



MEMORANDUM

DATE	January 5, 2021
TO	Veterinary Medical Board
FROM	Jessica Sieferman, Executive Officer
SUBJECT	Agenda Item 9. Update, Discussion, and Possible Action Regarding DCA Director Waivers of CCR, Title 16, Division 20, Article 4, Section 2032.1, Telemedicine and Time to Refill Prescriptions

Background

In May 2020, the Board voted to request the Director of the Department of Consumer Affairs (DCA) to issue a temporary waiver of California Code of Regulations (CCR), title 16, section 2032.1, subsection (b)(3), to the extent it requires a veterinarian to have communicated with the client a course of treatment appropriate to the circumstance in order to establish a veterinarian-client-patient relationship (VCPR).

The Board requested the waiver be effective for the duration of the current State of Emergency issued by Governor Gavin Newsom on March 4, 2020, or until January 1, 2021, whichever date was earlier.

In addition, the Board voted to request a waiver of CCR, title 16, section 2032.1, subsection (c), to the extent it prohibits a veterinarian from prescribing a drug for a duration longer than one year from the date the veterinarian examined the animal and prescribed the drug. This temporary waiver was requested for issuance of prescriptions for a duration of no longer than 18 months from the date of last examination and prescription of the medication or until the Declaration of Emergency ends, whichever date was earlier.

Pursuant to the Governor's Executive Order [N-39-20](#), on June 4, 2020, the DCA Director issued an Order Waiving Restrictions on Telemedicine and Extending Time to Refill Prescriptions ([June 4 Order](#)), which contained two waivers regarding the VCPR.

Telemedicine Waiver

With respect to telemedicine restrictions related to the VCPR, the June 4 Order was [extended](#) on July 31, 2020, and extended [again](#) on September 17, 2020, so that the waiver was in effect through December 31, 2020.

In November 2020, the Board's Executive Committee requested the DCA Director extend the waivers for 60 days, allowing time for the Board to decide if it would like to further extend the waivers.

On December 15, 2020, the Director issued a new Order ([December 15 Order](#)) further extending the [June 4 Order](#) waiving, until February 28, 2021, specified telemedicine restrictions related to the VCPR.

Prescriptions

For prescription refills associated with the VCPR, the [June 4 Order](#) authorized prescription refills up to 18 months for refills based on an in-person examination of an animal patient last performed by a veterinarian between June 1, 2019 and August 1, 2019. On November 25, 2020, the Director withdrew and superseded that waiver and issued an [order](#) authorizing prescription refills up to 20 months for refills based on an in-person examination of the animal patient last performed by the veterinarian between June 1, 2019 and August 1, 2019.

On July 31, 2020, the Director issued an [order](#) authorizing prescription refills up to 18 months for prescriptions that may be not be refilled between August 2, 2020, and October 1, 2020, due to the one-year time limitation for refilling a prescription from the date the veterinarian last examined the animal patient and prescribed the drug.

On September 17, 2020, the Director issued an [order](#) authorizing prescription refills up to 18 months for prescriptions that may be not be refilled between October 2, 2020, and December 31, 2020, due to the one-year time limitation for refilling a prescription from the date the veterinarian last examined the animal patient and prescribed the drug.

The [December 15 Order](#) authorizes prescription refills up to 18 months for prescriptions that may be not be refilled between January 1, 2021, and February 28, 2021, due to the one-year time limitation for refilling a prescription from the date the veterinarian last examined the animal patient and prescribed the drug.

Multidisciplinary Advisory Committee (MDC) Review

During the July 2020 Board meeting, the Board directed the MDC to evaluate the telemedicine waiver and determine whether it should be made permanent. MDC Chair, Kristi Pawlowski, RVT, joined Dr. Richard Sullivan to form a subcommittee to research this matter further and help facilitate the MDC's collaborative discussions during the October 21, 2020 meeting.

During the meeting, MDC members heard from stakeholders with differing perspectives regarding the benefits and concerns of providing veterinary care through telemedicine. The MDC members asked questions of the stakeholders and engaged in a collaborative discussion. No actions were taken during this meeting.

The MDC will continue its discussion on these matters during the January 27, 2020 MDC meeting. During that meeting, the MDC subcommittee will provide examples of

what telemedicine services are and are not currently allowed under existing law (without the waivers) and what additional telemedicine services are allowed with the waivers. MDC members will hear from the Executive Director of The College of Veterinarians of Ontario ([CVO](#)) about how they regulate telemedicine with the least restrictive requirements in North America. In addition, the MDC will hear from the American Association of Veterinary State Board's Virtual Veterinary Care panelist, Aaron Smiley, DVM, on how he utilizes telemedicine in his practice.

Action Requested:

To allow additional time for the MDC to continue its review of these important issues, please consider approving a motion to request the DCA Director to issue extensions and/or authorize the Executive Committee to approve extensions of the two VCPR waivers until the end of the State of Emergency or until the MDC provides final recommendations to the Board, whichever occurs first.