



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health- Veterinary Board of Governors

- Preproposal Statement of Inquiry was filed as WSR 06-01-100 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-933-320 General requirements for all veterinary medical facilities - proposed amendments to veterinary patient record requirements only.

Hearing location(s): Department of Health
Creekside Three at Center Point
20435 72nd Avenue South
Conference Room 2
Kent WA 98032

Date: January 26, 2010

Time: 10:30 a.m.

Submit written comments to:

Name: Judy Haenke, Program Manager
Address: P O Box 47850
Olympia WA 98504-8750
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360.236.2901 by (date) 01/25/2010

Assistance for persons with disabilities: Contact

Judy Haenke, Program Manager by 01/19/2010

TTY (800) 833-6388 or () 711

Date of intended adoption: 01/26/2010

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed amendments are limited to veterinary patient records. The purpose of the amendments is to clarify what must be included and maintained in the patient record. The proposed rule also clarifies who may request copies of patient records, sets forth fees that may be charged for providing patient records and shortens the time period for responding to a request for records from 15 days to 10 days.

Reasons supporting proposal:

The proposed amendments clarify who may request veterinary patient records, how much can be charged for reproducing the records and when records must be made available to the animal patient's owner or authorized agent. Clarifying the process for release of veterinary medical records will result in improved continuity of care for animal patients.

Statutory authority for adoption:

RCW 18.92.030

Statute being implemented:

RCW 18.92.030

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE December 10, 2009

NAME (type or print)
Harmon Rogers, DVM

SIGNATURE:

Harmon A. Rogers

TITLE

Chair, Veterinary Board of Governors

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 11, 2009

TIME: 11:40 AM

WSR 10-01-068

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health and Veterinary Board of Governors Private
 Public
 Governmental

Name of agency personnel responsible for:		
Name	Office Location	Phone
Drafting..... Judy Haenke, Program Manager	P O Box 47852	360.236.4947
Implementation..... Judy Haenke, Program Manager	P O Box 47852	360.236.4947
Enforcement..... Judy Haenke, Program Manager	P O Box 47852	360.236.4947

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Judy Haenke, Program Manager

Address: Veterinary Board of Governors P O Box 47850 Olympia WA 98504-8750

phone 360.236.4947

fax 360.236.2901

e-mail judy.haenke@doh.wa.gov

No: Please explain:

AMENDATORY SECTION (Amending WSR 03-14-035, filed 6/23/03, effective 7/24/03)

WAC 246-933-320 General requirements for all veterinary medical facilities. (1) **Construction and maintenance:** All facilities shall be so constructed and maintained as to provide comfort and safety for patients and clients. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities shall comply with applicable state, county and municipal laws, ordinances and regulations.

(2) **Ventilation:** Adequate heating and cooling shall be provided for the comfort of the animals, and the facility shall have sufficient ventilation in all areas.

(3) **Lighting:** Proper lighting shall be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting shall be adequate to identify the building and to assist the clients.

(4) **Water:** Potable water shall be provided.

(5) **Basic sanitation:** Any equipment, instruments or facilities used in the treatment of animals shall be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

(6) **Waste disposal:** Covered waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.

Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

The facility shall use refrigeration and employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

(7) **Records:**

(a) Every veterinarian shall keep daily written (~~reports~~) records of the animals he or she treats.

(b) Separate records for companion animals shall be kept for each animal.

(c) The medical record for a litter may be recorded either on the dam's record or on a litter record until the individual animals are permanently placed or reach the age of three months.

(d) Records for food and fibre producing animals and animals kept in herds or flocks, etc., may be maintained on a group or (~~client~~) owner or authorized agent basis.

(e) All records shall be legible, readily retrievable and shall be kept for a period of three years following the last treatment or examination.

(f) The author of all medical record entries must be identified by code or employee number, or initials.

(g) The records shall include, but not be limited to, the following:

(i) Name, address and telephone number of the owner or authorized agent.

(ii) Name, number or other identification of the animal or group.

(iii) Species, breed, age, sex, weight and color of the animal.

(iv) Immunization record.

(v) Beginning and ending dates of custody of the animal.

~~((vi))~~ (h) The records must include sufficient information ((in the history and examination portions of the record)) to justify the tentative diagnosis and to warrant the treatment. This would include, but not be limited to:

~~((A))~~ (i) A short history of the animal's condition as it pertains to its medical status.

~~((B))~~ (ii) Physical examination findings and any laboratory or other diagnostic tests performed ~~((and/))~~ or recommended.

~~((vii))~~ (iii) Provisional or final diagnosis.

~~((viii))~~ (iv) Treatment administered ~~((and/))~~ or recommended.

~~((ix))~~ (v) Dosage and route of medications administered, prescribed or dispensed.

~~((x))~~ (vi) Anesthesia dosage and route of administration.

~~((xi))~~ (vii) Description of surgery performed.

~~((xii))~~ (viii) Progress of the case.

~~((xiii)) If applicable, documentation of the low-income status for persons that seek the limited veterinary services provided by qualified animal care and control agencies and humane societies.~~

~~(b))~~ (8) Veterinary medical records and ((radiographs)) medical images are the property of the veterinarian or the veterinary facility that originally ordered their preparation.

(9) When requested by the ((client)) owner or authorized agent, copies of records will be made available as promptly as required ~~((under the))~~ by medical necessity or public health circumstances, but no later than ((fifteen)) ten working days upon the ((client's)) owner or authorized agent's request.

(a) The veterinarian may charge ((a reasonable)) the copying fee ((, not to exceed the actual cost for providing the veterinary care information)) as set forth in WAC 246-08-400 as now or hereafter amended.

(b) A ((radiograph)) medical image shall be released upon the request of another veterinarian who has the authorization of the owner or authorized agent of the animal to which it pertains. ((Such radiograph))

The medical image shall be returned ((to)) within ten working days following receipt of a written request from the originating veterinarian or veterinary facility ((within fifteen working days of receipt of a written request)). If the originating veterinarian provides a copy of the medical image, he or she may charge the actual costs of duplicating the medical image.

((+8)) (10) **Storage:** All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

((+9)) (11) **Biologicals and drugs:** Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the *U.S. Pharmacopeia*, 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the *National Formulary*, Mack Publishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 (~~and~~) or manufacturers' recommendation.

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

Controlled substance records shall be readily retrievable, in accordance with federal and Washington state laws.