. Such titles are not recognized. The use of such a title would offend section 47.

### **May the CVBC obtain an injunction against an individual who is not a registrant?**

Yes, under s. 75 of the Veterinarians Act.

### **Is the practice of veterinary medicine or use of restricted titles by a non-registrant an offence?**

Yes, under s. 74(1) of the Veterinarians Act.

### **If so, what is the potential penalty?**

Section 4 of the Offence Act provides for a punishment of either a fine up to \$2,000 or to imprisonment for not more than 6 months, or both.