

PRACTICE OF VETERINARY MEDICINE

Phone: (517) 373-8080
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House Bill 4912 (proposed substitute H-3)

Sponsor: Rep. Robert J. Bezotte

1st Committee: Agriculture

2nd Committee: Rules and Competitiveness

Complete to 11-8-21

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

SUMMARY:

House Bill 4912 would amend the Public Health Code to prohibit a veterinarian from engaging in the practice of veterinary medicine except in the context of a veterinarian-client-patient relationship, allow a veterinarian to delegate tasks in such a context, and provide for emergency exceptions from those provisions. The bill also would provide requirements for emergency veterinary hospitals, exempt veterinarians from a provision that prohibits health professionals from providing telehealth services without the patient's consent, and add therapies such as acupuncture and homeopathy to the scope of practice of veterinary medicine.

Veterinarian-client-patient relationship

Under the bill, a veterinarian could practice veterinary medicine only within the context of a veterinarian-client-patient relationship. Subject to federal law, all of the following would have to be met for a veterinarian-client-patient relationship to exist:

- The veterinarian must assume responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment and its owner must have agreed to follow the veterinarian's instructions.
- The veterinarian must have sufficient knowledge of the animal to initiate, at a minimum, a general or preliminary diagnosis of its medical condition.
- The veterinarian must be readily available, or arrange emergency coverage, for a follow-up evaluation in case of an adverse reaction or the failure of the treatment regimen.
- The veterinarian must have recently examined the animal in person or obtained current knowledge of the animal through diagnostic equipment that can transmit images and medical records electronically or through a referral from another veterinarian.

In an emergency situation, a veterinarian could practice veterinary medicine through telehealth without a veterinarian-client-patient relationship until the animal can be seen in person by the veterinarian. However, the veterinarian would have to make a good-faith effort to arrange an in-person visit as soon as practicable to establish the relationship.

In addition, a veterinarian could practice without a veterinarian-client-patient relationship if *the client cannot be identified* and either of the following applies:

- The veterinarian renders or attempts to render, in good faith, emergency or urgent care to an animal.
- The animal is in the care or custody of an animal control shelter or animal protection shelter.

A veterinarian could terminate a veterinarian-client-patient relationship by notifying the owner that he or she no longer wishes to serve the animal and the owner. If the animal has an ongoing medical or surgical condition, the veterinarian would have to refer the owner 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.

Delegation of tasks

The bill would allow a veterinarian to delegate the performance of an act, task, or function if both of the following requirements were met:

- The veterinarian has established a veterinarian-client-patient relationship for that animal (as described above). However, a relationship would *not* be required if either of the following applies:
 - The purpose of the delegated act, task, or function is to render or attempt to render, in good faith, emergency treatment or urgent care to an **animal** that has been brought to the veterinarian by a person other than the **owner** and the veterinarian does not know who owns the animal or is unable to contact the owner before a decision must be made regarding that treatment or care.
 - The purpose of the delegated act, task, or function is to render or attempt to render emergency treatment or urgent care to an animal that is in the custody of an animal control shelter or animal protection shelter and whose owner cannot be identified.
- The supervising veterinarian is monitoring the individual's performance of the act, task, or function to the degree necessary to ensure that it is within the scope of an order, assignment, or prescription of the supervising veterinarian.

Animal would mean an animal other than a human being and include all fowl, birds, fish, and reptiles, wild or domestic, living or dead, which may be carriers of infectious diseases.

Owner would mean the actual owner of an animal, an agent of the owner of the animal, or a person with the apparent authority to act as the owner or as the agent of the owner of an animal.

Practice of veterinary medicine

The bill would add certain tasks to those classified under “practice of veterinary medicine,” including performing 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, acutheraPy, and acupressure.
- Veterinary homeopathy.
- Veterinary manual or manipulative therapy.
- Veterinary nutraceutical therapy.
- Veterinary phytotherapy.

Dispensing prescription drugs

Under the bill, upon request of an 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 could not represent that a facility is an emergency veterinary hospital 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 designated hours of operation as an emergency veterinary hospital.
- 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.

Telehealth services

Finally, the bill would amend section 16284 of the code, which generally prohibits a health professional from providing a telehealth service without directly or indirectly obtaining consent for treatment, to provide that it does not apply to a veterinarian.

(The bill would retain a current exception from this provision for a health professional providing a telehealth service to an inmate under the jurisdiction of the Department of Corrections who is housed in a state correctional facility.)

MCL 333.16215 et seq.

FISCAL IMPACT:

The bill would have no fiscal impact on state or local government.

Legislative Analyst: Emily S. Smith
Fiscal Analyst: Marcus Coffin

■ 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.