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Model Regulations: Telehealth and the Virtual Practice of Veterinary Medicine and Veterinary Technology

*As recommended by the AAVSB Regulatory Policy Task Force in July 2023
and approved by the AAVSB Delegate Assembly in September 2023*

Table of Contents

Introduction	3
Revisions	3
Structure and Format	3
Telehealth and the Virtual Practice Of Veterinary Medicine And Veterinary Technology ...	4
Model Regulation	4
Section 1. Definitions.....	4
Section 2. The Virtual Practice of Veterinary Medicine and Veterinary Technology	5

Introduction

AAVSB Model Regulations are meant to support the statutory language that can be found in the AAVSB Practice Act Model (PAM). They suggest regulatory language for complex emerging trends in Veterinary Medicine and Veterinary Technology. Each model regulation from the AAVSB is presented separately from each other and from the PAM for ease of use for the AAVSB Member Boards to utilize as a model in developing regulations or rules specific to targeted topics. AAVSB recognizes that there is no single solution for the association's diverse group of Member Boards, and that these models may not fit within the existing governance framework. AAVSB recognizes that jurisdictional needs vary by the mission and scope of the governing agency, as well as the needs of the public and the veterinarian community within its boundaries. 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 AAVSB will continue to develop Model Regulations for addressing pressing issues in the regulation of 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 or modifying existing regulations or bylaws. Each document has been formatted to include corresponding commentary in blue comment boxes. This commentary serves multiple purposes, providing insights into broader areas of discussion and rationale for recommended language. Member Boards are strongly encouraged to read and discuss the commentary, including considerations germane to the local jurisdiction.

Telehealth and the Virtual Practice of Veterinary Medicine and Veterinary Technology

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:

Telemedicine is a method or mode of practice; therefore, unless expressed otherwise, the practice of Telemedicine is subject to the same standards of practice and regulations of Veterinary Medicine.

Commentary: Introductory Comment to Model Regulation.

The AAVSB believes that the utilization of virtual practice of Veterinary Medicine and Veterinary Technology is simply another mode or method of practice and therefore Licensees who practice, either in-person or virtually, are subject to the same standards of practice. These Model Regulations support a consistent standard of practice for Licensees. As part of these standards of practice, the Licensee must employ sound professional judgement to determine whether Telemedicine is suitable and only furnish medical advice or treatment when it is medically appropriate. Some Patient presentations are appropriate for the utilization of Telemedicine as a component of, or in lieu of, hands-on veterinary care, while others are not. This principle is the same with in-person care; the Veterinarian must decide with each Patient whether a history and exam is adequate to recommend care, or if further diagnostic tests are necessary.

Section 1. Definitions.

When used in these regulations, these words and phrases shall be capitalized and are defined as follows:

- (a) **General Advice** means any advice provided via any method of communication that is given in general terms and is not specific to an Animal(s) or group of Animals, diagnosis, or treatment.
- (b) **Telehealth** is the overarching term that encompasses all uses of technology to virtually deliver medical and health information or education. Telehealth is not a specific service, but a collection of tools that allow for enhanced veterinary care and Client education. Telehealth encompasses Telemedicine, Telerriage, and General Advice.
- (c) **Telemedicine** is the virtual practice of Veterinary Medicine and Veterinary Technology over the telecommunications infrastructure.

- (d) **Teletriage** means the timely and virtual assessment of an Animal(s) or group of Animals to determine if they need a referral to a Veterinarian for treatment.

Commentary: Section 2. The Virtual Practice of Veterinary Medicine and Veterinary Technology.

The practice of Veterinary Medicine and Veterinary Technology provided through virtual means is subject to the rules adopted pursuant to Section 105 (Practice of Veterinary Medicine) and Section 106 (Practice of Veterinary Technology) of the Act.

Section 2. The Virtual Practice of Veterinary Medicine and Veterinary Technology.

Notwithstanding any other practice requirements, the virtual practice of Veterinary Medicine and Veterinary Technology is subject to the following:

- (a) Evaluation and Treatment of the Patient(s):
Licensees must employ sound professional judgment to determine whether Telemedicine is suitable for providing care, and only furnish treatment via Telemedicine when deemed appropriate.
- (b) Prescribing medications via Telemedicine requires a VCPR and is subject to federal and the Jurisdiction's laws.
- (c) General Advice and Teletriage do not constitute the practice of Veterinary Medicine or Veterinary Technology and thus do not require a VCPR.
- (d) Compliance with practice requirements set forth in Article III, Section 301 of the Act, and identification as employed by or affiliated with a Veterinary Facility pursuant to Section 309 of the Act.

Commentary: Section 2(b). The Virtual Practice of Veterinary Medicine and Veterinary Technology.

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.