



**By-Law No. 1**  
**of the**  
**MANITOBA VETERINARY MEDICAL ASSOCIATION**

**APPROVED FEBRUARY 4, 2022**

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**General By-Law No. 1<sup>1</sup>**  
**of the**  
**MANITOBA VETERINARY MEDICAL ASSOCIATION**

The Manitoba Veterinary Medical Association enacts the following by-law:

**Part 1**  
**Interpretation**

**Meaning in Act applies**

**1-1** Unless the context otherwise requires, the meaning given to the words in *The Veterinary Medical Act* as amended from time to time applies, including, without limiting the generality of the foregoing,

**“Association”**, which means the Manitoba Veterinary Medical Association;

**“Council”**, which means the council of the association;

**“licence”**, which means an annual licence to practise veterinary medicine issued under section 15 of the Act;

**“licensed member”**, which means a member who holds a licence;

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<sup>1</sup>Passed by MVMA Council – January 9, 2017

Enacted with amendments by MVMA membership – February 3, 2017

Brought into force (excepting Part 3) – April 6, 2017

Part 3 of General By-law No.1 brought into force – July 1, 2017

Amendments to 2-7-3 and 2-8-5 enacted by MVMA membership – July 6, 2017

Amendments to 2-9-4 (a)(b);2-9-5; 2-9-10; 2-9-11; 2-12-5; and 2-12-10 enacted by membership February 2, 2018

Amendments to 4-1-1 and 4-1-2 enacted by membership February 1, 2019

New by-law 4-6-12 enacted by MVMA membership – May 29, 2019

Amendment to 2-8-4, 2-8-12, 2-9-4 and 2-9-8 enacted by MVMA membership – February 7, 2020

Amendment to 2-5-15 enacted by MVMA membership - February 5, 2021

Amendment and new by-laws at sections 2-3-1, 2-3-4, 2-3-5, 2-3-6, 2-5-12, 2-5-13,2-9-4,2-9-10, 2-9-11, 4-5-3, 4-6-9, 4-6-10, 4-6-11, 4-6-16, 4-6-17, 4-6-18, 4-6-19, 4-6-20, 4-6-21,4-6-22,4-6-23,4-6-24,4-6-25,4-8-1 enacted by MVMA membership - February 4, 2022

**“member”**, which means an individual who holds a certificate of registration under the Act; and,

**“peer review committee”**, which means the committee established by s. 18 of the Act.

## Definitions

1-2 In this by-law,

**“Act”** means *The Veterinary Medical Act, CCSM, V30*;

**“AVMA”** means the American Veterinary Medical Association;

**“CVMA”** means the Canadian Veterinary Medical Association;

**“Direct supervision”** means the direction by a licensed member of another individual who is performing a veterinary medical procedure, where the licensed member is on the premises at which the procedure is being performed;

**“Executive Director”** means the employee of the association hired to fulfil the duties and functions of an executive director;

**“Inactive member”** means an individual whose certificate of registration is suspended or cancelled, or within the past two (2) years has not renewed under the Act;

**“Indirect supervision”** means the direction by a licensed member of another individual who is performing a veterinary medical procedure, where the licensed member need not be on the premises at which the procedure is being performed but must be at least available to receive and respond to any communications from that individual in a manner and with timeliness that are reasonable given the nature and the circumstances of the procedure;

**“Non-Practicing Veterinarian Member”** means an individual whose name is entered in the register pursuant to s. 9(1) of the Act but who does not hold a licence to practice veterinary medicine in Manitoba;

**“Non-Practicing Veterinary Technologist Member”** means an individual who is registered under s. 17 of the Act but who does not engage in the practice of veterinary medicine in Manitoba;

**“Practicing Veterinarian Member”** means an individual whose name is entered in the register pursuant to s. 9(1) of the Act and who currently holds a licence to practice veterinary medicine in Manitoba pursuant to the Act, whether or not that licence is restricted;

**“Practicing Veterinary Technologist Member”** means an individual who is registered under s. 17 of the Act and currently engages in the practice of veterinary medicine within the scope of practice that the Act and this by-law permits;

**“President”** means the licensed member elected to the council and appointed by the council pursuant to s. 6(3) of the Act;

**“Registrar”** means the person appointed pursuant to s. 9(2) of the Act;

**“Student Veterinarian Member”** means an individual whose name is entered as a student veterinarian member in the register pursuant to s. 9(1) of the Act;

**“Student Veterinary Technologist Member”** means an individual whose name is entered as a student veterinary technologist member in the register pursuant to s. 9(1) of the Act;

**“Treasurer”** means the council member elected as the treasurer of the association; and,

**“Vice-President”** means the licensed member elected to the council acclaimed or elected to that position pursuant to the provisions of this by-law.

## **Part 2**

### **The Association Division 1 – Council**

#### **Governing body**

**2-1-1** The governing body of the association is the council.

#### **Powers, duties, and functions of council**

**2-1-2** By-laws passed by the council must be in accordance with s. 7 of the Act, and the duties and functions of the council are those set out in s. 8 of the Act.

#### **Composition of council**

**2-1-3** Pursuant to s. 6(2) of the Act, the council is to consist of

- (a) at least six (6) licensed members, one (1) of whom is to be the president of the council;
- (b) the immediate past president;
- (c) at least two (2) members who are registered under s. 17 of the Act; and,
- (d) two (2) public representatives.

### **Division 2 – Election of council members**

#### **Council members to be elected**

**2-2-1** Other than the immediate past president and the two (2) public representatives, the council members are to be elected in accordance with the provisions set out in this by-law.

#### **Term of office for licensed members**

**2-2-2** A licensed member other than the immediate past president is to be elected or acclaimed to the council for a term of three (3) years or until his or her successor is elected or, in the event of a vacancy, appointed. Where such a member has been elected, the licensed member takes office immediately after the adjournment of the annual general meeting that next follows after the licensed member's election. Where such a member has been appointed to fill a vacancy, the licensed member takes office immediately upon having been appointed.

**Term of office for members who are registered under s. 17**

**2-2-3** A member who is registered under s. 17 of the Act is to be elected or acclaimed to the council for a term of two (2) years or until his or her successor is elected or, in the event of a vacancy, appointed. Where such a member has been elected, the member takes office immediately after the adjournment of the annual general meeting that next follows after the member's election. Where such a member has been appointed to fill a vacancy, the member takes office immediately upon having been appointed.

**Election day**

**2-2-4** Where the term of one (1) or more elected council members is to expire within 365 days or where one (1) or more elected council positions are vacant and council has not filled that vacancy for whatever reason within ninety (90) days after the position(s) have become vacant, an election to fill such an office must be held at least sixty (60) days before the next annual meeting.

**Qualifications of candidates for election as a council member who is a licensed member**

**2-2-5** To be eligible to be a candidate for election as a council member who is a licensed member, the candidate must:

- (a) be a licensed member of the association and be eligible to vote in the election during which the member's name will stand;
- (b) be nominated for election, in accordance with the provisions of this by-law;
- (c) not be a council member who is currently serving his or her second consecutive term;
- (d) not be a former council member who had served two (2) consecutive terms, the most recent of which ending within any of the previous five (5) calendar years; and,
- (e) not have served as the President within any of the previous six (6) calendar years.

**Qualifications of candidates for election as a council member who is registered under s. 17**

**2-2-6** To be eligible to be a candidate for election as a council member who is registered under s. 17 of the Act, the candidate must:

- (a) be a member of the association who is registered under s. 17 of the Act and be eligible to vote in the election during which the member's name will stand;
- (b) be nominated for election, in accordance with the provisions of this by-law;
- (c) not be a council member who is currently serving his or her third consecutive term; and,
- (d) not be a former council member who had served three (3) consecutive terms, the most recent of which ending within any of the previous five (5) calendar years.

**Part year counts as a year**

**2-2-7** For the purpose of calculating the length of terms or any limitations upon the number of terms that a member may serve, part of a year of service counts as a full year of service.

**Nominations of candidates for election as a council member who is a licensed member**

**2-2-8** The nomination of a candidate for election as a council member who is a licensed member is valid only if:

- (a) a licensed member or a member registered under s. 17 of the Act makes the nomination in writing and names only one (1) candidate;
- (b) the nominee consents in writing to the nomination; and,
- (c) the nomination and consent are received by the Executive Director at least ninety (90) days before the next annual meeting.



**Nominations of candidates for election as a council member who is registered under section 17**

**2-2-9** The nomination of a candidate for election as a council member who registered under s. 17 of the Act is valid only if:

- (a) a licensed member or a member registered under s. 17 of the Act makes the nomination in writing and names only one (1) candidate;
- (b) the nominee consents in writing to the nomination; and,
- (c) the nomination and consent are received by the Executive Director at least ninety (90) days before the next annual meeting.

**Nomination form**

**2-2-10** The nomination of a candidate for election as a council member and the candidate's consent must be contained in the nomination form provided by the association.

**Nominating enough candidates**

**2-2-11** The council may strike a nominating committee comprised of at least one (1) licensed member, one (1) member of the association who is registered under s. 17 of the Act, and one (1) of the public representative council members. The purpose of the committee is to identify and encourage potential candidates for election to the council.

**Decisions as to eligibility, validity of nominations, and votes**

**2-2-12** The Vice-President must decide questions about the eligibility of any candidate for election as a council member, the validity of any nomination, and the validity of any vote cast in the election.

**Acclamation**

**2-2-13** If the number of candidates nominated does not exceed the number to be elected in any category of council membership, the Vice-President must declare that those nominated are elected as council members for that category of council membership.

**Entitlement to vote in elections**

**2-2-14** Only Practicing Veterinarian Members and Practicing Veterinary Technologist Members are entitled to vote, provided that the names of such members appear on the voting list on election day. Both such Practicing Veterinarian Members and Practicing Veterinary Technologist Members are entitled to vote for candidates for election as council members who are licensed members and for those candidates for election as council members who are registered under s. 17 of the Act.

**Voters list**

**2-2-15** At least ninety (90) days before the next annual meeting, the Executive Director must prepare an alphabetical list of voters. Any member of the association may examine the list at the office of the association during normal office hours.

**Voting procedures**

**2-2-16** The council may authorize the Executive Director to

- (a) establish the procedures by which election materials are prepared and circulated and which members may vote; and,
- (b) use electronic processes, including the internet, for the circulation of election notices, forms, ballots, documentation, and other material.

**Notice of election**

**2-2-17** At least one hundred and twenty (120) days before the next annual meeting, the Executive Director must circulate written notice of the election and a nomination form to each member of the association whose name appears on the voting list.

**Circulation of voting papers**

**2-2-18** At least fourteen (14) days before the election day, the Executive Director must circulate to each member of the association whose name appears on the voting list:

- (a) a ballot that the names, in alphabetical order, all candidates in one (1) list who are licensed members and who have been nominated for election, and all candidates in a separate list who are registered under s. 17 of the Act and who have been nominated for election;
- (b) voting instructions;
- (c) biographical information received from the candidates whose names appear on the provided ballot; and,
- (d) such other materials as may be required.

**Replacement of voting papers**

**2-2-19** The Executive Director or any employee of the association whom the Executive Director so designates may issue a replacement set of voting papers where a voting member states in writing that the member did not receive the voting papers or has misplaced or spoiled the voting papers.

**Secret ballot**

**2-2-20** The Executive Director must ensure that all methods of voting preserve the anonymity of the voters and the secrecy of their vote.

**Voting for candidates**

**2-2-21** For ballots to be valid, the voters must

- (a) cast their ballots in accordance with the instructions and procedures established by the Executive Director; and,
- (b) not vote for more candidates than the number of council members to be elected and for which the voters are eligible to vote.

**Rejection of ballots**

**2-2-22** A ballot that is not cast in accordance with the instructions circulated by the Executive Director or is not received before election day is invalid.

**Election officials**

**2-2-23** Before each election, the council must appoint

- (a) two (2) persons to act as scrutineers at the election; and,
- (b) a person to act as deputy for the Vice-President in case the Vice-President is unable to act.

**Right to be present**

**2-2-24** Any person entitled to vote in the election is entitled to be present at any place where paper ballots are counted.

**Procedure on equality of votes**

**2-2-25** If there is an equality of votes for two (2) or more candidates in any election, the name of each such candidate must be written on a separate piece of paper and placed in a suitable receptacle. The Vice-President, in the presence of a scrutineer, must then draw at random a number of papers equal to the number of council members in that category of membership still to be elected, and the candidate (or candidates) named in the drawn paper (or papers) must be declared elected.

**Declaration of candidates elected**

**2-2-26** The Vice-President must declare elected the candidates who receive the greatest number of votes, up to the number of council members to be elected in each category of membership, and certify their election to the President. The President must report the results to the membership at the next annual meeting of the Association.

**Retention of documents**

**2-2-27** All ballots cast in the election and other election documents must be retained until at least sixty (60) days after the conclusion of the annual meeting at which the membership ratifies the election results.

**Effect of failure to comply with Act and rules**

**2-2-28** Any accidental failure on the part of the President, the Vice-President, or the Executive Director to comply with any provision of the Act, this by-law, or the procedures established by the Executive Director does not invalidate an election.

### **Division 3 – Vacancies and removal of council members**

#### **2-3-1 Removal of council member**

Where any elected council member, any council member appointed to fill an elected council member's vacancy, or the immediate past president

- (a) is found guilty of professional misconduct or conduct unbecoming a member, pursuant to s. 40 of the Act, or any other finding set out in s. 40 of the Act;
- (b) is issued a formal caution pursuant to s. 23(1)(c) of the Act;
- (c) voluntarily surrenders the member's certificate of registration or licence pursuant to s. 23(1)(e) of the Act;
- (d) is convicted of an offence punishable by more than six (6) months imprisonment or is sentenced to a term of imprisonment, whether conditional or otherwise;
- (e) has his or her registration or licence suspended pursuant to s. 21.1 or 29(1) of the Act; or,
- (f) is found by a court to be of unsound mind,

he or she then ceases to be a council member.

#### **Obligation of council member entering into an agreement under s. 23(1)(d) of the Act**

**2-3-2** Where any elected council member, any council member appointed to fill an elected council member's vacancy, or the immediate past president enters into an agreement with the Complaints Committee pursuant to s. 23(1)(d) of the Act, that member must, within 30 days after having entered into such an agreement, either resign his or her membership in the council, or must inform the President that he or she has entered into such an agreement. Where the council member also is the President, the council member must inform the Vice-President that he or she has entered into an agreement pursuant to s. 23(1)(d) of the Act. Where the council member fails, within 30 days after having entered into such an agreement, either to resign his or her membership in the council or to inform the President or the Vice-President, as the case may be, that he or she has entered into an agreement pursuant to s. 23(1)(d) of the Act, the Registrar shall inform the President or the Vice-President, as the case may be, of that fact.

**Council to vote on removal of council member who has entered into an agreement under s. 23(1)(d) of the Act**

**2-3-3** Where, in accordance with s. 2-3-2 of this by-law, a member or the Registrar informs the President or Vice-President, as the case may be, that the member has entered into an agreement pursuant to s. 23(1)(d) of the Act, the council shall, as reasonably soon as possible, vote on whether or not to remove the member from membership in the council. Where a majority of the council voting on the resolution approves the removal of the member from membership in the council, the member then ceases to be a council member.

**Breach of the Council Code of Conduct**

**2-3-4** Any council member may make a motion to find a council member in breach of the Council Code of Conduct.

**2-3-5** If a council member is found to be in breach of the Council Code of Conduct by a majority vote of the council members voting on the matter, a council may resolve by motion to take any of the following actions:

- (a) Reprimand the council member;
- (b) Require the council member to issue a public apology;
- (c) Remove the council member (the member then ceases to be a council member).

**Report to the minister about public representative**

**2-3-6** Where a majority of the President, the Vice-President, and the immediate past president determine in their sole discretion that the conduct of a public representative council member unfavourably reflects upon the association or any of its officers, council members, staff, or members, the President may report the conduct to the minister.

**Filling of vacancies**

**2-3-7** Other than a vacancy in a public representative position, the council must fill the vacancy on the council pursuant to s. 6(10) of the Act.

## **Division 4 – Council meetings**

### **Regular meetings**

**2-4-1** Council meetings must be held in Manitoba, unless the council otherwise directs. There must not be less than six (6) meetings each year.

### **Additional meetings**

**2-4-2** Additional meetings may be convened by the President or the Vice-President, and such additional meetings must be convened at the request of any two (2) council members.

### **Notice of meetings**

**2-4-3** The Executive Director must give notice of a regular meeting in writing to all council members as soon as it is practicable but in any event at least 21 days before the meeting is convened. Where an additional meeting is to be convened, the Executive Director must give notice in writing to all council members at least 24 hours before the meeting is convened. Notice of a regular meeting or additional meeting must set out the date, time, place, and purpose of the meeting.

### **Waiving notice**

**2-4-4** Where all council members agree, the notice requirement for any council meeting may be waived.

### **Quorum**

**2-4-5** Pursuant to s. 6(9) of the Act, a majority of the council members constitutes a quorum, and business must not be transacted unless a quorum is present.

### **Entitlement to attend meeting**

**2-4-6** All members of the association are entitled to attend council meetings, but only council members are entitled to vote, and no member who is not a council member may speak without leave of the meeting.

### **Equality of votes**

**2-4-7** Each council member is entitled to one (1) vote on all matters, except the presiding officer who may not vote unless it is to break a tie.

**Manner of voting**

**2-4-8** Voting must be by show of hands unless a council member requests a vote by ballot.

**Meetings in camera**

**2-4-9** The council members may decide that any item of business be dealt with in camera. Where a meeting goes in camera, only either council members or council members and any other individuals whom the council may specify from time to time, are entitled to be present during the discussion of the business item.

**Presiding officer**

**2-4-10** The President, or in the absence of the President, the Vice-President or the immediate past president must preside at a council meeting.

**Proxy voting not allowed**

**2-4-11** A council member is not entitled to vote by proxy.

**Procedural issues**

**2-4-12** A dispute concerning the procedure to be followed at a council meeting that is not provided for in the Act or this by-law must be resolved in accordance with Robert's Rules of Order Newly Revised current edition.

**Meeting by joining locations**

**2-4-13** The council members may conduct a meeting by joining together two (2) or more locations by means of communication that allows all participants to follow the discussion, such as teleconference, videoconference, electronic chat or other internet communication, or e-mail distribution list. A council member participating in a meeting in that way is, for the purpose of this by-law and calculation of a quorum, present at the meeting.

**Honoraria and expenses**

**2-4-14** The association may pay an honorarium to any council member or reimburse a council member for such reasonable expenses as the member may incur in connection with serving as a council member.



### **Unusual expenditures and other requirements that council act only under the authority of a by-law**

**2-4-15** Pursuant to s. 8(2) of the Act, the council may act only under the authority of a by-law, as opposed to a mere resolution that the council has adopted, where a matter involves

- (d) the membership of the association in a contract for a period of more than one (1) year, or
- (e) unusual expenditures of money in an amount that exceeds \$40,000.00.

### **Division 5 – Meetings of members**

#### **Annual meeting**

**2-5-1** The association must hold an annual meeting of the members of the association each year, and the Executive Director must give reasonable notice to all members of the date, time, and place of the annual meeting.

#### **General meetings**

**2-5-2** At the request in writing of the President or any two (2) council members or any twenty-five (25) members of the association, the association must hold a general meeting of the members within sixty (60) days of the association's receipt of the request for the meeting.

#### **Notice to members**

**2-5-3** At least fifty (50) days before an annual meeting or general meeting, the association must give written notice of such a meeting to the members of the association, and at least seven (7) days before an annual meeting or general meeting, the association must provide in writing the agenda for the meeting to the members of the association.

**Quorum**

**2-5-4** Fifty (50) members of the association constitute a quorum at the annual meeting or a general meeting.

**Annual report and auditors**

**2-5-5** At each annual meeting,

- (a) the Treasurer must present a report for the immediately preceding fiscal year, which must include the financial statements for the year and the auditor's report on those statements; and,
- (b) the members must appoint an auditor for the current year.

**Member participation**

**2-5-6** Members of the association are entitled to attend and speak at the annual meeting or a general meeting. Each member who is present at the annual meeting or a general meeting is entitled to one (1) vote.

**New business introduced by member with notice**

**2-5-7** A member of the association may introduce new business, including by-law amendments, at the annual meeting. Where, at least thirty-five (35) days before an annual meeting, the member has given notice in writing to the Executive Director of an intention to introduce such new business at the next annual meeting, including a description of the nature of the new business to be introduced, the motion regarding the new business shall be put to a vote at that annual meeting.

**New business introduced without notice by member**

**2-5-8** Where, contrary to the requirement set out in Section 5-7 of this by-law, a member has not given notice of an intention to introduce new business, including by-law amendments, at the annual meeting, the member of the association may nonetheless introduce such new business, but it shall not be put to a vote at that annual meeting. Instead, the new business shall be put to a vote at the annual meeting or general meeting that next follows the annual meeting at which the member first introduced the new business.

**Motion for new business**

**2-5-9** A motion for new business introduced with or without notice by a member must be signed by that member and seconded by another member.

**New business introduced by the council**

**2-5-10** With or without notice, the council may introduce new business at an annual meeting or general meeting, and the new business may be put to a vote at the same meeting at which it was introduced. However, the MVMA Council cannot introduce the enactment, amendment, or repeal of any MVMA by-law without providing notice of the change in the annual meeting materials.

**By-law as new business introduced by member**

**2-5-11** Notwithstanding Sections 5-7 or 5-8 of this by-law, no member may introduce new business or second a motion in support of new business, where the subject of the new business is the enactment, amendment, or repeal of any by-law of the association, except where both the moving member and the seconder are members of a membership class identified pursuant to s. 7(2) of the Act as being affected by the by-law, amendment, or repeal when passed.

**Voting on by-laws**

**2-5-12** Pursuant to s. 7(2) of the Act, a by-law may be enacted, amended or repealed by a majority vote of the association's members in the membership classes that the council identifies, by resolution, as being affected by the by-law, amendment or repeal when the council passes it.

**Method of voting on by-laws**

**2-5-13** Pursuant to s. 7(3) of the Act, the council must determine the method by which members are to vote for the enactment, amendment, or repeal of a by-law, and the members must vote by one (1) of the following methods:

- (a) voting by ballot by members present at a general meeting of members, including the annual meeting of the association;
- (b) voting by ballot delivered by mail;
- (c) voting by ballot delivered electronically; or,
- (d) voting by another method conducted in accordance with the by-laws.

**Procedural issues**

**2-5-14** A dispute concerning the procedure to be followed at the annual meeting or a general meeting that is not provided for in the Act or this by-law must be resolved in accordance with Robert's Rules of Order Newly Revised current edition.

**2-5-15** Where the Act or this by-law authorizes the members of the Association to meet (including without limiting the generality of the foregoing, an annual meeting, general meeting, and special meeting), the members will gather in a single physical location for the purpose of transacting business, or participate in the meeting by joining two (2) or more physical locations through a means of communication that allows all participants simultaneously at least to hear the discussion, such as teleconference, audioconference, or videoconference.

- (a) It is within the sole discretion of the chair of the meeting to determine its physical or virtual format, and no member may require that the meeting take any other format than the chair may so determine.
- (b) Notice of the physical or virtual format of the meeting shall be given with notice of the meeting itself.
- (c) Where members are invited to vote during a meeting held in a virtual format, the voting shall take place by such electronic means as the Chair may determine to be suitable.

Where the council invite members of the Association to vote on some business outside of a meeting (including without limiting the generality of the foregoing, an annual meeting, general meeting, and special meeting), the council may authorize the Executive Director to use electronic processes, including the internet, for the circulation of voting information and other material and for the conduct of the vote itself.

This Rule 2-5-15 applies to all annual meetings, general meetings, special meetings, and all other meetings of the Association, except for meetings of the council required by Rule 2-4-1 and permitted by Rule 2-4-2.

## **Division 6 – Election of officers**

### **Executive officers**

**2-6-1** The executive officers of the association are the President, the Vice-President, the Treasurer, and the immediate past president.

### **Election of the Vice-President**

**2-6-2** In each year, the Council will elect as Vice-President a licensed member who is in his or her first or fourth year of service as a council member and who is not the immediate past president, the current president, or the current vice-president.

### **Designation of the President**

**2-6-3** In each year and at the end of the President's term, the current Vice-President shall succeed the current president as President, and the new President shall serve for a term of twelve (12) months or until his or her successor is designated.

### **Election of the Treasurer**

**2-6-4** In each year, the Council will elect a council member as the Treasurer of the association.

### **Designation of the immediate past president**

**2-6-5** The outgoing president shall become the immediate past president at the end of the outgoing president's term.

## **Division 7 – Members**

### **Membership classes**

**2-7-1** Pursuant to s. 7(1)(d) of the Act and for the purpose of the identification of membership classes pursuant to s. 7(2) of the Act, membership in the association is classed as follows:

- (a) Practicing Veterinarian Member,
- (b) Practicing Veterinary Technologist Member,
- (c) Non-Practicing Veterinarian Member,
- (d) Non-Practicing Veterinary Technologist Member,
- (e) Student Veterinarian Member,

- (f) Student Veterinary Technologist Member, and,
- (g) Inactive Member.

### **Non-disciplinary restrictions upon practicing members**

**2-7-2** A Practicing Veterinarian Member or Practicing Veterinary Technologist Member may choose to inform the Registrar that he or she will restrict his or her practice of veterinary medicine only within the scope of

- (a) the member's current employment;
- (b) an academic internship, residency, or graduate studies program, or appointment to an academic position; or,
- (c) other work as the Council may recognize by way of resolution from time to time.

### **Restrictions upon practicing members who are not fully qualified**

**2-7-3** Where

- (a) a Practicing Veterinarian Member who has passed the Basic and Clinical Sciences Examination (BCSE) and the North American Veterinary Licensing Examination (NAVLE) of the CVMA National Examining Board Certificate of Qualification program and but has not passed the Pre-Surgical Assessment Examination (PSA) or the Clinical Proficiency Examination (CPE) of the CVMA National Examining Board program, or
- (b) a Practicing Veterinary Technologist Member who has not yet passed the Veterinary Technician National Examination,

the member must inform the Registrar, who must then restrict the member's practice of veterinary medicine so that the member will practice only under the direct supervision of a Practicing Veterinarian Member.

### **Treatment of practicing members declaring a restriction**

**2-7-4** Where a Practicing Veterinarian Member or Practicing Veterinary Technologist Member informs the Registrar of a restriction upon his or her practice in accordance with s. 2-7-2 of this by-law, the council may, by resolution, impose lesser or different fees than would be payable pursuant to Division 12 of this Part of this by-law for other Practicing Veterinarian Members or Practicing Veterinary Technologist Members who have not informed the Registrar of a restriction upon their practice.

**Recognition of individuals**

**2-7-5** The council may, by resolution, designate individuals from time to time as honorary or life members of the association. Such honorary or life members would be accorded none of the rights or benefits that other members of the association enjoy pursuant to the Act or this by-law, but these honorary or life members would not be subject to any obligations that other members owe to the association pursuant to the Act or this by-law. In its sole discretion and without notice to the individual, the council may, by resolution at any time and for any reason, revoke an individual's designation as an honorary or life member of the association.

**Member in good standing**

**2-7-6** Where a member is a Practicing Veterinarian Member or a Practicing Veterinary Technologist Member, the member is a member in good standing unless suspended from practicing veterinary medicine under the Act or this by-law.

**Voting rights**

**2-7-7** Where the Act or this by-law refer to the right or entitlement of a member to vote, only members of the following membership classes have such a right or entitlement, unless the vote pertains to the enactment, amendment, or repeal of a by-law, in which case only members of those membership classes that the council has identified pursuant to s. 7(2) of the Act may vote:

- (a) Practicing Veterinarian Member,
- (b) Practicing Veterinary Technologist Member,
- (c) Non-Practicing Veterinarian Member, and
- (d) Non-Practicing Veterinary Technologist Member,

where each of these membership classes have the meaning given to them in s. 1-2 of this by-law.

**Place of business and address**

**2-7-8** Every member must inform the Registrar of the name under which the individual, or his or her clinic or employer, carries on business, and the address of his or her place of business. In addition, a member must immediately inform the Registrar of any change of the individual's place of business or its address.

**Notice of membership in another jurisdiction**

**2-7-9** A member must notify the Registrar immediately upon becoming registered or licensed to practice veterinary medicine in another jurisdiction.

**Notice of charges**

**2-7-10** As soon as possible, a member must give immediate written notice to the Registrar that he or she has been charged with an offence under a federal statute, *The Animal Care Act*, CCSM c. A84, *The Animal Diseases Act*, CCSM c. A85, or *The Pharmaceutical Act*, CCSM c. P60, including particulars of the charge and the disposition of the charge and any agreement arising out of the charge.

**Division 8 – Veterinarians****Requirement for registration**

**2-8-1** Pursuant to s. 10 of the Act, the Registrar may register veterinarians who meet the requirements for registration, and no veterinarian may engage in the practice of veterinary medicine within the meaning of s. 2 of the Act unless the Registrar has registered that veterinarian and the veterinarian has met all of the requirements for registration and practice as set out in the Act and this by-law.

**Register of veterinarians**

**2-8-2** The Registrar shall keep a separate register into which to enter the name of each applicant whom the Registrar approves for registration as a veterinarian.

**Approval of applicants**

**2-8-3** The Registrar may register a veterinarian who applies for registration or refuse to register the veterinarian.

**Application for registration by graduates with a CVMA National Examining Board certificate of qualification**

**2-8-4** An applicant for registration as a veterinarian must:

- (a) hold one (1) of the following academic designations:
  - (i) be a graduate of a college of veterinary medicine that the



- CVMA or the AVMA has accredited prior to the signing of the Provincial Reciprocity Agreement of 1986, or
- (ii) be a graduate of a college of veterinary medicine that the CVMA or the AVMA has accredited and possess the CVMA National Examining Board Certification of Qualification, or
  - (iii) be a graduate of a college of veterinary medicine that the CVMA has not accredited, but possess the CVMA National Examining Board Certification of Qualification;
- (b) provide to the Registrar either the original or a true copy of the applicant's diploma, showing that the applicant is a graduate of a college of veterinary medicine, and the applicant's CVMA National Examining Board Certification of Qualification;
  - (c) where the applicant is currently, or has been previously, registered or licensed to engage in the practice of veterinary medicine in another jurisdiction, provide a letter from the statutory regulator of the veterinary profession in each such jurisdiction, attesting to the applicant's good standing;
  - (d) complete and submit all application forms and documents that the Registrar may require, including without limiting the generality of the foregoing information about a declaration of liability insurance and a declaration of continuing education;
  - (e) provide to the Registrar evidence satisfactory to the Registrar that the applicant is a current member of the CVMA, or, where the applicant has not satisfied the Registrar that he or she is a member of the CVMA, the member shall pay to the association the full membership fee that the CVMA charges for membership at the time of the applicant's application;
  - (f) provide proof that the applicant is an individual of good character and repute; and,
  - (g) pay to the association such application fees as the council may by resolution have fixed.

**Application for registration by graduate without a CVMA National Examining Board certificate of qualification**

**2-8-5** Where an applicant for registration as a veterinarian is a graduate of a college of veterinary medicine that the CVMA or AVMA has not accredited and does not possess the CVMA National Examining Board Certificate of Qualification, the Registrar may nonetheless register the applicant, provided that the applicant

- (a) satisfies all other requirements that the Act and this by-law prescribes for registration and licensure of Practicing Veterinarian Member, except the requirement set out at s. 2-8-4 of this by-law;
- (b) has passed the Basic and Clinical Sciences Examination (BCSE) and the North American Veterinary Licensing Examination (NAVLE) of the CVMA National Examining Board Certificate of Qualification program; and,
- (c) has registered for the Pre-Surgical Assessment Examination (PSA) of the CVMA National Examining Board program; and,
- (d) has given a written undertaking to the Registrar that, forthwith upon passing the Pre-Surgical Assessment Examination (PSA) of the CVMA National Examining Board, the applicant would, if he or she passes that examination, thereafter forthwith register for the Clinical Proficiency Examination (CPE) of the CVMA National Examining Board program or AVMA Examination Commission for Foreign Veterinary Graduates (ECFVG).

Within two (2) years after the Registrar has registered the applicant pursuant to this provision, the applicant shall have passed the Clinical Proficiency Examination, failing which the council may by resolution revoke the applicant's certificate of registration or take such other action as the council deems necessary or appropriate in the public interest.

**Registration required**

**2-8-6** Where the Registrar is satisfied that an applicant for registration has fulfilled all of the requirements for registration as set out in the Act and this by-law and where the association has received from the applicant payment of the prescribed fee for registration, the Registrar shall approve the application for registration and enter the applicant's name into the register that the Registrar maintains for veterinarians.

**Seminar and examination**

**2-8-7** Every member registered pursuant to this Division shall, immediately after registration, complete and pass the next scheduled MVMA Seminar and Examination and attend the next scheduled general meeting of association members, provided that any member shall be exempted from the requirement set out in this paragraph where the member has applied in writing and obtained the advance consent of the council to postpone the member's compliance with all or part of the requirement set out in this paragraph.

**Licensure required**

**2-8-8** Where the Registrar is satisfied that a member has fulfilled all of the requirements for licensure as a Practicing Veterinarian Member as set out in the Act and this by-law and where the association has received from the member payment of the prescribed fee for licensure, the Registrar shall issue a temporary licence to the member until the applicant has fulfilled the requirement set out at s. 2-8-7 of this by-law and satisfactorily attended the association's next general meeting following the member's temporary licensure.

**Short-term licensure**

**2-8-9** Where the Registrar is satisfied that a member has fulfilled all of the requirements for licensure as a Practicing Veterinarian Member as set out in the Act and this by-law, the member may apply for only short-term licensure, being a licence that is valid for only three (3) calendar months beginning on the first of any of January, April, July, or October. The fee for a short-term licensure shall be thirty per cent (30%) of the full general practicing membership dues payable by Practicing Veterinarian Members in the year in which the short-term licensure would begin.

**Licensure of graduate from non-accredited college**

**2-8-10** Where the Registrar has registered an applicant pursuant to s. 2-8-5 of this by-law, the Registrar shall also license the applicant to engage in the practice of veterinary medicine, and that license shall be restricted in that the applicant

- (a) may engage in the practice of veterinary medicine only under the direct supervision or indirect supervision of a Practicing Veterinarian Member and in accordance with any additional conditions that the council may, by resolution, deem required in order to protect the public interest; and,

- (b) may extend the license no longer than two (2) years from the date on which the Registrar had registered the applicant, after which the license shall be deemed to have been revoked, except where, in its sole discretion, the council may, by resolution, further extend the applicant's license to such term as it determines necessary or appropriate in the public interest.

### **Restricted Licence**

**2-8-11** Where the Registrar has registered an applicant pursuant to s. 2-8-6 of this by-law, the Registrar shall also license the applicant to engage in the practice of veterinary medicine, and that licence may be restricted, including without limiting the generality of the foregoing, by reason of

- (a) s. 2-7-2 of this by-law;
- (b) s. 2-7-3 of this by-law; or,
- (c) a decision made by the complaints committee pursuant to s. 23(1) of the Act, by an inquiry panel pursuant to s. 41(1) of the Act, or by any other decision-making acting pursuant to any other provision of the Act by which a member's licence may be restricted.

### **Emergency membership**

**2-8-12** The Council shall enact a policy that allows for emergency membership. This policy may remove any or all requirements set out in this by-law for registration.

### **Appeal of decision relating to registration or licensure**

**2-8-13** A decision of the Registrar or the council made pursuant to this Division may be appealed pursuant to the provisions set out in the Act.

## **Division 9 – Veterinary technologists**

### **Requirement for registration**

**2-9-1** Pursuant to s. 17(1) of the Act, the Registrar may register veterinary technologists who meet the requirements for registration, and no veterinary technologist may engage in the practice of veterinary medicine within the meaning of s. 2 of the Act unless the Registrar has registered that veterinary technologist and the veterinary technologist has met all of the requirements for registration and practice as set out in the Act and this by-law.

**Register of veterinary technologists**

**2-9-2** The Registrar shall keep a separate register into which to enter the name of each applicant whom the Registrar approves for registration as a veterinary technologist.

**Approval of applicants**

**2-9-3** The Registrar may register a veterinary technologist who applies for registration or refuse to register the veterinary technologist.

**Application for registration**

**2-9-4** An applicant for registration as a veterinary technologist must:

- (a) be an animal health or veterinary technology or veterinary nursing graduate of a school, college, or institute that the CVMA or the AVMA accredits or provide a PAVE for Veterinary Technicians Certificate;
- (b) provide to the Registrar evidence satisfactory to the Registrar that the applicant has passed the Veterinary Technician National Examination;
- (c) where the applicant is currently, or has been previously, engaged in the practice of veterinary medicine in another jurisdiction, provide a letter from the statutory regulator of the veterinary profession in each such jurisdiction, attesting to the applicant's good standing or to the fact that the scope of the applicant's practice does not fall within the professional governance of the statutory regulator;
- (d) be a member of the Manitoba Veterinary Technologists Association Inc.;
- (e) complete and submit all application forms and documents that the Registrar may require;
- (f) provide proof that the applicant is an individual of good character and repute; and,
- (g) pay to the association such application fees as the council may by resolution have fixed.

**Application for registration without examination**

**2-9-5** Where an application for registration as a veterinary technologist has satisfied all of the requirements for registration as set out in the Act and this by-law, but where the applicant has not yet passed the Veterinary Technician National Examination, provided

that, within two (2) consecutive years of registration in the association, the applicant must pass the Veterinary Technician National Examination, failing which the Registrar shall strike the applicant from the register of veterinary technologists.

#### **2-9-6 Supervision of registrant without examination**

Where the Registrar has registered an applicant for registration without examination pursuant to s. 2-9-5 of this by-law, the member shall not practice veterinary medicine after registration except in compliance with the Act and this by-law and shall be at all times under the direct supervision of a Practicing Veterinarian Member when engaged in the practice of veterinary medicine.

#### **Seminar and examination**

**2-9-7** Every member registered pursuant to this Division shall, immediately after registration, complete and pass the next scheduled MVMA Seminar and Examination and attend the next scheduled general meeting of association members, provided that any member shall be exempted from the requirement set out in this paragraph where the member has applied in writing and obtained the advance consent of the council to postpone the member's compliance with all or part of the requirement set out in this paragraph.

#### **Emergency membership**

**2-9-8** The Council shall enact a policy that allows for emergency membership. This policy may remove any or all requirements set out in this by-law for registration.

#### **Appeal of decision relating to registration**

**2-9-9** A decision of the Registrar or the council made pursuant to this Division may be appealed pursuant to the provisions set out in the Act.

#### **Scope of practice under direct supervision**

**2-9-10** A Practicing Veterinary Technologist Member may, only under direct supervision,

- (a) utilize chemical restraint;
- (b) administer and maintain anesthetic and analgesia;
- (c) intubate an animal;
- (d) euthanize animals using humane and acceptable practices;

- (e) perform dental prophylaxis;
- (f) assist in surgery; and,
- (g) administer enemas

### **Scope of practice under indirect supervision**

**2-9-11** A Practicing Veterinary Technologist Member may, only under direct supervision or indirect supervision,

- (a) collect, prepare, and analyze laboratory samples, such as blood samples by venipuncture; fecal samples; urine by free flow, catheterization, or cystocentesis; milk samples; body secretions, abscesses, and visible sores by swabbing; and, skin scrapings;
- (b) administer medication and veterinary biologics (including rabies vaccines) via intramuscular, subcutaneous or intravenous routes or stomach tubing;
- (c) administer and monitor fluid therapy;
- (d) bandage and apply splints;
- (e) take radiographs and ultrasonic images;
- (f) administer laser and ultrasonic therapy;
- (g) perform contrast procedures on the gastrointestinal tract and lower urinary tract;
- (h) express anal sacs internally;
- (i) utilize E.K.G. machines;
- (j) tattoo and microchip animals;
- (k) clean and irrigate external ear canals;
- (l) administer local anesthetic for the purpose of dehorning food animals;
- (m) dehorn food animals;
- (n) remove skin sutures or staples; and,
- (o) perform a final check of dispensed prescription products as per Division 6 of this by-law

### **No other scope of practice**

**2-9-12** Except to the extent set out in this by-law at ss. 2-9-10 and 2-9-11 of this by-law, a Practicing Veterinary Technologist Member may not engage in the practice of veterinary medicine.

## **Division 10 – Students**

### **Register of Student Veterinarian Members**

**2-10-1** The Registrar shall enter the name of each applicant whom the Registrar approves for registration as a Student Veterinarian Member into the register for veterinarians created pursuant to s. 2-8-2 of this by-law.

### **Register of Student Veterinary Technologist Members**

**2-10-2** The Registrar shall enter the name of each applicant whom the Registrar approves for registration as a Student Veterinary Technologist Member into the register for veterinary technologists created pursuant to s. 2-9-2 of this by-law.

### **Approval of applicants**

**2-10-3** The Registrar may register an applicant who applies for registration pursuant to this Division, or refuse to register the applicant.

### **Application for registration as Student Veterinarian Member**

**2-10-4** An applicant for registration as a Student Veterinarian Member must:

- (a) provide satisfactory proof to the Registrar that he or she is enrolled in a CVMA/AVMA accredited program,
- (b) engage in the practice of veterinary medicine in the Province of Manitoba only as the Act and this by-law prescribes;
- (c) complete and submit all application forms and documents that the Registrar may require; and,
- (d) pay to the association such application fees as the council may by resolution have fixed.

### **Application for registration as Student Veterinary Technologist Member**

**2-10-5** An applicant for registration as a Student Veterinary Technologist Member must:

- (a) provide satisfactory proof to the Registrar that the he or she is enrolled in a CVMA/AVMA accredited program,
- (b) engage in the practice of veterinary medicine in the Province of Manitoba only as the Act and this by-law prescribes;
- (c) complete and submit all application forms and documents that the Registrar may require; and,



- (d) pay to the association such application fees as the council may by resolution have fixed.

### **Scope of practice of Student Veterinarian Members**

**2-10-6** Outside of engaging in the practice of veterinary medicine as part of his or her enrollment in a CVMA/AVMA accredited program, a Student Veterinarian Member may engage in the practice of veterinary medicine only under the direct supervision of a Practicing Veterinarian Member, except a Student Veterinarian Member who is in the final year of his or her studies as part of a CVMA/AVMA accredited program, in which case such a Student Veterinarian Member may engage in the practice of veterinary medicine under the direct supervision or indirect supervision of a Practicing Veterinarian Member.

### **Scope of practice of Student Veterinary Technologist Members**

**2-10-7** Outside of engaging in the practice of veterinary medicine as part of his or her enrollment in a CVMA/AVMA accredited program, a Student Veterinary Technologist Member may engage in the practice of veterinary medicine only

- (a) under the direct supervision of a Practicing Veterinarian Member or Practicing Veterinary Technologist Member, and, where the supervisor is a Practicing Veterinary Technologist Member, that individual is himself or herself under the direct supervision or indirect supervision of a Practicing Veterinarian Member; and,
- (b) only within the scope of practice defined at ss. 2-9-10 and 2-9-11 of this by-law.

## **Division 11 – Continuing education**

### **Definitions**

**2-11-1** In this division,

**“continuing education”** means learning activities that protect the public interest by enhancing the competence, integrity, and professional knowledge of veterinarians or veterinary technologists; and,

**“eligible activities”** are learning activities determined by the Registrar that comply with the guiding principles for mandatory continuing education approved by the council.

### **Continuing education**

**2-11-2** In order to enhance standards for the education, professional responsibility, and competence of veterinarians and veterinary technologists, the council may, from time to time, require every Practicing Veterinarian Member and every Practicing Veterinary Technologist Member to:

- (a) report annually on the extent of their continuing education activities,
- (b) complete a minimum of hours of continuing education,
- (c) complete mandatory training and educational requirements relating to the practice of veterinary medicine or a particular area of veterinary medicine; and,
- (d) complete such other programs, training or reporting as the council determines may be appropriate for this purpose.

### **Requirement for Practicing Veterinarian Members to report continuing education**

**2-11-3** On or before November 30 in each year, all members who, during the immediately preceding period from December 1 to November 30, for any part of that year, were Practicing Veterinarian Members must file a report with the Registrar with respect to their continuing education activities during the immediately preceding period from December 1 to November 30 in the form prescribed by the Registrar.

### **Requirement for Practicing Veterinary Technologist Members to report continuing education**

**2-11-4** On or before May 31 in each year, all members who, during the immediately preceding period from June 1 to May 31, for any part of that year, were Practicing Veterinary Technologist Members must file a report with the Registrar with respect to their continuing education activities during the immediately preceding period from June 1 to May 31 in the form prescribed by the Registrar.

### **Extension of time for completion of training or reporting**

**2-11-5** The Registrar may extend the time for completion of the requirements set out in ss. 2-11-3 and 2-11-4 of this by-law.

**Auditing compliance**

**2-11-6** Each member has the burden of demonstrating, if requested, that he or she has completed such continuing education as required of that member pursuant to this Division. The Registrar shall randomly select up to 15% of the total number of Practicing Veterinarian Members and up to 15% of the total number of Practicing Veterinary Technologist Members, and require that each selected member provide to the Registrar in a form satisfactory to the Registrar evidence that the selected member has completed the minimum number of hours of continuing education that this Division requires. It falls to the member to establish that the activity is part of the eligible activities for satisfying the continuing education requirement set out in this Division.

**Failure to complete continuing education**

**2-11-7** Where member fails to comply with this Division,

- (a) the Registrar shall audit the member's report of completed continuing education in the year immediately following the member's failure to comply;
- (b) the member shall not only satisfy the requirement for the number of hours of continuing education in the year immediately following the member's failure to comply, but shall also complete additional hours of continuing education equal to the number of hours that the member had failed to complete in the preceding year; and,
- (c) the Registrar may refer the matter to the Complaints Committee.

**Failure to comply constitutes professional misconduct**

**2-11-8** Every member shall comply with this Division, including without limiting the generality of the foregoing, responding promptly and fully to the inquiries and investigations that the Registrar undertakes pursuant to s. 2-11-6 of this by-law in auditing a member's reported compliance with this Division. Failure to comply may constitute professional misconduct.

**Exceptions for those who are not members for the full year**

**2-11-9** Where a member has not been a Practicing Veterinarian Member or a Practicing Veterinary Technologist Member for the full twelve (12) month reporting period, the member's required continuing education hours shall be reduced as follows:

- (a) where the member became a Practicing Veterinarian Member or a Practicing Veterinary Technologist Member at any point during the last four (4) months of the immediately preceding reporting period, the member's required continuing education hours shall be reduced by two thirds (2/3);
- (b) where the member became a Practicing Veterinarian Member or a Practicing Veterinary Technologist Member at any point before the last four (4) months of the immediately preceding reporting period but at any point after the first four (4) months of the immediately preceding reporting period, the member's required continuing education hours shall be reduced by one third (1/3); and,
- (c) there shall be no reduction in required continuing education hours where the member became a Practicing Veterinarian Member or a Practicing Veterinary Technologist Member at any point during the first four (4) months of the immediately preceding reporting period;

provided however an individual who becomes a Practicing Veterinarian Member or a Practicing Veterinary Technologist Member within eighteen (18) months after having graduated from an institution described at ss. 2-8-4(a) or 2-9-4(a) of this by-law, as the case may be, is not required to report any continuing education hours during that eighteen (18)-month period.

## **Division 12 – Fees**

### **Annual fee**

**2-12-1** Every applicant for registration as a Practicing Veterinarian Member, a Practicing Veterinary Technologist Member, a Non-Practicing Veterinarian Member, a Non-Practicing Veterinary Technologist Member, a Student Veterinarian Member, or a Student Veterinary Technologist Member shall pay to the association at the time of application such fee as the Council may have, by resolution, fixed from time to time as the annual fee for applicants to membership in such classes.

**Licence fee for Practicing Veterinarian Members**

**2-12-2** Every applicant for licensure as a Practicing Veterinarian Member shall pay to the association at the time of application for initial licensing or upon renewal such fee as the Council may have, by resolution, fixed from time to time as the licence fee for Practicing Veterinarian Members.

**Registration fee for other membership classes**

**2-12-3** Every member other than Practicing Veterinarian Members shall pay to the association such fee as the Council may have, by resolution, fixed from time to time as the registration fee for the membership class to which the member belongs.

**Payment of fees due**

**2-12-4** For each membership class whose members are required to pay an annual fee, a licence fee, or a registration fee to the association, the payment of that fee shall be due and payable in full on such date as the Council may, by resolution, fix for each membership class.

**Special fees, levies, and assessments**

**2-12-5** The council may additionally require members to pay any special fee, levy, or assessment necessary for the Association to pursue its purpose and carry out its duties, including without limiting the generality of the foregoing the collection of annual or other membership fees charged by professional associations such as the CVMA or the Manitoba Veterinary Technologists Association.

**Calculation of fees for less than a full year**

**2-12-6** Where a member applies to join a membership class on a date after the membership year has begun, the member shall pay to the association a reduced fee based upon the full fee that the Council may have fixed for the membership class to which the member belongs, but reduced in proportion to the number of full months remaining in the membership year from the date on which the member would join the membership class; provided however that the amount to be paid will never be reduced to less than 25% of the fee that the member would have paid if he or she had been a member of the membership class for the entire membership year.

**Late fee**

**2-12-7** Where a member fails or refuses for any reason to pay on time all or any part of a fee payable pursuant to this Division, the member shall pay in addition to the fee, a late fee in an amount that the council fixes by resolution from time to time.

**Lapsed fee**

**2-12-8** Where a member fails or refuses for any reason to pay within 31 days after the payment was due all or any part of a fee payable pursuant to this Division, including any late fee applicable pursuant to s. 2-12-7 of this by-law, the member shall pay in addition to the fee and the late fee a lapsed fee in an amount that the council fixes by resolution from time to time.

**Discretionary treatment of late fees and lapsed fees**

**2-12-9** Where ss. 2-12-7 or 2-12-8 of this by-law requires a member to pay a late fee to the association or a lapsed fee, the Executive Director may, within that individual's sole discretion, waive all or part of the late fee, the lapsed fee, or both fees after taking into account the circumstances of the member, including without limiting the generality of the foregoing maternity leave or a medical leave from practice.

**Discretionary fee refunds**

**2-12-10** A member who has paid a fee pursuant to this Division but who voluntarily elects to withdraw from the membership class for any reason other than suspension, may, within the sole discretion of the Executive Director, be entitled to a refund of a portion of the fee, excluding the fee for membership in the CVMA or the Manitoba Veterinary Technologist Association, as the case may be, and any levy made against the member contributing to any reserve fund that the council has established, in an amount determined by the Executive Director.

**Notice from the association**

**2-12-11** The Executive Director must send to each Practicing Veterinarian Member, Practicing Veterinary Technologist Member, Non-Practicing Veterinarian Member, Non-Practicing Veterinary Technologist Member, Student Veterinarian Member, and Student Veterinary Technologists Member written notice of the amount of the annual licence and non-practicing fees, the amount of any special fee, levy or assessments, and the due date for payment.

## Part 3<sup>2</sup>

### Veterinary corporations

#### Commentary

*This commentary is included only for the convenience of readers, and it does not form part of this by-law.*

Professionals like lawyers, physicians, and veterinarians have traditionally organized their practices in a simple business form called a sole proprietorship. In this way, the professional alone owns and operates the practice, and the professional is personally responsible for the debts and liabilities of the practice.

More recently, however, many professionals have wanted to practice through a corporation. Apart from possible income tax benefits, incorporation allows two or more professionals to share in the ownership and operation of their practice.

After recent changes to the law that governs the practice of veterinary medicine in Manitoba and with the coming into force of this Part of this by-law, veterinarians will be permitted for the first time to practice veterinary medicine through a corporation.

#### **What does it mean to practice veterinary medicine through a corporation?**

In its simplest form, a veterinary practice involves a veterinarian who provides services that aim to prevent, diagnose, or treat diseases of, or injuries to, animals. A client or animal owner provides instructions to the veterinarian and then pays the veterinarian directly for the services provided. The payment does not go to a clinic or another individual. This form of business is called a sole proprietorship.

In contrast, a veterinary corporation acts as an intermediary between the veterinarian and the client or animal owner. It would be usual that a veterinary corporation enters into an agreement with a veterinarian to provide services on behalf of the corporation. The veterinary corporation then invites a client or animal

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<sup>2</sup> Part 3 passed by MVMA Council - May 31, 2017  
Enacted by MVMA Membership - June 13, 2017  
Part 3 of General By-law No.1 brought into force – July 1, 2017

owner to provide instructions to the veterinarian whom the corporation has engaged. In exchange for the veterinarian's supply appropriate veterinary services, the client or animal owner pays the veterinary corporation. The transaction is between the corporation and the client or animal owner, and between the corporation and the veterinarian. In effect, a veterinary corporation practices veterinary medicine through a licensed Manitoba veterinarian.

### **How may a veterinary corporation be created?**

Part 4.1 of the Act and this Part of this by-law set out the requirements that a veterinary corporation must satisfy. In general, the steps are:

- 1) a licensed Manitoba veterinarian reserves a name for the proposed veterinary corporation, having include "veterinary corporation" as part of the name;
- 2) once the Manitoba Companies Office approves that name, the veterinarian requests and obtains the consent of the Registrar to proceed with the incorporation;
- 3) the veterinarian then files articles of incorporation and other documents at the Manitoba Companies Office;
- 4) the veterinarian presents the filed articles of incorporation and other required documents to the Registrar and pays a fee;
- 5) if the corporation has been organized in accordance with the Act and this Part of this by-law, the Registrar will issue a permit for the veterinary corporation;
- 6) the veterinary corporation may engage in the practice of veterinary medicine, subject to the Act and this by-law and any subsequent by-laws; and,
- 7) the veterinary corporation pays an annual permit fee in order to continue its practice of veterinary medicine.

### **Who may be an officer or director of a veterinary corporation**

Only a licensed Manitoba veterinarian member may be a director of a veterinary corporation or its president.

### **Who may own a veterinary corporation?**

A corporation is owned by its shareholders, who, as the term implies, hold shares in the corporation and share in its ownership. However, there are different kinds of shares, and only some shares entitle their holders to vote in the election of a corporation's directors.



At least initially, all of the voting shares of a veterinary corporation must be held by one or more licensed Manitoba veterinarians. No other individual may own any of the voting shares in a veterinary corporation.

The non-voting shares of a veterinary corporation may be owned only by

- 1) the holder of voting shares in the veterinary corporation,
- 2) the spouse, common-law partner, or child of a licensed Manitoba veterinarian who holds voting shares in the veterinary corporation,
- 3) another corporation that is not a veterinary corporation but whose shares are all held by (a) a licensed Manitoba veterinarian who holds voting shares in the veterinary corporation, or (b) the spouse, common-law partner or child of a licensed Manitoba veterinarian who holds voting shares in the veterinary corporation.

No other individual may own any of the non-voting shares in a veterinary corporation.

**Is there any other way in which to operate a veterinary clinic, whether for profit or not?**

No. Manitoba law requires that a veterinary clinic must be either a sole proprietorship or a veterinary corporation that meets the requirements of the Act. No other form of business entity may operate a veterinary clinic. It does not matter if the clinic operates for free, at cost, or for profit. It does not matter if the clinic merely arranges for licensed Manitoba veterinarians to provide veterinary services to the clients or animal owners that come to the clinic. Such clinics are not in compliance with the Act and this by-law, and they are engaged in the unauthorized practice of veterinary medicine.

**What is the underlying reason that prevents any other way in which to operate a veterinary clinic?**

According to Manitoba law, the main purpose of the MVMA is to protect the public interest through the regulation of the practice of veterinary medicine within the province. The Act specifically defines those over whom the MVMA has such oversight and disciplinary authority. The practice of veterinary medicine outside that scope is generally and expressly prohibited by statute, and it is subject to prosecution or civil legal proceedings. This regulatory scheme therefore ensures the protection of the public in two ways: first, every person who engages in the practice

of veterinary medicine is generally subject to MVMA governance, including its standards for admission to the profession and its guidelines for safe and effective practice; and, secondly, the authority of the MVMA is restricted to only those who practice veterinary medicine in accordance with the Act.

The Act requires that a veterinary clinic must be a sole proprietorship or a veterinary corporation that meets the statutory requirements, and this is the simple answer that prevents any other way in which to operate a veterinary clinic. Manitoba law simply does not allow it.

However, there is a better answer that relates to the oversight and disciplinary authority necessary to the governance of a veterinary clinic that operates through a corporation. In order to avoid bringing the regulation of the profession into disrepute, it is important that a professional governance body like the MVMA must be able to regulate and, if necessary, discipline those who practice in a way that undermines the protection of the public. Only where a veterinary corporation is controlled by licensed Manitoba veterinarians may the MVMA have effective regulatory authority over both individual practitioners and the companies through which they choose to practice.

## **Register**

**3-1** The Registrar must keep and maintain a register of veterinary corporations containing the following information:

- (a) the name and registered office address of the veterinary corporation and the permit number assigned to it;
- (b) the date that the Registrar approved the application of the Practicing Veterinarian Member for registration as a veterinary corporation;
- (c) the date that the veterinary practice was registered as a veterinary corporation and the dates of the renewal of the registration; and,
- (d) any other particulars that may be required.

**Corporate name certificate**

**3-2** A Practicing Veterinarian Member must apply in writing to the Registrar for a certificate that the Association consents to the incorporation of a veterinary corporation under a proposed name. On receipt of the application, the Registrar must issue a certificate to the Practicing Veterinarian Member if he or she is satisfied that the intended name complies with s. 17.4(1)(b) of the Act, or reject the application and notify the applying Practicing Veterinarian Member in writing of his or her decision.

**Application for permit**

**3-3** A corporation applying for a permit under Part 4.1 of the Act must deliver to the Registrar a completed permit application, a copy of all articles of incorporation and amendments thereto, a current certificate of status for the corporation, and the required permit fee.

**Change in particulars**

**3-4** A veterinary corporation must inform the Registrar of any changes in the particulars set out in the application filed under s. 3-3 of this by-law by providing the Registrar with a statement of particulars within 15 days of the change.

**Issuance of permit**

**3-5** Where the Registrar is satisfied that the corporation has complied with the provisions of Part 4.1 of the Act, the Registrar must issue a veterinary corporation permit to the corporation entitling the corporation to practice veterinary medicine in Manitoba.

**Refusal to issue permit**

**3-6** The Registrar may refuse to issue a permit to a corporation where a permit of the corporation has been revoked, or a director, officer, or shareholder of the corporation is or has been a director, officer, or shareholder of a corporation whose permit has been revoked.

**Change of corporate name**

**3-7** A veterinary corporation must apply in writing to the registrar for a certificate that the association does not object to a specific change of name for the veterinary corporation. On receipt of the application the registrar must either issue a certificate to the veterinary corporation if the Registrar is satisfied that the new name complies with s. 17.4(1)(b) of the Act, or reject the application and notify the veterinary corporation in writing of his or her decision.

**New permit**

**3-8** The registrar must issue a new permit to a veterinary corporation that has

- (a) obtained the certificate referred to in s. 3-2 of this by-law;
- (b) delivered to the Registrar a copy of the articles of amendment showing the change of name and the date it is effective; and,
- (c) paid any required fee.

**Expiry of new permit**

**3-9** A new permit issued under s. 3-8 of this by-law is valid until the date on which the permit that it replaces would have expired.

**Effective date**

**3-10** Subject to s. 3-12 of this by-law, a veterinary corporation permit issued under s. 3-5 of this by-law is valid from the effective date shown on it until the following June 30.

**Veterinary corporation initial permits**

**3-11** Notwithstanding s. 3-10 of this by-law, permits issued to veterinary corporations shall not lapse until 30 June 2018, excepting if the permit is cancelled pursuant to the Act or this by-law.

**Permit ceasing to be valid**

- 3-12** A permit issued to a veterinary corporation ceases to be valid if it is:
- (a) not renewed by the corporation or renewal is denied by the Registrar;
  - (b) surrendered by the corporation to the Registrar;
  - (c) suspended; or,
  - (d) revoked.

**Effect of permit ceasing to be valid**

**3-13** When the permit of a veterinary corporation ceases to be valid, the corporation must cease practicing veterinary medicine in Manitoba.

**Annual permit**

**3-14** On or before June 30 of each year, each veterinary corporation entered on the register of the association must either renew the veterinary corporation permit for the following year by paying the annual renewal fee and filing any renewal information required by the Registrar, or file notification with the Registrar that the corporation will not be renewing its permit.

**Issuance of renewal permit**

**3-15** When a veterinary corporation has filed the information required under s. 3-14 of this by-law, the Registrar must, if he or she is satisfied that the veterinary corporation continues to comply with the provisions of Part 4.1 of the Act, issue a renewal permit to the veterinary corporation.

**Refusal to renew**

**3-16** The Registrar may refuse to issue a renewal of permit to a veterinary corporation where a permit of the corporation has been revoked, or a director, officer, or shareholder of the corporation is or has been a director, officer, or shareholder of a corporation whose permit has been revoked.

**Notice of permit renewal**

**3-17** On or before May 31st in each year, the Executive Director must send a written notice of the annual permit renewal fee to each veterinary corporation entered on the register holding an active permit. The notice may be sent to the veterinary corporation at its address appearing in the register.

**Automatic suspension of permit**

**3-18** The permit of a veterinary corporation will be automatically suspended if the veterinary corporation fails to pay the renewal fee or file the required renewal information within 30 days of the due date for payment and filing.

**Reinstatement**

**3-19** The Registrar shall reinstate the permit of a veterinary corporation that is suspended when the veterinary corporation pays the fee and any penalty owing, completes and files the required renewal information and pays the prescribed reinstatement fee.

**Late payment penalty**

**3-20** A veterinary corporation that fails to complete and file the required renewal information or pay the renewal fee must pay a penalty in the amount set by the council from time to time.

**Waiver of penalty**

**3-21** The Executive Director may waive or reduce a penalty assessed against a veterinary corporation under s. 3-20 of this by-law upon application by the veterinary corporation.

**Failure to pay penalty**

**3-22** The permit of a veterinary corporation that fails to pay the late payment penalty assessed under s. 3-20 of this by-law or any reduced penalty assessed under s. 3-21 of this by-law within 30 days of the due date is automatically suspended.

**Revocation, suspension or imposition of conditions on permit**

**3-23** The Registrar may revoke, suspend or impose conditions on the permit of a veterinary corporation that ceases to meet any of the conditions set out or referred to in Part 4.1 of the Act. The permit of a veterinary corporation that remains suspended for more than twelve (12) months is automatically revoked.

**Review of decision relating to veterinary corporation permits**

**3-24** A decision of the Registrar made pursuant to this Division may be appealed pursuant to the provisions of the Act.

**Disclosure of corporate information**

**3-25** All information and documents relating to a veterinary corporation received by the Association are confidential and must not be disclosed to any person unless otherwise required by law, except that

- (a) the information and documents may be used by the Association for it to govern and administer its affairs; and,
- (b) the information prescribed by s. 17.3(3) of the Act shall be made available to the public at the association's office during normal business hours and on its website.

**Coming into force**

**3-26** This Part 3 of this bylaw comes into force only on the date that the council hereafter fixes by resolution.

**Part 4**  
**Protection of the Public**  
**Division 1 – Professional Liability Insurance**

**Requirement for insurance**

**4-1-1** Every Practicing Veterinarian Member and Practicing Veterinary Technologist Member shall arrange insurance coverage for himself or herself against professional liability claims in a coverage amount at least equal to the sum per claim that the council may, by resolution, fix from time to time, although any member may, in his or her own discretion, arrange for insurance coverage that exceeds the minimum sum that the council has fixed.

**Auditing of insurance coverage**

**4-1-2** The Registrar may require any Practicing Veterinarian Member and Practicing Veterinary Technologist Member to provide proof of current insurance coverage as required by s. 4-1-1 of this by-law, where such proof shall be satisfactory to the Registrar in the form of a binder from the member's insurer.

**Failure to comply constitutes professional misconduct**

**4-1-3** Every member shall comply with this Division, including without limiting the generality of the foregoing, responding promptly and fully to the inquiries and investigations that the Registrar undertakes pursuant to s. 4-1-2 of this by-law in auditing a member's reported compliance with this Division. Failure to comply may constitute professional misconduct.

**Division 2 – Practice Inspection and  
Practice Standards Guidelines**

**PIPS Guidelines incorporated**

**4-2-1** The Practice Inspection and Practice Standards Guidelines (PIPS) of the association are incorporated into and appended to this by-law, and the Guidelines have the same force and effect as the main body of the by-law.



**Failure to comply constitutes professional misconduct**

**4-2-2** Every member shall with comply the PIPS Guidelines, including without limiting the generality of the foregoing, responding promptly and fully to the inquiries and investigations that the PIPS Investigator, the Registrar, or other individual to whom the Act, this by-law, the PIPS Guidelines, the council, or the association has delegated the investigation, review, and auditing a member's compliance with the PIPS Guidelines. Failure to comply may constitute professional misconduct.

**Division 3 – Code of Ethics****Code of Ethics incorporated**

**4-3-1** The Code of Ethics of the association are incorporated into and appended to this by-law, and the Code has the same force and effect as the main body of the by-law.

**Failure to comply constitutes professional misconduct**

**4-3-2** Every member shall comply with the Code of Ethics, and failure to comply may constitute professional misconduct.

**Division 4 – Veterinary Fees****Disclosure of pricing**

**4-4-1** Every member or veterinary corporation shall disclose to each client an estimate of expected fees and charges that the client is likely to incur in exchange for professional services from the member or veterinary corporation, except where those services are reasonably required in urgent or unexpected circumstances.

**How disclosure is to be made**

**4-4-2** In complying with s. 4-4-1 of this by-law, disclosure must be made in a clear and understandable manner and before the professional services are provided.

**No excess fees or charges**

**4-4-3** No member or veterinary corporation may charge a client a fee or charge that exceeds the fees and charges disclosed to the client pursuant to s. 4-4-1 of this by-law, except where the excess fee or charge is for a professional service that the member or veterinary corporation could not have reasonably foreseen when the disclosure of fees and charges was made.

**Division 5 – Complaints****Failure to comply**

**4-5-1** Failure to comply with the rules and requirements set out in the Act or this by-law without reasonable excuse may constitute professional misconduct.

**Failure to respond may constitute professional misconduct**

**4-5-2** A member engages in professional misconduct where the member refuses or otherwise fails to make a full and substantive response to any written correspondence from the Registrar or the Executive Director within the specific deadline set out in the correspondence and where the correspondence relates to a potential or actual complaint against the member or any other current or former member of the association.

**Retaliation against complainant constitutes professional misconduct**

**4-5-3** A member engages in professional misconduct when the member takes a reprisal against another member for filing a complaint.

**Division 6 – Practice of veterinary medicine****Veterinary-Client-Patient relationship defined**

**4-6-1** In this Division, “VCPR” means the veterinarian-client-patient relationship which is the basis for interaction among veterinarians, their clients, and their patients.

**Existence of relationship**

**4-6-2** A VCPR arises when:

- (a) a Practicing Veterinarian Member has assumed responsibility for making clinical judgements regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to follow the member's instructions;
- (b) the Practicing Veterinarian Member has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s), requiring that the member has, at a minimum, annually seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), or by medically appropriate and, at a minimum, annual visits to the premises where the animal(s) are kept; and,
- (c) the Practicing Veterinarian Member is readily available, or has arranged for emergency coverage and follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen.

**Telemedicine**

**4-6-3** A Practicing Veterinarian Member may establish a VCPR without a hands-on examination of an animal and/or visiting the premises where the animal is kept only if the member documents a compelling justification and rationale for why establishing VCPR solely via telemedicine is needed. Further:

- (a) The member cannot prescribe any Control Substances, Benzodiazepines or class-Z drugs when the VCPR that is established solely through telemedicine.
- (b) The veterinarian providing telemedicine in Manitoba must be licensed in Manitoba.
- (c) A VCPR cannot be established for a group of animals (for example a herd, flock, or school) via telemedicine.
  - i. A VCPR can be established via telemedicine alone if the animals are intended for personal use only and there is not reasonable access to veterinary care.
- (d) The veterinarian must be practicing out of an MVMA PIPS Inspected Practice that holds a valid Telemedicine Permit.

- (e) When practicing via telemedicine, the veterinarian must:
- i. Disclose their identity, location and licence status;
  - ii. Confirm the identity of the client and animal(s);
  - iii. Consider the existing health status of the animal or group of animals, the specific health needs and specific circumstances, and only use telemedicine if the risks do not outweigh the potential benefits;
  - iv. Identify what resources (e.g. information and communication technology, equipment, support staff, etc.) are required, and only proceed if those resources are available and can be used effectively;
  - v. Ensure the reliability, quality and timeliness of the information obtained;
  - vi. Protect the privacy and confidentiality of the client's and animal(s) information, inclusive of evaluating the technology and the physical setting;
  - vii. Ensure the physical setting in which the care is being delivered is appropriate and safe, including having a plan to manage adverse events and/or emergencies;
  - viii. Explain to the client any limitations of proceeding with telemedicine to provide the veterinary services required; and,
  - ix. Provide access to in-person follow-up care in Manitoba.

#### **Requirement to keep records**

**4-6-4** Where a VCPR exists, a Practicing Veterinarian Member must maintain medical records as prescribed by the Practice Inspection and Practice Standards Guidelines.

#### **Prescribing requires a VCPR**

**4-6-5** A Practicing Veterinarian Member may prescribe a prescription product only within the context of a VCPR, and a Practicing Veterinarian Member may not prescribe a prescription product to any individual or animal outside of that relationship.

#### **Provide prescription on request**

**4-6-6** Where a VCPR exists, the Practicing Veterinarian Member must, upon request by the client, provide to a client a prescription instead of dispensing the prescription product.

**Sale or supply outside of the relationship**

**4-6-7** No Practicing Veterinarian Member shall sell or supply a pharmaceutical or biological product to a warehouse, a pharmacy, or any other person who intends to resell the product except to another Practicing Veterinarian Member.

**Dispensing outside of the relationship**

**4-6-8** A Practicing Veterinarian Member may dispense a prescription product to a client with whom they do not have a VCPR, if the client produces a valid prescription from another Practicing Veterinarian Member.

**Sale of pharmaceuticals and biologicals**

**4-6-9** Where a prescription product is listed in Schedule A to this by-law, a Practicing Veterinarian Member may prescribe that prescription product only as here required:

- (a) the Practicing Veterinarian Member shall type or print all multiple prescription, and complete all sections of the prescribed prescription form;
- (b) the prescription shall be valid for only three (3) days from date of issue to the owner of the patient; and,
- (c) the Practicing Veterinarian Member shall give the client the original and copy of the prescription, and that member shall inform the client that both of those copies must be submitted to the dispensing pharmacy;

provided however that these requirements do not apply to (1) the direct administration of a designated drug to a patient by a Practicing Veterinarian Member in a clinic or on a farm or in the field; and, (2) any pharmaceutical product is expressly exempted from the application of this provision.

**Prescribing Opioids, Benzodiazepines and Z-Drugs**

**4-6-10** Prescriptions for Opioids, Benzodiazepines and Z-Drugs can only be written for a maximum of three months.

**4-6-11** Only a one-month supply of Opioids, Benzodiazepines and Z-Drugs can be dispensed at a time.

### **Final Check of Prescription Products**

**4-6-12** Prescription products that are dispensed for administration by the animal owner or employee of the animal owner must undergo a final check by a practicing veterinarian member or practicing veterinary technologist member to ensure the dispensed prescription contains:

- (a) The correct prescription product as per the prescription
- (b) The correct dosage as per the prescription
- (c) The correct label that meets the requirements in the Manitoba Veterinary Medical Association Practice Inspection and Practice Standards By-Laws

### **Ultra Sound diagnosis**

**4-6-13** A Practicing Veterinarian Member must be involved in making an interpretation for diagnosis with ultrasound equipment.

### **Animal dentistry is the practice of veterinary medicine**

**4-6-14** Animal dentistry means the cleaning, adjustment, filling, extraction, or repair of an animal's teeth, including without limiting the generality of the foregoing the floating or equilibration of equine teeth. Animal dentistry is a function of veterinary practice, because it requires diagnosis and treatment and to be fully effective demands extensive knowledge of anatomy, anesthesiology, physiology, pathology, neurology, medicine, and surgery.

### **Ear cropping**

**4-6-15** No member shall perform cosmetic ear cropping on a canine for the purpose of having the animal's appearance conform to a breed standard or tradition.

### **Feline declawing**

**4-6-16** No member of the Manitoba Veterinary Medical Association shall perform non-therapeutic (i.e. elective) partial digital amputation (PDA), commonly known as declawing or onychectomy, of domestic cats.

### **Holding Animals for Payment**

**4-6-17** A member may not refuse to return an animal, its remains, or its cremains to its owner or owners designate for failure to pay fees owed to a member, practice, or veterinary corporation.

**Informed Consent**

**4-6-18** Prior to treating an animal, the Practicing Veterinarian Member must first communicate to the client the potential risks and benefits of treatment and obtain the client's informed consent to treatment.

- (a) In the event of urgent and unexpected treatment, a Practicing Veterinarian Member may provide veterinary services without informed consent. The Practicing Veterinarian Member must inform the client of services provided and obtain informed consent on an ongoing basis once the Practicing Veterinarian Member is practicably able to do so.

**Use of Title**

**4-6-19** Members shall not mislead, misrepresent or otherwise confuse the public through their use of titles and/or credentials.

- (a) No members shall represent or imply in any way that they are "specialists" or have "board specializations" or are "diplomates" in a specific species or specific discipline if they are not appropriately recognized and credentialed by The American Board of Veterinary Specialties for the specific species or for the specific discipline.

**Duty to Report**

**4-6-20** A member who reasonably believes that another member of the MVMA is unfit to practise, incompetent or unethical should disclose that belief to the registrar, along with the name of the other member and particulars of the suspected disorder, illness, lack of fitness to practise, incompetency or unethical behaviour. No member shall retaliate against the member who makes a report under this rule.

**Communications between Members**

**4-6-21** Members will communicate with other members in a respectful and collegial manner, putting the health and welfare of the animal first.

**No Guarantee of a Cure**

**4-6-22** No member shall make claims to guarantee a cure.

**Competent Practice**

**4-6-23** A member may only engage in the practice of veterinary medicine when competent to do so. Competence goes beyond formal qualification of the veterinarian to practise veterinary medicine. It has to do with the sufficiency of the veterinarian's qualification to deal with the matter in question and includes knowledge and skill and the ability to use them effectively in the interest of the client. When a matter is beyond the competence of the member, the member has a duty to either

- (a) refer the client/patient to another member who is competent to handle the matter, or,
- (b) consult with a member or veterinarian registered in another regulated jurisdiction. After receiving the consultation, if the matter remains outside of the members competence, the member must make a referral under section (a).

**Members Must Avoid Conflicts of Interest**

**4-6-24** Members must make reasonable efforts to avoid conflicts of interest.

- (a) When a Practising Veterinarian Member is employed by the buyer to inspect an animal for soundness, the Practising Veterinarian Member must be a just and honest referee.

**Do not criticize the work of another member**

**4-6-25** A member shall not criticize the veterinary service provided by another member to a client or the public.

**Confidentiality**

**4-6-26** Members must keep information about clients and patients confidential and may only disclose confidential information:

- (a) With the consent of the client;
- (b) When under a statutory obligation to do so; or,
- (c) Where there is a significant risk to human health and/or animal health/welfare.



## **Division 7 – Non-members acting under supervision**

### **Definitions**

**4-7-1** In this Division,

**“animal health assistant”** means an individual who is a non-member and who

- (a) is registered on an annual basis with the association by the Practicing Veterinarian Member or veterinary corporation that employs the individual, where that Practicing Veterinarian Member or veterinary corporation has also paid all required fees for the individual; and,
- (b) engages in the practice of veterinary medicine under the direct supervision or indirect supervision of a Practicing Veterinarian Member only within the scope of practice set out at s. 4-7-3 of this by-law.

**“non-member”** refers to a person or a member of a class of persons within the meaning of s. 3(2)(b)(iii) who is not a Practicing Veterinary Technologist Member and who nonetheless administers a drug, veterinary biologic, medicine, appliance, or treatment of any kind to an animal in accordance with the scope that this division defines;

**“registered embryo transfer technician”** means an individual who is a non-member and also

- (a) has completed training in embryo transfer;
- (b) is employed by a Practicing Veterinarian Member or veterinary corporation; and,
- (c) performs embryo transfers within the scope of this Division only under the direct supervision or indirect supervision of a Practicing Veterinarian Member.

### **Grandfathering of animal health assistants**

**4-7-2** The association shall not register any individual as an animal health assistant, except those individuals who are so registered on the date on which this by-law came into effect. Where the registration of an individual as an animal health assistant lapses for any reason after the date on which this by-law came into effect, the association shall not register that individual again.

**Scope of practice of animal health assistants**

**4-7-3** An animal health assistant may engage in the practice of veterinary medicine

(a) pursuant to the scope of practice set out at s. 2-9-10 of this by-law, but not including the scope of practice set out at s. 2-9-10(g) of this by-law, and only under the direct supervision of a Practicing Veterinarian Member; and,

(b) pursuant to the scope of practice set out at s. 2-9-11 of this by-law, but only under the direct supervision or indirect supervision of a Practicing Veterinarian Member.

**Scope of practice for registered embryo transfer technicians**

**4-7-4** A registered embryo transfer technician may engage in the practice of veterinary medicine only in the management of estrus synchronization, superovulation, and the evaluation of embryos, which are more particularly described as:

- (a) the non-surgical collection and processing of embryos, including caudal epidural anesthesia, performed by a registered embryo transfer technician under the direct supervision of a Practicing Veterinarian Member; and,
- (b) the non-surgical implantation of embryos, including caudal epidural anesthesia, performed by a registered embryo transfer technician under the indirect supervision of a Practicing Veterinary Member.

**Fees**

**4-7-5** Only a Practicing Veterinarian Member or a veterinary corporation may charge and collect a fee for a service that a non-member performs.

**Division 8 – Publishing Information**

**4-8-1** The MVMA shall publish the following information for all veterinarians, veterinary technologists and animal health assistants that hold registration and/or licensure that allows them to practice veterinary medicine under Part 2 of the Act:

- (a) Full name
- (b) Registration class
- (c) Licence status

- (d) Limitations/conditions on the members licence and/or registration
- (e) Full clinic information
- (f) Board certification

## **Part 5**

### **Transitional provisions**

#### **Transitional provisions relating to complaints**

**5-1** Any complaints, investigations, or proceedings commenced under the Act with respect to the conduct or competence of a member or other persons entitled to practice veterinary medicine or not authorized to practice veterinary medicine in Manitoba under the Act are continued, and this by-law applies with any necessary changes to those complaints, investigations, or proceedings as if they had been commenced under the Act and this by-law.

## **Part 6**

### **Repeal and Coming into Force**

#### **Definitions**

**6-1** In this Part, “the former by-laws” means the by-laws of the Manitoba Veterinary Medical Association, as ratified by the membership on 2 November 2016, and all subsequent amendments of those by-laws.

#### **Repeal of former by-laws**

**6-2** The former by-laws are repealed on the date that the council hereafter fixes by resolution.

#### **Coming into force**

**6-3** Excepting Part 3 of this by-law, this by-law comes into force only on the date that the council hereafter fixes by resolution.

## Schedule A

(as referenced at s. 4-6-8 of this by-law)

### AMPHETAMINES & DERIVATIVES

- ⊙ Adderall XR
- ⊙ Dexedrine
- ⊙ Dexedrine Spansule
- ⊙ Vyvanse

### ANILERIDINE

### BUPRENORPHINE & NALOXONE

- ⊙ Suboxone

*Note:* May be prescribed only by those authorized by their regulatory authority and who are approved to hold a methadone exemption.

- ⊙ Butrans

### BUTALBITAL WITH OR WITHOUT CODEINE

- ⊙ Fiorinal (all strengths)
- ⊙ Tecnal (all strengths)

### BUTORPHANOL

- ⊙ Apo - Butorphanol
- ⊙ PMS - Butorphanol

### CANNABIS

(see Tetrahydrocannabinol)

### COCAINE

CODEINE (either pure or those

preparations with only 1 active ingredient other than codeine)

- ⊙ Codeine Contin (all strengths)
- ⊙ Ratio-Emtec
- ⊙ Lenoltec #4
- ⊙ Tylenol #4
- ⊙ Tylenol with Codeine Elixir

### DIETHYLPROPION

- ⊙ Tenuate

### DIPHENOXYLATE

- ⊙ Lomotil

### FENTANYL/SUFENTANIL/ ALFENTANIL

- ⊙ Fentanyl Patches
- ⊙ Sufentanil injection
- ⊙ Alfentanil injection

HYDROCODONE (All products and strengths)

- ⊙ Ratio-Coristex DH
- ⊙ Dimetane Expectorant DC
- ⊙ Hycodan (all preparations)
- ⊙ Novahistex DH & DH Expectorant
- ⊙ Novahistine DH
- ⊙ Triaminic Expectorant DH

⊙ Tussionex (all preparations)

HYDROMORPHONE (All brands and strengths including)

- ⊙ Dilaudid
- ⊙ Dilaudid HP
- ⊙ Dilaudid LA
- ⊙ Dilaudid Powder
- ⊙ Hydromorph Contin
- ⊙ Hydromorph - IR

KETAMINE (Including compounded prescriptions containing ketamine)

MEPERIDINE (PETHIDINE)

- ⊙ Demerol
- ⊙ Generic products available

METHAQUALONE METHADONE

*Note:* May be prescribed only by those physicians authorized by their regulatory authority.

METHYLPHENIDATE

- ⊙ Biphentin
- ⊙ Concerta
- ⊙ Ritalin
- ⊙ Generic Methylphenidate products

MORPHINE

- ⊙ Kadian
- ⊙ M-Eslon
- ⊙ Morphine (generically all forms)

- ⊙ MOS
- ⊙ MS Contin
- ⊙ MS-IR
- ⊙ Statex

NABILONE

- ⊙ Cesamet

NALBUPHINE

- ⊙ Nubain

NORMETHADONE-p-HYDROXYEPHEDRINE

- ⊙ Cophylac

OPIUM & BELLADONNA SAB -  
Opium & Belladonna suppositories

OXYCODONE (All brands and strengths)

- ⊙ Endocet
- ⊙ Oxycodan
- ⊙ Oxycocet
- ⊙ OxyContin
- ⊙ Oxy - IR

Percocet (all strengths)

- ⊙ Supeudol

PENTAZOCINE

- ⊙ Talwin (tablets & injectable)

PENTOBARBITAL

- ⊙ Nembutal Sodium

PHENOBARBITAL WITH  
CODEINE

TAPENTADOL

⊙ Nucynta CR

PHENTERMINE

⊙ Ionamin

TETRAHYDROCANNABINOL

(and all derivatives of Cannabis  
including synthetic preparations)

PROPOXYPHENE

⊙ Darvon N

⊙ Marinol

⊙ Sativex

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### Notes

1. In addition to those pharmaceutical products here listed, all reportable narcotics and controlled drugs are deemed to be included in this list.
2. This list refers to pharmaceutical products by their generic name. Some brand or trade names are also listed, but not every such brand or trade name is set out. This list is not an all-inclusive listing of all brand or trade names under which the listed generic pharmaceutical products are made available.
3. This list derives from the Manitoba Prescribing Practices Program (M3P)'s list of drugs, as revised in January 2013.

**By-Law No. 2<sup>3</sup>**  
**of the**  
**MANITOBA VETERINARY MEDICAL ASSOCIATION**

The Manitoba Veterinary Medical Association enacts the following by-law:

**Part 1**  
**Interpretation**

**Meaning in Act applies**

**1-3** Unless the context otherwise requires, the meaning given to the words in the Act as amended from time to time applies, including, without limiting the generality of the foregoing,

“**Association**”, which means the Manitoba Veterinary Medical Association;

“**by-laws**”, which means the by-laws of the council made under s. 7 of the Act;

“**Council**”, which means the council of the association;

“**member**”, which means an individual who holds a certificate of registration under the Act.

**Definitions**

**1-4** In this by-law,

“**Act**” means *The Veterinary Medical Act, CCSM, V30*.

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<sup>3</sup> Enacted by MVMA membership – July 6, 2017

**Part 2**  
**Lease of office space (2017)**

**Authorization to enter into lease**

**2-1-4** The council is authorized to enter into a new lease, or renew the expiring lease, with Midwest Veterinary Purchasing Cooperative Ltd for approximately 3,000 square feet of office space at 1590 Inkster Boulevard, Winnipeg, for a ten-year term beginning on 1 August 2017, whereby the association would pay to the landlord

- a. from 1 August 2017 to 31 July 2022, rent at a monthly base rate of \$16.75 per square foot, where square footage would be deemed to be 2,209 square feet during planned renovations to the lease premises and 2,700 square feet after the planned renovations have completed;
- b. from 1 August 2022 to 31 July 2027, rent at a monthly base rate of \$18.25 per square foot, where square footage would be deemed to be 2,700 square feet;
- c. from 1 August 2017 to 31 July 2027, a leasehold improvement charge up to a maximum of \$3.50 per square foot per month, where square footage would be deemed to equal that figure set out above and applicable to the respective time period; and,
- d. all sales taxes applicable at the time that each payment falls due.



