



MAINE DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION
Office of Professional and Occupational Regulation
BOARD OF VETERINARY MEDICINE

35 State House Station, Augusta, ME 04333
Web Address: www.maine.gov/professionallicensing
(207) 624-8651 - TTY users: call Maine Relay 711

Janet T. Mills
Governor

GUIDANCE PAPER #01-2020
Veterinary-client-patient relationship (VCPR)
(8/11/2020)

On August 11, 2020 the Board held a virtual board meeting to consider the question raised by the Maine Veterinary Medicine Association on behalf of its licensed members regarding compliance with the veterinary-client-patient relationship as described in the Maine Veterinary Practice Act and the practice of telemedicine during the coronavirus pandemic. This Guidance Paper will serve to provide the Board's position on the question. The Board reminds licensees that this information is for guidance and that licensees should continue to follow laws and regulations.

Maine Board of Veterinary Medicine Guidance: Veterinary-Client-Patient Relationship and Telemedicine

Q. What is the Board's position on what constitutes a timely examination of a patient and does Executive Order #35 remove that requirement?

A. The Board recognizes that the current state of emergency may be challenging for practitioners, clients and most importantly to the patient. The Board recognizes and agrees that telemedicine is a practical and flexible approach to ensure continuing patient care during these unprecedented times. It is, however, important that the veterinarian establish a veterinary-client-patient relationship for new patients and communicate at least once a year with existing patients.

Following are some methods that have been employed by various Maine veterinary hospitals to ensure patient care is made available and which the Board considers generally acceptable:

- Establishing a new patient – the veterinarian may perform a telephonic or electronic initial admission and in-take and arrange a curbside pick-up/drop-off of the patient to the veterinary hospital.
- Curbside service, whereby the veterinarian or veterinary employee retrieves the patient curbside (from the client's vehicle) and takes the patient into the veterinary clinic where the veterinarian performs the appropriate initial patient examination and establishes the veterinary-client-patient relationship.
- Upon returning the patient to the vehicle a short conversation with the client may occur, while all individuals are wearing appropriate face covering and physical distancing is maintained, or patient outcome may be communicated to the client by electronic, telephonic or other suitable communication method. Thereafter, telemedicine is utilized as deemed necessary and reasonable.

- For patients for whom a VCPR is already in effect, i.e. an established patient, telemedicine is an acceptable approach for patient care, and enforcement of the requirement for a timely examination is suspended during the current state of civil emergency. This is consistent with the FDA policy.

Note: The FDA has temporarily suspended the enforcement portion of the federal VCPR requirements. Specifically, the FDA indicated that it generally intends to not enforce the animal examination and premises visit VCPR requirements relevant to FDA regulations governing extra label drug use in animals and veterinary feed directives (VFD). In its guidance FDA also indicated its intent to reassess its plan periodically and provide revision or withdrawal of the guidance as necessary.

<https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-helps-facilitate-veterinary-telemedicine-during-pandemic>

The Board also wants to remind veterinarians of the importance of creating and maintaining a detailed new patient record to include the manner in which the VCPR was established.

References

Maine Veterinary Practice Act – 32 M.R.S. §4877

Veterinarian-client-patient relationship required; Good Samaritan exception

In order to practice veterinary medicine, a veterinarian must be engaged in a veterinarian-client patient relationship. A veterinarian-client-patient relationship exists when a veterinarian:

1. Engaged by client. Has been engaged by the client;
2. Assumed responsibility. Has assumed responsibility for making medical judgments regarding the health of the patient;
3. Knowledge of patient. Has sufficient knowledge of the patient to initiate a preliminary diagnosis of the medical condition of the patient and has personal knowledge of the keeping and care of the patient as a result of:
 - A. A timely examination of the patient by the veterinarian; or
 - B. A medically appropriate and timely visit or visits by the veterinarian to the patient while that patient is under the care of the veterinarian's practice;
4. Follow-up evaluation. Is readily available for follow-up evaluation or has arranged for veterinary emergency coverage and continuing care and treatment; and
5. Records. Maintains patient records.

A licensed veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency care to a patient when a client cannot be identified and a veterinarian-client-patient relationship is not established is not subject to any disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A based solely upon the veterinarian's inability to establish a veterinarian-client-patient relationship.

Executive Order #35 FY 19/20, Issued by Governor Mills on April 6, 2020

<https://www.maine.gov/governor/mills/sites/maine.gov.governor.mills/files/inline-files/EO%2035.pdf>

Board of Veterinary Medicine Members:

Donald Hoenig, VMD, Board Chair

Douglas Andrews, DVM, Board Vice-Chair

Nicholas Pesut, VMD, Board Complaint Officer & Medical Records Reviewer

Peter Davis, DVM, Veterinarian Member

Matthew Townsend, DVM, Veterinarian Member (absent from the 8/11/2020 board meeting)