

Veterinary Medical Board

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MEMORANDUM

DATE	August 13, 2018
TO	Veterinary Medical Board
FROM	Amanda Drummond, Administrative Programs Coordinator
SUBJECT	Amend Sections 2032.15 and 2032.25, Article 4, Division 20, Title 16 of the California Code of Regulations (CCR) Regarding Veterinarian-Client-Patient Relationships (VCPRs).

Background:

The Minimum Standards of Practice regulations were last amended and took effect January 1, 2014. Due to clarity questions that arose out of the newly enacted language, the Veterinary Medical Board (Board) delegated the issue of clarifying recent changes to the minimum standards to the Multidisciplinary Advisory Committee (MDC). At the October 2014 meeting, the MDC noted several amendments that would further clarify the intent of the minimum standards to make them consistent with other provisions in the Veterinary Medicine Practice Act and forwarded their recommendations to the Board.

In April of 2015, the Board reviewed the proposed regulations regarding Minimum Standards, agreed to various revisions to the proposed language, and approved the language as amended. The approved language originally included CCR amendments to sections 2030-2037.

The Board subsequently voted to separate out CCR section 2032.1 (Telemedicine) and push it through the regulatory rulemaking process as its own stand-alone regulation. During the same time period, the Board had also requested the California Veterinary Medical Association (CVMA) to initiate a taskforce and discuss premise practice types as part of the Minimum Standards of Practice. This discussion and the CVMA task force recommendation eventually became proposed regulations encompassing Minimum Standards for Alternate Veterinary Premises.

As a byproduct of separating out telemedicine and addressing alternate premises minimum standards separately, the previously approved CCR sections 2032.15 and 2032.25 (that were originally part of the approved April 2015 proposed regulations) were overlooked and did not move forward as their own separate rulemaking file. Additionally, the motion made by the Board at the April 2015 meeting did not meet requirements for a complete motion needed for Board staff to proceed with initiating the rulemaking file.

The proposed regulations regarding CCR sections 2032.15 and 2032.25 are now before the Board to review and make a complete motion to delegate Board staff to proceed with initiating the rulemaking file; alternatively, the Board may further review the previously approved language and recommend additional revisions.

Attachments:

- Proposed changes to CCR sections 2032.15 and 2032.25 as approved at the April 2015 Board meeting.

California Code of Regulations Sections 2032.15 and 2032.25 - VCPRs

2032.15. Veterinarian-Client-Patient Relationship in Absence of Client Communication

- (a) A veterinary-client-patient relationship may continue to exist, in the absence of client communication, when:
- (1) A veterinary-client-patient relationship was established with an original veterinarian, and another designated veterinarian serves at the same location where the medical records are kept in the absence of the original veterinarian, and;
 - (2) The designated veterinarian has assumed responsibility for making medical judgments regarding the health of the animal(s), and;
 - (3) The designated 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(s) or by medically appropriate and timely visits to the premises where the animal(s) is kept, or has consulted with the veterinarian who established the veterinary-client-patient relationship, and;
 - (4) The designated veterinarian has continued the medical, treatment, diagnostic and/or therapeutic plan that was set forth and documented in the medical record by the original veterinarian.
- (b) If the medical, treatment, diagnostic and/or therapeutic plan differs from that which was communicated to the client by the original veterinarian, then the designated veterinarian must attempt to communicate the necessary changes with the client in a timely manner.

2032.25. Written Prescriptions in Absence of Originally Prescribing Veterinarian.

- (a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 of the Business and Professions Code ~~without an appropriate prior examination and a medical indication,~~ absent establishing a veterinary-client-patient-relationship (VCPR) as defined in 2031.1 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 animal patient until they can return of to the originally treating veterinarian, but in any case no longer than 72 hours. Prior to providing a prescription refill pursuant to this section, the veterinarian shall make a reasonable effort to contact the original prescribing veterinarian, and shall document the communication, or his or her attempt to contact the original prescribing veterinarian, in the medical record.
 - (2) The original prescribing veterinarian is unavailable to authorize the refill, and the veterinarian authorizing the refill is working in the same practice as the original prescribing veterinarian, and: The veterinarian transmitted the order for the drugs to another veterinarian or registered veterinary technician and both of the following conditions exist:
 - (A) ~~The licensee had consulted with the veterinarian or registered veterinary technician who had reviewed the patient's records.~~
 - (B) ~~The licensee was designated as the veterinarian to serve in the absence of the animal patient's veterinarian.~~

~~(3)~~ (A) The licensee was a veterinarian serving in the absence of the treating veterinarian, veterinarian authorizing the refill was in possession of and had reviewed the animal patient's records, and 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 enters the prescription refill in the patient's medical record.

(B) In the veterinarian's professional judgment, failure to refill the prescription may interrupt the patient's ongoing care and have an adverse effect on the patient's well-being.