



Province of Alberta

VETERINARY PROFESSION ACT

Revised Statutes of Alberta 2000
Chapter V-2

Current as of February 1, 2017

Office Consolidation

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Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2017 c18 s2 adds Part 5.1 ss48.1 to 48.3.

Regulations

The following is a list of the regulations made under the *Veterinary Profession Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Veterinary Profession Act		
Exemption	43/86	200/2000, 188/2014
Veterinary Profession General	44/86	497/87, 332/90, 231/95, 58/2012, 9/2017, 206/2018

VETERINARY PROFESSION ACT

Chapter V-2

Table of Contents

1	Definitions
	Part 1
	Scope of Practice
2	Exclusive scope of practice
3	Regulations of Lieutenant Governor in Council
4	Injunction
	Part 2
	Association
5	Association
6	Powers of Association
6.1	Annual report
7	Council
8	Council membership
9	Registrar
9.1	Complaints Director
9.2	Hearings Director
9.3	Membership lists
9.4	Hearing Tribunal
9.5	Complaint Review Committee
9.6	Public members
10	Practice Review Board
11	Powers of the Practice Review Board
12	Appeal to Council
	Part 3
	Regulations and Bylaws
13	Regulations
14	Bylaws

14.1 Consultation with Ministers required**Part 4
Registration**

- 15** Register
- 16** Registration Committee
- 17** Registration
- 18** Review by the Council
- 19** Registration of permit holders
- 20** Certificate
- 21** Permit
- 22** Entries in registers
- 23** List of registrants
- 24** Cancellation on request
- 25** Cancellation

**Part 5
Professional Conduct****26** Definitions**Division 1
Complaint Process**

- 27** Complaints
- 27.1** Aware of unprofessional conduct
- 28** Acting on a complaint

**Division 2
Alternative Complaint Resolution Process**

- 29** Process
- 30** Evidence
- 30.1** Settlement

**Division 3
Investigations**

- 31** Notice of investigation
- 31.1** Investigation scope
- 32** Investigation powers
- 32.1** Proceedings delayed
- 33** Conditions, suspension during proceedings
- 33.1** Report of investigation
- 34** Notification of action taken
- 34.1** Review of dismissal of complaint
- 35** Hearing to be scheduled

35.1 Admission of unprofessional conduct**Division 4**
Hearings and Decisions**Bias Prevention****36** Bias prevention**Witnesses****36.1** Investigated person at hearing**37** Investigated person's witnesses**37.1** Association's witnesses**38** Notice**38.1** Rights and obligations of witnesses**Hearings****39** Hearings Director duties in respect of hearing**39.1** Access to hearing**40** Tribunal at hearing**Decisions and Records****40.1** Tribunal decision**41** Previous decisions**41.1** Orders of tribunal**42** Written decision**42.1** Service of decision and record of hearing**43** Examination of record**Division 5****Appeals****43.1** Stay pending appeal**Appeal Within Association****44** Appeal to Council**44.1** Scheduling appeal**45** Council's powers on appeal**Appeal to the Court****45.1** Court of Appeal**46** Appeal on record**46.1** Power of Court on appeal**47** Application to vary order

Division 6
General

- 47.1 Non-prejudicial orders
- 48 Commissioner for oaths

Part 6
General

- 61 Service of documents
- 62 Registrar's certificate
- 63 Liability to others
- 64 Exemption from municipal licence
- 65 Protection from liability
- 65.1 Assessing incapacity
- 65.2 Access to members information
- 65.3 Notices
- 65.4 Record retention
- 65.5 Records, evidence not admissible
- 65.6 Complaints to Ombudsman
- 65.7 Fines, costs are a debt

Part 7
Prohibitions and Penalties

- 66 Practice prohibitions
- 67 Penalties
- 68 Onus of proof

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

Definitions

- 1 In this Act,
 - (a) "animal" includes an unborn animal, but does not include a human being;
 - (b) "Association" means the Alberta Veterinary Medical Association;
 - (b.1) "Complaint Review Committee" means the Complaint Review Committee established under section 9.5;
 - (b.2) "Complaints Director" means the Complaints Director appointed under section 9.1;

- (c) “Council” means the Council of the Association;
- (d) repealed 2002 c26 s2;
- (d.1) “Hearing Tribunal” means the Hearing Tribunal established under section 9.4;
- (d.2) “Hearings Director” means the Hearings Director appointed under section 9.2;
- (d.3) “incapacitated” means suffering from a physical, mental or emotional condition or disorder or an addiction to alcohol or to drugs as defined in the *Pharmacy and Drug Act* or other chemicals that impairs the ability to practise veterinary medicine in a safe and competent manner;
- (d.4) “investigated person” means a person with respect to whom
 - (i) a complaint has been made under Part 5, or
 - (ii) information has been treated as a complaint under section 27.1,

if the proceedings with respect to the complaint have not been concluded;
- (e) “member of the public” means a person who is
 - (i) a Canadian citizen or lawfully admitted to Canada for permanent residence,
 - (ii) a resident of Alberta, and
 - (iii) not a member of the Association;
- (f) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f.1) “Ombudsman” means the Ombudsman appointed under the *Ombudsman Act*;
- (g) “permit holder” means a corporation that holds a permit under this Act;
- (h) “Practice Review Board” means the Practice Review Board established under section 10;
- (h.1) “President” means the President of the Association;

- (i) “profession” means the profession of veterinary medicine;
- (i.1) “registered member” means a registered veterinarian or a technologist;
- (j) “registered veterinarian” means a restricted veterinarian or an unrestricted veterinarian;
- (k) “Registrar” means the Registrar appointed under section 9;
- (l) “Registration Committee” means the Registration Committee established under section 16;
- (m) “restricted veterinarian” means an individual who holds a certificate of registration to engage in the practice of veterinary medicine under this Act and whose class or category of registration is designated by the regulations as restricted;
- (n) “student” means an individual who is enrolled in and eligible to begin the final year of a professional degree program in veterinary medicine;
- (n.1) “unprofessional conduct” means any or all of the following, whether or not it is disgraceful or dishonourable:
 - (i) displaying a lack of knowledge of or lack of skill or judgment in the practice of veterinary medicine;
 - (ii) contravening this Act or the regulations;
 - (iii) representing or holding out that a person is a registered member and in good standing while the person’s registration or annual certificate is suspended or cancelled;
 - (iv) representing or holding out that a person’s registration or annual certificate is not restricted or subject to conditions when it is, or misrepresenting the restrictions or conditions;
 - (v) failing or refusing to co-operate with the Practice Review Board undertaking a practice review;
 - (vi) failing or refusing
 - (A) to comply with an agreement that is part of a ratified settlement,

- (B) to comply with a request of or to co-operate with an investigator,
 - (C) to undergo an examination under section 65.1, or
 - (D) to comply with a notice to attend or a notice to produce under Part 5;
- (vii) contravening an order under Part 5, conditions imposed on an annual certificate or a direction under section 65.1;
 - (viii) carrying on the practice of veterinary medicine with a person who is contravening an order under Part 5, conditions imposed on an annual certificate or a direction under section 65.1;
 - (ix) carrying on the practice of veterinary medicine on behalf of a corporation that does not meet the requirements for a permit under Part 4;
 - (x) conduct that harms the public while carrying on the practice of veterinary medicine;
 - (xi) conduct that harms the integrity of the profession;
 - (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,
 - (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;
- (o) “unrestricted veterinarian” means an individual who holds a certificate of registration and an annual certificate to engage in the practice of veterinary medicine under this Act and whose class or category of registration is not designated by the regulations as restricted;

- (p) “veterinary medicine” means a medical service performed with respect to an animal and includes the following:
- (i) surgery;
 - (ii) obstetrics and ova and embryo collection;
 - (iii) prescribing, compounding, dispensing and selling drugs.

RSA 2000 cV-2 s1;2002 c26 ss2,21;2016 c15 s2

Part 1

Scope of Practice

Exclusive scope of practice

2(1) Except as otherwise provided in this Act, no person except a registered veterinarian or permit holder shall engage in the practice of veterinary medicine.

(2) Subsection (1) does not apply to the following:

- (a) a technologist practising under the direction or control of an unrestricted veterinarian and in accordance with the regulations;
- (b) a person who is engaged in trimming hooves, shoeing and applying or using corrective procedures or devices specifically for gait and stance modifications in animals;
- (c) a person or the person’s employee who is engaged in the treatment of the person’s animals or animals of the person’s employer;
- (d) a person who is engaged in the examination or preventive or therapeutic treatment of farm animals using non-surgical procedures in return for the performance of similar services by the owner of the animals;
- (e) a person or the person’s employee who is engaged in the treatment of farm animals that the person rents or leases from or custom feeds for the owner of the animals, if the owner consents;
- (f) a person who is engaged in dehorning cattle, sheep or goats, in docking pigs, sheep or horses or in castrating cattle, sheep, goats, pigs, horses or any other animal prescribed in the regulations made under section 3;
- (g) a person who is using an animal in research at a university, if the research is carried out using acceptable veterinary procedures and the use of the animal has been approved by

an appropriate animal care committee of which at least one member is a registered veterinarian;

- (h) a person who gives assistance in a time of urgent need, if the assistance is given without hire, gain or hope of reward;
- (i) the carrying out of the practice of a profession or occupation under the authority of any other enactment.

(3) No person except a registered veterinarian shall use the title “veterinary surgeon” or any abbreviation of that title.

(4) No person except a registered member 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 member 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 member or permit holder.

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

RSA 2000 cV-2 s2;2002 c26 s3;2016 c15 s3

Regulations of Lieutenant Governor in Council

3 The Lieutenant Governor in Council, after consultation with the Council, may make regulations

- (a) exempting, subject to any terms and conditions that the Lieutenant Governor in Council may impose, a person or class of persons from the application of section 2(1);
- (b) prescribing animals for the purposes of section 2(2)(f).

1984 cV-3.1 s3

Injunction

4 The Court of Queen's Bench, on application by the Council, may grant an injunction enjoining any person from doing any act that contravenes section 2, notwithstanding any penalty that may be provided by this Act in respect of that contravention.

RSA 2000 cV-2 s4;2009 c53 s182

**Part 2
Association****Association**

5(1) The Alberta Veterinary Medical Association is continued as a corporation.

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

RSA 2000 cV-2 s5;2016 c15 s4

Powers of Association

6 The Association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

1984 cV-3.1 s6

Annual report

6.1(1) The Association must submit to the Minister an annual report of its activities in a form acceptable to the Minister that contains the information requested by the Minister, including but not restricted to

- (a) a statement respecting the number of complaints made and their disposition, including the number of hearings closed to the public in whole or in part, the number of appeals and the number of registered members who have been suspended;
- (b) information respecting registration;
- (c) a statement respecting the committees and tribunals established under this Act;
- (d) audited financial information or financial information set out in a form and manner satisfactory to the Minister.

(2) On receipt of a report under subsection (1), the Minister may lay a copy of it before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(3) The Minister may, to ensure that the requirements of this Act are met, require reports from the Association in addition to the annual report under subsection (1).

2002 c26 s4;2016 c15 s21

Council

7(1) There is hereby established a governing body of the Association called the Council.

(2) The Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name of and on behalf of the Association.

(3), (4) Repealed 2002 c26 s5.

RSA 2000 cV-2 s7;2002 c26 s5

Council membership

8(1) The Council shall consist of

- (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).

(1.1) A member of the public appointed under subsection (1)(c) 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)(c), 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)(c) 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)(c) or if a member of the committee of the Council appointed under subsection (1)(c) 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.

(2) The members of the Council elected under subsection (1) shall elect from among themselves the officers of the Association specified in the bylaws in the manner and for the term prescribed in the bylaws.

(3) Despite subsection (1.1), a member of the public referred to in subsection (1)(c) 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)(c).

(5) The Minister may pay to a member of the public referred to in subsection (1)(c) 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) 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)(c),
- (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.

(7) Repealed 2002 c26 s6.

RSA 2000 cV-2 s8;2002 c26 s6;2016 c15 s5

Registrar

9 The Council shall appoint a Registrar for the purposes of this Act.

1984 cV-3.1 s9

Complaints Director

9.1 The Council must appoint an individual as a Complaints Director for the purposes of this Act.

2002 c26 s7

Hearings Director

9.2(1) The Council must appoint an individual as a Hearings Director for the purposes of this Act.

(2) A Hearings Director may not chair or participate in a hearing, review or appeal under Part 5.

2002 c26 s7

Membership lists

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

(2) The Lieutenant Governor in Council may appoint 5 members of the public to a membership list to be used for appointing members of the public to both hearing tribunals and complaint review committees.

(3) Section 8(1.1) applies to a member of the public appointed under subsection (2).

2002 c26 s7;2016 c15 s6

Hearing Tribunal

9.4(1) The Hearing Tribunal is established consisting of

- (a) at least 3 members appointed by the Council from the membership list established under section 9.3(1), and
- (b) members of the public to make up at least 25% of the number of members of the Hearing Tribunal, appointed by the Hearings Director from the membership list established under section 9.3(2).

(2) All members of the Hearing Tribunal are voting members.

2002 c26 s7;2016 c15 s7

Complaint Review Committee

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

- (a) at least 3 members appointed by the Council from the membership list established under section 9.3(1), and
- (b) members of the public to make up at least 25% of the number of members of the Complaint Review Committee, appointed by the Hearings Director from the membership list established under section 9.3(2).

(2) All members of the Complaint Review Committee are voting members.

2002 c26 s7;2016 c15 s8

Public members

9.6(1) Despite the bylaws governing quorum, the members of the public

- (a) of the Hearing Tribunal must be at a hearing by the Hearing Tribunal, and
- (b) of the Complaint Review Committee must be present at a ratification of a settlement and a review by the Complaint Review Committee.

(2) Despite section 9.4(1) and subsection (1), if a member of the public is not appointed under section 9.4(1)(b) or if a member of the Hearing Tribunal appointed under section 9.4(1)(b) is not capable of carrying out the powers and duties of a member, the Hearing Tribunal may hold or continue to hold a hearing in which the member would have been or was participating and the Hearing Tribunal may carry out its powers and duties with respect to that hearing.

(3) Despite section 9.5(1) and subsection (1), if a member of the public is not appointed under section 9.5(1)(b) or if a member of the Complaint Review Committee appointed under section 9.5(1)(b) is not capable of carrying out the powers and duties of a member, the Complaint Review Committee may review or continue to review and ratify a settlement and may conduct or continue to conduct a review under Part 5 in which the member would have been or was participating, and the Complaint Review Committee may carry out its powers and duties with respect to that settlement or review.

2002 c26 s7

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.

(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)(c), 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)(c) 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)(c) 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)(c),
- (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)(c) 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.

RSA 2000 cV-2 s10;2016 c15 s9

Powers of the Practice Review Board

11(1) The Practice Review Board

- (a) shall, on its own initiative or at the request of the Council, inquire into
 - (i) the assessment of existing and the development of new educational standards and experience requirements that

are conditions precedent to obtaining and continuing registration under this Act,

- (ii) the evaluation of desirable standards of competence of registered members and permit holders generally,
- (iii) the practice of veterinary medicine by registered members generally, and
- (iv) any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of veterinary medicine under this Act and the regulations, and

- (b) may, with the approval of the Council, conduct a review of the practice of a registered member or permit holder in accordance with this Act and the regulations.

(2) The Board shall report to and advise the Council with respect to any matter dealt with by it pursuant to subsection (1).

(3) A person requested to appear at an inquiry by the Board under this section is entitled to be represented by counsel.

(4) The Board may, after a review under this section with respect to an individual registered member or permit holder, make any order that the Hearing Tribunal may make under section 41.1.

(5) The provisions of Part 5 with respect to an investigation and hearing by the Hearing Tribunal apply to a review of a registered member or permit holder by the Practice Review Board under subsection (1)(b).

(6) The Board may at any time during an inquiry or review under this section recommend to the Hearing Tribunal that the inquiry or review be conducted by the Hearing Tribunal pursuant to Part 5.

(7) On receiving a recommendation under subsection (6), the Hearing Tribunal may proceed with an investigation and hearing under Part 5 as if the recommendation were a written complaint.

(8) After each inquiry or review under this section, the Board shall make a written report to the Council on the inquiry or review and may make any recommendations to the Council that the Board considers appropriate in connection with the matter, with reasons for the recommendations.

(9) The Council may, if it considers it to be in the public interest to do so, direct that the whole or any portion of an inquiry by the Board under this section shall be held in camera.

RSA 2000 cV-2 s11;2002 c26 s8;2016 c15 ss10,21

Appeal to Council

12 A registered member or permit holder who is the subject of a review by the Practice Review Board may appeal any decision or order of the Board to the Council as if it were a decision or order of the Hearing Tribunal under Part 5.

RSA 2000 cV-2 s12;2002 c26 s9;2016 c15 s21

Part 3 Regulations and Bylaws

Regulations

13(1) The Council may make regulations

- (a) respecting the registration of students, the duties and responsibilities of registered members working with students and the privileges, rights, duties and responsibilities of students;
- (b) respecting the academic qualifications of applicants for registration as registered members;
- (c) respecting experience requirements of applicants for registration as registered members;
- (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 members and the examination of those applicants with respect to those qualifications or requirements;
- (e) respecting the eligibility of applicants generally for registration to engage in the practice of veterinary medicine;
- (f) prescribing those areas of veterinary medicine from which members of the Registration Committee shall be appointed by the Council;
- (g) respecting the powers, duties and functions of the Practice Review Board, including but not limited to the referral of matters by that Board to the Council or the Hearing Tribunal and appeals from decisions of that Board;
- (h) repealed 2002 c26 s10;

- (i) respecting technical standards and procedures for the practice of veterinary medicine;
- (j) establishing and providing for the publication of a code of ethics respecting the practice of veterinary medicine, the maintenance of the dignity and honour of the profession of veterinary medicine and the protection of the public interest;
- (k) establishing classes or categories of specialties in veterinary medicine;
- (l) respecting the academic qualifications and experience a registered member requires to be recognized as a specialist and the registration of specialists;
- (m) prescribing the rights, privileges, duties and obligations of specialists;
- (n) governing, subject to this Act, the operation and proceedings of the Registration Committee, the Complaint Review Committee, the Hearing Tribunal and the Practice Review Board;
- (o) respecting the costs payable by any person on the conclusion of an investigation, hearing or review by the Practice Review Board or under Part 5;
- (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 members 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 members and specialists;
- (r) repealed 2002 c26 s10;
- (s) respecting reinstatement of registration and annual certificates under Part 5;
- (t) for the purposes of section 2(2),
 - (i) designating a class of persons as technologists, and
 - (ii) defining technologist;

- (u) respecting the aspects of the practice of veterinary medicine that a technologist may practise and the registration of technologists;
 - (v) establishing classes or categories of registered members and permit holders and prescribing the restrictions on practice and the rights, privileges, duties and obligations of the classes or categories so established;
 - (w) governing the eligibility for registration of corporations as permit holders and the terms and conditions of and restrictions on the practice of veterinary medicine by a permit holder;
 - (x) governing the operations of permit holders;
 - (y) respecting advertising by registered members and permit holders;
 - (z) respecting the inspection of and the acceptable standards of the physical facilities operated by a registered veterinarian or permit holder;
 - (aa) respecting registration, the issuing of permits and certificates, unprofessional conduct matters and the practice of veterinary medicine generally.
- (2)** A regulation must be approved in principle by a majority of the members of the registered members 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.
- (3)** The Council may change the text of a regulation that was approved in principle under subsection (2) if the change
- (a) is consistent with the approval in principle, and
 - (b) is made before the regulation is submitted to the Lieutenant Governor in Council for approval.
- (4)** A regulation under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.

RSA 2000 cV-2 s13;2002 c26 s10;2016 c15 s11

Bylaws**14(1)** The Council may make bylaws

- (a) for the governance 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;
- (b) determining the location of the head office of the Association;
- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election, number, term of office and removal from office of Council members and officers, including the President, of the Association and the appointment of individuals as members of the Council by virtue of their offices and any board or committee established by the Council and prescribing their powers, duties and functions;
- (e) governing, subject to this Act, the appointment of members of the Complaint Review Committee, the Hearing Tribunal, the Registration Committee and the Practice Review Board, the designation of chair and vice-chair, the appointment of acting or alternate members and the procedures for filling vacancies on a Committee or the Board and the appointment to a Committee or the Board of members by virtue of their offices and prescribing their powers, duties and functions;
- (e.1) subject to Part 2, prescribing the number of members that constitutes a quorum of the Council, the Practice Review Board, the Hearing Tribunal, the Complaint Review Committee, the Registration Committee and committees established by the Council;
- (f) respecting the appointment, functions, duties and powers of an Executive Director and Secretary Treasurer of the Association;
- (f.1) respecting procedures at meetings and the holding of meetings by the Council, the Practice Review Board, the Hearing Tribunal, the Complaint Review Committee, the Registration Committee, committees established by the Council and other entities by mail, telephone conference, audiovisual or other electronic means;

- (f.2) subject to Part 2, providing for the amount of expenses and remuneration payable to members of the Council, the Practice Review Board, the Hearing Tribunal, the Complaint Review Committee, the Registration Committee, committees designated by the Council and other entities and by whom the expenses and remuneration are payable;
- (g) respecting the establishment of divisions and sections of the Association and their operation;
- (h) providing for the division of Alberta into electoral districts and prescribing the number of Council members to be elected from each district;
- (i) providing for the appointment of an Acting Registrar who has all of the powers and may perform all of the duties of the Registrar under this Act, the regulations and the bylaws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;
- (j) establishing classes or categories of membership in the Association in addition to registered veterinarians, technologists 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 members to fill vacancies on the Council;
- (l) prescribing the number of registered members that constitutes a quorum at meetings of the Association;
- (m) governing the establishment, operation and proceedings of committees, the appointment of members of committees, the appointment of acting members and procedures for filling vacancies on committees and the delegation of any powers or duties of the Council under this Act, the regulations or the bylaws to a committee established by the Council or under this Act;
- (n) governing the establishment of boards or committees of registered members and respecting the delegation of powers of the Council to those boards or committees or the Practice Review Board;
- (o) prescribing fees and expenses payable to members of the Association for attending to the business of the Association;

- (p) respecting the establishment and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit program that the Council considers appropriate;
 - (q) respecting the fixing of fees, dues and levies payable to the Association;
 - (r) respecting the establishment, content and maintenance of registers of registered members, specialists and permit holders and of records of other classes or categories of membership to be kept by the Registrar;
 - (s) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws;
 - (t) governing the names under which registered veterinarians and permit holders may engage in the practice of veterinary medicine;
 - (u) requiring registered members 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;
 - (v) governing the publication of information with respect to the profession including but not limited to the publication of surveys of fees and information described in section 65.2;
 - (w) prescribing the form of a certificate of registration, a permit and an annual certificate.
- (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 members 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 members
- (a) present and voting at a general meeting, or
 - (b) voting in a mail vote conducted in accordance with the bylaws.
- (4)** The *Regulations Act* does not apply to bylaws of the Association made under this section.

RSA 2000 cV-2 s14;2002 c26 s11;2016 c15 s12

Consultation with Ministers required

14.1 Before the Council, by regulation, establishes or amends the academic qualifications of applicants for registration as registered members, the Council must consult with the Minister and the Minister responsible for Parts 1 to 3 of the *Post-secondary Learning Act* and must consider the comments received from those Ministers.

2010 c7 s8;2016 c15 s21

Part 4 Registration

Register

15 The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register of registered members and permit holders.

RSA 2000 cV-2 s15;2016 c15 s21

Registration Committee

16(1) The Council shall establish a Registration Committee in accordance with the regulations and the bylaws.

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

(3) The Registration Committee may

- (a) approve the qualifications of an applicant,
- (b) refuse to approve the qualifications of an applicant, or
- (c) defer approval of qualifications until it is satisfied that an applicant has complied with a requirement made under this section.

(4) The Registration Committee may, in its discretion, require an applicant for registration

- (a) to pass one or more examinations approved by the Committee,
- (b) to obtain more experience of a kind satisfactory to the Committee for a period set by the Committee, or
- (c) to pass one or more examinations and obtain more experience

before approving the applicant's qualifications.

RSA 2000 cV-2 s16;2016 c15 s13

Registration

17(1) 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.

(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.

RSA 2000 cV-2 s17;2016 c15 s14

Review by the Council

18(1) The Registration Committee shall send a written notice of any decision made by it under this Part to the applicant.

(2) If the decision made by the Committee is to refuse or defer registration of the applicant, reasons for the decision must be sent in writing to the applicant.

(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 or a technologist should be approved.

(4) The Council shall, after receipt of a request for review under this section, review the application.

(5) The applicant for registration

- (a)** shall be notified in writing by the Council of the date, time and place that it will consider the matter, and
- (b)** is entitled to appear with counsel and make representations to the Council when it considers the matter.

(6) A member of the Registration Committee who is also a member of the Council may participate at a review by the Council under this section but shall not vote in a decision of the Council at a review under this section.

(7) On reviewing an application under this section, the Council may make any decision the Registration Committee may make under this Part.

(8) The Registrar shall enter in the register the name of a person

- (a) whose registration to engage in the practice of veterinary medicine as a registered veterinarian has been approved by the Registration Committee or the Council, and
- (b) who has paid the fee prescribed under the bylaws.

RSA 2000 cV-2 s18;2016 c15 s15

Registration of permit holders

19(1) The Council may approve the registration as a permit holder of a corporation that has applied to the Council and is eligible under this section and the regulations to be registered to engage in the practice of veterinary medicine as a permit holder in accordance with the restrictions or conditions set out in the permit.

(2) A corporation that applies to the Council is eligible to be registered as a permit holder entitled to engage in the practice of veterinary medicine if it satisfies the Council that it complies with this Act and the regulations.

(3) A permit entitles the permit holder to engage in the practice of veterinary medicine for the period and subject to the terms and conditions of the permit.

(4) The Registrar shall enter in the register the name of a corporation

- (a) whose registration to engage in the practice of veterinary medicine as a permit holder has been approved by the Council, and
- (b) that has paid the fee prescribed under the bylaws.

1984 cV-3.1 s19

Certificate

20(1) On entering the name of a registered veterinarian or technologist in the register, the Registrar shall issue to the registered veterinarian or technologist 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.

(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.

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

(4) An annual certificate expires on December 31 of the year for which it is issued.

RSA 2000 cV-2 s20;2016 c15 s16

Permit

21 On entering the name of a permit holder in the register, the Registrar shall issue to it a permit to engage in the practice of veterinary medicine as a permit holder as authorized by the permit.

1984 cV-3.1 s21

Entries in registers

22(1) The registration of a registered member or permit holder is suspended when the decision to suspend the registration is made in accordance with this Act.

(2) The Registrar shall enter a memorandum of suspension of a registration in the register indicating

- (a) the duration of the suspension, and
- (b) the reason for the suspension.

(3) The registration of a registered member or permit holder is cancelled when the decision to cancel the registration is made in accordance with this Act.

(4) The Registrar shall enter a memorandum of cancellation of registration in the register.

(5) The Registrar shall not remove from the register any memorandum made by the Registrar under this section, except in accordance with the bylaws.

RSA 2000 cV-2 s22;2016 c15 s21

List of registrants

23(1) The Registrar shall publish, in accordance with the bylaws, the name of everyone who is entered in the register as a registered member or a permit holder.

(2) The Registrar shall maintain and, during regular office hours, permit any person to inspect a list of all the registered members and permit holders in good standing.

RSA 2000 cV-2 s23;2016 c15 s21

Cancellation on request

24(1) The Registrar shall not cancel the registration of a registered member or permit holder at the registered member'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
- (b) the registered member 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

RSA 2000 cV-2 s24;2016 c15 s17

Cancellation

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

- (a) a registered member 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 member or permit holder of a written notice by the Council pursuant to subsection (2), unless the registered member or permit holder on whom the notice is served complies with the notice.

(2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless

- (a) the fees, dues or levies are paid as indicated in that notice, or
- (b) evidence satisfactory to the Council has been received by it within the time prescribed in the notice indicating that the permit holder has complied with the regulations.

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

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

(5) If a registration has been cancelled pursuant to subsection (1), the Council may direct the Registrar, subject to any conditions that the Council may prescribe, to reinstate that registration in the applicable register and reissue the certificate of registration or permit.

(6) Notwithstanding subsection (5), if an individual applies to the Council to be reinstated more than 5 years after the date on which the individual's registration was cancelled, the Council shall not direct the Registrar to reinstate the individual.

(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 or a technologist.

RSA 2000 cV-2 s25;2016 c15 s18

Part 5 Professional Conduct

Definitions

26 In this Part,

- (a) "conduct" includes an act or omission;
- (a.1) "document" includes recorded information in written, photographic, magnetic, electronic or other form;
- (b) "investigated person" means a registered member, permit holder or student with respect to whose conduct an investigation or hearing is held under this Part.

RSA 2000 cV-2 s26;2002 c26 s13;2016 c15 s21

Division 1 Complaint Process

Complaints

27(1) A person may complain to the Complaints Director in writing about the conduct of a registered member, permit holder or student, and the complaint shall be dealt with in accordance with this Part and the regulations.

(2) A complaint respecting the conduct of a registered member, permit holder or student whose registration was cancelled pursuant

to this Act may be dealt with, notwithstanding the cancellation, within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.

(2.1) If anything referred to in section 27.1 is treated by the Complaints Director as a complaint, it is deemed to be a complaint made under subsection (1) and to have been received on the date the Complaints Director first treats it as a complaint.

(3) Repealed 2002 c26 s15.

RSA 2000 cV-2 s27;2002 c26 s15;2016 c15 s21

Aware of unprofessional conduct

27.1 Despite not receiving a complaint under section 27(1), if the Complaints Director has information that on reasonable grounds causes the Complaints Director to believe that the conduct of a registered member constitutes unprofessional conduct or has information that a person has not complied with an order under section 41.1(1) or 45(5) or with a ratified settlement under section 30.1, or if an admission under section 35.1 does not relate to all matters complained of or investigated, the Complaints Director may treat the information as a complaint received under section 27(1).

2002 c26 s16;2016 c15 s21

Acting on a complaint

28(1) Within 30 days of being given a complaint, the Complaints Director must give notice to the complainant of the action taken with respect to it.

(2) The Complaints Director

- (a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,
- (b) may, with the consent of the complainant and investigated person, attempt to resolve the complaint,
- (c) may make a referral to an alternative complaint resolution process under Division 2,
- (d) may request an expert to assess and provide a written report on the subject-matter of the complaint,
- (e) may conduct, or appoint an investigator to conduct, an investigation,
- (f) may make a referral in accordance with section 65.1(1),

- (g) if satisfied that the complaint is trivial or vexatious, may refer the complaint to the Complaint Review Committee, and
- (h) if satisfied that there is insufficient or no evidence of unprofessional conduct, may refer the complaint to the Complaint Review Committee.

(3) The Complaints Director must refer a complaint to the Complaint Review Committee if

- (a) the complaint is not resolved under subsection (2)(a) or (b), or
- (b) the settlement with regards to all matters is not ratified pursuant to a referral to an alternative complaint resolution process.

(4) The Complaint Review Committee must review a referral under subsection (2) or (3) within 30 days of receiving it and may

- (a) dismiss the complaint, if in the opinion of the Complaint Review Committee
 - (i) the complaint is trivial or vexatious, or
 - (ii) there is insufficient or no evidence of unprofessional conduct,
- (b) direct the Complaints Director to conduct or appoint an investigator to conduct an investigation and to prepare a report on the investigation and submit it to the Complaint Review Committee for its consideration before acting under clause (a) or referring the matter to the Hearings Director for a hearing, or
- (c) make a referral in accordance with section 65.1.

(5) The Complaint Review Committee must, within 30 days from making a decision under subsection (4),

- (a) give the complainant and, subject to section 31(1)(b), give the investigated person written notification, with reasons, of the decision under subsection (4), and
- (b) if the complaint is dismissed, give the complainant written notification of the right to apply to the Hearings Director for a review under section 34.1.

2002 c26 s17

Division 2 Alternative Complaint Resolution Process

Process

29(1) The Complaints Director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process at any time before the commencement of a hearing by the Hearing Tribunal.

(2) If the Complaints Director makes a referral under subsection (1), a member of the Association must participate in or conduct the alternative complaint resolution process.

(3) The person who conducts the alternative complaint resolution process must set out the process in writing and include a statement that the investigated person or the complainant or both may cease participating in the alternative complaint resolution process at any time.

(4) The complainant and the investigated person must agree to the process as written under subsection (3) before the alternative complaint resolution process may begin.

(5) A person who conducts an alternative complaint resolution process must be impartial and must act impartially.

(6) If a report has been prepared under section 28(2)(d) with respect to the subject-matter of the complaint, the Complaints Director must submit a copy of the report to the person conducting the alternative complaint resolution process.

(7) If a report has not been prepared under section 28(2)(d), the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.

(8) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if

- (a) in the opinion of that person, a settlement is not likely to occur, or
- (b) the Complaint Review Committee does not ratify the settlement under section 30.1,

the person must notify the Complaints Director.

(9) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the Complaints Director, and the Complaints Director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (10).

(10) On being notified under subsection (8) or section 30.1(3) that a settlement has not been ratified or under section 30.1(8)(b) of the matters that do not form part of a ratified settlement, or on deciding under subsection (9) to process a matter under this subsection, the Complaints Director must

- (a) if an investigation has not been commenced, commence an investigation under Division 3,
- (b) if an investigation has been commenced but no report on the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report, or
- (c) refer the matter to the Complaint Review Committee to determine whether the complaint should be dismissed or referred to the Hearings Director for a hearing.

2002 c26 s17

Evidence

30(1) A person who conducts an alternative complaint resolution process must keep any records relating to the process separate from the Association's records, except a ratified settlement.

(2) Any documents prepared or generated for the purposes of an alternative complaint resolution process belong to the person who prepared or generated the documents but a report described in section 28(2)(d) belongs to the Association.

(3) Except for information described in section 29(9) or that is part of a ratified settlement or a report described in section 28(2)(d), any communication and evidence arising from anything said, evidence of anything said or evidence of an admission or communication made in the course of an alternative complaint resolution process is confidential and not admissible in any proceedings under this or any other Act or in any action, matter or proceeding before a court

- (a) without the written consent of the investigated person and the complainant, and
- (b) in the case of written evidence, without the written consent of the person who prepared the written evidence, the investigated person and the complainant.

2002 c26 s17

Settlement

30.1(1) If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the Complaint Review Committee.

(2) The Complaint Review Committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),

- (a) ratify the settlement,
- (b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or
- (c) refuse to ratify the settlement.

(3) The Complaint Review Committee must notify the Complaints Director of its actions under subsection (2) and if the settlement was not ratified the Complaints Director must act under section 29(10).

(4) On being aware that a ratified settlement is not complied with, the Complaints Director may

- (a) treat the non-compliance as information under section 27.1 and act on the information in accordance with section 27.1, or
- (b) treat the non-compliance as a complaint and refer it to the Complaint Review Committee to determine whether it should be referred to the Hearings Director for a hearing.

(5) If the Complaints Director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the Complaints Director must notify the complainant and the investigated person.

- (6) On a settlement being ratified, the Association may publish, in accordance with the bylaws, information respecting the complaint and the ratified settlement as authorized by the ratified settlement.
- (7) The Association must retain a copy of the ratified settlement.
- (8) Subject to subsections (4) and (6), if a ratified settlement
- (a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or
 - (b) relates to only some of the matters complained of or that arose during the alternative complaint resolution process, the person who conducted the alternative complaint resolution process must notify the Complaints Director of the matters that do not form part of the ratified settlement and on being notified the Complaints Director must act under section 29(10).

2002 c26 s17

Division 3 Investigations

Notice of investigation

31(1) If an investigation is to be conducted under this Part, the Complaints Director

- (a) must give the complainant the name of the investigator, and
- (b) must, unless it would significantly harm the investigation, give the investigated person the name of the investigator and reasonable particulars of the complaint to be investigated.

(2) If the investigated person is not given the information referred to in subsection (1)(b) when an investigation is to be conducted, the Complaints Director must give the information

- (a) when there would no longer be significant harm to the investigation, or
- (b) before the investigation is completed,

whichever is earlier.

2002 c26 s17

Investigation scope

31.1(1) An investigator may investigate a complaint.

(2) In the course of an investigation under subsection (1), an investigator may investigate matters that are related to the conduct of the investigated person that could give rise to a finding of unprofessional conduct.

(3) Subject to section 31(1)(b), if in the course of an investigation other matters besides the subject-matter of the complaint are investigated, the investigator must give reasonable particulars to the investigated person in accordance with section 31.

2002 c26 s17

Investigation powers

32(1) An investigator

- (a) may, at any reasonable time,
 - (i) require any person to answer any relevant questions and direct the person to answer the questions under oath, and
 - (ii) require any person to give to the investigator any document, substance or thing relevant to the investigation that the person possesses or that is under the control of the person,
- (b) may require any person to give up possession of any document described in clause (a) to allow the investigator to take it away to copy it, in which case the investigator must return it within a reasonable time of being given it but must return it no later than after a hearing is completed,
- (c) may require any person to give up possession of any substance or thing described in clause (b) to allow the investigator to take it away to examine it and perform tests on it, in which case the investigator must return it, if possible, within a reasonable time of being given it but must return it, if possible, no later than after a hearing is completed, and
- (d) subject to subsection (7), may at any reasonable time enter and inspect any building where a registered member practises veterinary medicine, but if the building contains a private dwelling place may not enter any part of the building designed to be used as and being used as a permanent or temporary private dwelling place.

(2) The investigator may copy and keep copies of anything given under subsection (1).

(3) The Complaints Director, on the request of an investigator or without a request if the Complaints Director is the investigator, may apply to the Court of Queen's Bench for

- (a) an order directing any person
 - (i) to produce to the investigator any documents, substances or things relevant to the investigation in the person's possession or under the person's control,
 - (ii) to give up possession of any document described in subclause (i) to allow the investigator to take it away to copy it, in which case the investigator must return it within a reasonable time after receiving it but return it no later than after a hearing is completed, or
 - (iii) to give up possession of any substance or thing described in subclause (i) to allow the investigator to take it away to examine it and perform tests on it, in which case the investigator must return it, if possible, within a reasonable time of being given it but return it, if possible, no later than after a hearing is completed;
- (b) an order directing any person to attend before the investigator to answer any relevant questions the investigator may have relating to the investigation.

(4) An application for an order under subsection (3) may be made without notice if the Court is satisfied that it is proper to make the order in the circumstances.

(5) A person may comply with a request to give documents under subsection (1)(a)(ii) or an order to produce documents under subsection (3)(a)(i) by giving copies of the documents to the investigator.

(6) If a person gives copies under subsection (5), the person must on the request of the investigator allow the investigator to compare the copies with the original documents at the person's place of business during regular business hours.

(7) An investigator who makes a comparison under subsection (6) may take away the original documents to perform tests on them and must return them within a reasonable time of taking them but must return them no later than after a hearing is completed.

2002 c26 s17;2016 c15 s21

Proceedings delayed

32.1 If during an investigation the Complaints Director refers the complainant and the investigated person to an alternative complaint resolution process in accordance with this Part, the investigation must not proceed unless the Complaints Director is notified under section 29(8) or makes a decision under section 29(9) to process the matter under section 29(10).

2002 c26 s17

Conditions, suspension during proceedings

33(1) On the recommendation of the Complaint Review Committee, the Hearing Tribunal or the Complaints Director, a person designated by or a committee designated or established by the Council may

- (a) impose conditions on an investigated person's annual certificate generally or with respect to any area of the practice of veterinary medicine, including the condition that the investigated person
 - (i) practise under supervision, or
 - (ii) practise with one or more registered members,or
- (b) suspend the annual certificate of an investigated person,

until the completion of proceedings under this Part.

(2) The investigated person may apply for an order of the Court of Queen's Bench to stay a decision by a person or committee under subsection (1).

(3) A copy of an application under subsection (2) must be given to the Registrar.

2002 c26 s17;2009 c53 s182;2016 c15 s21

Report of investigation

33.1(1) When an investigator concludes an investigation, the investigator must make a report within a reasonable time and submit the report to the Complaint Review Committee.

(2) If, on reviewing a report made under this section, the Complaint Review Committee determines that the report is not complete or that the investigation was not properly conducted, the Complaint Review Committee

- (a) must direct the investigator, or appoint another investigator, to undertake further investigation and make a report and submit it to the Complaint Review Committee, and
- (b) may request an expert to assess and prepare a written report on the subject-matter of the complaint or matters arising from the investigation of the complaint.

(3) If, on reviewing a report prepared under this section or section 34.1(5)(b), the Complaint Review Committee determines that the investigation is concluded, the Complaint Review Committee must

- (a) refer the matter to the Hearings Director for a hearing, or
- (b) dismiss the complaint, if in the opinion of the Complaint Review Committee
 - (i) the complaint is trivial or vexatious, or
 - (ii) there is insufficient or no evidence of unprofessional conduct.

(4) Despite subsection (3)(a), if the Hearing Tribunal has not commenced a hearing and the Complaint Review Committee learns of new evidence that causes the Complaint Review Committee to be of the opinion that the complaint is trivial or vexatious or that there is insufficient or no evidence of unprofessional conduct, the Complaint Review Committee may withdraw the complaint from the Hearings Director and the Hearing Tribunal and dismiss the complaint.

2002 c26 s17

Notification of action taken

34 The Complaint Review Committee must notify the complainant and the investigated person in writing of the action taken under sections 28(4)(a) and 33.1(3) and (4), and if the complaint is dismissed must

- (a) give notice of the decision and the reasons, and
- (b) notify the complainant in writing of the right to apply to the Hearings Director for a review under section 34.1.

2002 c26 s17

Review of dismissal of complaint

34.1(1) A complainant may apply, in writing with reasons, to the Hearings Director for a review of the dismissal of a complaint within 30 days of being notified of the dismissal under section 28(5) or 34.

(2) On receipt of an application under subsection (1) the Hearings Director must notify the investigated person, give a copy of the application to the committee of the Council designated under subsection (3) and direct the Complaints Director to give a copy of the report made under section 33.1 to the committee of the Council.

(3) Within 60 days of receipt of an application under subsection (1), the Hearings Director must designate a committee of the Council and it must commence a review of the report and the decision to dismiss the complaint.

(4) A committee of the Council may determine whether the submissions to it by the complainant and the investigated person with respect to a review under subsection (3) must be written, oral or both.

(5) The committee of the Council, on complying with subsection (3), must

- (a) refer the matter to the Hearings Director for a hearing,
- (b) direct the Complaint Review Committee to conduct or appoint an investigator to conduct a further investigation and to prepare a report on the further investigation to be submitted to the committee of the Council for its consideration before it acts under clause (a) or (c), or
- (c) confirm that the complaint is dismissed if in the opinion of the committee of the Council
 - (i) the complaint is trivial or vexatious, or
 - (ii) there is insufficient or no evidence of unprofessional conduct.

(6) The committee of the Council must give the complainant and the investigated person written notification, with reasons, of any action taken under subsection (5).

2002 c26 s17

Hearing to be scheduled

35 Within 90 days of receiving a referral for a hearing, the Hearings Director must set a date for a hearing with respect to the complaint unless

- (a) the Complaint Review Committee dismisses the complaint under section 33.1(3)(b),
- (b) the President, on reasonable grounds, grants an extension on application by the Hearings Director, or

- (c) the Complaints Director and the investigated person agree to an extension.

2002 c26 s17

Admission of unprofessional conduct

35.1(1) At any time after a complaint has been made but before the Hearing Tribunal has made a decision as to whether unprofessional conduct has occurred, an investigated person may submit a written admission of unprofessional conduct to the Hearings Director.

(2) An admission under subsection (1) may not be acted on unless it is accepted in whole or in part by the Hearing Tribunal.

(3) If an admission under subsection (1) is accepted in whole or in part by the Hearing Tribunal, any investigation of the complaint and any alternative complaint resolution process with respect to the complaint are suspended, and the Hearing Tribunal may hold a hearing to decide

- (a) whether the admitted conduct is unprofessional conduct, and
(b) whether any orders are to be made under section 41.1(1).

(4) Despite subsection (3), if an admission under subsection (1) does not relate to all the matters complained of or investigated, the remaining matters may be submitted to the Complaints Director for referral under section 27.1.

2002 c26 s17

Division 4 Hearings and Decisions

Bias Prevention

Bias prevention

36 Any person who has investigated, reviewed, taken part in an alternative complaint resolution process or made a decision on a complaint or matters related to a complaint may not subsequently sit as a member of a committee of the Council, the Council, the Hearing Tribunal or the Complaint Review Committee while it is holding a hearing or a review with respect to the complaint.

2002 c26 s17

Witnesses

Investigated person at hearing

36.1(1) The investigated person must appear, may be compelled to testify and may be represented by counsel at a hearing before the Hearing Tribunal.

(2) The investigated person or counsel for the investigated person may examine any witness appearing before the Hearing Tribunal.
2002 c26 s17

Investigated person's witnesses

37 The investigated person may call any person, including the complainant, as a witness and may cause to be given to any person, including the complainant, a notice to attend or a notice to attend and a notice to produce at the hearing any document, substance or thing related to the subject-matter of the hearing.
2002 c26 s17

Association's witnesses

37.1 The Complaints Director may make a request to the Hearings Director that any person, including the complainant and the investigated person, who in the opinion of the Complaints Director has knowledge of the subject-matter of the hearing be called as a witness and be given, under section 39, a notice to attend or a notice to attend and a notice to produce any document, substance or thing related to the subject-matter of the hearing.
2002 c26 s17

Notice

38 A notice referred to in section 37 or 37.1 must be signed by the Hearings Director and the Association must retain a copy of the notice.
2002 c26 s17

Rights and obligations of witnesses

38.1(1) A witness, including the investigated person, may be examined under oath, may give evidence on all matters relevant to the hearing before the Hearing Tribunal and is not excused from answering a question because the answer may

- (a) tend to incriminate the witness,
- (b) subject the witness to orders under this Part, or
- (c) tend to establish the witness's liability in a civil proceeding or a prosecution under this or any other enactment.

(2) If an answer given under subsection (1) by a witness could

- (a) establish the witness's liability in a court proceeding or proceedings under any enactment, or
- (b) incriminate the witness,

that answer may not be used or received against the witness in a civil proceeding, a prosecution under this Act or proceedings under

any other Act, but that answer may be used or received against the witness in proceedings in respect of perjury or giving contradictory evidence under this Act.

(3) A witness must be advised that the hearing is open to the public unless the Hearing Tribunal directs that the hearing be closed.

(4) If a person has been given a notice to attend or a notice to attend and a notice to produce referred to in section 37 or 37.1 and fails

- (a) to attend the hearing,
- (b) to produce the items set out in the notice to produce, or
- (c) to be sworn or to answer any question that the Hearing Tribunal directs the person to answer,

the Association or the investigated person may apply to the Court of Queen's Bench for an order directing the person to comply with the notice and to be sworn and to answer questions.

(5) An application for an order under subsection (4) may be made without notice to the other party if the Court is satisfied that it is proper to make the order in the circumstances.

(6) If a witness is outside of Alberta, a judge of the Court of Queen's Bench may, on an application made by the Association or the investigated person, without notifying the witness, order the evidence of the witness to be obtained in the manner provided under the *Alberta Rules of Court* for the taking of the evidence of a person outside Alberta.

2002 c26 s17;2009 c53 s182

Hearings

Hearings Director duties in respect of hearing

39 The Hearings Director must

- (a) at least 30 days before the hearing, give the investigated person a notice to attend and give reasonable particulars of the subject-matter of the hearing,
- (b) prior to the hearing, advise the complainant of the date, time and location of the hearing,
- (c) as requested under section 37.1 give any person a notice to attend, and

- (d) as requested under section 37.1 give any person who is to produce documents or any substance or thing a notice to attend and a notice to produce.

2002 c26 s17

Access to hearing**39.1(1)** A hearing is open to the public unless

- (a) the Hearing Tribunal holds the hearing or part of the hearing in private on its own motion or on an application of any person that the hearing or part of the hearing should be in private
 - (i) because of probable prejudice to a civil action or a prosecution of an offence,
 - (ii) to protect the safety of the person or of the public,
 - (iii) because not disclosing a person's confidential personal, health, property or financial information outweighs the desirability of having the hearing open to the public,
 - (iv) because the presence of the public or the complainant could compromise the ability of a witness to testify, or
 - (v) because of other reasons satisfactory to the Hearing Tribunal,

or

- (b) another Act requires that the hearing or part of the hearing be held in private.

(2) If a hearing or part of a hearing is held in private, the Hearing Tribunal must state the reason why and must include the reason in the record.

(3) Even if a hearing is held in private,

- (a) the investigated person and the investigated person's counsel may attend,
- (b) the complainant may attend unless the Hearing Tribunal directs otherwise, and
- (c) the Complaints Director and the Hearing Tribunal's, Complaints Director's and Association's counsel may attend.

(4) Even if a hearing is open to the public, a witness, except for the investigated person, may be excluded from the hearing until the witness has given evidence and has been released or dismissed from the hearing.

2002 c26 s17

Tribunal at hearing

40(1) If the Hearing Tribunal is advised by counsel acting on behalf of the Hearing Tribunal at a hearing, that counsel may not lead or present evidence at the hearing on behalf of the Association or be the counsel for the Complaints Director.

(2) The Hearing Tribunal may request an expert to assess and prepare a written report on any matter that in the opinion of the Hearing Tribunal is relevant to the subject-matter of the hearing.

(3) The Hearing Tribunal may hear evidence on any other matter that arises in the course of a hearing, but the Hearing Tribunal must give the investigated person notice of its intention to hear the evidence and on the request of the investigated person must grant an adjournment before hearing the evidence.

(4) If the Hearing Tribunal is of the opinion that a separate hearing is required with respect to a matter described in subsection (3), the Hearing Tribunal may

- (a) refer the matter as a complaint to the Complaints Director under section 27, or
- (b) refer the matter to the Hearings Director for a hearing.

(5) Evidence may be given before the Hearing Tribunal in any manner that it considers appropriate, and it is not bound by the rules of law respecting evidence applicable to judicial hearings.

(6) Despite section 36.1(1), if the investigated person does not appear at a hearing and there is proof that the investigated person has been given a notice to attend, the Hearing Tribunal may

- (a) proceed with the hearing in the absence of the investigated person, and
- (b) act or decide on the matter being heard in the absence of the investigated person.

2002 c26 s17

Decisions and Records

Tribunal decision

40.1(1) The Hearing Tribunal may decide that the conduct of an investigated person does or does not constitute unprofessional conduct.

(2) If the Hearing Tribunal is of the opinion that there are reasonable and probable grounds to believe that the investigated person has committed a criminal offence, the Hearing Tribunal must direct the Hearings Director to send a copy of the written decision under section 42.1 to the Minister of Justice and Solicitor General, and on the request of the Minister of Justice and Solicitor General to send a copy of the record of the hearing also.

2002 c26 s17;2013 c10 s34

Previous decisions

41 If the Hearing Tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the Hearing Tribunal may request the Association to provide it with a copy of any previous decision of unprofessional conduct with respect to the investigated person and a copy of the record of the previous hearing.

2002 c26 s17

Orders of tribunal

41.1(1) If the Hearing Tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the Hearing Tribunal may make any one or more of the following orders:

- (a) cautioning the investigated person;
- (b) reprimanding the investigated person;
- (c) imposing conditions on the investigated person's annual certificate generally or in any area of the practice of veterinary medicine, including conditions that the investigated person
 - (i) practise under supervision,
 - (ii) practise with one or more other registered members,
 - (iii) not practise in an area of the practice of veterinary medicine until the investigated person has completed a specific course of studies or obtained supervised practical experience of a type described in the order,
 - (iv) not practise in an area of veterinary medicine, or

- (v) report on specific matters to the Hearing Tribunal, the Council or a committee or individual specified in the order;
- (d) directing the investigated person to satisfy the Hearing Tribunal, the Council or the committee or individual specified in the order that the investigated person is not incapacitated and suspend the investigated person's annual certificate until the Hearing Tribunal, committee or individual is so satisfied;
- (e) requiring the investigated person to undertake counselling or a treatment program that in its opinion is appropriate;
- (f) directing that within the time set by the order the investigated person must pass a specific course of study, obtain supervised practical experience of a type described in the order or satisfy the Hearing Tribunal or a committee or individual specified in the order as to the investigated person's competence generally or in an area of the practice of veterinary medicine;
- (g) suspending the investigated person's annual certificate for a stated period or until
 - (i) the investigated person has successfully completed a specific course of studies or obtained supervised practical experience of a type described in the order, or
 - (ii) the Hearing Tribunal or a committee or individual specified in the order is satisfied as to the competence of the investigated person generally or in a specified area of the practice of veterinary medicine;
- (h) cancelling the registration and annual certificate of the investigated person;
- (i) if in the opinion of the Hearing Tribunal the investigated person's fees for the practice of veterinary medicine were improper or inappropriate or the veterinary medicine services were improperly rendered or required the complainant's animal to undergo remedial treatment, directing the investigated person to waive or reduce the fees or repay the fees to the complainant;
- (j) directing, subject to the regulations, that the investigated person pay within the time set in the order all or part of the costs of the investigation and hearing in accordance with the regulations;

- (k) directing that the investigated person pay to the Association within the time set in the order a fine not exceeding \$10 000 for each finding of unprofessional conduct and not exceeding a maximum aggregate fine of \$50 000 for all findings of unprofessional conduct arising out of a hearing;
 - (l) any order that the Hearing Tribunal considers appropriate for the protection of the public.
- (2) The Hearing Tribunal may, in an order under subsection (1), stay the order or a portion of the order on conditions set out in the order.
- (3) If the Complaints Director is satisfied that a person has not complied with an order under this section or section 45(5)(b), the Complaints Director may
- (a) in accordance with section 27.1, treat the failure to comply as a complaint,
 - (b) refer the matter to the Hearings Director to schedule a hearing before the Hearing Tribunal, or
 - (c) in the case of non-payment of a fine described in subsection (1)(k) or costs described in subsection (1)(j) or section 45(6), suspend the annual certificate of the investigated person until the fine or costs are paid in full or the Complaints Director is satisfied that they are being paid in accordance with an agreement entered into with the investigated person.

2002 c26 s17;2016 c15 s21

Written decision

42 The Hearing Tribunal must, within a reasonable time after the conclusion of a hearing before it, make a written decision on the matter in which it

- (a) describes each finding made by it,
- (b) states the reasons for each finding made by it, and
- (c) states any order made under this Part.

2002 c26 s17

Service of decision and record of hearing

42.1(1) The Hearing Tribunal must forward to the Hearings Director

- (a) the written decision under section 42, and

- (b) the record of the hearing, consisting of all evidence presented before it, including
 - (i) the reports, exhibits and documents presented before it, and
 - (ii) a record of the evidence, including all testimony given before it, however recorded.

(2) The Hearings Director must, on receiving the decision and the record described in subsection (1), give a copy of the decision to

- (a) the Complaints Director and the Registrar,
- (b) the complainant,
- (c) the investigated person, and
- (d) the Minister of Justice and Solicitor General, if so directed or requested under section 40.1(2),

and notify the investigated person of the right to appeal the decision to the Council.

2002 c26 s17;2013 c10 s34

Examination of record

43(1) The investigated person may examine the record of the hearing and on paying the reasonable costs of transcribing, copying and delivering the record may receive a copy of it.

(2) The complainant may examine the record of the hearing, except for the part of the record that relates to a part of the hearing that the complainant was directed by the Hearing Tribunal, under section 39.1(3)(b), not to attend, and on paying the reasonable costs of transcribing, copying and delivering that record may receive a copy of it.

(3) The public may examine the decision and the record of the hearing except for the part of the record that relates to a part of the hearing that was held in private and on paying the reasonable costs of transcribing, copying and delivering that decision and record may receive a copy of them.

2002 c26 s17

Division 5 Appeals

Stay pending appeal

43.1(1) A decision of the Hearing Tribunal remains in effect pending an appeal to the Council unless the person or committee

designated by the Council, on written application, stays the decision pending the appeal.

(2) The investigated person may make a written submission with respect to an application under subsection (1).

(3) If the person or committee designated by the Council

- (a) decides not to stay the decision of the Hearing Tribunal, or
- (b) does not make a decision within 10 days, excluding holidays, of the application,

the applicant may apply to the Court of Queen's Bench for a stay of the decision of the Hearing Tribunal pending an appeal to the Council.

(4) A decision of the Council remains in effect pending an appeal to the Court of Appeal unless the Court, on application, stays the decision pending the appeal.

2002 c26 s17

Appeal Within Association

Appeal to Council

44(1) An investigated person or the Complaints Director, on behalf of the Association, may commence an appeal to the Council of a decision of the Hearing Tribunal by a written notice of appeal that

- (a) identifies the appealed decision, and
- (b) states the reasons for the appeal.

(2) A notice of appeal must be given to the Hearings Director within 30 days after the date on which the decision of the Hearing Tribunal is given to the investigated person.

(3) The Hearings Director must, on being given a notice of appeal,

- (a) give a copy of the notice of appeal, and make a copy of the decision and record of the hearing available, to each member of the Council or of the panel of the Council hearing the appeal,
- (b) ensure that the Complaints Director, the investigated person and the complainant are given a notice of the hearing of the appeal that states the date, time and place at which the Council will hear the appeal, and

- (c) ensure that the investigated person and the Complaints Director are given a copy of the record of the hearing.

2002 c26 s17

Scheduling appeal**44.1(1)** The Council must,

- (a) if conditions have been imposed on the annual certificate of the investigated person under section 41.1(1)(c)(i), (ii), (iii) or (iv) or if the registration or annual certificate of the investigated person has been suspended or cancelled under section 41.1(1)(g) or (h), schedule the appeal within 60 days after the date of service of the notice of appeal, and
- (b) in all other cases, schedule the appeal within 90 days after the date of service of the notice of appeal.

(2) The Council may, on the written request of the investigated person or the Complaints Director, extend the periods referred to in subsection (1) for one or more additional periods, but

- (a) in a case to which subsection (1)(a) applies, no extension may be granted without the consent of the investigated person, and
- (b) in a case to which subsection (1)(b) applies, no extension may be granted without the consent of the investigated person and the Complaints Director.

2002 c26 s17

Council's powers on appeal**45(1)** The Complaints Director and the investigated person may appear and be represented by counsel at an appeal before the Council.**(2)** An appeal to the Council must be based on the record of the hearing and the decision of the Hearing Tribunal.**(3)** Sections 36, 36.1, 39(a) and (b), 39.1, 40(1) and (5) and 40.1 to 43 apply to proceedings before the Council.**(4)** The Council on an appeal may

- (a) on hearing an application for leave to introduce new evidence, direct the Hearing Tribunal that held the hearing to hear that evidence and to reconsider its decision and quash, confirm or vary the decision,
- (b) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of

the Council, but no adjournment may be granted without the consent of the investigated person if that person's annual permit is suspended or cancelled, and

- (c) draw inferences of fact and make a determination or finding that, in its opinion, should have been made by the Hearing Tribunal.

(5) The Council must, within 90 days from the date of the conclusion of the appeal hearing before it, make a decision and may, by order, do any or all of the following:

- (a) make any finding that in its opinion should have been made by the Hearing Tribunal,
- (b) quash, vary or confirm any finding or order of the Hearing Tribunal or substitute or make a finding or order of its own,
- (c) refer the matter back to the Hearing Tribunal to receive additional evidence for further consideration in accordance with any direction that the Council may make, or
- (d) refer the matter to the Hearings Director to schedule it for rehearing before another Hearing Tribunal composed of persons who were not members of the Hearing Tribunal that heard the matter.

(6) Subject to the regulations, the Council may direct the investigated person to pay, within the time set by the Council, all or part of the costs of the appeal in addition to costs referred to in section 41.1(1)(j).

2002 c26 s17

Appeal to the Court

Court of Appeal

45.1(1) An investigated person may appeal to the Court of Appeal any finding, order or direction of the Council under section 45.

(2) An appeal under this section may be commenced

- (a) by filing a notice of appeal with the Court at Edmonton or Calgary, and
- (b) by giving a copy of the notice of appeal to the Complaints Director and the complainant

within 30 days from the date on which the decision of the Council is given to the investigated person.

2002 c26 s17;2009 c53 s182

Appeal on record

46(1) The appeal to the Court of Appeal must be based on the record of the hearing before the Council and the Council's decision, including the reasons for the decision, all of which must be certified by the Hearings Director.

(2) The Hearings Director, at the expense of the appellant, must arrange for the preparation of the record of the hearing before the Council.

(3) If part of the hearing before the Council was held in private, the Hearings Director must ensure that the part of the record that relates to it is sealed.

(4) The part of a record that is sealed under subsection (3) may be reviewed by the Court of Appeal, and the Court of Appeal may direct that it remain sealed or that it be unsealed in whole or in part.

2002 c26 s17

Power of Court on appeal

46.1(1) The Court of Appeal on hearing an appeal may

- (a) make any finding that in its opinion should have been made;
- (b) quash, confirm or vary the finding or order of the Council or any part of it;
- (c) refer the matter back to the Council for further consideration in accordance with any direction of the Court;
- (d) if the appeal is wholly or partly successful, direct that all or part of the cost of preparation of the record referred to in section 46 be repaid by the Association to the appellant or be applied to reduce the amount of penalties or costs otherwise payable to the Association by the appellant.

(2) The Court of Appeal may make any award as to the costs of an appeal to it that it considers appropriate.

2002 c26 s17

Application to vary order

47 If the time for filing an appeal under this Part has passed or, due to a change in circumstances, an order under this Part is impossible to carry out, the person to whom the order is directed or the Complaints Director may apply to the Council for a variation of the order.

2002 c26 s17

Division 6 General

Non-prejudicial orders

47.1 The Hearings Director may make any order with respect to clerical and administrative matters that the Hearings Director considers necessary to prevent prejudice to the investigated person.

2002 c26 s17

Commissioner for oaths

48 The Complaints Director, a person appointed by the Complaints Director to conduct an investigation and any member of the Hearing Tribunal, the Council, a committee of the Council or the Complaint Review Committee is conferred with the powers of a commissioner for oaths under the *Notaries and Commissioners Act* for the purposes of an investigation, hearing, review or appeal under this Part.

2002 c26 s17;2013 cN-5.5 s32

49 to 60 Repealed 2002 c26 s17.

Part 6 General

Service of documents

61 When this Act, the regulations or the bylaws require that a document or notice be given or served on any person, the document or notice is sufficiently given or served if it is served personally on that person or sent to the person by registered mail at the person's address last shown on the relevant register or, if personal service or service by mail is not reasonably possible, by publishing the document at least twice, and not more than a week apart, in a local newspaper circulating at or near the address last shown for that person in the relevant register.

1984 cV-3.1 s61

Registrar's certificate

62(1) A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during a specified period,

- (a) a registered member, or
- (b) an officer of the Association or a member of the Council

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the Registrar's appointment or signature.

(2) A certificate purporting to be signed by the Registrar and stating that a named corporation, partnership or other association of persons was or was not, on a specified day or during a specified period, a permit holder shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the Registrar's appointment or signature.

RSA 2000 cV-2 s62;2016 c15 s21

Liability to others

63(1) The relationship between a permit holder engaged in the practice of veterinary medicine and a person receiving the professional services of the permit holder is subject to this Act, the regulations and any other law applicable to the relationship between a registered veterinarian and the registered veterinarian's client.

(2) The relationship of a registered veterinarian to a permit holder, whether as member, shareholder or employee of the permit holder, does not affect, modify or diminish the application of this Act, the regulations and the bylaws

- (a) to the registered veterinarian personally as a registered veterinarian, or
- (b) to the relationship between the registered veterinarian and the registered veterinarian's client.

1984 cV-3.1 s63

Exemption from municipal licence

64 No municipality has the power to require

- (a) any registered veterinarian or permit holder to obtain a licence from the municipality to engage in the practice of veterinary medicine, or
- (b) any student to obtain a licence from the municipality for or in connection with the performance of any acts or services authorized by this Act to be performed by a student.

1998 c36 s8

Protection from liability

65(1) No action lies against

- (a) any person conducting a preliminary investigation or a complaint resolution process, a member of the Complaint Review Committee, the Hearing Tribunal, a committee of the Council, the Practice Review Board, the Council or the Registration Committee, the Registrar, the Hearings

Director, the Complaints Director, the Association or any person acting on the instructions of any of them, or

- (b) any member, officer or employee of the Association

for anything done by the person in good faith and in purporting to act under this Act, the regulations or a bylaw that relates to or is incidental to a professional matter or a matter of public interest that is or may be the subject of a regulation under section 13.

(2) No action for defamation may be founded on a communication that consists of or pertains to a complaint regarding the conduct of a registered member, permit holder or student, if the communication is published to or by

- (a) the Association,
- (b) a member of the Council, a committee of the Council, the Complaint Review Committee, the Hearing Tribunal, the Practice Review Board or the Registration Committee,
- (c) a person conducting a preliminary investigation or a complaint resolution process,
- (d) an officer or employee of the Association, or
- (e) a person acting on the instructions of any of them

in good faith in the course of investigating the complaint or in the course of any proceedings under Part 5 relating to the complaint.

RSA 2000 cV-2 s65;2002 c26 s18;2016 c15 s21

Assessing incapacity

65.1(1) If the Complaints Director or the Complaint Review Committee has grounds to believe that a registered member is incapacitated, whether or not a complaint has been made or deemed to have been made under section 27, the Complaints Director or Complaint Review Committee may refer the matter to a committee designated or established by the Council.

(2) The committee, on receipt of a referral under subsection (1), may direct the registered member to submit to specified physical or mental examinations, or both, by a person or at a facility specified by the committee and request the person or facility to report to the committee and the registered member within a time specified by the committee.

(3) On receipt of the results of any mental or physical examination under subsection (2), the committee may direct the registered member to submit to treatment recommended by the person or

facility referred to in subsection (2), by a person or at a facility specified by the committee.

(4) The committee may request that the results of the person or facility providing the treatment under subsection (3) be provided to the committee and the registered member within the time specified by the committee.

(5) The committee may direct that the registered member cease practising veterinary medicine until a report is received under subsection (2) or, if a direction is made under subsection (3), cease practising veterinary medicine until the committee is satisfied that the registered member is no longer incapacitated, and the committee must notify the Registrar of the direction to cease practising veterinary medicine.

(6) If the registered member does not comply with a direction of the committee under subsection (2), (3) or (5),

- (a) the committee must refer the matter to the Complaints Director to continue with the investigation process if a complaint was previously made with respect to a matter that arose because of the alleged incapacity, and
- (b) if no complaint has been previously made with respect to a matter that arose because of the alleged incapacity, the committee may make a complaint respecting the matter to the Complaints Director under section 27.

(7) The registered member may appeal a direction of the committee under subsection (2), (3) or (5) to the Council.

(8) An appeal under subsection (7) must be in writing, must set out the grounds for the appeal and must be served on the Hearings Director within 7 days of receipt of the direction by the registered member.

(9) An appeal under subsection (7) must be conducted

- (a) as soon as reasonably practicable, and
- (b) in accordance with section 45.

(10) If a complaint has been made against a registered member and the committee

- (a) is satisfied that the matter complained of arose because of the incapacity of the registered member,

- (b) has made one or more directions under subsections (2) and (3), and
- (c) is satisfied that the registered member is complying with the directions made under subsection (3),

the committee may, at any time before the matter has been referred to the Hearings Director, suspend any proceedings with respect to the complaint for a period of time that the committee considers appropriate.

(11) Despite Part 5, if proceedings have been suspended under subsection (10) and the committee is satisfied that the registered member is no longer incapacitated, the committee may decide to suspend the proceedings indefinitely, with or without conditions.

(12) Despite a suspension of proceedings under subsection (10) or (11), the committee may, despite Part 5, at any time direct that the proceedings with respect to the complaint be resumed.

(13) If the committee suspends proceedings under subsection (10) or (11), the committee must within 14 days notify the complainant in writing of the suspension and the reasons for it.

2002 c26 s19;2016 c15 s21

Access to members information

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

- (a) must enter the information on the register,
- (b) must enter the information on the registered member's annual certificate, and
- (c) must provide the information to the governing bodies of the veterinary medical 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 member 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 member 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 member:

- (a) the information referred to in subsections (1) to (3), while the named registered member 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.

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

2002 c26 s19;2016 c15 s19

Notices

65.3(1) A notice to attend and a notice to produce must include the date, time and place at which attendance or production is required.

(2) The person who gives a notice to attend or a notice to produce may at any time amend the notice to correct errors or omissions of a minor or clerical nature.

(3) When this Act, the regulations or the bylaws require that a document or notice be given to any person, the document or notice is sufficiently given if it is given by personal service to that person or sent to that person by registered mail at that person's address last shown on the register or record of the Registrar or, if that is not reasonably possible, then by publishing the document or notice at least twice, and not more than a week apart, in a local newspaper circulating at or near the address last shown for that person in the records of the Registrar.

2002 c26 s19

Record retention

65.4 The Association must keep, for at least 10 years,

- (a) a copy of ratified settlements and admissions of unprofessional conduct,
- (b) records of investigations and hearings, and
- (c) records of registration applications and reviews.

2002 c26 s19

Records, evidence not admissible

65.5(1) Despite any other Act or law except the *Ombudsman Act*,

- (a) the Association,
- (b) a person who is or was an officer, employee or agent of the Association,
- (c) a person who conducts or has conducted an investigation or an alternative complaint resolution process under Part 5 or who is carrying out or has carried out powers and duties under Part 4, or
- (d) a person who is or was a member of the Council or a committee or the Hearing Tribunal of the Association

may not be required in any proceedings to give evidence relating to any matter that arose in any proceedings under this Act, the regulations or the bylaws, or to produce any record or thing adduced in evidence in proceedings under this Act, the regulations or the bylaws or forming part of the records of the Association that relate to proceedings under Part 5 or section 65.1 or to any matter under Part 4, except in

- (e) proceedings under this Act, or
- (f) a prosecution with respect to perjury or the giving of contradictory evidence.

(2) Subsection (1) does not apply to information described in section 65.2.

2002 c26 s19

Complaints to Ombudsman

65.6(1) Any person may make a complaint with respect to anything under this Act in accordance with the *Ombudsman Act*.

(2) The Association, the Council or a board, committee, tribunal, the President, the Registrar, the Complaints Director or the

Hearings Director of the Association or any officer, investigator or person engaged by the Association may, on the recommendation of the Ombudsman,

- (a) rehear any matter and reconsider any decision or recommendation made by that person or body, and
- (b) quash, confirm or vary the decision or recommendation or any part of it.

(3) If a matter is reheard or reconsidered pursuant to subsection (2), the provisions of this Act governing the original hearing or consideration apply to the rehearing or reconsideration.

2002 c26 s19

Fines, costs are a debt

65.7 A fine or costs ordered to be paid under this Act are a debt due to the Association and may be recovered by the Association by an action in debt.

2002 c26 s19

Part 7 Prohibitions and Penalties

Practice prohibitions

66(1) A person whose registration as a registered member or permit holder is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of veterinary medicine or directly or indirectly associate himself, herself or itself in the practice of veterinary medicine with any other registered member or permit holder.

(2) No registered member or permit holder shall, except with the consent of the Council, associate in the practice of veterinary medicine directly or indirectly with or employ in connection with the registered member's or permit holder's practice a person whose registration has been cancelled or suspended under this Act.

(3) The Council may permit a registered member or permit holder to employ in connection with the registered member's or permit holder's practice a person whose registration has been cancelled or suspended under this Act, but the employment shall be in the capacity and subject to the terms and conditions that are prescribed by the Council.

RSA 2000 cV-2 s66;2016 c15 s20

Penalties

67(1) Every person and every member, officer, employee or agent of a partnership or other association of persons, a society or a

corporation who contravenes Part 1, section 24(2)(b) or 25(4) or this Part is guilty of an offence and liable

- (a) for the first offence, to a fine of not more than \$2000,
- (b) for the 2nd offence, to a fine of not more than \$4000, and
- (c) for the 3rd and each subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.

(2) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

1984 cV-3.1 s66

Onus of proof

68 In a prosecution under this Act, the burden of proving that a person is a registered member or permit holder is on the accused.

RSA 2000 cV-2 s68;2016 c15 s21



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