

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 20. VETERINARY MEDICAL BOARD

PROPOSED REGULATORY LANGUAGE

Veterinarian-Client-Patient Relationship (VCPR)

Changes to the regulatory language are shown in ~~single strikethrough~~ for deleted text and single underline for added text.

Amend sections 2032.25 and 2038.5 and repeal section 2032.1 of article 4 of division 20 of title 16 of the California Code of Regulations as follows:

**ARTICLE 4.
PRACTICE**

§ 2032.25. Written Prescriptions in Absence of Originally Prescribing Veterinarian.

- (a) Absent establishing a veterinarian-client-patient relationship (VCPR) as defined in section ~~2032.14826.6 of the Business and Professions Code~~, prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 of the code constitutes unprofessional conduct.
- (b) No licensee shall be found to have committed unprofessional conduct within the meaning of this section if, at the time the drugs were prescribed, dispensed, or furnished, any of the following applies:
 - (1) The licensee was a veterinarian serving in the absence of the treating veterinarian and the drugs were prescribed, dispensed, or furnished on an emergency basis for a traveling patient only as necessary to maintain the health of the animal patient until they could return to the originally treating veterinarian. Prior to providing a prescription refill pursuant to this section, the veterinarian shall have made a reasonable effort to contact the original prescribing veterinarian, and shall have documented the communication, or his or her attempt to contact the original prescribing veterinarian, in the animal patient's medical record.
 - (2) The original prescribing veterinarian was unavailable to authorize the refill, and the veterinarian authorizing the refill was working in the same practice as the original prescribing veterinarian, and:

- (A) The veterinarian who authorized the refill was in possession of and had reviewed the animal patient's records, ordered the renewal of a medically indicated prescription for an amount not exceeding the original prescription in strength or amount or for more than one refill, and entered the prescription refill in the animal patient's medical records.
- (B) In the veterinarian's professional judgment, failure to refill the prescription might have interrupted the animal patient's ongoing care and might have had an adverse effect on the animal patient's well-being.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4826.6 and 4883, Business and Professions Code.

§ 2038.5. Animal Physical Rehabilitation.

- (a) Animal Physical Rehabilitation (APR):
 - (1) is defined as the treatment of injury or illness to address pain and improve function by means of physical corrective treatment.
 - (2) does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training, or exercise.
- (b) Prior to performing or authorizing APR, a veterinarian shall establish a valid veterinarian-client-patient relationship as defined in ~~Sections 2032.1 or 2032.15~~ or Section 4826.6 of the Business and Professions Code.
- (c) R.V.T.s may perform APR under the degree of direct or indirect supervision determined by the veterinarian who has established the veterinarian-client-patient relationship.
- (d) Veterinary assistants may perform APR under the direct supervision of a veterinarian.
- (e) Nothing in this section shall be construed to restrict or amend Section 2038 regarding the performance of MSM.
- (f) This section shall not apply to wildlife rehabilitation regulated by the United States Fish and Wildlife Service or the California Department of Fish and Wildlife.

Note: Authority cited: Sections 4808 and 4836, Business and Professions Code. Reference: Sections 4825, 4826, 4826.6, 4836 and 4883, Business and Professions Code.

§ 2032.1. — Veterinarian-Client-Patient Relationship.

- ~~(a) It is unprofessional conduct for a veterinarian to administer, prescribe, dispense or furnish a drug, medicine, appliance, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture or bodily injury or disease of an animal without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client, except where the patient is a wild animal or the owner is unknown.~~
- ~~(b) A veterinarian-client-patient relationship shall be established by the following:~~
- ~~(1) The client has authorized the veterinarian to assume responsibility for making medical judgments regarding the health of the animal, including the need for medical treatment;~~
 - ~~(2) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian is personally acquainted with the care of the animal(s) by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animals are kept, and~~
 - ~~(3) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal and has communicated with the client a course of treatment appropriate to the circumstance.~~
- ~~(c) A drug shall not be prescribed for a duration inconsistent with the medical condition of the animal(s) or type of drug prescribed. The veterinarian shall not prescribe a drug for a duration longer than one year from the date the veterinarian examined the animal(s) and prescribed the drug.~~
- ~~(d) As used herein, "drug" shall mean any controlled substance, as defined by Section 4021 of the code, and any dangerous drug, as defined by Section 4022 of the code.~~
- ~~(e) No person may practice veterinary medicine in this state except within the context of a veterinarian-client-patient relationship or as otherwise permitted by law. A veterinarian-client-patient relationship cannot be established solely by telephonic or electronic means.~~
- ~~(f) Telemedicine shall be conducted within an existing veterinarian-client-patient relationship, with the exception for advice given in an "emergency," as defined under section 4840.5 of the code, until that patient(s) can be seen by or transported to a veterinarian. For purposes of this section, "telemedicine" shall mean the mode~~

~~of delivering animal health care services via communication technologies to facilitate consultation, treatment, and care management of the patient.~~

~~Note: Authority cited: Sections 686 and 4808, Business and Professions Code.
Reference: Sections 686, 2290.5, 4021, 4022 and 4883, Business and Professions Code.~~