



## **Virtual Consultation Services: Considerations for Veterinarians**

The CVMA has been following the rise of websites and apps that offer virtual veterinary consultation services. You may have received a solicitation from a company asking you to sign up and offer services to clients who can communicate with you from their mobile phone via message or a live video conversation. Many of our members have been asking about registering with these virtual consultation services and if they would be at risk of violating the requirement to establish a veterinarian-client-patient-relationship and possibly other regulations.

While virtual consultation services may be a useful tool in communicating with clients, veterinarians should be mindful of the following if they decide to participate in this type of service.

A Veterinarian-Client-Patient Relationship (VCPR) must be established prior to a veterinarian making medical judgments regarding the health of an animal patient. The California Code of Regulations, Title 16, Section 2032.1 outlines the VCPR, the minimum standard required in order for a veterinarian to diagnose, prescribe, or treat a patient. This includes, among other things, establishing a relationship with the client and animal patient and an in-person physical examination.

Giving advice to an existing client who has contacted you by phone is something all veterinarians do. Think of a virtual service as a different form of the same type of communication. Just like with a phone call, if you receive a message or video chat via a virtual service regarding an animal patient and have not previously established a VCPR, you may not diagnose or treat the animal's condition. If you have established a VCPR and are using a virtual service, you still must be careful that the established VCPR is valid for the condition the client is contacting you about.

If a client with whom you have established a VCPR is trying to contact you via a virtual consultation service and you are not available, some services may refer the client to another veterinarian. If the veterinarian is in the same practice as you, then the California Code of Regulations, Title 16, Section 2032.15 C applies. If the veterinarian is not in the same practice, the new veterinarian must establish a VCPR, pursuant to Section 2032.1.

Another issue to consider is recordkeeping. Complete medical records must still be kept on each patient given virtual advice and all confidentiality laws must be followed.

Whatever the means of communication, the veterinarian is always responsible and at risk of enforcement action by the Veterinary Medical Board should a client file a complaint.

### **California Code of Regulations**

#### **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 Business and Professions code, and any dangerous drug, as defined by Section 4022 of Business and Professions code.

### **Section 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 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.