



MODEL REGULATIONS- ESTABLISHMENT AND MAINTENANCE OF A VETERINARIAN-CLIENT-PATIENT-RELATIONSHIP

As recommended by the AAVSB Regulatory Policy Task Force in September 2023

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Introduction

These Model Regulations are meant to support the statutory language that can be found in the AAVSB Practice Act Model (PAM). They reflect the collective expertise of the Regulatory Policy Task Force members. Each model regulation from the AAVSB is presented separately for ease of use for the AAVSB Member Boards to utilize as a model in developing regulations or rules specific to targeted topics. The AAVSB Regulatory Policy Task Force (RPTF) will continue to develop Model Regulations for addressing pressing issues in the regulation of Veterinary Medicine and Veterinary Technology. Section 104(dd) of the AAVSB's PAM defines a Veterinarian-Client-Patient Relationship (VCPR) and Section 105(b) requires the establishment of a VCPR prior to practicing Veterinary Medicine or Veterinary Technology. These Model Regulations provide an additional framework for establishing and maintaining this relationship. The AAVSB respects the differing governance structures within the regulation of the profession and encourages the use of language that best fits each Jurisdiction's needs. The Model Regulations suggest regulatory language for complex emerging trends in Veterinary Medicine and Veterinary Technology.

Revisions

Created 2023

Structure and Format

The AAVSB Model Regulations have been structured to assist Member Boards in developing new regulations or rules within their Jurisdiction to address the specific language that can be found in the jurisdictions' existing statute or bylaws. It has been formatted to include the model language with corresponding commentary. To provide the rationale and thought processes behind the Model Regulations, readers are strongly encouraged to read the commentary as well as the Regulation.

Establishment and Maintenance of a VCPR

Model Regulation.

Pursuant to the authority granted in Article II, Section 212 of the Veterinary Medicine and Veterinary Technology Practice Act Model (Act), the Board hereby promulgates the following:

Article I, Section 105 (b) Practice of Veterinary Medicine states that "Subject to exceptions set forth in law, a VCPR must be established prior to engaging in the practice of Veterinary Medicine." A Veterinarian must employ sound professional judgment when establishing a Veterinarian-Client-Patient Relationship (VCPR), as defined in section 104(dd) of the PAM, whether via virtual or in-person examination or Premises visit. A Veterinarian must take appropriate steps to establish the VCPR, obtain Informed Consent from the Client, and conduct all necessary Patient evaluations consistent with currently acceptable standards of practice.

Commentary

Model Regulation.

Within these Model Regulations, the AAVSB presents guidance on the establishment and maintenance of a Veterinarian-Client-Patient Relationship (VCPR) via in-person and virtual means. There are additional safeguards Jurisdictions should consider when promulgating rules allowing for the virtual establishment of a VCPR, and these are addressed in section 2 of this Model Regulation. These safeguards require that the Client is informed of the limitations of Telemedicine and receives advice for when and how to receive an in-person follow-up, if necessary. Patient and public safety concerns exist when adapting regulations and standards historically intended for the hands-on provision of veterinary medical care for use in Telehealth. Challenges include determining when and where a VCPR is established, assuring confidentiality and privacy of Client and Patient data, proper diagnosis, and treatment of the Patient, and limiting the prescribing and dispensing of medications in accordance with federal law. For regulatory and disciplinary purposes, the AAVSB strongly recommends that the Jurisdiction requires the Veterinarian to be licensed in the same Jurisdiction as the Patient and to have a contractual relationship with a Veterinary Facility located within that Jurisdiction.

Section Model Regulation (continued)

A license shall be required for any Veterinarian or Veterinary Technician who provides veterinary medical services to a Patient or Client in this Jurisdiction through in-person, telephonic, electronic, or other means. Many factors, including technological advancements, increase the likelihood of the practice of Veterinary Medicine via electronic means and without physical presence, both intrastate and interstate. The AAVSB PAM and these regulations recognize that the practice of Veterinary Medicine takes place where the Patient is located when the VCPR is established. Because the Board's central mission is to protect the public in its Jurisdiction, it must make every effort to regulate the practice of Veterinary Medicine being received in that Jurisdiction, regardless of the location of the Veterinarian providing the services. The location of practice under these circumstances occurs in both Jurisdictions; that is where the Patient is located and where the Veterinarian is located.

Under US federal law, there are certain restrictions that require an in-person establishment of a VCPR, pursuant to the Veterinary Feed Directive, Animal Medicinal Drug Use Clarification Act, and Horseracing Integrity and Safety Act. The federally-defined VCPR, published at 21 CFR Sec 530.3(i)(3) and referenced in the above laws, states, in part, that “[s]uch a relationship can exist only when the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of examination of the animals and/or by medically appropriate and timely visits to the premises where animal(s) are kept.”

In Canada, federal law requires Veterinarians to adhere to Provincial laws related to the VCPR to prescribe, dispense, and administer drugs.

Section 1. Establishment and Maintenance of a VCPR

- (a) The Patient(s) is located within this Jurisdiction at the time the VCPR is established.
- (b) In accordance with the definition of the VCPR in the Act, sufficient knowledge of a Patient(s) pursuant to Section 104(dd)(2) may be obtained by:
 - (1) A recent examination of the Patient(s) either physically or by the use of appropriate virtual technology or
 - (2) Medically appropriate and timely visits to the Premises at which the Animal(s) or group of Animals are kept.
- (c) Once a VCPR has been established:
 - (1) The Veterinarian shall maintain sufficient knowledge of the Patient(s) to make a general or preliminary diagnosis, recommend treatment, or to prescribe, administer, or dispense a drug;

- (2) It extends to all Licensees employed by or affiliated with the same Veterinary Facility pursuant to Section 309 of the Act; and
- (3) The Client must be informed that other Licensees at the Veterinary Facility may provide services within the VCPR.
- (d) When a Veterinarian chooses to discontinue a VCPR for any reason, they must communicate this decision with the Client to allow the Client a reasonable amount of time to arrange care with another Veterinarian, including the appropriate transfer of medical information.

Commentary

Section 1(c)(1) Establishment and Maintenance of a VCPR.

The AAVSB considered time periods regarding the duration and maintenance of a VCPR. However, it was determined that reliance on the professional judgement of the Veterinarian is sufficient to protect the Client and Patient. A time limit may actually prevent practitioners from using their professional authority to require a recheck examination for a disease process that requires an examination more frequently than Jurisdictional requirements.

Section 2. Additional Requirements for the Establishment and Maintenance of a Virtual VCPR

In addition to requirements outlined in section 1 above, a Veterinarian may establish and maintain a VCPR through virtual means if all the following apply:

- (a) The Veterinarian provides the Client with information for obtaining timely in-person follow up care; and
- (b) The Client is informed of the Veterinarian's location, Veterinary Facility registration number (if applicable), Jurisdiction's license number and licensure status, and limitations involved in accessing Veterinary Medicine via Telemedicine.