

2016 Bill 13

Second Session, 29th Legislature, 65 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

VETERINARY PROFESSION AMENDMENT ACT, 2016

THE MINISTER OF LABOUR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 13

2016

VETERINARY PROFESSION AMENDMENT ACT, 2016

(Assented to _____, 2016)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cV-2

1 The *Veterinary Profession Act* is amended by this Act.

2 Section 1 is amended

(a) by adding the following after clause (i):

(i.1) “registered member” means a registered veterinarian or a
technologist;

(b) in clause (n.1)

**(i) in subclause (iii) by striking out “veterinarian” and
substituting “member”;**

(ii) by adding the following after subclause (xi):

(xii) with respect to a technologist,

(A) practising veterinary medicine without any
supervision or practising veterinary medicine
under the direction or control of someone other
than a registered veterinarian,

(B) not following the instructions of the registered
veterinarian who is directing or controlling the
technologist,

Explanatory Notes

1 Amends chapter V-2 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

- (j) “registered veterinarian” means a restricted veterinarian or an unrestricted veterinarian;*
- (n.1) “unprofessional conduct” means any or all of the following, whether or not it is disgraceful or dishonourable:*
 - (iii) representing or holding out that a person is a registered veterinarian and in good standing while the person’s registration or annual certificate is suspended or cancelled;*

- (C) practising aspects of veterinary medicine that the technologist is not authorized to practise, or
- (D) not being competent to practise one or more aspects of veterinary medicine that the technologist is authorized to practise;

3 Section 2(4) and (5) are amended by striking out “registered veterinarian” wherever it occurs and substituting “registered member”.

4 Section 5(2) is repealed and the following is substituted:

(2) Every registered veterinarian and every technologist is a member of the Association.

5 Section 8 is amended

(a) **by repealing subsection (1) and substituting the following:**

Council membership

8(1) The Council shall consist of

3 Section 2(4) and (5) presently read:

(4) No person except a registered veterinarian or a permit holder shall

(a) use the word “veterinarian” or “veterinary” in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the person is a registered veterinarian or permit holder, or

(b) represent or hold out, expressly or by implication, that

(i) the person is entitled to engage in the practice of veterinary medicine, or

(ii) the person is a registered veterinarian or permit holder.

(5) A registered veterinarian or permit holder shall not hold out that the registered veterinarian or permit holder is a specialist or is specially qualified in any particular field or specialty of veterinary medicine unless the registered veterinarian or permit holder has complied with the regulations and has been approved as a specialist or as being specially qualified by the Council.

4 Section 5(2) presently reads:

(2) A registered veterinarian is a member of the Association.

5 Section 8 presently reads in part:

8(1) The Council shall consist of

(a) at least 7 registered veterinarians or a greater number that may be prescribed by the bylaws, each of whom must be

- (a) at least 6 registered veterinarians, each of whom must be elected by the registered members at the time, in the manner and for the period provided for in the bylaws,
 - (b) 2 technologists, each of whom must be elected by the registered members at the time, in the manner and for the period provided for in the bylaws, and
 - (c) members of the public appointed by the Lieutenant Governor in Council after the Minister has consulted with the Council to make up at least 25% of the number of members under clause (a).
- (b) by striking out “subsection (1)(b)” wherever it occurs and substituting “subsection (1)(c)”.**

elected by the registered veterinarians at the time, in the manner and for the period provided for in the bylaws, and

(b) members of the public appointed by the Lieutenant Governor in Council after the Minister has consulted with the Council to make up at least 25% of the number of members under clause (a).

(1.1) A member of the public appointed under subsection (1)(b) may be appointed for a term of up to 3 years and may be reappointed, but may not be appointed for more than 6 consecutive years.

(1.2) Despite subsection (1)(b), the number of members of the public may be increased with the consent of the Council.

(1.3) Despite subsection (6) and the bylaws governing quorum, the number of members of the public required to be appointed under subsection (1)(b) must be present at a review before a committee of the Council under Part 5 and an appeal before the Council under Part 5.

(1.4) Despite subsection (1.3), if a member of the public is not appointed under subsection (1)(b) or if a member of the committee of the Council appointed under subsection (1)(b) is not capable of carrying out the powers and duties of a member, the committee of the Council may hold or continue to hold a review or appeal in which the member would have been or was participating, and the committee of the Council may carry out its powers and duties with respect to the review or appeal.

(3) Despite subsection (1.1), a member of the public referred to in subsection (1)(b) continues to hold office after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.

(4) The Lieutenant Governor in Council may, after the Minister has consulted with the Council, revoke the appointment of a member of the public referred to in subsection (1)(b).

(5) The Minister may pay to a member of the public referred to in subsection (1)(b) travelling and living expenses incurred by that member for the member's attendance at a meeting of the Council while away from the member's usual place of residence and fees in an amount prescribed by the Lieutenant Governor in Council.

6 Section 9.3(1) is amended by striking out “regulated” and substituting “registered”.

7 Section 9.4(1)(b) is amended by striking out “Complaints Director” and substituting “Hearings Director”.

8 Section 9.5(1)(b) is amended by striking out “Complaints Director” and substituting “Hearings Director”.

9 Section 10 is amended

(a) by repealing subsection (1) and substituting the following:

(6) The powers, duties and operations of the Council under this Act, the regulations and the bylaws are not affected by

- (a) the fact that no member of the public is appointed as a member of the Council pursuant to subsection (1)(b),*
- (b) the revocation under subsection (4) of the appointment of a member of the Council, or*
- (c) the resignation from the Council of a member of the public.*

6 Section 9.3(1) presently reads:

9.3(1) The Council must appoint members to a membership list consisting of no fewer than 6 regulated members to be used for appointing members to both hearing tribunals and complaint review committees.

7 Section 9.4(1) presently reads in part:

9.4(1) The Hearing Tribunal is established consisting of

- (b) members of the public to make up at least 25% of the number of members of the Hearing Tribunal, appointed by the Complaints Director from the membership list established under section 9.3(2).*

8 Section 9.5(1) presently reads in part:

9.5(1) The Complaint Review Committee is established consisting of

- (b) members of the public to make up at least 25% of the number of members of the Complaint Review Committee, appointed by the Complaints Director from the membership list established under section 9.3(2).*

9 Section 10 presently reads:

10(1) There is hereby established a board called the Practice Review Board consisting of no fewer than 5 members as follows:

Practice Review Board

10(1) There is hereby established a board called the Practice Review Board consisting of the following:

- (a) at least 5 registered veterinarians, appointed by the Council, who have a combination of knowledge and experience suitable for determining the academic qualifications and experience necessary for a person to continue to engage in the practice of veterinary medicine;
- (b) 2 technologists, appointed by the Council, who have a combination of knowledge and experience suitable for determining the academic qualifications and experience necessary for a person to continue to engage in the practice of veterinary medicine;
- (c) one member of the public appointed by the Minister from a list of no fewer than 3 members of the public nominated by the Council.

(b) by striking out “subsection (1)(b)” wherever it occurs and substituting “subsection (1)(c)”.

- (a) the Council shall appoint no fewer than 4 registered veterinarians who have a combination of knowledge and experience suitable for determining the academic qualifications and experience necessary for a person to continue to engage in the practice of veterinary medicine;*
 - (b) the Minister shall appoint one person from a list of no fewer than 3 members of the public nominated by the Council.*
- (2) If the Council fails, within a reasonable period of time after being requested to do so by the Minister, to make a nomination for the purpose of subsection (1)(b), the Minister may appoint one member of the public to the Practice Review Board without the Council's nomination.*
- (3) The Minister may pay to the member of the Board appointed under subsection (1)(b) travelling and living expenses incurred by that member for attendance at a hearing of the Board away from that member's usual place of residence and fees in an amount prescribed by the Minister.*
- (4) The Minister may, after consultation with the Council, revoke the appointment under subsection (1)(b) of a member of the public.*
- (5) The powers, duties and operations of the Board under this Act, the regulations and the bylaws are not affected by*
- (a) the fact that no member of the public is appointed as a member of the Board pursuant to subsection (1)(b),*
 - (b) the revocation under subsection (4) of the appointment of a member of the public, or*
 - (c) the resignation as a member of the Board of a member of the public.*
- (6) The failure of a member of the public appointed pursuant to subsection (1)(b) to attend a meeting of the Board shall not be construed to affect or restrict the Board from exercising any powers or performing any duties under this Act, the regulations or the bylaws at that meeting.*

10 Section 11(4) is amended by striking out “45 or 46” and substituting “41.1”.

11 Section 13 is amended

(a) in subsection (1)

(i) in clause (l) by striking out “veterinarian” and substituting “member”;

(ii) in the following clauses by striking out “veterinarians” wherever it occurs and substituting “members”:

clauses (a) to (d);
clause (p);
clause (q);
clause (v);
clause (y);

(b) in subsection (2) by striking out “veterinarians” and substituting “members”.

10 Section 11(4) presently reads:

(4) The Board may, after a review under this section with respect to an individual registered veterinarian or permit holder, make any order that the Hearing Tribunal may make under section 45 or 46.

11 Section 13(1)(a) to (d), (l), (p), (q), (v) and (y) and (2) presently read:

13(1) The Council may make regulations

- (a) respecting the registration of students, the duties and responsibilities of registered veterinarians working with students and the privileges, rights, duties and responsibilities of students;*
- (b) respecting the academic qualifications of applicants for registration as registered veterinarians;*
- (c) respecting experience requirements of applicants for registration as registered veterinarians;*
- (d) respecting the evaluation of the academic qualifications of and experience requirements for applicants for registration to engage in the practice of veterinary medicine as registered veterinarians and the examination of those applicants with respect to those qualifications or requirements;*
- (l) respecting the academic qualifications and experience a registered veterinarian requires to be recognized as a specialist and the registration of specialists;*
- (p) respecting the procedures of the Complaint Review Committee, of the Hearing Tribunal, of the Practice Review Board and of the Council in matters relating to the conduct or practice of registered veterinarians or permit holders, whether or not a complaint has been made;*
- (q) respecting the establishment by the Council of a compulsory continuing education program for registered veterinarians and specialists;*
- (v) establishing classes or categories of registered veterinarians and permit holders and prescribing the restrictions on*

12 Section 14 is amended

(a) in subsection (1)

(i) in clause (a) by striking out “government” and substituting “governance”;

(ii) in clause (j) by adding “, technologists” after “veterinarians”;

(iii) in clauses (k), (l), (n), (r) and (u) by striking out “veterinarians” and substituting “members”;

(b) in subsections (2) and (3) by striking out “veterinarians” and substituting “members”.

practice and the rights, privileges, duties and obligations of the classes or categories so established;

(y) respecting advertising by registered veterinarians and permit holders;

(2) A regulation must be approved in principle by a majority of the members of the registered veterinarians voting

(a) at a special meeting called for that purpose,

(b) by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or

(c) at the annual general meeting following the Council's making of the regulation.

12 Section 14(1)(a), (j) to (l), (n), (r) and (u), (2) and (3) presently read:

14(1) The Council may make bylaws

(a) for the government of the Association and the management and conduct of its affairs, including the management and carrying out of powers and duties by the Council and committees, boards, tribunals and other entities;

(j) establishing classes or categories of membership in the Association in addition to registered veterinarians and specialists and prescribing the rights, privileges and obligations of the classes or categories of membership so established;

(k) providing for the appointment of acting members of the Council and procedures for the election or appointment of registered veterinarians to fill vacancies on the Council;

(l) prescribing the number of registered veterinarians that constitutes a quorum at meetings of the Association;

13 Section 16(2) is amended by adding “, technologists” after “veterinarians”.

14 Section 17 is amended by renumbering it as section 17(1) and adding the following after subsection (1):

(2) The Registration Committee shall approve the registration as a technologist of an individual who has applied under this Act and is eligible to be registered as a technologist under this Act and the regulations.

- (n) governing the establishment of boards or committees of registered veterinarians and respecting the delegation of powers of the Council to those boards or committees or the Practice Review Board;
- (r) respecting the establishment, content and maintenance of registers of registered veterinarians, specialists and permit holders and of records of other classes or categories of membership to be kept by the Registrar;
- (u) requiring registered veterinarians and permit holders to inform the Registrar in writing of their current mailing addresses and of any change of address forthwith after the change occurs;

(2) The Council may make bylaws respecting the holding of mail votes on any matter relating to the Association, but a bylaw under this subsection does not come into force unless it is approved by a majority of the registered veterinarians present and voting at a general meeting.

(3) A bylaw under subsection (1) does not come into force unless it is approved by a majority of the registered veterinarians

- (a) present and voting at a general meeting, or
- (b) voting in a mail vote conducted in accordance with the bylaws.

13 Section 16(2) presently reads:

(2) The Registration Committee shall consider applications for the registration of applicants as registered veterinarians or specialists in accordance with this Part, the regulations and the bylaws.

14 Section 17 presently reads:

17 The Registration Committee shall approve the registration as a registered veterinarian of an individual who has applied under this Act and is eligible to be registered as a registered veterinarian under this Act and the regulations.

15 Section 18(3) is amended by adding “or a technologist” after “veterinarian”.

16 Section 20 is amended

(a) in subsection (1) by adding “or technologist” after “veterinarian” wherever it occurs;

(b) by adding the following after subsection (2):

(2.1) The Registrar shall issue an annual certificate in accordance with the bylaws to a technologist

(a) whose registration is not under suspension, and

(b) who has paid the annual fee.

(c) in subsection (3) by adding “or a technologist” after “veterinarian”.

17 Section 24 is amended

(a) in subsection (1)

(i) by striking out “veterinarian” and substituting “member”;

(ii) by striking out “veterinarian’s” and substituting “member’s”;

(b) in subsection (2)(b) by striking out “veterinarian” and substituting “member”.

15 Section 18 presently reads in part:

(3) An applicant whose application for registration has been refused by the Registration Committee may, within 30 days after receiving a notice of refusal and the reasons for the refusal, request the Council to review the application by serving on the Registrar a written request for review by the Council setting out the reasons why, in the applicant's opinion, the applicant's registration as a registered veterinarian should be approved.

16 Section 20(1), (2) and (3) presently read:

20(1) On entering the name of a registered veterinarian in the register, the Registrar shall issue to the registered veterinarian a certificate of registration to engage in the practice of veterinary medicine.

(2) The Registrar shall issue an annual certificate in accordance with the bylaws to a veterinarian

(a) whose class or category of registration is not designated by the regulations as restricted,

(b) whose registration is not under suspension, and

(c) who has paid the annual fee.

(3) Subject to this Act, an annual certificate entitles an unrestricted veterinarian to engage in the practice of veterinary medicine during the year for which the annual certificate is issued.

17 Section 24 presently reads:

24(1) The Registrar shall not cancel the registration of a registered veterinarian or permit holder at the registered veterinarian's or permit holder's request unless the request for the cancellation has been approved by the Council.

(2) When a request for cancellation of registration is approved by the Council

(a) the Registrar shall cancel that registration, and

18 Section 25 is amended

- (a) in subsections (1), (3) and (4) by striking out “veterinarian” wherever it occurs and substituting “member”;**
- (b) in subsection (7) by adding “or a technologist” after “veterinarian”.**

19 Section 65.2 is amended

- (a) in subsection (1)(b) by striking out “veterinarian’s” and substituting “member’s”;**
- (b) in subsections (1)(c) and (5) by striking out “medicine” and substituting “medical”;**

- (b) the registered veterinarian or permit holder requesting the cancellation, on being notified of the approval, shall surrender to the Registrar any certificate of registration, permit or annual certificate issued by the Registrar.*

18 Section 25 presently reads in part:

25(1) The Council may direct the Registrar to cancel the registration of

- (a) a registered veterinarian or permit holder who is in default of payment of annual fees or any other fees, dues or levies payable under this Act, or*

- (b) a permit holder if it no longer complies with the regulations*

after the expiration of 30 days following the service on the registered veterinarian or permit holder of a written notice by the Council pursuant to subsection (2), unless the registered veterinarian or permit holder on whom the notice is served complies with the notice.

(3) The Council may direct the Registrar to cancel the registration of a registered veterinarian or permit holder that was entered in error in the register.

(4) If the registration of a registered veterinarian or permit holder has been cancelled under this section, the registered veterinarian or permit holder shall forthwith surrender to the Registrar any certificate of registration or permit issued to the registered veterinarian or permit holder.

(7) Notwithstanding subsection (6), an individual whose registration has been cancelled under this section may make an application to the Registration Committee for registration as a registered veterinarian.

19 Section 65.2 presently reads:

65.2(1) If under Part 5 an annual certificate is suspended or cancelled, or if conditions are imposed on an annual certificate under Part 5 or a direction is made under section 65.1(5), the Registrar

(c) by striking out “veterinarian” wherever it occurs and substituting “member”.

- (a) *must enter the information on the register,*
 - (b) *must enter the information on the registered veterinarian's annual certificate, and*
 - (c) *must provide the information to the governing bodies of the veterinary medicine profession in other provinces.*
- (2) *The Registrar may publish in accordance with the bylaws*
- (a) *information referred to in subsection (1), and*
 - (b) *orders and decisions under Part 5 and directions made under section 65.1(5).*
- (3) *If a registered veterinarian appeals an order or a decision under Part 5 or appeals a direction under section 65.1(5) and a cancellation or suspension is lifted or the conditions are varied or removed, a reprimand is removed or a direction is cancelled, the Registrar must provide that information in the same manner as the information on the cancellation, suspension, conditions, reprimand or direction was provided under this section.*
- (4) *The Association, on receipt of a request with respect to a named registered veterinarian and the payment of the costs referred to in section 43(3), must provide to a member of the public during regular business hours the following information with respect to the named registered veterinarian:*
- (a) *the information referred to in subsections (1) to (3), while the named registered veterinarian is registered with the Association;*
 - (b) *the information described in section 43(3), for 2 years from the date the Hearing Tribunal or Council rendered its decision;*
 - (c) *information as to whether a hearing is being held or is scheduled to be held, until the hearing is concluded;*
 - (d) *information as to whether a hearing has been held, for one year from the date the hearing was concluded.*

20 Section 66 is amended

- (a) by striking out “veterinarian” wherever it occurs and substituting “member”;**
- (b) by striking out “veterinarian’s” wherever it occurs and substituting “member’s”.**

21(1) The following provisions are amended by striking out “veterinarian” wherever it occurs and substituting “member”:

section 11;
section 12;
section 22;
section 23;
section 26;
section 27;
section 27.1;
section 32;
section 62;
section 65;
section 65.1;
section 68.

(2) The following provisions are amended by striking out “veterinarians” wherever it occurs and substituting “members”:

section 6.1;
section 11;
section 14.1;
section 15;
section 23;
section 33;
section 41.1.

22 This Act comes into force on Proclamation.

(5) If the governing body of a veterinary medicine profession in another jurisdiction requests information as to whether a registered veterinarian or a former registered veterinarian is an investigated person, the Association may provide the information.

20 Updates terminology.

21 Updates terminology.

22 Coming into force.

