

VETERINARY MEDICINE

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House Bill 6195 as introduced
Sponsor: Rep. Hank Vaupel
Committee: Health Policy
Complete to 9-24-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6195 would amend various provisions regarding the practice of veterinary medicine and the delivery of emergency veterinary services in Part 161 (General Provisions) and Part 188 (Veterinary Medicine) of Article 15 (Occupations) of the Public Health Code.

The bill would provide that a veterinarian could not delegate the performance of an act, task, or function unless he or she had established a veterinarian-client-patient relationship for that patient (where the patient is the animal and the client is the animal's owner), had determined the need for the act, task, or function, and was in the degree of close physical proximity required to monitor and observe the delegated activity.

The bill would also add certain tasks to those classified under "practice of veterinary medicine," including administering vaccinations, physical therapy, performing a dental procedure, and providing a *complementary, alternative, and integrative therapy*.

Complementary, alternative, and integrative therapy would mean a preventative, diagnostic, and therapeutic philosophy and practice that is not considered part of conventional, Western veterinary medicine and would include all of the following:

- Veterinary acupuncture, acuthery, and acupressure.
- Veterinary homeopathy.
- Veterinary manual or manipulative therapy.
- Veterinary nutraceutical therapy.
- Veterinary phytotherapy.

Additionally, the bill would create a definition for *direct supervision* and move the defined term *supervision* from section 18802 to 18805.

Direct supervision would mean that degree of close physical proximity necessary for the supervising veterinarian to directly observe and monitor the performance of a student in an approved school of veterinary medicine and to ensure that the activities of the student are within the scope of the orders, assignments, or prescriptions of the veterinarian.

Veterinarian-client-patient relationship

Under the bill, a veterinarian could only practice veterinary medicine within the context of a veterinarian-client-patient relationship, which would have to include all of the following:

- The veterinarian assumes responsibility for making clinical judgments regarding the health of the patient and the need for medical treatment and the client has agreed to follow the veterinarian's instructions.
- The veterinarian has *sufficient knowledge of the patient* to initiate, at a minimum, a general or preliminary diagnosis of the medical condition.
- The veterinarian is readily available, or arranges for emergency coverage, for a follow-up evaluation in the event of an adverse reaction or the failure of the treatment regimen.

Sufficient knowledge of the patient would mean recently seen and be personally acquainted with the keeping and care of the patient by the client by virtue of examining the patient or by medically appropriate and timely professional visits to the location where the patient is kept. Sufficient knowledge could not be established through telehealth.

However, in the case of an emergency situation, a veterinarian could practice veterinary medicine through telehealth without a veterinarian-client-patient relationship until the patient could be seen in person by the veterinarian.

A veterinarian could terminate the veterinarian-client-patient relationship by notifying the client that he or she no longer wishes to serve the patient and client. If the patient has an ongoing medical or surgical condition, the veterinarian would have to refer the client to another veterinarian for diagnosis, care, and treatment, and would have to continue to provide lifesaving support, as needed, until a new veterinarian-client-patient relationship was established.

Dispensing prescription drugs

Under the bill, on request of the animal's owner, a veterinarian would have to issue a prescription for a recommended prescription drug instead of dispensing the drug.

Emergency veterinary services

A licensee would have to ensure that a facility did not represent that it provided emergency veterinary services unless all of the following requirements were met:

- The facility's primary function is receiving, treating, and monitoring animals that are emergency patients during its specific hours of operation.
- A veterinarian is in attendance during all hours of the facility's operation and sufficient staff are available to provide timely and appropriate care.
- The number of licensees, instruments, medications, and supplies is sufficient to provide animals with the appropriate level of emergency care.
- The facility is a full-services hospital or provides either independent, after-hours emergency veterinary services or independent, 24-hour emergency veterinary services.

Emergency temporary license

Under the bill, during a *qualified state of emergency* or to respond to a large-scale animal cruelty case, the Michigan Board of Veterinary Medicine could grant a license to engage in the practice of veterinary medicine or practice as a veterinary technician for up to 90 days as long as the individual has met the following requirements:

- The individual is authorized to practice in another state that maintains licensing standards substantially equivalent to Michigan's.
- No pending disciplinary proceedings are pending before a similar licensing board in another state.
- No sanctions are in force against the individual in another state at the time of application.
- The individual would not receive any direct or indirect payment or compensation for the services except from Michigan or the federal government.

Qualified state of emergency would mean a state of disaster or state of emergency declared under the Emergency Management Act or 1945 PA 302 that has an impact on animals.

The board would have to grant the temporary license within 48 to 72 hours of receiving a completed application and could not charge for such a license.

MCL 333.16215 et seq.

FISCAL IMPACT:

A fiscal analysis is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.