



**SASKATCHEWAN
VETERINARY MEDICAL
ASSOCIATION**

**GENERAL STANDARDS AND
OPERATIONAL POLICIES**

revised January 2020

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PROFESSIONAL CORPORATIONS

- 1 Subject to any other provisions in the bylaws, a corporation may be registered as a professional corporation and be issued a permit where:
 - (a) it meets the criteria set out in the Professional Corporations Act and the bylaws;and
 - (b) it has paid the initial registration and the annual permit fee, has completed all required forms, and has otherwise been approved by council as a professional organization.
- 2 If council is satisfied that:
 - (a) the proposed name of the corporation complies with the provisions of the Professional Corporations Act and is not so similar to other professional corporate names as to be misleading or confusing;and
 - (b) all the voting shares will be legally and beneficially owned by general practice members of the association; and
 - (c) all of the directors will be general practice members; then council may give consent to the registration.
- 3 An applicant for registration as a professional corporation, or an applicant for renewal of a permit as a professional corporation shall file with the association the prescribed application form (Form A) duly completed in a manner that:
 - (a) is legible;
 - (b) contains all the information required by the form;
 - (c) attaches all documents that are required by the form;
 - (d) includes the payment required by the bylaws; and
 - (e) is signed by all persons required to sign the form.
- 4 Council may refuse registration or refuse to renew a permit where the form is not completed in accordance with section 3 above or if the name of the corporation does not meet the requirements of section 2(a) above.
- 5 Council may request additional information relating to an application for registration or an application for renewal of a permit by a professional corporation and may refuse registration or renewal of a permit until that information is provided.

6 The registrar of the association shall keep a separate register to be called the professional corporations register.

7 The fees in connection with the registration and issuance of an annual permit for a professional corporation shall be as stated in the fee schedule as approved at the annual general meeting for each fiscal year.

Fees shall not be prorated for part of the year.

Should the fees for an annual permit not be paid by November 30th of the year immediately prior to the issuance of the annual permit, a late payment penalty fee shall apply as stated in the fee schedule as approved at the annual general meeting for each fiscal year.

During the first year of its registration, a professional corporation shall be required to pay both the registration fee and the annual permit fee.

8 Council may issue a permit to a corporation that meets all the requirements of *The Professional Corporations Act*, *The Veterinarians Act, 1987* and the SVMA bylaws.

9 A permit shall, unless sooner revoked, expire on December 31 of each year.

10 Each member who practices veterinary medicine by, through or in the name of a professional corporation is responsible for the activities of the corporation and may be subject to discipline for any breach of the association's bylaws by the corporation.

11 In order to be granted registration as a professional corporation, or in order to be granted an annual permit, a professional corporation shall certify that each member who practices veterinary medicine by or through the professional corporation is insured under a contract of professional liability insurance with an insurance company that is registered to do business in Saskatchewan that provides a minimum coverage of one million dollars (\$1,000,000) for each occurrence.

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CONFLICT OF INTEREST AND STEERING

Purpose

This policy statement clarifies the SVMA's interpretation of the activities that constitute conflict of interest and steering between any person or group and a veterinarian or veterinary practice.

Definitions

Conflict of Interest:

Conflict of interest is generally understood to be where the private interests, usually financial, of a person conflict with that person's professional responsibilities. Maintenance of independence, impartiality and accountability are addressed in SVMA Bylaw 12.2.b.

12.2.b. A member shall maintain independence, impartiality and accountability in carrying out professional duties and shall follow acceptable professional procedures using current professional and scientific knowledge and obtain consultation or referral when indicated.

Steering:

Steering is a prohibited activity whereby a person is systematically referred or directed to a particular veterinarian or veterinary practice by another individual or organization, and where the direction

- is made for a reason other than the genuine belief that the receiving veterinarian or practice is being recommended for specialized skill, knowledge or expertise; and
- has the effect of restricting a person's choice of veterinarian based on criteria of importance to him/her.

Section 12.3(f) of the SVMA Bylaw 2018 states,

12.3. f. Members shall not allow their medical judgment to be influenced by agreements by which they stand to profit through referring clients to other providers of services or products, nor should their judgment be influenced by contracts or agreements made by their practice, associations or societies.

This places the responsibility on the veterinarian to perform all measures necessary to ensure he or she is in compliance with the bylaw, up to and including a refusal to provide service to any parties that appear to be involved in a steering system.

The steering prohibition ensures that a recommendation or referral to a particular veterinarian or practice is made for defensible reasons and will not produce a benefit to one or more parties (veterinarian, referrer, potential client) beyond the acquisition of a new client (by the

veterinarian), a benefit beyond good will (for the referrer), and/or the delivery of quality services (to the client.) The intent of the steering prohibition is not to regulate competition amongst veterinarians.

Members of the public expect practitioners of a profession to be honest and to serve their best interests. When a veterinarian refers a client to another veterinarian with specialized knowledge or expertise, the client trusts that the referral has been made in the best interest of the animal, and that the referring veterinarian believes the specialist is the right individual to manage the case. The fact that the specialist is gaining a new client through the process is secondary to the reason for the referral, and there is no conflict of interest involved. Similarly, when a person recommends his or her veterinarian to another person based on sincere opinion alone, there is no conflict of interest for either party.

When referrals are or could be perceived as being made primarily for one or both of the parties to receive a benefit tied to the referral then steering might be involved. When steering occurs, it could have a negative impact on the integrity of the profession. “Steering” is therefore a prohibited activity under section 12.3(f) of the SVMA Bylaw 2018.

A Steering Relationship

The test defining a steering relationship is whether the following four components are present:

1. there must be a “system” (i.e., a structured agreement or ongoing activity or pattern of behaviour);
2. the system must result in clients being directed to a particular veterinarian(s) or veterinary practice(s) for a professional or an ancillary service;
3. the veterinarian(s) must knowingly participate in the system in some way; and
4. there is either
 - a) a conferral of some benefit to the referrer, or
 - b) a restriction on which veterinarians may participate in the system (beyond reasonable restrictions such as location, specializations or scope of practice).

A list of preferred providers is not considered steering unless the veterinarian pays a fee, over and above a fee for membership in an association, to be included on the list and/or the list is intended to preclude a client from obtaining veterinary services from their veterinarian of choice.

SVMA publications contain practice parameters and standards which should be considered by all Saskatchewan veterinarians in the care of their patients and in the practice of the profession. All publications are developed in consultation with the profession and describe current professional expectations. It is important to note that SVMA publications may be used by the association or

other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained.

Please refer to the website (www.svma.sk.ca) to ensure you are referring to the most recent version of any document.

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ADVERTISING AND PUBLIC EDUCATION

I. A marketing activity includes:

(1) an advertisement, which is defined as the use of paid space or time, in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public or a segment thereof, for the purpose of promoting a member's professional services or goods or enhancing the image of the member;

(2) any publication in any medium or any communication with the public, or with any client or prospective client in the nature of an advertisement, promotional material, a listing in a directory, a public appearance or any other means by which veterinary services are promoted;

and

(3) contact with a prospective client initiated by a member which can fairly be regarded as directly or indirectly having for its purpose attracting clients, expanding services, or aggrandizing that member's professional reputation.

II. Any marketing activity undertaken or authorized by a member must:

(1) be true and objective;

(2) be accurate and verifiable;

(3) not be reasonably capable of misleading the recipient or the intended recipient;

(4) not be in bad taste, offensive, self-laudatory, or otherwise contrary to the honour and dignity of the veterinary profession.

In the undertaking of any marketing activity the onus is on the member to ensure that the above requirements are met.

III. A member who undertakes or authorizes any marketing activity must retain records and copies of any advertisement sufficient to document the full extent of such activity. Such records and copies must be retained and made available to the registrar at his request for a minimum of two (2) years beyond the termination or cessation of the marketing activity.

IV. Without limiting the generality of the foregoing, a marketing activity must not:

(1) make reference to a fixed fee for a veterinary service or a drug referred to in The Prescription Drug List of the Food and Drugs Act;

- (2) directly or by implication mislead the public about the qualifications of a member or the services offered by a member;
- (3) claim or imply that the practice of one member is in any way superior to the practice of another member;
- (4) claim or imply by any means a guarantee with respect to professional services rendered by a member;
- (5) make reference to 24-hour service, unless the facility is open and staffed 24 hours a day.

Members are encouraged to provide animal health information through various platforms, including, without limitation, the member's website or social media, provided the motive is a bona fide attempt to maintain the welfare of animals rather than for personal gain.

The following are suggested methods:

V. News Releases

- (1) Members are encouraged to make news releases to the various media, concerning the immediate presence of contagious or other important diseases and giving information on their prevention or treatment, provided that the news release is a bona fide attempt to protect the health and welfare of animals and the public, and not for personal gain. A copy of the news release must be sent to the registrar of the Association for filing.
- (2) If an academy exists, members are encouraged to make news releases through their academies.

VI. Public Education

Members are encouraged to educate their clients on matters concerning animal health during their provision of veterinary services and to educate the public, whether through speaking engagements, the member's website, the media or social media platforms. Members are encouraged to disseminate information to the public through the local veterinary academy, if one exists.

VII. Veterinary Academies

Members who share a common practice area such as in urban centers or in intensive livestock areas where practices are in close proximity are encouraged to form veterinary academies. The purpose of academies is to promote communication among veterinarians and discussion of common veterinary concerns.

Academies are:

- (1) expected to remain open to new members;

(2) expected to meet at intervals convenient to their members;

(2) bound by the Act and Bylaws.

and

(3) Membership in an existing academy is not mandatory.

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EMPLOYEES

A member of the association may employ as an assistant in the practice of veterinary medicine:

- (a) a member of the association in good standing, who is licensed to practice in Saskatchewan;
- (b) a veterinary technologist on the current register;
- (c) a student member of the association in good standing.

The above does not apply to a veterinarian's employment of persons for the performance of duties not related to the practice of veterinary medicine.

Services that may be performed by student members

A member who is responsible for a student member shall directly supervise all actions of the student member related to the practise of veterinary medicine.

Direct supervision means that the member is present at all times to provide direction, instruction, or assistance to the student member.

The member shall ensure that he reviews with the student member daily all services performed by the student member. The member is encouraged to review matters with the student member on a case by case basis.

The supervising member shall sign all certificates, test charts, narcotics registers or registers for other restricted drugs or substances, or similar records requiring the signature of a qualified veterinarian.

A member shall not leave a student member in charge of a practice. The member may arrange for another member to assume full responsibility for a student member and to provide direct supervision of the student member on a temporary basis while the member is absent.

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LEGISLATION

Changes to the Act;

Before changes in the Act may be recommended by council for consideration by the legislature such changes must be approved by a two-thirds majority of the members present at a general meeting. Notice of the meeting and of the intention to recommend a change to the Act and a general description of the change shall be mailed to the membership at least thirty (30) days before the date of the meeting.

Changes to the Bylaws;

Any member desiring to propose an amendment to the bylaws must first ensure the proposed change meets the following conditions:

- It is not prohibited by *The Veterinarians Act, 1987*;
- It is consistent with other applicable Provincial and Federal laws;
- It is written in language that is clear, concise and not subject to interpretation; and
- It addresses all foreseeable scenarios.

A member must then give notice of proposed amendment(s) in writing to the registrar at least twelve (12) weeks prior to a general meeting. Upon receipt, the registrar shall immediately forward proposed amendments to the Legislation Committee.

The Legislation Committee shall review proposed amendments to ensure they meet the conditions listed above and shall provide their judgment of each proposed amendment in writing to the registrar at least ten (10) weeks prior to a general meeting.

A proposed amendment that is approved by the Legislation Committee shall be forwarded by the registrar to a lawyer who specializes in legal writing to advise Council on the suitability of the proposed amendment to the current bylaws. This legal review shall be included as a section in, or as a supplement to, the annual report to members. A proposed amendment that does not meet the conditions shall be returned to the member by the registrar.

Council may, with the approval of not less than three-quarters of its members, pass bylaws for any purpose permitted by the *Act*. However, said bylaws must be confirmed or varied at the next annual or special general meeting of the association or they shall forthwith cease to have any force or effect.

Any bylaw may be confirmed, amended, revoked or repealed, or any appropriate new bylaw may be added by a majority vote of the members present at a general meeting. Notice of proposed changes to the bylaws shall be distributed by the registrar to the membership at least thirty (30) days before the date of the general meeting at which the changes will be considered.

The registrar shall notify each member of each bylaw passed by council in a general meeting or confirmed, varied or revoked by the association in a general meeting. Notice shall be sent within thirty (30) days of the passage, confirmation, variation or revocation.

The registrar shall file in the Department of Justice two (2) copies, certified by the registrar as true copies, of all bylaws made, confirmed, varied or amended and in the case of an amendment shall also file two (2) copies of the bylaw as it stood prior to its amendment, together with the certified copies of the amendment.

Revision of the bylaws shall be considered by the council on an ongoing rotating schedule.

Any proceedings commenced under the previous bylaws shall be governed by the previous bylaws.

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FEES AND PRACTICE DECLARATION

- 1) Every member of the association shall pay to the secretary-treasurer of the association the annual fee for registration with the association as stated in the fee schedule as presented at the annual general meeting for each membership year. They shall also pay the appropriate portion of the Canadian Veterinary Medical Association fee as presented at the annual general meeting for each membership year.
- 2) The secretary-treasurer of the association shall pay to the secretary-treasurer of the Canadian Veterinary Medical Association the annual membership fee for registration in that organization with respect to each of the association's members. The annual fee for registration of those members who, pursuant to these bylaws, are only responsible for a portion of the Canadian Veterinary Medical Association fee shall be reduced accordingly. The annual fee for registration of a member that provides proof of current registration in the Canadian Veterinary Medical Association through another association shall be reduced accordingly. Receipt of the annual fee by the secretary-treasurer shall constitute the consent of the member to disburse membership dues to the Canadian Veterinary Medical Association, on his behalf, for yearly membership as set forth in 2 above.
- 3) Every member of the association shall pay to the secretary-treasurer the annual registration fee by the 30th of November for the coming year. The fee must be paid in full; payment by instalments is not acceptable.
- 4) Every member of the association shall file a practice declaration in a form as prescribed by council by the 30th of November of each year.
- 5) Every member who has not paid to the secretary-treasurer the annual registration fee or who has not filed the practice declaration by the 30th of November shall be assessed and shall pay together with the annual registration fee the additional sum stated in the fee schedule by way of penalty for late payment or filing.
- 6) Every person who is approved as an active member subsequent to the first day of January of that year shall pay the annual registration fee as prescribed in 1) above, except that every such person who joins the association subsequent to the last day of June in any year shall be entitled to pay one-half of the annual registration fee.
- 7) Upon the receipt of the annual registration fee and the practice declaration from a member, the registrar shall forthwith issue to the member a license to practice veterinary medicine for the year in respect of which such fee is paid, which license shall be in the form prescribed by council and shall be signed by the registrar.

8) Members of the association who are practicing veterinary medicine in Saskatchewan and who have not paid their annual fees or filed a practice declaration as required by these bylaws shall be given notice in writing by the registrar that if payment and/or the Practice Declaration is not received within thirty (30) days of the sending of the notice, council may strike their names from the register. Notice shall be deemed to have been given if it is sent by registered mail to the last business or residential address of the member known to the registrar.

9) At the expiry of the period of thirty (30) days, the registrar shall refer the matter to council which may forthwith strike the member from the register or may require such additional notice to be given to the member as it sees fit.

10) If a member is struck from the register for non-payment of fees or non-filing of the practice declaration, he may make application for reinstatement in writing to the registrar, pay all arrears of fees, file the practice declaration, and pay a penalty fee fixed by council. Council may then, in its discretion, reinstate that person as a member in good standing of the association.

11) At the end of each fiscal year, council must assess the legal fund and make a recommendation to the membership at the next AGM for the payment of a legal fee for the next membership year.

(a) the base amount in the legal fund must not fall below \$300,000.00.

(b) the recommended legal fee may be \$0.00 for any given year.

(c) every active member of the association must pay the legal fee in full by the 30th day of November in the year it is approved by the membership at the AGM.

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