

**Prince Edward Island
Veterinary Medical
Association**

ACT

November 2004

CHAPTER V-3

VETERINARY PROFESSION ACT

Definitions

animal

Association

council

preceptor

register

registered

registrar

veterinary medicine

1. In this Act

- (a) "animal" means a living being of the animal kingdom other than a human being;
- (b) "Association" means the Prince Edward Island Veterinary Medical Association;
- (c) "council" means the council of the Association;
- (d) "preceptor" means a veterinarian who trains undergraduate veterinarians in the practice of veterinary medicine;
- (e) "register" means the register of the Association;
- (f) "registered" means registered as a member under this Act;
- (g) "registrar" means the registrar of the Association;
- (h) "veterinary medicine" means any service usually performed by a veterinarian including
 - (i) the application of surgery or medicine to animals,
 - (ii) embryo and ova collection, the diagnosis or treatment of, and the prescribing, treating, manipulating, or operation for the prevention, alleviation, or correction of any disease, injury, pain, deficiency, deformity, defect, lesion, disorder, or physical condition of animals, with or without the use of instruments, appliances, medicine, drugs, preparation or anesthetics,
 - (iii) the giving of advice in respect to any of the matters mentioned in subclauses (i) and (ii) with the view to obtaining a fee or salary;
- (i) "lay assistant" means a person trained to carry out specific veterinary procedures;
- (j) "practice of clinical veterinary medicine" means the practice medicine in which
 - (i) the practitioner charges or holds himself out to charge a fee for his services, irrespective of whether the fee is to be charged personally or by a company or firm in which he has an interest or investment, or
 - (ii) the practitioner is employed on a salary by a practitioner referred to in subclause (i) or by a Corporation through which the latter practitioner practises clinical veterinary medicine;

lay assistant

Practice of clinical
veterinary medicine

but does not include the practice of veterinary medicine carried on by any person employed as a civil servant by the Government of Canada or by the Province that is within the scope of his employment as a civil servant, but does include the practice of such civil servant if it is outside the scope of his employment and he comes within subclauses (i) or (ii).

technician

(k) "technician" means a person holding a diploma or certificate that shows his qualifications to carry out specific veterinary procedures. R.S.P.E.I. 1974, Cap. V-4, s.2; 1976, c.33, s.1; 2000, c.24, s.1.

Act not applicable to

2. Nothing in this Act applies to or affects
- (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 his household, or by a person regularly employed by him in agricultural or domestic work;
 - (c) the caponizing and the taking of blood samples from poultry;
 - (d) the castration of pigs, calves and lambs;
 - (e) the dehorning of cattle;
 - (f) the dispensing of medicines under the Pharmacy Act, R.S.P.E.I. 1988, Cap. P-6.1974, Cap. V-4, s.3.

Objects

3. The objects of the Association are:
- (a) to encourage, promote and safeguard the health and usefulness of animals;
 - (b) to promote, encourage and develop veterinary medicine in the province;
 - (c) to cooperate with agricultural associations, societies and organizations having in whole or in part objectives similar to those of this Association; and
 - (d) to cooperate with Boards of Health, conforming with rules and regulations for the protection of the public against infectious and contagious diseases communicable from animals to man. R.S.P.E.I. 1974, Cap. V-4, s.5.

Membership

4. The members of the Association are:
- (a) those members who, at the commencement of this Act are registered members thereof, and who are registered under this act; and
 - (b) those persons who are subsequently registered. R.S.P.E.I. 1974. V-4, s.5

Registration qualifications

5. (1) The council shall cause the registrar to register as a member of the Association any individual who
- (a) produces satisfactory evidence to the council that he is eighteen years of age, of good moral character and reputation and that his name has not been removed from

the register of any veterinary association by reason of an indictable offence;

- (b) solemnly declares his willingness to uphold the honour and dignity of the profession;
- (c) undertakes to practice veterinary medicine in a professional and becoming manner and in accordance with this Act and the bylaws of the Association;
- (d) pays the prescribed fees; and
- (e)
 - (i) produces a certificate of graduation in Veterinary Medicine from a university accredited by the Canadian Veterinary Medical Association at the time of graduation; or
 - (ii) produces a certificate of qualification from the National Examining Board of the Canadian Veterinary Medical Association, or
 - (iii) produces a certificate of graduation in Veterinary Medicine from a university that was not accredited by the Canadian Veterinary Medical Association at the time of graduation and produces evidence satisfactory to the Council that the individual has an academic appointment in the Atlantic Veterinary College with payment by the University of Prince Edward Island at salary of rank. 2000, c.24, s.2.

License for clinical veterinary medicine

- (2) Any person registered under subsection (1), before practising clinical veterinary medicine shall obtain a license from a board to be known as the Licensing Board.

Licensing Board

- (3) The Licensing Board referred to in subsection (2) shall be composed of the council and not more than two persons representing the general public, each of whom shall be persons not registered under subsection (1); the Lieutenant Governor in Council from a list of names nominated by the Council may appoint the additional member or members.

Application for a license

- (4) A person wishing to obtain a license shall make application to the Licensing Board on such application, and shall include thereon such information as the Association may prescribe by bylaw.

Examination of applicants

- (5) Before granting a license, the Licensing Board may require the applicant to take such oral, written or other examinations as the Association by bylaw may prescribe.

Standards and qualifications

- (6) The Association may by bylaw prescribe such standards and qualifications to be required of an applicant as it may deem advisable for the granting of a license.

Continuing education

- (7) The Association may by bylaw prescribe such courses or

courses or programs

programs of continuing education as it may deem advisable to ensure the maintenance of a high standard of practising clinical veterinary medicine in the Province, and may require licensees to attend such courses or programs and pass such examinations thereon as may be established by the Licensing Board.

Refusal to grant license

- (8) The Licensing Board may refuse to grant a license to an applicant if in its opinion the applicant fails to comply with the standards and qualifications prescribed by bylaw.

Cancellation or suspension of a license

- (9) The Licensing Board may cancel or suspend a license where in its opinion the licensee
- (a) has been in contravention of
 - (i) a code of professional ethics prescribed by bylaw,
 - (ii) the Act, or
 - (iii) the bylaws;
 - (b) has ceased to meet the qualifications prescribed in subsections (1) or (6); or
 - (c) is no longer registered under subsection (1); and

the Licensing Board in suspending a license may prescribe conditions under which the license may be reinstated.

Appeal to Supreme Court

- (10) An appeal lies from a decision of the Licensing Board to a Judge of the Supreme Court.

Prohibition

- (11) No person shall practice clinical veterinary medicine unless he holds a valid license issued by the Licensing Board and unless he is registered under subsection (1).

Term of license

- (12) A license issued under this section remains in full force and effect until
- (a) it is cancelled or suspended;
 - (b) the licensee dies; or
 - (c) the licensee fails to practice clinical veterinary medicine for one year or more, except with the written permission of the Licensing Board. R.S.P.E.I. 1974, Cap. V-4, s.6; 1976 c.33, s.2; 1990, c.64, s.1.

Individual or corporate practice

6. (1) Any person licensed to practice clinical veterinary medicine may do so in his own name, by and under a corporation in which he has shares or by which he is paid a salary or through a partnership.

Eligibility to hold shares in corporation

- (2) No corporation may charge a fee for the services of a person licensed to practice clinical veterinary medicine unless the shares of the corporation are wholly owned by a person licensed to practice clinical veterinary medicine or by the spouse of such person, except as may otherwise be authorized by the Council.

Contravention	(3)	Where a corporation contravenes subsection (2) <ul style="list-style-type: none"> (a) the Licensing Board may cancel or suspend the license of any licensee under this Act holding shares in such corporation; and (b) the fees so charged by the corporation are void and uncollectible.
Transferring or alienating shares	(4)	A shareholder in a corporation referred to in subsection (1) who is desirous of transferring, assigning or otherwise alienating shares in the corporation to a person not licensed to practice clinical veterinary medicine, except in the case of an assignment or alienation for the purpose of securing a loan from a bank or credit union, shall notify the council of his intent to transfer, assign or otherwise alienate the shares before so transferring, assigning or alienating, and the council shall approve or reject the transfer, assignment or alienation; where the council so rejects and the shares are so transferred, assigned or alienated any fees for services charged by the corporation in the practice of clinical veterinary are void and uncollectible. 1976, c.33, s.3.
Register, to be kept by	7.	<p>(1) The registrar shall keep and maintain the register in accordance with this Act and the bylaws of the Association.</p> <p>(2) The register shall contain the names of the members of the Association. R.S.P.E.I.1974, Cap. V-4, s.7.</p>
Registration	8.	(1) Every member of the Association shall annually on or before the first day of October, pay to the treasurer a registration fee.
License fee	(2)	Each applicant for a license to practice clinical veterinary medicine shall before the issuance of the license pay to the treasurer a license fee.
Fees established	(3)	The registration fee and the license fee shall be in an amount prescribed by bylaw of the Association.
Suspension by council	(4)	When a member does not pay the prescribed fee on or before the first day of January of the year for which it is payable, his registration may after inquiry, be suspended by council; but any registration so suspended may be reinstated upon payment of the fee and a reinstatement fee in an amount prescribed by bylaw of the Association.
Suspension, effect of	(5)	As soon as registration is suspended under subsection (2) of this Act, the person affected ceases to be registered and the registrar shall make note thereof in the register. R.S.P.E.I. 1974, Cap. V-4, s.8; 1976, c.33, s.4; 2000, c.24, s.3.
Fraud or misrepresentation,	9.	(1) The council may cause to be removed from the register any

removal of names for

name or other entry, the entry of which was obtained by fraud, or misrepresentation, or was incorrectly made.

Offenses

- (2) The council may, after an inquiry, order the name of a member to be struck off the register or may order the suspension of a member for a fixed period who
- (a) has been convicted of an indictable offence;
 - (b) has violated this Act or the bylaws or rules of professional ethics of the Association;
 - (c) has been guilty of malpractice or unbecoming, improper, unprofessional or criminal conduct whether in the practice of his profession or otherwise;
 - (d) has been found guilty of unprofessional conduct by reason of professional incompetence or gross carelessness.
- R.S.P.E.I. 1974, Cap. V-4, s.9.

Bylaws

10. (1) The Association may make bylaws not inconsistent with any Act or law in force in the province, providing for
- (a) the government and discipline of its members;
 - (b) a code of professional ethics;
 - (c) the payment of annual registration fees by members of the Association;
 - (d) the requirements for admission as a member of the Association;
 - (e) the terms and conditions of honorary membership and life membership in the Association;
 - (f) the duties and responsibilities of officers;
 - (g) all such other matters as may be deemed convenient for the working or management of the Association or the study and advancement of veterinary medicine.

Date bylaws come into force

- (2) Bylaws and amendments thereto made from time to time do not come into force until approved by the Association and the Lieutenant Governor in Council. R.S.P.E.I. 1974, Cap. V-4, s.10.

Annual general meeting

11. (1) A general meeting of the members of the Association shall be held at least once in every calendar year and not later than the last day of December.

Special general meeting

- (2) Upon a requisition in writing, signed by three members of the Association requesting the council to convene a special general meeting, the meeting shall accordingly be convened within such reasonable time as the council shall see fit.

Notice

- (3) Notice of every general meeting shall be given to each member.

Voting and election

- (4) The persons qualified to vote or to be elected at an election are members of the Association in good standing.

Quorum	(5)	At any general meeting of the Association twenty percent of the membership constitutes a quorum. R.S.P.E.I. 1974, Cap. V-4, s.11; 1976, c.33, s.5; 1990, c.64, s.2.
Fiscal year	12.	The fiscal year of the Association shall commence on the first day of October in each calendar year and terminate on the thirtieth day of September in the ensuing year. R.S.P.E.I. 1974, Cap. V-4, s.12; 1976, c.33, s.6.
Technicians, ancillary body	13.	<p>(1) The Association may establish an ancillary body of technicians to include persons who, at or under the direction of a registered member may perform certain technical procedures in the science and practice of veterinary medicine as defined in this Act and bylaws.</p> <p>(2) The council in accordance with this Act and bylaws may establish standards of training and standards of qualifications for technicians or lay assistants. R.S.P.E.I. 1974, Cap, V-4, s.13.</p>
Standards of training and qualifications		
Employment and technicians and collecting fees for services of	14.	<p>(1) A registered member with the approval of council may</p> <p>(a) employ a technician to assist in the practice of veterinary medicine;</p> <p>(b) charge and collect fees for the services performed, at or under his direction, by a technician.</p> <p>(2) Before employing a technician, a registered member shall apply to the council for approval and shall provide to the council</p> <p>(a) the name of the person;</p> <p>(b) the training that qualified this person as a technician;</p> <p>(c) such other information as the executive may require. R.S.P.E.I. 1974, Cap. V-4, s.14.</p>
Unbecoming professional conduct by member re technician	15.	Notwithstanding this Act and bylaws, a technician who by clinical examination, manipulation or laboratory tests, presumes to offer to the public a diagnosis, or to recommend a specific treatment, is guilty of a contravention of this Act, and the registered member under whose direction he is employed, shall be deemed guilty of unbecoming professional conduct. R.S.P.E.I. 1974, Cap. V-4, s.15.
Prohibition to non-members	16.	<p>No person other than a member of the Association in good standing shall</p> <p>(a) practise or pretend to practise veterinary medicine;</p> <p>(b) hold himself out as a veterinary, veterinary surgeon or veterinarian or a person entitled to practise veterinary medicine;</p> <p>(c) use or assume the title, addition, or description of veterinary, veterinarian, or veterinary surgeon, or any abbreviation thereof. R.S.P.E.I. 1974, Cap. V-4, s.16.</p>
Composition of council	17.	(1) The council shall consist of the president, vice-president, secretary-treasurer, registrar and three councillors.

- (2) Four members of the council constitute a quorum.
 - (3) The council may
 - (a) appoint committees and establish their terms of reference;
 - (b) establish time, place, and order of business of general meetings;
 - (c) exercise all the functions and powers conferred upon the council by this Act and the bylaws made thereunder.
- Election
- (4) The council shall be elected by ballot at the first general meeting to be held in the year. R.S.P.E.I. 1974, Cap. V-4, s.17.
- Offenses & penalties
18. (1) Every person who contravenes this Act is guilty of an offence and on summary conviction is liable for the first offence, to a fine not less than twenty-five dollars and not more than two hundred dollars or, for any subsequent offence to a fine of not less than fifty dollars and not more than five hundred dollars.
- Imprisonment for non-payment
- (2) Repealed by 1994, c.48, s.6. R.S.P.E.I. 1974, Cap. V-4, s.18; 1994, c.58, s.6.
- Preceptor, approval of
19. (1) The Council may approve as a preceptor, a registered member, who in the opinion of the council, will advance the training in veterinary medicine of a person in his employ.
- Powers
- (2) A registered member, approved by council, as a preceptor may
 - (a) employ a person described in section 20 of this Act to perform veterinary services at or under his direction;
 - (b) charge and collect fees for the services performed by such an individual.
- Approval to employ
- (3) Before employing a person described in section 20, pursuant to this section a registered member shall apply to the council for approval and shall provide such particulars in respect of the proposed employment as the council may require. R.S.P.E.I. 1974, Cap. V-4, s.20.
- Student of veterinary medicine, employment
20. (1) Notwithstanding section 16 of this Act, a student who has completed all but his final year of undergraduate training at an approved Veterinary College and who is entitled to enrol in the final year at an approved college or an applicant for registration who is required by the council to take an examination under the supervision of the National Examining Board of the Canadian Veterinary Medical Association may enter into the employment of a preceptor and perform veterinary services at or under the direction of the preceptor for a period not exceeding six months in total.
- Extension of period
- (2) The council, where satisfactory reasons are given, may

authorize not more than two further six-month periods of employment with the same or different preceptors. R.S.P.E.I. 1974, Cap. V-4, s.21.