MODEL REGULATIONS-
ESTABLISHMENT AND MAINTENANCE
OF A VETERINARIAN-CLIENT-PATIENT-RELATIONSHIP

As recommended by the AAVSB Regulatory Policy Task Force in September 2023
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Introduction

These Model Regulations are meant to support the statutory language that can be found in the AAVSB Practice Act Model (PAM). Each model regulation from the AAVSB is presented separately for ease of use for the AAVSB Member Boards to utilize as a model in developing regulations or rules specific to targeted topics. The AAVSB Regulatory Policy Task Force (RPTF) will continue to develop Model Regulations for addressing pressing issues in the regulation of Veterinary Medicine and Veterinary Technology. Section 104(dd) of the AAVSB’s PAM defines a Veterinarian-Client-Patient Relationship (VCPR) and Section 105(b) requires the establishment of a VCPR prior to practicing Veterinary Medicine or Veterinary Technology. These Model Regulations provide an additional framework for establishing and maintaining this relationship.

Revisions
Created 2023

Structure and Format

The AAVSB Model Regulations have been structured to allow Member Boards to develop new regulations or rules within their Jurisdiction to address the specific language that can be found in the jurisdictions’ existing statute or bylaws. It has been formatted to include the model language with corresponding commentary. To provide the rationale and thought processes behind the Model Regulations, readers are strongly encouraged to read the commentary as well as the Regulation to receive a complete perspective. Commentary follows each section if appropriate.
Establishment and Maintenance of a VCPR

Model Regulation.

Article I, Section 105 (b) Practice of Veterinary Medicine states that "Subject to exceptions set forth in law, a VCPR must be established prior to engaging in the practice of Veterinary Medicine." A Veterinarian must employ sound professional judgment when establishing a Veterinarian-Client-Patient Relationship (VCPR), as defined in section 104(dd) of the PAM, whether via virtual or in-person examination or Premises visit. A Veterinarian must take appropriate steps to establish the VCPR, obtain Informed Consent from the Client, and conduct all necessary Patient evaluations consistent with currently acceptable standards of practice.

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<th>Commentary</th>
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<td><strong>Model Regulation.</strong></td>
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<td>Within these Model Regulations, the AAVSB presents guidance on the establishment and maintenance of a Veterinarian-Client-Patient Relationship (VCPR) via in-person and virtual means. There are additional safeguards Jurisdictions should consider when promulgating rules allowing for the virtual establishment of a VCPR, and these are addressed in section 2 of this Model Regulation. These safeguards require that the Client is informed of the limitations of Telemedicine and receives advice for when and how to receive an in-person follow-up, if necessary. Patient and public safety concerns exist when adapting regulations and standards historically intended for the hands-on provision of veterinary medical care for use in Telehealth. Challenges include determining when and where a VCPR is established, assuring confidentiality and privacy of Client and Patient data, proper diagnosis and treatment of the Patient, and limiting the prescribing and dispensing of medications in accordance with federal law. For regulatory and disciplinary purposes, the AAVSB strongly recommends that the Jurisdiction requires the Veterinarian to be licensed in the same Jurisdiction as the Patient and to have a contractual relationship with a Veterinary Facility located within that Jurisdiction.</td>
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Section 1. Establishment and Maintenance of a VCPR

(a) The Patient(s) is located within this Jurisdiction at the time the VCPR is established.

(b) In accordance with the definition of the VCPR in the Act, sufficient knowledge of a Patient(s) pursuant to Section 104(dd)(2) may be obtained by:

(1) A recent examination of the Patient(s) either physically or by the use of technology through which images and medical records may be transmitted virtually; or

(2) Medically appropriate and timely visits to the Premises at which the Animal(s) or group of Animals are kept.

(c) Once a VCPR has been established, it extends to all Licensees within the same Veterinary Facility. When the VCPR is established, the Client must be informed that other Licensees at the Veterinary Facility may provide services within the VCPR.

(d) Once a VCPR is established, a Veterinarian is expected to maintain sufficient knowledge of the Patient(s) to make a general or preliminary diagnosis, recommend treatment, or to prescribe, administer, or dispense a drug.

(e) When a Veterinarian chooses to discontinue a VCPR for any reason, they must communicate this decision with the Client to allow the Client a reasonable amount of time to arrange care with another Veterinarian, including the appropriate transfer of medical information.

Section 2: Additional Requirements for the Establishment and Maintenance of a Virtual VCPR

In addition to requirements outlined in section 1 above, a Veterinarian may establish and maintain a VCPR through virtual means if all the following apply:

(a) The Veterinarian provides the Client with information for obtaining timely in-person follow up care; and

(b) The Client is informed of the Veterinarian’s location, Veterinary Facility registration number (if applicable), Jurisdiction’s license number and licensure status, and limitations involved in accessing Veterinary Medicine via Telemedicine.