

Effective Date: April 5, 2023

Review Date: Spring 2024

1. Background:

In 1997, the Province of Manitoba indicated that it wished to transfer responsibilities of the Veterinary Medical Board to the Manitoba Veterinary Medical Association. The Board oversaw the annual registration of veterinarians, the inspection of clinics, conducted investigations into complaints against veterinarians and conducted discipline hearings. The Province of Manitoba introduced legislation that transferred the Board's functions to the MVMA. There was an unrestricted contribution of \$90,000 from the Manitoba Government to the MVMA. These funds and related interest were moved into an internally restricted 'legal fund' in 2010.

To maintain and grow the legal fund, the MVMA Council has historically levied a specific "Legal Fund Fee" on an annual basis for veterinarians and veterinary technologists.

2. Purpose:

This policy serves to define:

- 1) The goal/purpose of the Legal Fund
- 2) The process for funds to be added to the Legal Fund
- 3) The process and parameters for funds in the Legal Fund to be used

This policy seeks to reduce the administrative burden of the Legal Fund and streamline member fees.

3. Policy Statement:

- 1) The Legal Fund is maintained to ensure that the MVMA will remain stable and solvent in the event that the MVMA faces large, unexpected, expensive legal proceedings for regulation related matters (discipline, registration, clinic inspection) that cannot be budgeted for.
- 2) The MVMA Council will budget for normal costs associated with legal proceedings that it is required to undertake as a result of its obligations to regulate the professions in its annual budget. It is acknowledged that given the small scale of the MVMA, and large cost of even a sole legal proceeding, budgeting for these types of matters is challenging. For clarity, the MVMA Council does not intend in any way to restrict money paid out to experts (legal, investigators, etc)

that are needed to ensure the MVMA is properly carrying out its mandate, functions and ensuring the MVMA is properly protected.

4. Procedure:

(1) The Legal Fund (Balance)

- A. The MVMA intends to grow the Legal Fund to 400k.
 - a. For the purpose of scope, this is estimated to cover the costs of 3-4 Inquiry processes under Part 5 of *The Veterinary Medical Act*.

(2) Adding Funds to the Legal Fund

- A. Each fiscal year, the MVMA Council will add \$13,500 to the Legal Fund.
 - a. This is projected to be roughly \$25 per practicing veterinarian member and \$5 per practicing veterinary technologist member.
- B. If money is received by the MVMA under section 42(1) of *The Veterinary Medical Act* (*Note 1), the MVMA Council will determine what portion, if any, should be added to the Legal Fund. The MVMA Council will consider:
 - a. The balance of the Legal Fund
 - b. If costs incurred were paid out of the Legal Fund or the operating account.

(3) Using the Legal Fund

- A. Eligible fees for the Legal Fund include legal process fees, including investigation fees and disbursements related to:
 - a. Discipline matters under Part 5 of *The Veterinary Medical Act*.
 - b. Veterinary Corporation matters under Part 4.1 of *The Veterinary Medical Act*.
 - c. Registration and Licensing matters under Part 4 of *The Veterinary Medical Act*.
 - d. Inspection matters under Part 6 of *The Veterinary Medical Act*.
- B. At the end of each fiscal year the MVMA Council may use funds from the Legal Fund if:
 - a. The MVMA had greater legal fees than were budgeted for in the fiscal year;
 - b. The funds would be used to cover eligible fees, articulated in A above; and
 - c. The MVMA Council passes a motion to transfer the funds.

References:

*Note 1

The Veterinary Medical Act

Costs and fines

[42\(1\)](#)

The inquiry panel may, in addition to or instead of dealing with the conduct of an investigated member in accordance with section 41, order that the investigated member pay to the association, within the time set by the order,

- (a) all or part of the costs of the investigation and hearing;
- (b) a fine not exceeding \$10,000.;
- (c) both the costs under clause (a) and the fine under clause (b).