



PROPOSED RULE MAKING

CR-102 (June 2012)

(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 14-05-025 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

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

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

WAC 246-933-200 Veterinarian-client-patient relationship required. The proposed new rule defines the elements of a veterinarian-client-patient relationship (VCPR), which is the basis for interaction between veterinarians and their clients and animal patients.

Hearing location(s): Washington State Department of Health
Town Center 3 - Conference Room 265
243 Israel Road SE
Tumwater, WA 98501

Date: 3/7/2016

Time: 10:00 a.m.

Submit written comments to:

Name: Lorelei Walker, Program Manager
Address: 111 Israel Road SE
Tumwater WA 98501
e-mail: <https://fortress.wa.gov/doh/policyreview/>
fax (360) 236-2901 by (date) 02/29/2016

Assistance for persons with disabilities: Contact

Lorelei Walker by 02/29/2016

TTY (800) 833-6388 or () 711

Date of intended adoption: 03/07/2016

(Note: This is NOT the effective date)

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

The VCPR is a nationally recognized standard providing the basis for interaction between veterinarians and their clients and animal patients. The VCPR assumes that the veterinarian is responsible for the health of the patient, has current knowledge of the patient's condition, and is available for follow up evaluation or has arranged for emergency coverage.

Reasons supporting proposal:

Requiring a VCPR and defining its elements will ensure that the veterinarian and their clients are aware of the requirements for care of the animal patient related to examination, ongoing care, the use or prescription of veterinary drugs and maintenance of medical records. The proposed rule requires that veterinary prescription drugs be used only within the context of a VCPR. Veterinarians must have seen the animal(s) within the last year or sooner if medically appropriate to provide care or in treating a chronic condition.

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:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 20, 2016

TIME: 10:13 AM

WSR 16-03-081

DATE 01/19/2016

NAME (type or print)

Kathy Schmitt

SIGNATURE

TITLE

Deputy Director, Office of Health Professions and Facilities

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/Veterinary Board of Governors

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947
Implementation.... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947
Enforcement..... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

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: Lorelei Walker

Address: 111 Israel Road SE

Tumwater WA 98501

phone (360) 236-4947

fax (360) 236-2901

e-mail loralei.walker@doh.wa.gov

No: Please explain:

NEW SECTION

WAC 246-933-200 Veterinary-client-patient relationship. A veterinary-client-patient relationship is the basis for interaction between veterinarians and their clients and patients.

(1) A veterinary-client-patient relationship exists when all of the following conditions have been met:

(a) The veterinarian has assumed responsibility for making clinical judgments regarding the health of the animal(s) and need for medical treatment, and the client or key party as defined in WAC 246-934-020 has agreed to follow the instructions of the veterinarian.

(b) The veterinarian has sufficient knowledge of the animal(s) to initiate, at a minimum, a general or preliminary diagnosis of the medical conditions of the animal(s). This means the veterinarian:

(i) Has examined the animal(s) within the last year, or sooner if medically appropriate; or

(ii) In cases involving operations with several animals, such as encountered at farms, laboratories, or in shelters, is personally acquainted with the keeping and 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) are kept.

(c) The veterinarian is readily available for follow-up evaluation or has arranged for emergency coverage and continuing care and treatment.

(2) The veterinarian shall not establish a veterinary-client-patient relationship solely by telephonic or other electronic means. However, once established, a veterinary-client-patient relationship may be maintained between medically necessary examinations via telephone or other types of consultations.

(3) The veterinary-client-patient relationship may be terminated under these conditions:

(a) Veterinarians may terminate a veterinary-client-patient relationship as long as the termination does not constitute patient abandonment as described in WAC 246-933-060.

(b) If there is an ongoing medical or surgical condition, the patient should be referred to another veterinarian for diagnosis, care, and treatment.

(c) Clients may terminate the veterinary-client-patient relationship at any time.

(4) For animals or animal products for food consumption:

(a) There must be a written agreement with the client that identifies the farm veterinarian of record (VOR) who is accountable for drug use and treatments administered to the animals on the farm operation;

(b) The VOR is the responsible party for providing appropriate oversight of drug use on the farm operation. Oversight includes establishment of diagnostic and treatment protocols, training of personnel, review of treatment records, monitoring drug inventories, assuring appropriate labeling of drugs, and monitoring compliance and outcomes. Veterinary oversight of drug use must include all drugs used on the farm regardless of the distribution of the drugs to the farm;

(c) Provision of drugs or drug prescriptions must be for specific time frames appropriate to the scope and type of operation involved and only for the management groups within the operation that the VOR has direct involvement and oversight;

(d) A veterinarian issuing a veterinary feed directive (VFD) must comply with applicable federal law (21 C.F.R. 558.6).

(5) Medical records must be maintained pursuant to WAC 246-933-320(7).

(6)(a) A veterinarian shall use or prescribe drugs only within the context of a veterinary-client-patient relationship. Veterinary prescription drugs are restricted by federal law to be used by or on the order of a licensed veterinarian. 21 U.S.C. Sec. 353(f).

(b) Extra label use is legal only when ordered by a veterinarian and within the context of a veterinary-client-patient relationship.