



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: April 22, 2025

TIME: 1:28 PM

WSR 25-09-147

Agency: Department of Health – Veterinary Board of Governors

☐ Original Notice

☒ Supplemental Notice to WSR 24-21-098

☐ Continuance of WSR

☒ Preproposal Statement of Inquiry was filed as WSR 22-17-101; 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); or

☐ Proposal is exempt under RCW ____.

Title of rule and other identifying information: (describe subject) Veterinarian-Client-Patient Relationship as related to telehealth. This supplemental notice is filed for the purpose of holding a second rules hearing so the board can consider the proposal a second time while providing a second opportunity for public comment. There are no changes to the original proposal.

Without changes to the original proposal, the Veterinary Board of Governors (board) is refiling the proposed amendments to WAC 246-933-010 and 246-933-200 concerning the use of telehealth when establishing and maintaining a veterinarian-client-patient relationship. The proposed rules add relevant definitions and specify boundaries on the use of telehealth in veterinary services.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
06/02/25	9:05 a.m.	Physical Location Department of Health Town Center 2, Rm 153 111 Israel Rd. SE Tumwater, WA 98501 Virtual link https://us02web.zoom.us/j/8390248147?pwd=KE86EbyHLC22LRkzb4wb90AdFMudJj.1	The rule hearing will be hybrid. Individuals may attend either virtually or in-person.

Date of intended adoption: 06/02/25 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Poppy Budrow
Address PO Box 47852
Olympia, WA 98504-7852
Email <https://fortress.wa.gov/doh/policyreview/>
Fax n/a
Other veterinary@doh.wa.gov
Beginning (date and time) The date and time of this filing
By (date and time) 05/23/25, 11:59 p.m.

Assistance for persons with disabilities:

Contact Poppy Budrow
Phone 564-669-0026
Fax n/a
TTY 711
Email poppy.budrow@doh.wa.gov
Other
By (date) 05/23/25

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this Supplemental proposal is to hold a second rules hearing to reopen the proceedings for public comment. The board is proposing no changes to the original filing.

The purpose of the original proposal was to amend WAC 246-933-010, Definitions, by adding relevant terms relating to telehealth in veterinary services. The board also proposed amendments to WAC 246-933-200, Veterinary-client–patient relationship (VCPR), to clarify the regulatory requirements for establishing and maintaining a VCPR and specifying allowances for the utilization of telehealth. There are no changes to the original proposal.

Reasons supporting proposal: The board is filing this Supplemental filing to hold a second rules hearing to reopen the proceedings for public comment.

The reasons supporting the original proposal stands without change. In 2022, the board received three rulemaking petitions in relation to standards for telehealth services in the practice of veterinary medicine. The board determined there are areas of veterinary services that may be appropriate for telehealth and agreed to consider amending the rules to allow for telehealth veterinary services when establishing and maintaining a VCPR. The board conducted workshops and solicited input from interested parties in order to develop rules that are consistent with industry standards, provide greater access to care, and maintain patient safety.

Statutory authority for adoption: RCW 18.92.030

Statute being implemented: RCW 18.92.030

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Veterinary Board of Governors

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Poppy Budrow	111 Israel Rd. SE, Tumwater, WA 98501	564-669-0026
Implementation	Poppy Budrow	111 Israel Rd. SE, Tumwater, WA 98501	564-669-0026
Enforcement	Poppy Budrow	111 Israel Rd. SE, Tumwater, WA 98501	564-669-0026

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

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

Name Poppy Budrow
Address PO Box 47852
Olympia, WA 98504-7852
Phone 564-669-0026
Fax n/a
TTY 711
Email poppy.budrow@doh.wa.gov
Other veterinary@doh.wa.gov

☐ No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

☐ [RCW 34.05.310](#) (4)(b)
(Internal government operations)

☐ [RCW 34.05.310](#) (4)(e)
(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

☐ [RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

☐ [RCW 34.05.310](#) (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: The proposed rules only apply to credential holders, not businesses.

(2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.


☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: April 22, 2025
Name: Andrea Sanchez-Chambers, DVM
Title: Chairperson, Veterinary Board of Governors

Signature:

A handwritten signature in black ink, appearing to read 'Andrea Sanchez-Chambers', with a long horizontal flourish extending to the right.

WAC 246-933-010 Definitions. ~~((For the purposes of this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. Unless stated, words used in the singular may be read in the plural.))~~ The definitions in this section apply throughout the chapter unless the context clearly requires otherwise.

(1) "Advertise" means to announce publicly by any form of media in order to aid directly or indirectly in the sale of a commodity or service.

(2) "Animal" means any species normally recognized as treatable by veterinary medicine.

(3) "Controlled substances" as defined in RCW 69.50.101.

(4) "Department" means the department of health.

(5) "Drug((s))" as defined in RCW 69.50.101.

(6) "Health certificate" means a document prepared pursuant to law and which attests to the fact that an animal is in a certain state of health.

(7) "Patient" means any animal under the care and treatment of a veterinarian.

(8) "Secretary" means the secretary of the department of health.

(9) "Teleadvice" means the provision of any health information, opinion, guidance, or recommendation concerning prudent future actions that are not specific to a particular patient's health, illness, or injury. This is general advice that is not intended to diagnose, prognose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions.

(10) "Telehealth" means the overarching term that encompasses all uses of technology geared to remotely deliver health information or education. Telehealth encompasses a broad variety of technologies and tactics to deliver virtual medical, health, and education services. Telehealth is not a specific service, but a collection of tools which allow veterinarians to enhance care and education delivery. Telehealth encompasses teleadvice, telemedicine, and teletriage.

(11) "Telemedicine" means remote delivery of health care services, such as health assessments or consultations, over the telecommunications infrastructure. It allows veterinarians to evaluate, diagnose, and treat patients without the need for an in-person visit.

(12) "Teletriage" means the provision of emergency animal care advice, recommendations, or treatment in response to immediate, potentially life-threatening animal health situations (e.g., poison exposure mitigation, animal CPR instructions, immediate response to acute life-threatening trauma). A diagnosis is not rendered.

(13) "Veterinary board of governors" is that board appointed by the governor pursuant to chapter 18.92 RCW.

WAC 246-933-200 ((Veterinary)) Veterinarian-client-patient relationship. A ~~((veterinary))~~ veterinarian-client-patient relationship (VCPR) is the basis for interaction between veterinarians and their clients and patients.

(1) A ~~((veterinary))~~ veterinarian-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 physically 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)))~~ animals by virtue of an examination of the ~~((animal(s)))~~ animals or by medically appropriate and timely visits to the premises where the ~~((animal(s)))~~ animals 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))~~ VCPR solely by ~~((telephonic or other electronic means))~~ telehealth. ~~((However, once established, a veterinary-client-patient relationship may be maintained between medically necessary examinations via telephone or other types of consultations.))~~ Once a VCPR has been established, ongoing care can be provided via telemedicine; however, it is the responsibility of the examining veterinarian to determine if an additional physical examination is medically appropriate based on available information regardless of when the last physical examination was performed.

(3) Once a VCPR has been established, it extends to all veterinarians while employed/practicing at the same premises or same mobile practice entity as the veterinarian who established the most current VCPR. The VCPR cannot be extended to other veterinarians based solely on the accessibility of the medical records.

(4) In the absence of an established VCPR, allowable telehealth services are limited to:

(a) Teleadvice;

(b) Triage;

(c) Telemedicine for the purpose of prescribing sedation, other than a controlled substance, prior to an in-person visit, and only to facilitate transportation to, examination by, or treatment by a veterinarian;

(d) Dispensing drugs, other than controlled substances, prescribed by another veterinarian, including a veterinarian licensed in another state, if:

(i) Failure to dispense the drug could interrupt a therapeutic regimen or cause a patient to suffer;

(ii) The prescribing veterinarian has ascertained information necessary to fill the requested prescription;

(iii) The quantity of the dispensed drug does not exceed a 10-day supply for each animal annually;

(iv) The annual total of dosage units of drugs dispensed under this subsection is not more than five percent of the total dosage units of drugs the veterinarian dispenses in a year;

(v) The veterinarian maintains records of dispensing activities under this section consistent with chapter 246-933 WAC; and

(vi) Consistent with RCW 18.92.012, controlled substances can be dispensed only if prescribed by a veterinarian licensed under chapter 18.92 RCW.

(5) Once a VCPR has been established, all forms of telehealth, as defined in WAC 246-933-010, may be used at the discretion of the veterinarian.

(6) The ~~((veterinary-client-patient relationship))~~ VCPR 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 client is offered a patient ~~((should be referred))~~ referral at the time of termination to another veterinarian for diagnosis, care, and treatment.

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

~~((+4))~~ (7) 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, including 21 C.F.R. 558.6.

~~((+5))~~ (8) Medical records must be maintained pursuant to WAC 246-933-320(7).

~~((+6))~~ (9)(a) A veterinarian shall use or prescribe drugs only within the context of a ~~((veterinary))~~ veterinarian-client-patient relationship except as outlined in subsection (4) of this section. Veterinary prescription drugs are restricted by federal law, under 21 U.S.C. Sec. 353(f), to be used by or on the order of a licensed veterinarian.

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