



Washington

## Public Stakeholder Meeting Notice: VCPR/Tele-Health Subcommittee Meeting

The Veterinary Board of Governors is holding a subcommittee meeting on Wednesday, May 15, 2024, at 8:00 am.

The subcommittee will discuss WACs 246-933-010 and 200.

Please submit comments to [veterinary@doh.wa.gov](mailto:veterinary@doh.wa.gov) by Wednesday, May 8, 2024. Comments received after May 8 may not be included in materials.

Current DRAFT language of [WAC](#).

CR 101 Subject of possible rulemaking: WAC 246-933-010, Definitions and WAC 246-933-200, Veterinary Client Patient Relationship (VCPR). The Veterinary Board of Governors (Board) is considering establishing additional standards for telemedicine services. The Board is considering amending WAC 246-933-200 and WAC 246-933-010 and creating a new rule section.

WAC 246-933-010

For the purposes of this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. Unless stated, words used in the singular may be read in the plural.

- (1) "Advertise" means to announce publicly by any form of media in order to aid directly or indirectly in the sale of a commodity or service.
- (2) "Animal" means any species normally recognized as treatable by veterinary medicine.
- (3) "Controlled substances" as defined in RCW 69.50.101.
- (4) "Department" means the Department of Health.
- (5) "Drugs" as defined in RCW 69.50.101.

- (6) "Health certificate" means a document prepared pursuant to law and which attests to the fact that an animal is in a certain state of health.
- (7) "Patient" means any animal under the care and treatment of a veterinarian.
- (8) "Secretary" means the secretary of the Department of Health.

NEW SECTION: (99) "Teleadvice" means the provision of any health information, opinion, guidance, or recommendation concerning prudent future actions that are not specific to a particular patient's health, illness or injury. This is general advice that is not intended to diagnose, prognose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions.

(10) "Telehealth" means the overarching term that encompasses all uses of technology geared to remotely deliver health information or education. Telehealth encompasses a broad variety of technologies and tactics to deliver virtual medical, health, and education services. Telehealth is not a specific service, but a collection of tools which allow Veterinarians to enhance care and education delivery. Telehealth encompasses both telemedicine and general advice.

(11) "Telemedicine" means the remote delivery of healthcare services, such as health assessments or consultations, over the telecommunications infrastructure. It allows Veterinarians to evaluate, diagnose and treat patients without the need for an in-person visit.

(12) "Triage" means emergency animal care, including animal poison control services, for immediate, potentially life-threatening animal health situations (e.g., poison exposure mitigation, animal CPR instructions, other critical lifesaving treatment or advice).

(13) "Veterinary Board of Governors" is that board appointed by the governor pursuant to chapter **18.92** RCW.

#### **WAC 246-933-200 Veterinary-client-patient relationship.**

A veterinary-client-patient relationship is the basis for interaction between veterinarians and their clients and patients.

(1) A veterinary-client-patient relationship exists when all of the following conditions have been met:

(a) The veterinarian has assumed responsibility for making clinical judgments regarding the health of the animal(s) and need for medical treatment, and the client or key party as defined in WAC 246-934-020 has agreed to follow the instructions of the veterinarian.

(b) The veterinarian has sufficient knowledge of the animal(s) to initiate, at a minimum, a general or preliminary diagnosis of the medical conditions of the animal(s). This means the veterinarian:

(i) Has physically examined the animal(s) within the last year, or sooner if medically appropriate; or

(ii) In cases involving operations with several animals, such as encountered at farms, laboratories, or in shelters, 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 timely visits to the premises where the animal(s) are kept.

(c) The veterinarian is readily available for follow-up evaluation or has arranged for emergency coverage and continuing care and treatment.

(2) The veterinarian shall not establish a veterinary-client-patient relationship solely by telephonic or other electronic means. ~~However, once established, a veterinary-client-patient relationship may be maintained between medically necessary examinations via telephone or other types of consultations.~~

New Section:

(3) It is the responsibility of the examining veterinarian to determine if a physical exam is medically appropriate based on available information regardless of when the last physical exam was performed.

New Section:

(4) Once a VCPR has been established, it extends to all licensees regularly employed/practicing at the same premises or same mobile practice entity as the veterinarian who established the most current original VCPR. ~~holding veterinarian.~~

(a) When medical records are not available to the treating veterinarian, section (4) does not apply.

(b) The VCPR cannot be extended to other licensees based solely on the accessibility of the medical records.

New Section:

(5) In the absence of an established VCPR, allowable telehealth services are limited to:

- (a) Teleadvice.
- (b) Triage.
- (c) Telemedicine for the purpose of prescribing sedation, other than a controlled substance, ~~for an aggressive or fractious patient~~ prior to ~~an initial a~~ visit, and only to facilitate ~~safe-transportation to~~ or examination by, a veterinarian.
- (d) Dispensing drugs, other than controlled substance, prescribed by another veterinarian, including a veterinarian licensed in another state, if:
  - (i) failure to dispense the drug could interrupt a therapeutic regimen or cause a patient to suffer;
  - (ii) ~~the prescribing veterinarian informs the dispensing veterinarian that the drug is appropriate and necessary for the animal; the prescribing veterinarian has ascertained information necessary to fill the requested prescription;~~
  - (iii) the quantity of the dispensed drug does not exceed a ten-day supply for each animal annually;
  - (iii\*) the annual total of dosage units of drugs dispensed under this subsection is not more than five percent of the total dosage units of drugs the veterinarian dispenses in a year; and
  - (iv) the veterinarian maintains records of dispensing activities under this section consistent with board rules.

However, once established, a veterinary-client-patient relationship may be maintained, at the veterinarian's discretion between medically necessary examinations via all forms of telehealth as defined in WAC 246-933-010.

~~(3)-(5)~~ (6) The veterinary-client-patient relationship may be terminated under these conditions:

- (a) Veterinarians may terminate a veterinary-client-patient relationship as long as the termination does not constitute patient abandonment as described in WAC **246-933-060**.
- (b) If there is an ongoing medical or surgical condition, the patient should be referred to another veterinarian for diagnosis, care, and treatment.
- (c) Clients may terminate the veterinary-client-patient relationship at any time.

~~(4)-(6)~~ (7) For animals or animal products for food consumption:

- (a) There must be a written agreement with the client that identifies the farm veterinarian of record (VOR) who is accountable for drug use and treatments administered to the animals on the farm operation;

(b) The VOR is the responsible party for providing appropriate oversight of drug use on the farm operation. Oversight includes establishment of diagnostic and treatment protocols, training of personnel, review of treatment records, monitoring drug inventories, assuring appropriate labeling of drugs, and monitoring compliance and outcomes. Veterinary oversight of drug use must include all drugs used on the farm regardless of the distribution of the drugs to the farm;

(c) Provision of drugs or drug prescriptions must be for specific time frames appropriate to the scope and type of operation involved and only for the management groups within the operation that the VOR has direct involvement and oversight;

(d) A veterinarian issuing a veterinary feed directive (VFD) must comply with applicable federal law, including 21 C.F.R. 558.6.

~~(5)~~ ~~(7)~~ (8) Medical records must be maintained pursuant to WAC **246-933-320**(7).

~~(6)~~ ~~(8)~~ (9)(a) A veterinarian shall use or prescribe drugs only within the context of a veterinary-client-patient relationship except as outlined in section (4). Veterinary prescription drugs are restricted by federal law, under 21 U.S.C. Sec. 353(f), to be used by or on the order of a licensed veterinarian.

(b) Extra label use is legal only when ordered by a veterinarian and within the context of a veterinary-client-patient relationship.