
HOUSE BILL 2247

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By Representatives Parshley, Lekanoff, Reed, Leavitt, Zahn,
Gregerson, Berg, and Fosse

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on Health Care & Wellness.

1 AN ACT Relating to veterinarian-client-patient relationships;
2 amending RCW 18.92.015; and adding a new section to chapter 18.92
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.92
6 RCW to read as follows:

7 (1) A veterinarian-client-patient relationship is the basis for
8 interaction between veterinarians and their clients and patients. A
9 veterinarian-client-patient relationship exists when all of the
10 following conditions have been met:

11 (a) The veterinarian has assumed responsibility for making
12 clinical judgments regarding the health of the animal and need for
13 medical treatment, and the client has agreed to follow the
14 instructions of the veterinarian;

15 (b) The veterinarian has sufficient knowledge of the animal to
16 initiate, at a minimum, a general or preliminary diagnosis of the
17 medical conditions of the animal. To establish this knowledge, the
18 veterinarian must:

19 (i) Have physically examined the animal within the last year, or
20 sooner if medically appropriate. In cases where a veterinarian cannot

1 physically examine the animal, such knowledge may be established
2 using telehealth when:

3 (A) The animal cannot access clinical veterinary care due to
4 substantial challenges including, but not limited to, substantial
5 transportation challenges for the client or animal or the
6 unavailability of in-person appointments for a significant amount of
7 time; or

8 (B) The animal has an urgent condition that could result in
9 suffering, and it is not medically reasonable for the veterinarian or
10 client to delay care;

11 (ii) In cases involving operations with several animals, such as
12 encountered at farms, laboratories, or in shelters, be personally
13 acquainted with the keeping and care of the animals by virtue of an
14 examination of the animals or by medically appropriate and timely
15 visits to the premises where the animals are kept; and

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

19 (2) Once a veterinarian-client-patient relationship has been
20 established, ongoing care may be provided via telemedicine; however,
21 it is the responsibility of the examining veterinarian to determine
22 if an additional physical examination is medically appropriate based
23 on available information regardless of when the last physical
24 examination was performed.

25 (3) Once a veterinarian-client-patient relationship has been
26 established, the relationship extends to all veterinarians employed
27 or practicing at the same premises or same mobile practice entity as
28 the veterinarian who established the most current veterinarian-
29 client-patient relationship. The veterinarian-client-patient
30 relationship may not be extended to other veterinarians based solely
31 on the accessibility of the medical records.

32 (4) In the absence of an established veterinarian-client-patient
33 relationship, allowable telehealth services are limited to the
34 following:

35 (a) Teleadvice;

36 (b) Triage in an emergency situation. A licensed veterinarian
37 who in good faith engages in the practice of veterinary medicine by
38 rendering or attempting to render emergency care to a patient when a
39 client cannot be identified, or where a veterinarian-client-patient
40 relationship is not established, is not subject to discipline based

1 solely on the veterinarian's inability to establish a veterinarian-
2 client-patient relationship;

3 (c) Telemedicine for the purpose of prescribing sedation, other
4 than a controlled substance, prior to an in-person visit, to
5 facilitate transportation to, examination by, or treatment by a
6 veterinarian, or as provided in subsection (5)(e) of this section;

7 (d) Dispensing drugs prescribed by another veterinarian licensed
8 under this chapter, if:

9 (i) Failure to dispense the drug could interrupt a therapeutic
10 regimen or cause a patient to suffer; and

11 (ii) The prescribing veterinarian has ascertained information
12 necessary to fill the requested prescription; and

13 (e) Poison control services.

14 (5) A veterinarian providing care for animal patients under the
15 telehealth exceptions for subsection (1)(b)(i) of this section:

16 (a) May deny treatment because in their medical opinion a
17 physical examination is necessary to adequately diagnose, prognose,
18 and prescribe adequate care for the patient;

19 (b) Must be licensed as a veterinarian in the state of
20 Washington;

21 (c) Must, to the extent practicable, have or establish an
22 association with practices that are registered in the state of
23 Washington to which the patient can be referred for an in-person
24 examination;

25 (d) Must notify the client that prescription drugs or medications
26 may be available at a pharmacy and, if requested, the veterinarian
27 must submit a prescription to a pharmacy that the client chooses;

28 (e) Must provide the client with the veterinarian's identity and
29 clinic address; and

30 (f) Must encourage the owner of the animal or the qualified
31 individual to schedule an in-person follow-up examination of the
32 animal to occur not later than 90 days after the date of the
33 examination through telehealth if the veterinarian, the owner of the
34 animal, or the qualified individual has concerns about the animal's
35 health that cannot be addressed through telehealth.

36 (6) Once a veterinarian-client-patient relationship has been
37 established, all forms of telehealth may be used at the discretion of
38 the veterinarian.

39 (7) The veterinarian-client-patient relationship may be
40 terminated under the following conditions:

1 (a) The termination does not constitute patient abandonment as
2 described in board rules;

3 (b) If there is an ongoing medical or surgical condition, the
4 client is offered a patient referral at the time of termination to
5 another veterinarian for diagnosis, care, and treatment; or

6 (c) Clients may terminate the veterinarian-client-patient
7 relationship at any time.

8 (8) For animals or animal products for food consumption:

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

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

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

25 (d) A veterinarian issuing a veterinary feed directive must
26 comply with applicable federal laws and regulations, including 21
27 C.F.R. 558.6.

28 (9) Medical records must be maintained pursuant to board rules.

29 (10)(a) A veterinarian may use or prescribe drugs only within the
30 context of a veterinarian-client-patient relationship except as
31 outlined in subsection (4) of this section. Veterinary prescription
32 drugs are restricted by federal law, under 21 U.S.C. Sec. 353(f), and
33 may only be used by or on the order of a licensed veterinarian.

34 (b) Extra label use may be allowed only when ordered by a
35 veterinarian and within the context of a veterinarian-client-patient
36 relationship.

37 (c) A veterinarian providing care through telehealth may not
38 prescribe a drug to the animal patient for a period longer than three
39 months from the date of issuing a prescription unless a veterinarian
40 has examined the animal patient in person. The veterinarian may not

1 issue another prescription to the animal patient for the same drug
2 unless they have conducted another examination of the animal patient,
3 either in person or using telehealth.

4 (d) A veterinarian providing care through telehealth may not
5 prescribe an antimicrobial drug to the animal patient for a period
6 longer than 21 days of treatment. The veterinarian may not issue any
7 further antimicrobial drug prescription, including a refill, to treat
8 the condition of the animal patient unless the veterinarian has
9 conducted an in-person examination of the animal patient.

10 (11) A veterinarian providing care for patients using telehealth
11 shall inform the client about the use and potential limitations of
12 telehealth and obtain consent from the client to use telehealth,
13 including acknowledgment of all of the following:

14 (a) The same standards of care apply to veterinary medicine
15 services via telehealth and in-person veterinary medical services;

16 (b) The client has the option to choose an in-person visit from a
17 veterinarian at any time; and

18 (c) The client has been advised how to receive follow-up care or
19 assistance in the event of failure to respond or declining clinical
20 condition; or of an adverse reaction to the treatment; or in the
21 event of an inability to communicate resulting from technological or
22 equipment failure or failure to be able to reconnect for a follow-up
23 conversation.

24 (12) A veterinarian who practices veterinary medicine through
25 telehealth must do all of the following:

26 (a) Certify with the board of at least 14 days a year of practice
27 in a clinic setting with hands-on animal experience unless telehealth
28 medicine is less than 90 percent of the veterinarian's annual
29 practice in Washington, unless the veterinarian has over 20 years of
30 practicing veterinary experience. The board may exempt individual
31 veterinarians otherwise precluded from in-person practice from the
32 requirements of this subsection;

33 (b) Ensure that the technology, method, and equipment used to
34 provide veterinary medicine services through telehealth complies with
35 all current applicable privacy protection laws;

36 (c) Have historical knowledge of the animal patient by obtaining,
37 if available, and reviewing the animal patient's relevant medical
38 history, and, if available, medical records including any diagnostic
39 data. If medical records exist from a previous in-person visit and
40 are in possession of the client, the client may transmit those

1 records, including any diagnostic data contained therein, to the
2 veterinarian electronically;

3 (d) Employ sound professional judgment to determine whether using
4 telehealth is an appropriate alternative method from in-person
5 evaluation for delivering medical advice or treatment to the animal
6 patient and providing quality of care consistent with prevailing
7 veterinary medical practice;

8 (e) As required by subsection (5)(c) of this section, be familiar
9 with available medical resources, including emergency resources near
10 the animal patient's location, be able to provide the client with a
11 list of nearby veterinarians who may be able to see the animal
12 patient in person upon the request of the client, and keep, maintain,
13 and make available a summary of the animal patient record, as
14 specified in board rules;

15 (f) Provide the client with the veterinarian's name, contact
16 information, and license number that has undertaken the telehealth
17 appointment;

18 (g) Secure an alternative means of contacting the client if the
19 electronic means is interrupted; and

20 (h) Not claim to be a specialist unless the veterinarian is
21 certified in such specialty by a board recognized by the American
22 veterinary medical association.

23 (13) A veterinarian may use telehealth without establishing a
24 veterinarian-client-patient relationship in order to provide
25 teleadvice to another licensed veterinarian or in an emergency
26 situation as long as the client is clearly instructed as soon as
27 possible to have their animal patient evaluated in person by a
28 licensed veterinarian.

29 **Sec. 2.** RCW 18.92.015 and 2013 c 19 s 43 are each amended to
30 read as follows:

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

33 (1) "Animal patient" means any animal under the care and
34 treatment of a veterinarian.

35 (2) "Board" means the Washington state veterinary board of
36 governors.

37 (~~(2)~~) (3) "Client" means the animal patient's owner, owner's
38 agent, or other person presenting the animal patient for care.

39 (4) "Department" means the department of health.

1 (~~(3)~~) (5) "Secretary" means the secretary of the department of
2 health.

3 (~~(4)~~) (6) "Teleadvice" means the provision of any health
4 information, opinion, guidance, or recommendation concerning prudent
5 future actions that are not specific to a particular animal patient's
6 health, illness, or injury.

7 (7) "Telehealth" means the overarching term that encompasses all
8 uses of technology geared to remotely deliver health information or
9 education. Telehealth encompasses a broad variety of technologies and
10 tactics to deliver virtual medical, health, and education services.
11 Telehealth is not a specific service, but a collection of tools which
12 allow veterinarians to enhance care and education delivery.
13 Telehealth encompasses teleadvice, telemedicine, and teletriage.

14 (8) "Veterinary medication clerk" means a person who has
15 satisfactorily completed a board-approved training program developed
16 in consultation with the pharmacy quality assurance commission and
17 designed to prepare persons to perform certain nondiscretionary
18 functions defined by the board and used in the dispensing of legend
19 and nonlegend drugs (except controlled substances as defined in or
20 under chapter 69.50 RCW) associated with the practice of veterinary
21 medicine.

22 (~~(5)~~) (9) "Veterinary technician" means a person who is
23 licensed by the board upon meeting the requirements of RCW 18.92.128.

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