

COLLEGE OF VETERINARIANS OF BRITISH COLUMBIA

BYLAWS

NOTE: These Bylaws, including appendices, have been revised and consolidated up to and including the September 10, 2011 Council Meeting.

TABLE OF CONTENTS

Section	Subject	Page
1	Interpretation	1
1.1	Roberts Rules of Order	4
2	Amending Bylaws	4
3	Council	4
3.1	Duty of Council Member	5
4	Officers of Council	5
5	Duties and Powers of the President	6
6	Duties and Powers of the Vice-President	6
7	Duties and Powers of the Secretary-Treasurer	6
8	Duties and Powers of the Registrar	7
9	Seal of the Association	8
10	Cheques of the Association	9
11	Fiscal Year	9
12	Association Auditor	9
13	Voters List	11
14	Nominations Committee	11
15	Acclamation	12
16	Appointment of Scrutineers	12
17	Election	12
18	Council Meetings	14
19	Association Meetings	15
20	Fees	16
21	Membership Categories	18
22	Ceasing Practice	19
22.1	Change of Address	19
22.2	Full Contact Information	19
23	Registration Requirements	19
23.1	National or Provincial Emergency	21
24	General Private Practice	21
25	Specialty Private Practice	22

26	Certification of Diplomate Status	22
27	Public Practice Membership	23
28	Non-Practicing Membership	24
29	Retired Membership	24
30	Social Membership	25
31	Life Membership	25
32	Honorary Membership	26
33	Continuing Education	26
34	Board of Examiners	27
35	Examinations	27
36	Board of Examiners Report	28
37	Practice Registration and Name	28
37.1	Designated Member	29
38	Practice Facility Accreditation and Inspection	30
39	Practice Accreditation Committee	31
40	Practice Inspectors	31
41	Cancellation of Accreditation	32
42	Complaints	33
43	Investigation Declined	34
44	Investigation Terminated	34
45	Notification	35
46	Complaint Investigation	35
47	Conduct Review Committee	36
48	Review by Conduct Review Committee	36
49	Further Action after Investigation	36
50	Decision of the Conduct Review Committee	37
51	Advice	37
52	Stay or Withdrawal of Complaint	37
53	Notice of Inquiry	38
54	Inquiry and Hearing	38
55	Inquiry Committee Report	38
56	Council Decision	38
57	Sanctions	39
58	Alternate Complaint Resolution	40
59	Compliance	41
60	Confidentiality	42

BCVMA BYLAWS

Interpretation

1. In these Bylaws including all appendices thereto, unless the context or express wording otherwise indicates:

“Act” means the Veterinarians Act of B.C. as amended from time to time;

“Accreditation” means in relation to a veterinary practice, the accreditation required from the BCVMA under these Bylaws;

“Accredited school” means in relation to an applicant a veterinary school accredited or approved by the Council on Education of the AVMA;

“Agreement on Mobility” means the *Agreement on Mobility of Veterinarians within Canada* that may be in effect from time to time;

“Animal Health Technologist” means a person who is:

- i) a graduate of a course in Animal Health Technology accredited by the CVMA and recognized by the Association; or
- ii) any person registered with the Animal Health Technologists Association of B.C.

“Association” means the BCVMA;

“AVMA” means the American Veterinary Medical Association;

“BCVMA” means the British Columbia Veterinary Medical Association;

“Bylaws” means the BCVMA Bylaws as amended from time to time;

“Centre” means a facility in which consultative, clinical and hospital services are rendered and a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional and educational programs;

“Clinic” means a facility where the practice conducted is primarily an outpatient type;

“Code” means the Code of Ethics included as Appendix A in these Bylaws, as amended from time to time;

“Complaint” means an allegation that a member has engaged in unprofessional conduct or professional misconduct;

“Consultant” has the meaning contemplated in s. 28(e) of the Act;

“Council” means the Council of the BCVMA;

“CQ” means the Certificate of Qualification granted by the CVMA;

“CVMA” means the Canadian Veterinary Medical Association;

“Designated member” has the meaning set out in s. 37.1(1); of the Bylaws;

“Diplomate status” means the certification of a specialty, known in the veterinary profession as diplomate status, that has been granted by a Board or College recognized by the Advisory Board on Veterinary Specialties of the AVMA, in a discipline, system, or species;

“Direct supervision” means the veterinarian is sufficiently nearby in a facility, or where veterinary services are provided away from a facility, such that the veterinarian is available to consult or attend to the animal as competent veterinary practice requires for the particular procedure or treatment;

“Direct personal supervision” means the veterinarian is present in person and sufficiently nearby to see, hear and direct the employee who is performing the designated procedure or treatment, and to attend to the animal as competent veterinary practice requires for the particular procedure or treatment;

“Emergency facility” means a veterinary medical facility or practice the primary function of which is the treating and monitoring of emergency patients, with a veterinarian and sufficient staff in attendance at all hours of operation and sufficient instrumentation, medications, and supplies available to provide appropriate care;

“Hospital” means a facility where the practice conducted includes the confinement as well as the medical and surgical treatment of patients;

“In camera” means “in private” and not open to the public;

“Indirect supervision” means the veterinarian has given either oral or written instruction for the treatment of the animal patient and that the patient has been examined by a veterinarian at such times as competent veterinary medical practice requires, consistent with the particular procedure or treatment;

“Locum” means the provision of veterinary services on a contract employment basis to another veterinarian or facility;

“Marketing” means any communication by any means or in any medium with any person or persons for the purpose, directly or indirectly, of promoting a member’s services, goods, facilities, professional reputation or image;

“Member” and **“Membership”** refer to any category of member license available under the Bylaws;

“Mobile” means a veterinary medical service capable of making house or site calls utilizing a vehicle equipped to provide or apply veterinary

medicine, dentistry, or surgery; with a permanent base of operations and a published address and telephone number where the member can be contacted;

“Office” means a facility where the practice conducted is limited or consultative and provides no accommodation for the confinement of patients;

“Officers” means the officers of the Council of the BCVMA;

“Practice” means an entity that provides, and the provision of, veterinary medical services;

“Practice facility” means the premises or vehicle in, on or from which veterinary services are provided, and includes the equipment used therein;

“Practice standards” means the standards set out in Appendix B to these Bylaws, as amended from time to time;

“Prescription” has the same meaning as set out in the Pharmacists, Pharmacy Operations and Drug Scheduling Act of B.C. as amended from time to time;

“Profession” unless otherwise indicated means the profession of veterinary medicine;

“Professional misconduct” means a breach of the Act or any rules of the Association and includes incompetent performance of duties undertaken by a member in the capacity of a veterinarian;

“Register” means the Register of members of the Association required under the Act;

“Registrar” means the Registrar of the BCVMA contemplated by the Act;

“Rules of the Association” includes all Bylaws including any appendices thereto, the Code of Ethics, all guidelines, policies, and other rules of any kind of the Association;

“Service” for the purposes of s. 37(2) includes a limited ambulatory, or consultative practice that provides no accommodation for the confinement of patients with a permanent base of operations and a published address and telephone number where the member can be contacted;

“Unprofessional conduct” includes any matter, conduct or thing that could reasonably be considered to be contrary to the best interest of the public or of the veterinary profession, or harm the standing of the veterinary profession, and includes but is not limited to professional misconduct.

Roberts Rules

- 1.1 Roberts Rules of Order, as revised from time to time, shall govern any meeting procedural matter that is not provided for in these Bylaws or other Rules or policies of the Association.

Amending Bylaws

2. (1) Any member may request that Council pass, amend or repeal any Bylaw(s) by giving written notice of the proposal to the Registrar.
- (2) The Council in its discretion shall decide whether and how to proceed to consider the proposed changes, and without limiting the foregoing, what further information it may require concerning the proposal.
- (3) No new Bylaw(s) or amendment or repeal of any Bylaw(s) shall be put before the membership for its approval pursuant to subsection 10(5) of the Act, unless and until the same has first been passed by Council in accordance with subsection 10(2) or subsection 10(3) of the Act.
- (4) The membership approval required pursuant to subsection (3) herein shall be upon the 2/3 majority vote of the members present at the annual or special general meeting.

Council

3. (1) Except for the immediate past-President and a person who is appointed pursuant to subsection 6(4) of the Act, the members of Council shall be elected by the Association membership in accordance with these Bylaws.
- (2) The term of office of Council members shall be three years.
- (3) Council members may stand for re-election any number of times.
- (4) Each Council member shall take office at the close of the Annual General Meeting at which the member's election has been declared and the Council shall as soon as practicable after that elect its executive for a term of one year.
- (5) The immediate past-President shall be an ex-officio member of the Council and shall be entitled to vote on all Council matters.

- (6) If for any reason the position of past-President becomes vacant during the term of office, the most immediate predecessor as past-President who is willing to serve, shall assume the position.
- (7) The member serving in the past-President position may serve as an officer of the Council.
- (8) Subject to subsections 3(7), 3(9), 4(2) and 4(3) of these Bylaws, if for any reason any position on Council becomes vacant during the term of office, the Council may fill the position by appointment from the Association membership.
- (9) If more than three Council positions are simultaneously vacant during a term of office, an election for those positions shall be held at a special general meeting called for that purpose, and the members elected shall hold office through the remainder of the current term.
- (10) All matters that require a decision of the Council shall be considered on and decided at a duly called and constituted Council meeting and, subject to section 5(2) of these Bylaws, on the basis of a vote of the majority of members present at the meeting.
- (11) Any Council member may be removed by written notice for non-attendance without reasonable explanation at three or more consecutive Council meetings.
- (12) The Council shall create a remuneration policy to apply to the Council and all Committees and Boards of the BCVMA, and all such bodies shall be remunerated in accordance with that policy as amended from time to time.

Duty of Council Member

- 3.1 (1) Every council member shall at all times use their best efforts to abide by the governance and all other policies of the Association dealing with the discharge of the Council's duties.

Officers of Council

4. (1) Every Council shall immediately or as soon as reasonably practicable after it is declared elected, determine which of its members shall hold the positions of President, Vice-President and Secretary-Treasurer of the Association.

- (2) If for any reason the position of President becomes vacant during the term of office, the Vice-President shall assume the position.
- (3) If for any reason the position of Vice-President becomes vacant during the term of office, the Council shall appoint another current Council member to the position.
- (4) Only a member that has served at least one year on Council and has expressly agreed to serve in the office if elected, shall be eligible for the position of President or Vice-President.

Duties and Powers of the President

5. (1) The President shall preside as Chair at all Council meetings and all general and special meetings of the membership.
- (2) The President except as otherwise expressly provided in these Bylaws shall not vote on any matter at Council or membership meetings unless the vote could change the outcome.
- (3) The President shall appoint all committees of the membership or Council except as otherwise provided by these Bylaws.

Duties and Powers of the Vice-President

6. (1) The Vice-President shall assume the position of acting President in the event of the absence of the President from the jurisdiction or temporary inability of the President to perform the duties of the office, and in such case shall be vested with all the duties and powers of the President.
- (2) Without limiting the foregoing, the Vice-President shall preside at any meeting in the absence of the President.

Duties and Powers of the Secretary-Treasurer

7. (1) The Secretary-Treasurer shall ensure:
 - (a) the custody of all cash resources of the Association;
 - (b) the faithful recording of the proceedings of all Council and general meetings and preserve in proper order all records and documents belonging thereto;

- (c) the payment or settlement of all accounts of the Association as authorized or directed by the Council;
 - (d) the receipt of all moneys and documents to which the Association may become entitled from memberships, meetings, conventions, or other events;
 - (e) the prompt deposit to the credit of the Association in a chartered bank, credit union, trust company or other institution acceptable to Council, all receipts of the Association;
 - (f) the maintenance of proper books of accounts together with all vouchers and their availability for audit at any reasonable time;
 - (g) the maintenance of an Association office at a place designated by the Council for the purpose;
 - (h) the safekeeping of all equipment, records and supplies and other property of the Association;
 - (i) the provision of such notices to Council and the membership as these Bylaws require; and
 - (j) the performance of such other duties as may be assigned by the Council.
- (2) The Secretary-Treasurer may recommend to the Council the manner in which moneys shall be invested.
- (3) The Secretary-Treasurer may, at the discretion of Council, delegate the exercise of any of the duties mentioned in this section to employees of the Association.
- (4) The Secretary-Treasurer shall promptly deliver to the successor in the position, all books, vouchers, cash on hand and other property of the Association in his possession or under his control.
- (5) The Secretary-Treasurer shall, at the discretion of Council, furnish a bond of indemnity at the expense of the Association from a company approved by the Council, in an amount fixed by the Council, in respect of the faithful performance and discharge of the duties of the office of Secretary-Treasurer.

Duties and Powers of the Registrar

8. (1) The Registrar shall be an officer of the Association.

- (2) The Registrar shall be appointed by the Council and shall hold office at the pleasure of the Council.
- (3) The Registrar shall be responsible for administering the regulatory application processes of the Association, including those for registration under the Act, practice and facility name approvals.
- (4) Without limiting the foregoing, the Registrar shall gather all information required by the Council, and generally investigate the experience, professional conduct, character, eligibility and all relevant issues pertaining to each applicant for registration under the Act and in this regard may make any reports and recommendations to Council which in the Registrar's opinion are appropriate and relevant.
- (5) The Registrar shall be responsible for administering the complaints and disciplinary process of the Association, and without limitation, may provide direction to the Complaint Officers and other investigators, and administrative assistance and support to the Conduct Review Committee, Inquiry Committees and the Council in relation to the complaints and disciplinary process.
- (6) The Registrar shall be responsible for the investigation of complaints concerning the unauthorized practice of veterinary medicine.
- (7) The Registrar shall be responsible for administering the election process of the Association, and without limitation, may provide administrative assistance and support to the Nominations Committee and the scrutineers in relation to the election process.
- (8) The Registrar is responsible for administering, and without limitation, may provide administrative assistance and support to, the practice facility accreditation and practice inspection activities of the Association.
- (9) The Registrar shall be responsible for administering and reporting to Council on the annual registration fee collection processes of the Association.
- (10) The Registrar shall be responsible for such other duties as Council may delegate to that position from time to time.

Seal of the Association

9. (1) The Association may have a seal.

- (2) The Registrar shall have the custody of the seal of the Association.
- (3) The seal of the Association shall not be affixed to any document unless it is signed by the Registrar or by either the President or the Vice-President or such officers or persons as Council may otherwise provide.

Cheques of the Association

10. (1) Subject to further rules prescribed by resolution of the Council, cheques of the College may be signed by any two of the following: the President, the Vice-President, the Secretary-Treasurer, the Registrar, the Deputy Registrar and any other person prescribed by resolution of the Council.
- (2) The Council may from time to time by resolution prescribe a monetary limit over which at least one of the two signatories must be the President, the Vice-President or the Secretary-Treasurer.

Fiscal Year

11. The fiscal year of the Association shall be from the 1st day of July to the 30th day of June in the following year.

Association Auditor

12. (1) At each annual general meeting, the members of the Association must appoint an auditor.
- (2) The Council must by ordinary resolution appoint a new auditor if the person appointed at the annual general meeting vacates the position due to resignation, death or otherwise before the end of the term of appointment.
- (3) The auditor appointed must be a Chartered Accountant or a Certified General Accountant.
- (4) The Council shall require the auditor to:
 - (a) report to the members on the financial statement that is to be placed before the members at the annual general meeting during the auditor's term of office,
 - (b) state in the report whether, in the auditor's opinion, the financial statement presents fairly the financial position of the Association and

the results of its operations for the period under review and does so on a basis consistent with that of the preceding period, and

- (c) if the opinion contained in the report is qualified, state the reasons in the report.
- (5) The auditor of the Association is entitled to:
- (a) attend any general meeting of the Association and to receive every notice and other communication reasonably relating to the financial affairs of the Association that are to be considered at the meeting that a member of the Association is entitled to receive, and
 - (b) be heard at any general meeting that the auditor attends on any part of the business of the meeting that concerns the auditor or the financial statements of the Association.
- (6) The Council shall require that the auditor agree to attend any general meeting
- (a) as the Council deems fit from time to time, or
 - (b) with respect to which a member of the Association has made a request under subsection (7) herein.
- (7) A member may request that the auditor attend any general meeting at which the financial statements of the Association or the removal or appointment of the auditor is to be considered, by giving notice in writing to the Director of Member Services at least 10 days before the meeting.
- (8) The Council shall require that the auditor agree to, at any general meeting at which the auditor is present, answer enquiries directed to the auditor concerning the financial statements of the Association and the opinion on them stated in his or her report.
- (9) The auditor is entitled at all times to have access to every Association record that reasonably relates to the financial affairs of the Association and is entitled to require from the Council, other members and employees of the Association information and explanations that the auditor considers necessary to enable the auditor to prepare his or her report.
- (10) A person must not be the auditor of the Association if the person is not independent of the Association and of its members and employees.
- (11) The Association may, by ordinary resolution passed at a special general meeting called for the purpose, remove an auditor before the expiration of the auditor's term of office.

Voters List

- 13. (1)** The Registrar shall compile a voter list containing the names of all members eligible to vote.
- (2)** The Registrar shall use best efforts to correct, before the holding of an election, any error in the voters list that is brought to the Registrar's attention.
- (3)** Only those members who are registered members in a voting membership category of the Association on the date three months prior to the Annual General Meeting shall be eligible to vote in the election.

Nominations Committee

- 14. (1)** At least 6 months prior to the Annual General Meeting, the President shall convene a Nominations Committee comprised of the three most immediate past-Presidents of the Association willing to serve.
- (2)** In the event that less than three past-Presidents are available to serve, the President shall appoint the Committee as necessary from the Association membership.
- (3)** The Committee shall select its Chair.
- (4)** The Committee shall use its best efforts to invite members of the Association to stand for election to Council.
- (5)** The Committee shall forthwith nominate from the members in good standing of the Association any who are willing to stand for election to the Council.
- (6)** The Committee shall also solicit nominations from the general membership and is obligated to place all nominees who have consented as required under subsection (7) on the slate.
- (7)** A nomination must:
 - (a)** be in writing and signed by two Association members eligible to vote,
 - (b)** include or accompany the nominee's written consent to serve if elected, and
 - (c)** be received at the office of the Registrar not later than 90 days prior to the date of the Annual General Meeting.

- (8) At or before 80 days prior to the Annual General Meeting, the Committee shall provide written confirmation to the Registrar of the names of the members who have submitted valid nominations.

Acclamation

15. (1) If, as of 80 days prior to the Annual General Meeting, the number of valid nominations does not exceed the number of Council positions to be filled, the Registrar shall declare the nominees to be duly elected by acclamation and forthwith in writing report the same to the President.
- (2) In the event of an acclamation, sections 16 and 17 of these Bylaws do not apply.

Appointment of Scrutineers

16. (1) At a Council meeting preceding the Annual General Meeting, the Council shall appoint two members and one non-member of the Association, to serve as scrutineers in the election.
- (2) No person who is an employee of the Association may serve as a scrutineer.
- (3) Any decisions by the scrutineers shall be made by majority vote.

Election

17. (1) At or before 60 days prior to the Annual General Meeting, the Registrar shall mail to each member on the voter list:
 - (a) a ballot paper containing, in alphabetical order, the names of all candidates, and may include biographical information about the candidates for election;
 - (b) instructions respecting the marking of the ballot paper and its return to the Association;
 - (c) a ballot envelope;
 - (d) a voter declaration in a form approved by Council; and
 - (e) a mailing envelope.

- (2) The accidental omission to mail the material referred to in subsection (1) to or the non-receipt of the material by any member does not invalidate an election.
- (3) The Registrar may issue a replacement ballot paper to any member who informs the Registrar in writing that their ballot paper has been misplaced or spoiled or has not been received.
- (4) The Registrar shall appoint a person to supervise the verification and custody of the ballots according to the following procedure:

 - (a) the name of each member whose ballot is received at the Association office shall be crossed off the voter list;
 - (b) the ballot envelopes containing ballot papers and the voter declaration shall be attached to each other until the date of the official scrutinizing and counting of the ballots; and
 - (c) on the date of the official scrutinizing and counting of the ballots the ballot papers shall be separated from the voter declaration cards and provided to the scrutineers.
- (5) A member's vote is valid and will be counted if and only if:

 - (a) it is not rejected by the scrutineers under subsection (6), and
 - (b) it is received by the Association office on or before 14 calendar days prior to the Annual General Meeting.
- (6) The scrutineers shall between 2 to 10 days before the Annual General Meeting, at the Association office, scrutinize the ballot papers and reject any ballot that:

 - (a) contains, or is enclosed in an envelope which contains a marking which could identify the voter;
 - (b) contains votes for more candidates than the number to be elected;
 - (c) is dissimilar to those issued by the Registrar;
 - (d) is received by the Association office less than 14 days before the date of the Annual General Meeting;
 - (e) contains a vote for a person other than a candidate whose name appears on the ballot paper mailed by the Registrar under subs. (1);
 - (f) is ambiguous or unclear in any way as to whether any particular candidate(s) received a vote; or
 - (g) is not accompanied by a voter declaration that has been correctly or completely filled out or signed.

- (7) A decision by the scrutineers to reject a ballot is final.
- (8) Immediately after scrutinizing the ballots, the scrutineers shall count all unrejected ballots.
- (9) Where an equality of votes between candidates prevents the clear election of the number of members required to fill the available Council positions, the scrutineers shall, using identical cards:
 - (a) write the name of each candidate whose election cannot be determined on one card;
 - (b) place all the cards in the ballot box;
 - (c) draw from the ballot box by chance the number of cards necessary to make up the required number of Council members; and
 - (d) declare the candidate or candidates named on the card(s) so drawn to be elected.
- (10) The scrutineers shall forthwith report the results of the election, in writing, to the Registrar and the President.
- (11) In the event that one or more scrutineers, for whatever reason, are unable to carry out their duties, the President shall immediately appoint in each such place any member who is willing to serve as a scrutineer other than one who is a candidate in the election.
- (12) At the Annual General Meeting following the election or acclamation, the President shall announce the result of the election as declared by the scrutineers or the Registrar as the case may be.
- (13) The Registrar shall ensure the safekeeping of all election documents until 10 days following the Annual General Meeting, at which time subject to subsection (14), the Registrar shall arrange for the destruction of the same.
- (14) In the event that a challenge to the election is brought before the expiration of the time set out in subsection (13), the Registrar shall ensure the safekeeping of all election documents until the issue is finally resolved.

Council Meetings

18. (1) The Council shall hold regularly scheduled meetings.

- (2) The Council shall additionally hold special meetings as the interests of the Association may require, which may be called by the President or at the request of three or more Council members by reasonable notice to each Council member.
- (3) A majority of Council members shall constitute a quorum.
- (4) The Chair at any meeting shall be subject to the rule of the majority of Council members in attendance.
- (5) In the event that both the President and Vice-President are absent from any meeting, the members in attendance shall appoint a Chair.
- (6) The Council may in its discretion declare a meeting or any part of it to be *in camera*.
- (7) The Council shall prescribe its own order of business.

Association Meetings

19. (1) The Council will in every year convene an Annual General Meeting (the "AGM") of the Association.
- (2) The Council will convene special general meetings when called upon to do so pursuant to subsection 9(4) of the Act.
- (3) The Council will from time to time on its own initiative and in its discretion convene special general meetings.
- (4) The Council shall fix the date and location of all annual or special general meetings.
- (5) The Council shall in writing provide at least 30 days notice to all Association members of all annual or special general meetings.
- (6) The Council shall in writing provide at least 30 days notice to all Association members of all agenda items requiring a vote from the membership at any annual or special general meeting.
- (7) Fifty voting members present in person and by proxy shall constitute a quorum at any general meeting.
- (8) Repealed.

- (9) Proxy Voting will be allowed at Special General Meetings and Annual General Meetings as follows:
- (a) A voting member in good standing may act as a proxy for another voting member, and no voting member shall act as a proxy for more than two voting members.
 - (b) The voting member designating a proxy must do so by duly completing and signing an approved BCVMA form that designates the proxy.
 - (c) A proxy can be designated only for a specific meeting.
 - (d) The proxy designation must be presented to the Registrar or the Registrar's delegate at the door to the meeting room prior to the start of the meeting.
 - (e) The proxy designation shall be in the form approved by the Council from time to time.
 - (f) The form of proxy may allow for alternate proxy designations.
 - (g) A proxy designation that:
 - i. is not in the form currently approved at the relevant time,
 - ii. on which the designating member and the proxy member are not clearly ascertainable,
 - iii. does not specify a particular General Meeting,
 - iv. in any other manner is not duly or properly completed, or
 - v. is not provided to the BCVMA prior to the General Meeting as required,will be deemed to be invalid without further inquiry.

Fees

20. (1) The Council shall from time to time prescribe fees contemplated under subsection 10(2) of the Act in respect of:
- 1. Applications for registration under the Act;
 - 2. Examinations required for registration; and
 - 3. Annual registration renewal for the various categories of membership.
- (2) The Council may also from time to time prescribe fees in respect of:
- 1. Applications for practice facility name approval;
 - 2. Applications for practice name approval;
 - 3. Registration, accreditation or inspection of practices; and
 - 4. Such other matters as Council may in its discretion decide.

- (2.1)** The Council may also from time to time prescribe and impose levies upon the membership in respect of the costs of investigations, prosecutions, Inquiry hearings and any related court appeals relating to complaints against members.
- (2.2)** The Council may also from time to time prescribe and impose levies upon the membership in respect of the costs of the creation, capitalization, continued funding and management of a company created by the BCVMA pursuant to the Insurance (Captive Company) Act of B.C.
- (2.3)** The Council may prescribe and impose levies upon the members for the purpose of funding the legal fees and all other costs incurred in relation to and as a result of the proceedings brought against the Association at the B. C. Human Rights Tribunal and that any individual levy shall not exceed \$400.00 per occurrence. Such funds to be tracked separately from other revenue and expense streams of the Association and should those funds not be required in their entirety for the stated purpose, the remainder is to be returned to the members on a prorated basis at a time determined by the Council. Donations received in excess of the total of levies to be given first priority for any funds returned to the members.
- (3)** The fee items in subsection (1) are subject to approval of the membership by a majority vote at a special or annual general meeting.
- (4)** The fee items in subsection (1) shall be included in the Bylaws as Appendix "C".
- (5)** Annual registration fees shall become due and must be paid in full 60 days after the date of the Annual General Meeting in each year.
- (5.1)** Any member who has not paid the annual registration fees required for renewal of their membership before December 1 in the year that they are due is subject to a fine in the amount of 25 % of the amount that is outstanding.
- (5.2)** The Registrar shall forward to the Council the name of any member who has not paid the annual registration fees required for renewal of membership by 90 days after the Annual General Meeting in the year that they are due, for consideration pursuant to s. 13 of the Act of suspension of the member's registration.
- (5.3)** The Registrar shall provide every member whose name is forwarded to Council under subsection 5.2 above with a minimum of two weeks written notice of the place, date and time at which the Council will consider the matter.

- (5.4) The Registrar may reinstate a registration that has been suspended pursuant to s.13 of the Act upon payment of the annual registration fees and fines imposed under subsection 5.1 above that remain outstanding.
- (6) Members who become registered or change their membership fee category in the Association within a fee year shall have their fees prorated on a quarterly basis.
- (7) Upon payment of the annual membership fee owing by a member, the Registrar shall issue to that member a certificate in the form approved by Council from time to time which states clearly the member's current membership category.
- (8) If for any reason any of the fee items in subsection (1) are not approved at an Annual General Meeting, then the fee amount that was until that time in effect automatically continues to be in effect.
- (9) If a member has not paid any monies owing to the Association within the time required, the Council may after inquiry, suspend the member's registration.
- (10) Upon payment of the amount owing by the member to the Association, the Registrar shall restore the member's registration.

Membership Categories

21. (1) There shall be the following categories of Membership in the Association:

- 1. General Private Practice ("GPP");
 - 2. Specialty Private Practice ("SPP");
 - 3. Public Practice ("PP");
 - 4. Non-Practicing Resident;
 - 5. Non-Practicing Non-Resident;
 - 6. Retired;
 - 7. Social;
 - 8. Life; and
 - 9. Honourary.
- (2) As soon as practicable upon a member being granted any of these categories of membership, the Registrar shall issue to the member a certificate in a form approved by Council.

- (3) Only those members holding current GPP, SPP and PP membership, including those who are also Life members, are deemed to be licensed and permitted to carry on the practice of veterinary medicine in accordance with these Bylaws.
- (4) Any Member who wishes to change their category of membership must apply to the Registrar in the form required from time to time.
- (5) The Council may approve from time to time, a protocol under which the Registrar may grant approval to changes in status for those applicants who satisfy the requirements therein.
- (6) The Council in its discretion must decide upon any applications for a change of membership status that cannot be granted by the Registrar.
- (7) Any Member who is granted a change in membership must immediately surrender the previous membership certificate to the Registrar.

Ceasing Practice

22. Should a licensed member cease to practice in the province of B.C., they shall immediately notify the Registrar of the fact and at the same time surrender to the Registrar their current annual certificate to practice.

Change of Address & Full Contact Information

- 22.1 Every member shall promptly notify the Association of any and every change in their name or any contact information and shall make reasonable efforts to do so before the same takes effect.
- 22.2 Without limiting the above, every member shall apprise the BCVMA of all practices at which the member on a regular basis practices veterinary medicine; this does not affect members hired for temporary locum positions.

Registration Requirements

23. (1) All applicants for registration under the Act, regardless of the membership category being applied for, must submit to the Registrar, the following as applicable:
 1. a properly completed application in the form required by the Registrar from time to time;

2. proof of identification acceptable to the Registrar;
3. all applicable application, examination and annual registration fees required by the Council from time to time;
4. either
 - i. a certified copy of proof of graduation from a veterinary college or university; or
 - ii. in the case of a current year graduate, a letter from the Dean or Dean's designate of the applicable veterinary college or university stating that the applicant will graduate in the current year, and in such case, the applicant must submit the proof of graduation forthwith upon receiving it;
5. a certified copy of the applicant's CQ, if applicable; and in the case of a current year graduate the applicant must submit the same forthwith upon receiving it;
6. except in the case of applicants who have graduated or obtained a CQ within the previous calendar year, proof of continuing education as required by the Registrar;
7. except in the case of applicants who have graduated or obtained a CQ within the previous calendar year, confirmation of clinical experience history;
8. the names and addresses of the applicant's employers over the previous 5 years;
9. the name and address of any and all licensing bodies in any jurisdiction other than B.C. where the applicant previously practiced in the profession;
10. confirmation of professional registration including disciplinary history from each previous jurisdiction; and in the case of jurisdictions within Canada, this shall be in the form of the Statement of Professional Standing required pursuant to the Agreement on Mobility;
11. at least two written references regarding the applicant's good character and conduct;
12. proof of proficiency in the English language as may be required by Council from time to time;
13. a passing score on the BCVMA Bylaw Examination;
14. a current passport style photograph; and
15. any other information and documentation relevant to the application as may be required by the Registrar or the Council from time to time.

- (2) The Council has the sole responsibility to decide in the case of each applicant, whether the applicant has satisfied the requirements of the Bylaws and on that basis is eligible for registration under the Act.
- (3) The Council will determine from time to time, which of the items in subsection (1) herein must be supplied by applicants who wish to become registered in a non-practicing category of membership.
- (4) In every case applicants for registration under the Act must satisfy Council that they possess the appropriate:
 - (a) conduct and character, and
 - (b) level of English proficiency;as required by the Act.
- (5) Applicants for registration under the Act at the discretion of the Council or the Registrar may be required to appear before the Council or the Registrar as the case may be for an interview.

National or Provincial Emergency

- 23.1 (1)** Notwithstanding the above, in the event of an emergency situation that has been confirmed by a federal or the B.C. provincial government body, the Council shall convene immediately and may grant registration under the Veterinarians Act to an applicant who is licensed in another jurisdiction that is a party to the International Animal Health Emergency Reserve Agreement to perform specific veterinary services solely for the special purpose of dealing with the emergency situation.
- (2) The Registrar may develop forms for confirming the appropriate information from the relevant federal or B.C. provincial government body including any necessary undertakings from the supervisor and from the applicant. If applicants are or have been licensed in another jurisdiction, the Registrar will require evidence of good standing in that jurisdiction for the purpose of issuing the consent.

General Private Practice

- 24. (1)** To be eligible for registration as a General Private Practice (“GPP”) member, an applicant must have, within the five years prior to the date of their complete application:
- (a) obtained a CQ from the CVMA; or

- (b) been registered in the GPP or an equivalent category of membership in a jurisdiction that is party to the Agreement on Mobility.
- (2) An applicant may also be eligible for registration as a General Private Practice member where more than five years prior to the date of their complete application:
 - (a) obtained a CQ from the CVMA; or
 - (b) been registered in the GPP or an equivalent category of membership in a jurisdiction that is party to the Agreement on Mobility;if they also have clinical experience to the satisfaction of the Council.
- (3) In every case, applicants for initial registration in, or a membership status change to, the General Private Practice category, must satisfy the requirements of section 23 and this section.

Specialty Private Practice

- 25. (1) The Council may grant registration as a Specialty Private Practice (“SPP”) member to an applicant who possesses diplomate status.
- (2) An applicant for admission as a Specialty Private Practice member, in addition to the applicable requirements of section 23 of the Bylaws, shall also submit to the Registrar:
 - i. a certified copy of proof of diplomate status; and
 - ii. a letter of undertaking to restrict the member’s practice to the member’s area of specialty and to maintain the member’s diplomate status in good standing.
- (3) The practice of veterinary medicine by a Specialty Private Practice member shall be restricted to the member’s area of specialty.

Certification of Diplomate Status

- 26. (1) The Council may direct the Registrar to certify on the Register that a member holds diplomate status.
- (2) The Registrar shall review applications of persons seeking certification under this section.
- (3) The Registrar may review the constitution and bylaws of any Board or College of which the applicant is a registered member.

- (4) The Registrar shall give a written report to Council containing a recommendation as to whether the applicant may be certified by the Council under this section.
- (5) To become and remain certified under this section, an applicant must:
 - i. be a registered General Private or Specialty Private or Public Practice member of the Association in good standing;
 - ii. hold diplomate status; and
 - iii. be and remain a member in good standing of the Board or College that granted the diplomate status.
- (6) When the Council has certified a member under this section, the Registrar shall forthwith duly note beside the member's name on the Register that the member is certified, the Board or College from which the member obtained the diplomate status, and the discipline, system, or species of specialty.
- (7) In the event that a member for any reason at any time no longer has diplomate status, the member shall forthwith notify the Registrar, and the certification granted under subsection (6) shall no longer be valid, and the Registrar shall forthwith duly note beside the member's name on the Register that the member is no longer so certified.

Public Practice Membership

27. (1) The Council may grant registration as a Public Practice member to an applicant who:
 - (a) Has one or more of the following:
 - a. current diplomate status;
 - b. obtained a CQ from the CVMA;
 - c. passed the BCVMA examinations before September 16, 1994;
 - d. prior to September 19, 1992, commenced employment within B.C. with an employer which the Council deems to be or be similar to a government or university;
 - e. previously held a license in a jurisdiction that is a party to the Mobility Agreement and is deemed by the Council to be equivalent to a General Private or Public Practice membership;
or
 - f. has a combination of experience and academic qualifications to the satisfaction of the Council;
- and

- (b) is currently, or imminently will be, practicing veterinary medicine within B.C. as a salaried employee of an employer contemplated in paragraph 27(2)(b) herein.
- (2) An applicant for admission as a Public Practice member shall submit to the Registrar, in addition to the applicable requirements in section 23 of the Bylaws:
 - (a) certified proof of diplomate status, if applicable;
 - (b) proof of employment by a government department, university or other institution acceptable to Council as similar to a government or university; and
 - (c) a letter of undertaking to restrict the member's practice to those activities which are reasonably required within the scope of the employment.
- (3) The practice of veterinary medicine by a Public Practice member shall be restricted to those activities which are reasonably required within the scope of the employment.

Non-Practicing Membership

- 28. (1) There shall be two Non-Practicing member categories; namely Resident and Non-Resident.
- (2) The Council may grant a Non-Practicing membership to any person who meets the requirements of Private Practice or Public Practice membership and who is not currently engaged in the practice of veterinary medicine in B.C.
- (3) Non-Practicing members shall be entitled to all Bulletins and correspondence sent to members and to attend all meetings and functions of the Association with the right to vote on affairs of the Association.

Retired Membership

- 29. (1) The Council shall, upon application, grant Retired Membership to any member who has been in good standing in the Association for twenty-five years and who has retired from the practice of veterinary medicine.
- (2) Retired members shall be entitled to all Bulletins and correspondence sent to members and to attend all meetings and functions of the Association with the right to vote on affairs of the Association.

- (3) There shall be no fee for a Retired membership.

Social Membership

30. (1) The Council may grant Social Membership to members of the Association or graduates of veterinary schools recognized by resolution of Council who have retired from the practice of veterinary medicine but who wish to maintain social contact with the Association.
- (2) Social members shall be entitled to all Bulletins and correspondence sent to members and to attend all meetings and functions of the Association, but not to the right to vote on affairs of the Association.

Life Membership

31. (1) Council may in its discretion, on nomination and with the approval of at least 75% of the members voting at the next annual general meeting, grant Life Membership to any member.
- (2) A Life Member may be retired or in active practice.
- (3) A Life Member must be at least 65 years of age and have had at least 25 years of continuous membership in the Association, in good standing, and have taken an active interest in the affairs of the Association.
- (4) A nomination for Life Membership must be made in writing by three members in good standing of the Association.
- (5) A nomination must be submitted in writing to the Council at least two months prior to an Annual General Meeting, outlining in full the reasons why the candidate should be considered for Life Membership.
- (6) Upon receiving a nomination, the Council must circulate the candidate's name among the membership at large at least 14 days prior to an annual general meeting.
- (7) Subject to subsection (9) herein, a Life Member shall have all of the privileges and obligations of a regular member of the Association; including, if the member is in active practice, the obligations of a member in the same category of active practice.
- (8) A Life Member shall be exempt from the payment of dues.

- (9) Upon being granted Life Membership, a person shall be provided by the Registrar with a certificate in the form approved by Council.

Honorary Membership

32. (1) Council may in its discretion, on nomination, grant Honorary Membership to any person.
- (2) Any member may in writing and with reasons propose a candidate for Honorary Membership.
- (3) Candidates must be persons prominent in an occupation or profession associated with veterinary medicine and who have contributed distinguished services or to the advancement to veterinary science or medicine.
- (4) No more than three such memberships may be granted in any one year.
- (5) An Honorary Member shall enjoy the privileges of the Association, except that of engaging in the practice of veterinary medicine, holding office, or voting on affairs of the Association.
- (6) Upon being granted Honorary Membership, a person shall be provided by the Registrar a certificate in the form approved by Council.

Continuing Education

33. (1) Every member, to remain in or change status to, the General Private, Specialty Private or Public Practice category of membership, must obtain a minimum of 15 credit hours per year or 30 credit hours over two years, of continuing education.
- (2) For the purpose of this section, 1 credit hour means:
- i. 1 hour of attendance in person at a veterinary lecture or wet lab;
or
 - ii. participation in the equivalent of 1 hour credit in distance learning through a veterinary distance learning program.
- (3) Each member must declare, upon annual renewal of registration, and in the form required by the Registrar, of the number of credit hours of continuing education attained in the preceding year.

- (4) For the purposes of this section, a year is from October 1 to September 30.
- (5) Each member must provide verification in the form of documentary proof of their attendance at or completion of specific courses and of the credit hours attained if requested to do so and in the form required, by the Registrar.

Board of Examiners

- 34. (1) The Council shall appoint no less than five members of the Association to constitute the Board of Examiners of the Association (the “Board”).
- (2) The Board shall elect its own Chair.
- (3) The Board shall notify the Registrar immediately in the event that a new Chair is elected.
- (4) A resignation by a member of the Board or from the position of Chair of the Board must be made in writing to the Registrar and is effective as of the date it is received by the Registrar or the date specified in the letter, whichever is later.
- (5) The Board may appoint up to three members of the Association, or another veterinary regulatory body or veterinary college in Canada, and one lay member with expertise in adult education, ethics, or moral education to act as advisors to the Board.

Examinations

- 35. (1) The Board of Examiners (“Board”) shall create examinations to be administered to all applicants for registration under the Act.
- (2) Examinations may be written or oral or both.
- (3) The Board or its Chair may consult with the Registrar on any matter within its mandate.
- (4) The Board shall review all examination questions to ensure that the questions are appropriate and fair, and further shall mark all examinations.

- (5) The Registrar must arrange the time and place of examinations, supervise the examination procedure and deliver the completed examination papers, identified by number only, to the Chair of the Board.
- (6) The Board shall in its discretion from time to time determine the passing grade on the examinations.
- (7) The Board may meet to determine to its satisfaction whether the marks assigned to any applicant's examination are fair.
- (8) The Board is subject to the rule of the majority, and the Chair shall be permitted to cast a vote in all cases.

Board of Examiners Report

36. (1) The Board of Examiners' report to the Registrar shall be in writing and prepared and delivered by the Chair or another Board of Examiners member as delegated by the Chair.
- (2) The Registrar shall present the report to the Council at its next regularly scheduled meeting.

Practice Registration and Name

37. (1) The Registrar shall keep a file or Registry of all veterinary practices and practice facilities.
- (2) Every practice must constitute one of the following; a:
 1. Centre;
 2. Hospital;
 3. Clinic;
 4. Locum;
 5. Office;
 6. Service;
 7. Mobile; or
 8. Emergency.
- (2.1) For greater certainty, a 'consulting' practice must be a mobile or service practice for the purpose of practice accreditation pursuant to these Bylaws.

- (3) The terms set out in subsection (2) herein are defined terms under section 1 of these Bylaws.
- (4) *[Repealed]*
- (5) The type, location, phone number and, except for locum practices the designated member of every practice must be reported to the Registrar prior to the opening of the practice.
- (6) A member or members may employ a name for their practice of veterinary medicine.
- (7) A facility or practice shall not have more than one name, unless the second name identifies the practice as a certified diplomate's practice or an emergency practice.
- (8) A member wishing to take or use a name for a facility or a practice of veterinary medicine shall submit the name to the Council for prior approval in accordance with the Bylaws.
- (8.1) Subsection (8) does not apply to locum practices or practitioners.
- (9) No member shall use a practice or practice facility name that is contrary to any provision of the Code.

37.1 Designated Member

- (1) Every practice facility must appoint a designated member, and advise the Registrar's office thereof, who will be responsible and accountable to the BCVMA for the compliance by the practice, including all persons involved in the delivery of veterinary services at or from the premises, with all relevant provisions of the Act and Association's subordinate legislation.
- (2) No member shall carry on the practice of veterinary medicine from a facility that does not have a designated member appointed in accordance with this Bylaw.
- (3) The Registrar must be notified in writing immediately upon the appointment of a new designated member.
- (4) A designated member of a facility must be a practicing member at the facility of which he or she is the designated member.

- (5) Subject to subsection (6) a member of the Association may be a designated member of a facility, if the member is registered as a General Private Practice or Specialty Private Practice member in the Association, and is in good standing.
- (6) Despite meeting the requirements in subsection (5), a member is not eligible to be, or immediately ceases to be, the designated member of a facility if the member
 - (a) ceases to be a member in good standing of the Association,
 - (b) resigns by written notice delivered to the Registrar, or
 - (c) is or becomes mentally incompetent.

Practice Facility Accreditation and Inspection

38. (1) Every practice facility must be inspected for the purpose of accreditation in accordance with the practice standards before they provide veterinary services, or within such time as the Council may from time to time prescribe.
 - (1.1) For the purposes of sections 37 to 41 'inspection' includes a self assessment process should the same be adopted by the PAC at any time.
- (2) Every practice facility shall be subject to unscheduled and regularly scheduled inspections to determine whether the facility is in compliance with the practice standards.
- (3) Regular inspection of a facility shall not occur more than once every 12 months.
- (4) A practice facility that is determined upon inspection to be in compliance with the practice standards shall be granted accreditation or renewed accreditation as the case may be.
- (5) The Registrar shall forthwith issue a certificate of accreditation to the Designated Member of a practice facility that is granted accreditation.
- (6) The Certificate of Accreditation shall indicate the scope and level of service, if applicable, for which the practice facility is accredited.
- (7) Every facility's Certificate of Accreditation shall be posted in a conspicuous place.

Practice Accreditation Committee

- 39. (1)** The Council shall appoint a Practice Accreditation Committee (“PAC”) of five to seven members of the Association.
- (2)** The PAC shall appoint a Chair from among its members.
- (3)** The Chair of the PAC shall be entitled to vote on all PAC matters.
- (4)** A majority of members of the PAC shall constitute a quorum.
- (5)** The PAC in consultation with the Registrar shall among other things have the duty to:
- (a)** develop protocols, forms and standards for the inspection of facilities;
 - (b)** superintend the inspection of facilities;
 - (c)** propose, in consultation with the Registrar, amendments to any statutory or other provisions including rules of the Association relating to facility standards; and
 - (d)** manage a database with respect to registered practices and the Practice Accreditation process.
- (6)** The PAC may, on the basis of the report of a Practice Inspector, decide whether:
- (a)** to grant practice accreditation with or without limitations;
 - (b)** to refer any case of any practice’s failure to comply with any obligations regarding practice standards or accreditation to the complaint process of the Association; and
 - (c)** to cancel a practice’s accreditation.
- (7)** The PAC shall not grant or continue accreditation of any facility where the PAC reasonably believes that such action may put the public or animals at risk of harm.
- (8)** A member may appeal a decision made by PAC and request that the committee review their initial decision.

Practice Inspectors

- 40. (1)** The PAC in consultation with the Registrar shall appoint one or more Practice Inspectors to carry out inspections contemplated under s.38.

- (1.1) Notwithstanding anything in sections 37 to 41, the PAC or a member of the PAC may when deemed necessary by the PAC, carry out any of the functions of a practice inspector.
- (2) The Practice Inspector shall have the duty, among others, to:
- (a) conduct practice inspections for the purpose of evaluating and recommending to the PAC whether any practice:
 - i. should be granted accreditation with or without limitation;
 - ii. that has previously been accredited is or is not in compliance with the practice standards;
 - iii. should have its accreditation cancelled for reason of noncompliance with the practice standards;
 - iv. will be given an amount of time to be specified by the Practice Inspector to remedy any deficiencies in its compliance with the practice standards; and
 - v. should have its accreditation continued with limitations.
 - (b) assist any Complaint Officer in investigating and prosecuting possible noncompliance with the practice facility and practice standards;
 - (c) report to the Registrar and the PAC as required; and
 - (d) perform any other activities reasonably related to the Practice Accreditation and Practice Inspection processes.
- (3) Without limiting the foregoing, the Practice Inspector may:
- (a) enter any practice during regular business hours for the purpose of conducting an inspection;
 - (b) inspect, examine, take copies of or photograph any item within a practice that is related to the provision of veterinary medical services; and
 - (c) communicate in private with any member or staff within a practice during the course and for the purposes of the inspection.
- (4) The Designated Member, other members and their staff shall fully cooperate with and respond to all reasonable requests of the Practice Inspector.

Cancellation of Accreditation

41. (1) A practice accreditation shall be subject to cancellation where:
- (a) the Practice Inspector has recommended the cancellation on the ground of non-compliance with practice standards;

- (b) the practice has moved to a different premises;
 - (c) the practice has failed to allow or properly facilitate an inspection;
 - (d) the practice has failed to remedy the deficiencies identified through inspection within the time specified by the Practice Accreditation Committee; or
 - (e) the practice has undergone major structural or equipment changes.
- (2) The Registrar shall notify in writing, the Designated Member of any facility whose accreditation has been cancelled.
- (3) The Designated Member of any facility whose accreditation has been cancelled shall immediately upon notification thereof, surrender the accreditation certificate to the Registrar.
- (4) No member shall conduct the practice of veterinary medicine from a facility whose accreditation has been cancelled.

Complaints

42. (1) For the purposes of this section:
- (a) “misconduct” includes professional misconduct and unprofessional conduct; and
 - (b) “member” includes a former member and a suspended member.
- (2) Any person may make a complaint to the Association that a member has engaged or will engage in misconduct.
- (3) Without limiting anything above, misconduct includes:
- (a) the failure to bring an adequate level of skill and knowledge to the practice of veterinary medicine;
 - (b) the lack of capability, fitness, or mental condition to practice veterinary medicine, including a lack of capability, fitness or mental condition that results from an addiction to or use of a drug, alcohol or other substance that impairs the member’s ability to practice veterinary medicine;
 - (c) the commission of any offence at law relevant to the fitness to practice veterinary medicine;
 - (d) the violation of the Act, Bylaws including the Code of Ethics, and any Practice Standards and Practice Facility Standards, or any other rules of the Association; and

- (e) the obtaining of membership by fraud or misrepresentation.
- (4) A complaint about a member must be made to the Registrar in writing.
- (5) Subject to section 43, the Registrar must consider every complaint received about a member under this section.
- (6) Any information received from any source that indicates that a member has engaged or may engage in misconduct must be treated as a complaint.
- (7) The Registrar may appoint one or more Complaint Officers to deal with complaints.
- (8) The Registrar may delegate tasks relating to the receipt, termination, investigation, dismissal and resolution of complaints.

Investigation Declined

43. (1) The Registrar shall decline to investigate any matter that:
- (a) does not raise a matter of misconduct;
 - (b) does not allege any facts that if proven could constitute misconduct;
 - (c) is otherwise not within the regulatory jurisdiction of the Association; or
 - (d) is vexatious, frivolous, made in bad faith or otherwise an abuse of process.
- (2) The Registrar may decline to investigate any complaint that is not received in writing.

Investigation Terminated

44. (1) Where after investigation of a matter it appears that the complaint:
- (a) cannot be substantiated;
 - (b) does not disclose conduct serious enough to warrant further action or intervention of the Association; or
 - (c) the complaint is vexatious, frivolous, made in bad faith or otherwise an abuse of process;
- the Registrar shall decline to investigate the matter further and shall take no further action.

- (2) The Registrar may take no further action on a complaint if the Registrar is satisfied that the matter giving rise to the complaint has been resolved.

Notification

45. (1) In every case of a decision under section 43 or section 44, the Registrar shall advise the member and the complainant in writing.
- (2) Further, in every case of a decision under subsection 44(1), the notice thereof to the member and the complainant must include:
 - (a) the reason for the decision; and
 - (b) instructions on the right, and how to apply, for a review of the decision.

Complaint Investigation

46. (1) The Registrar may conduct an investigation to the extent and by whatever means are appropriate and reasonably relevant to the investigation and without limiting anything above may:
 - (a) require any member to submit original medical records and other materials and documents;
 - (b) attend at a facility during reasonable business hours to inspect the facility or to obtain original medical records and other materials and documents;
 - (c) conduct interviews of any person to obtain information;
 - (d) seek the opinion of legal and other advisors; and
 - (e) retain the services of private investigators.
- (2) The Registrar must deliver a copy, or where appropriate a summary, of the complaint to the member.
- (3) Despite subsection (2), if the Registrar considers it necessary for the effective investigation of a complaint, the Registrar may delay notification to the member.
- (4) When acting under subsection (2), the Registrar may decline to identify the complainant or the source of the complaint.
- (5) The Registrar may require the member who is the subject of the investigation to respond to the substance of the complaint.

Conduct Review Committee

47. (1) The Council shall appoint a Conduct Review Committee of between seven and nine persons who are members of the Association, one of whom shall be appointed as the Chairman.
- (2) Members of the Conduct Review Committee shall hold office at the pleasure of the Council.
- (3) Four members of the Conduct Review Committee shall constitute a quorum.

Review by Conduct Review Committee

48. (1) A complainant may request that the Conduct Review Committee review a decision made under subsection 44(1).
- (2) A request for review by the Conduct Review Committee must be made in writing to the Registrar within 30 days of the date of the decision.
- (3) In such case the Registrar shall forthwith and in writing notify the member of the request for review.

Further Action after Investigation

49. (1) If after investigation a decision has not been made under section 43 or 44 and it appears that the matter may warrant an inquiry under subsection 15(1) of the Act, the Registrar shall refer the complaint including a report of the results of the investigation, with or without recommendations, to the Conduct Review Committee.
- (2) In such case, a copy of the report shall be delivered to the member at least fourteen days prior to it being considered by the Conduct Review Committee.
- (3) The member may make written representations to the Conduct Review Committee in response to the report.
- (4) Members may request to appear before the Conduct Review Committee in person, and it is a matter for the Committee to decide upon in its discretion.

Decision of the Conduct Review Committee

- 50. (1)** The Conduct Review Committee may in respect of any matter that comes before it for consideration:
- (a)** dismiss the matter;
 - (b)** approve a consent resolution of the matter;
 - (c)** refer the matter back to the Registrar for further investigation or clarification;
 - (d)** on request by the member permit the member to appear before it for the purpose of making submissions;
 - (e)** request that the Council direct an inquiry and hearing under subsection 15(1) of the Act;
 - (f)** request that the Council direct an investigation under subsection 15(2) of the Act;
 - (g)** request that the Council direct an examination under subsection 15(5) of the Act;
 - (h)** approve a request by the Registrar for a stay or withdrawal of inquiry and hearing of the matter; or
 - (i)** take an action under section 51 of the Bylaws.
- (2)** The Registrar shall notify the complainant and member of any decision by the Conduct Review Committee.

Advice

- 51. (1)** The Conduct Review Committee may provide advice, or direct a Complaint Officer or the Registrar to provide advice, to the member whose conduct was considered by the Committee.
- (2)** For the purpose of giving advice, the Conduct Review Committee may request that the member whose conduct was considered by the Committee meet with the Committee or any of its members.

Stay or Withdrawal of Complaint

- 52. (1)** The Registrar may at any time request that the Conduct Review Committee stay an inquiry or hearing of a matter.

- (2) The Conduct Review Committee on request by the Registrar may stay an inquiry or hearing of a matter at any time.

Notice of Inquiry

53. (1) The Registrar shall cause the service of notices of hearing required by subsection 21(1) of the Act.
 - (2) The Registrar shall provide reasonable notice to the member of subsequent meetings of the Inquiry Committee.

Inquiry and Hearing

54. (1) The Registrar shall be responsible for the drafting and presentation of the grounds of complaint against the member on inquiry.
 - (2) During an inquiry, the Registrar may conduct further investigations into the matter.
 - (3) Unless it otherwise directs, the Inquiry Committee shall conduct its hearings and deliberate its findings in camera.

Inquiry Committee Report

55. (1) The Inquiry Committee shall make its decision under subsection 17(1) of the Act as soon as practicable after the close of its hearing(s) into the matter.
 - (2) The Inquiry Committee shall report its findings to the Council in writing at least fourteen days prior to the meeting at which the report will be considered by the Council.
 - (3) The Registrar shall deliver a copy of the Inquiry Committee report to the member and the complainant if any, together with notice of the date, time and place that the report is to be considered by the Council, at least seven days prior to the said date.

Council Decision

56. (1) The Registrar and the member may make submissions to the Council respecting the findings of the Inquiry Committee, sanctions, remedial actions and costs.

- (2) The Council shall make its decision under subsection 17(2) of the Act on the basis of the report of the Inquiry Committee and any submissions made to it respecting the matter.
- (3) The Council in making its decision under subsection 17(2), may:
 - (a) accept the findings of the Inquiry Committee;
 - (b) if in its opinion the Inquiry Committee has committed a significant procedural, factual or legal error, direct a new inquiry or hearing; or
 - (c) if in its opinion there is new evidence that was not reasonably available earlier and could reasonably be expected to affect the outcome of the case, require the Inquiry Committee to reopen the matter and hold a further hearing.
- (4) The Council may dismiss the case, or determine that the member:
 - (a) has engaged in misconduct;
 - (b) is incapable or unfit to practice veterinary medicine overall or in a particular area of veterinary medicine;
 - (c) is otherwise in violation of the Act or rules; or
 - (d) obtained membership by fraud or misrepresentation.
- (5) All proceedings before the Council shall be conducted in camera unless otherwise directed by the Council.

Sanctions

- 57. (1)** The Council may do any of the following as it considers appropriate:
- (a) order the member to pay the costs of the inquiry;
 - (b) issue a warning to the member;
 - (c) issue an admonishment or a reprimand to the member;
 - (d) order the member to pay a fine to the Association;
 - (e) suspend the member from practice for a period of time;
 - (f) restrict the member's practice, for a period of time or subject to conditions; or
 - (g) revoke the member's membership and direct that their name be erased from the Register.

- (2) The Council shall forthwith deliver notice of its decision under subsection (1) to the member.

Alternate Complaint Resolution

58. (1) Notwithstanding anything above, the Registrar may at any time, resolve a complaint through informal means including the alternate complaint resolution process under this section.
- (2) A matter may at any time be resolved by consent between the Registrar and the member.
- (3) In such case, the Registrar or the member may consult with the complainant or other persons whose participation might facilitate a consent resolution.
- (4) A consent resolution shall not become effective until the Conduct Review Committee has approved it.
- (5) The Conduct Review Committee may withhold its approval if it concludes that the consent resolution is unreasonable or unfair, having regard to the interests of the public, the profession, the member or the complainant.
- (6) If the Conduct Review Committee refuses to approve a consent resolution, it must provide reasons to the member and to the Registrar.
- (7) The terms of a consent resolution shall be confirmed in a written agreement that is signed by the Registrar on behalf of the Association and by the member.
- (8) If the Conduct Review Committee approves a consent resolution, the Chair of the Committee shall sign it.
- (9) A consent resolution may include any one or more of the following:
 - (a) admissions of specific facts and violations by the member;
 - (b) undertakings by the member to refrain from practice, restrict the scope of practice, take remedial action or pay fines or costs;
 - (c) provisions concerning publication or disclosure of the consent resolution;
 - (d) any other provision, not inconsistent with the Act or rules, that resolves the matter.

- (10) Negotiations toward a consent resolution shall be on a voluntary basis, and the member or the Registrar may withdraw from the negotiations at any time.
- (11) If the negotiations toward a consent resolution do not succeed and the matter proceeds to an inquiry under the Act, the member may not raise a defense of delay caused by the same negotiations.
- (12) If agreed between the Registrar and the member, consent resolution negotiations may be on a without prejudice basis such that any admissions or statements made by a party during the negotiations may not be given in evidence at a subsequent inquiry into the matter.
- (13) A member will not be expected to pay more than one-half of the expenses relating to the consent resolution of a matter.

Compliance

- 59. (1) The Registrar shall monitor compliance with any sanctions, remedial actions and costs imposed by a consent resolution or by Council.
- (2) All fines and costs imposed upon a member whether by order of Council or a consent resolution shall be paid to the Association within 30 days of the date of the order or the consent resolution unless otherwise provided therein.
- (3) For the purposes of this section the date of a consent resolution is the date on which it is approved by the CRC.
- (4) The Registrar may extend the time for payment of fines or costs, or for the taking of remedial actions, by up to 30 days. Only the Council may grant any longer extension.
- (5) Upon the direction of the Council, a member who fails to pay fines or costs or take remedial actions within the time limited for doing so, shall be suspended from membership.
- (6) A person shall not while suspended engage in any activity that could constitute the practice of veterinary medicine.
- (7) A membership that has been suspended for non-payment of fines or costs shall be reinstated upon payment of the amount due plus an additional 25% of the said amount.

- (8) A membership that has been suspended for failure to take remedial measures shall be reinstated upon completion of the same to the satisfaction of the Council.

Confidentiality

60. (1) No person is permitted to disclose any information or records that form part of the Registrar's investigation of a complaint or the Conduct Review Committee's review of it except for the purpose of complying with the objectives of the Act, the Bylaws or the Rules.
- (2) As an exception to subsection (1), the Registrar may disclose the existence of a complaint, its subject matter and its status:
- (a) If the identity of the veterinarian has already been disclosed to the public,
 - (b) If the complaint has become generally known to the public,
 - (c) otherwise in accordance with the Rules of the Association regarding the confidentiality and disclosure of regulatory information, or
 - (d) pursuant to the B.C. Freedom of Information and Protection of Privacy Act.
- (3) A member who, as required or contemplated by the Act and the Rules, provides the Association with any information, files or records that are confidential, does not by doing so breach any duty or obligation of confidentiality or nondisclosure, either to the Association or to the relevant client.
- (4) A person, including a member, who in the course of carrying out duties, including an investigation, audit, inquiry or hearing under the Act or Rules, acquires any confidential information, must not disclose that information to any person except for a reasonably related purpose that is contemplated by this Act or the Rules or otherwise as required by law.
- (5) Any person who in any manner for any reason under the Act and the Rules acquires confidential information has the same obligations respecting the confidentiality of that information as the Association.
