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MARKUP

AGENCY NO. 209.05

VETERINARY TELEHEALTH AND TELEMEDICINE

33. Definitions:

A. “Telehealth” means use of technology to deliver health information, education, or care remotely.

B. “Telemedicine” means use of technology to exchange medical information electronically from one site to another to improve a patient’s clinical health status, including evaluating, diagnosing, and treating a patient without the need for an in-person visit. Telemedicine is a subcategory of telehealth.

C. “Teletriage” means emergency animal care, including animal poison control services, for immediate, potentially life-threatening animal health situations (e.g., poison exposure mitigation, animal CPR instructions, other critical lifesaving treatment or advice).

D. “VCPR” means “veterinarian-client-patient relationship” as defined by Ark. Code Ann. § 17-101-102(11).

34. Requirements for all services provided by veterinarians using telemedicine:

A. Any person that delivers telemedicine services to a patient located within the State of Arkansas must be licensed to practice veterinary medicine in the State of Arkansas and have an established VCPR.

B. A VCPR must be established by an in-person examination of the animal, or by medically appropriate and timely visits to the premises where the animal is kept. An established VCPR can extend to other veterinarians licensed by the board who practice in the same physical location as the attending veterinarian if they have access to, and have reviewed, the patient’s medical records. An in-person examination is not required when providing teletriage services and the patient is referred to in-person emergency services according to established protocols pursuant to Section 34.E. and as generally accepted by the veterinary profession.

C. Telehealth services must be delivered in a transparent manner, including providing access to information identifying the veterinarian in advance of the encounter, with name, contact information, and Arkansas license number, as well as the client’s financial responsibilities.

D. The veterinarian must obtain from the client a detailed explanation of the patient’s pertinent history and presenting complaint to determine if using telemedicine is an appropriate method for delivering medical advice or treatment to the patient.

E. Veterinarians delivering services through telehealth must have an established protocol for making referrals for in-person emergency services.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1099

5 By: Representative Vaught
6

For An Act To Be Entitled

8 AN ACT TO AUTHORIZE THE VETERINARY MEDICAL EXAMINING
9 BOARD TO PROMULGATE RULES REGARDING TELEHEALTH AND
10 TELEMEDICINE AND TO ISSUE RESTRICTED LICENSES FOR
11 VETERINARIANS; TO REPLACE REFERENCES TO THE
12 SECRETARY-TREASURER AND THE EXECUTIVE SECERTARY OF
13 THE VETERINARY MEDICAL EXAMINING BOARD WITH THE
14 DIRECTOR OF THE VETERINARY MEDICAL EXAMINING BOARD;
15 AND FOR OTHER PURPOSES.
16

Subtitle

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18
19 TO AUTHORIZE THE VETERINARY MEDICAL
20 EXAMINING BOARD TO PROMULGATE RULES
21 REGARDING TELEHEALTH AND TELEMEDICINE
22 AND TO ISSUE RESTRICTED LICENSES FOR
23 VETERINARIANS.
24

25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 17-101-203(12), concerning the powers and
29 duties of the Veterinary Medical Examining Board, is amended to read as
30 follows:

31 (12) Promulgate rules:

32 (A) Limiting ~~limiting~~ the amount of Schedule II narcotics
33 that may be prescribed and dispensed by licensees of the board; and
34 (B) Outlining the use of telehealth and telemedicine in
35 the practice of veterinary medicine.
36



1 SECTION 2. Arkansas Code § 17-101-304(a), concerning temporary permits
2 for veterinarians, is amended to read as follows:

3 (a) The ~~Secretary-treasurer~~ Director of the Veterinary Medical
4 Examining Board may issue without examination a temporary permit to practice
5 veterinary medicine in this state to a qualified applicant for a license
6 pending examination and provided that the temporary permit shall expire the
7 day after the notice or results of the first examination given after the
8 permit is issued.

9
10 SECTION 3. Arkansas Code § 17-101-309(a)(2), concerning renewals and
11 reinstatements of licenses by the Veterinary Medical Examining Board, is
12 amended to read as follows:

13 (2) Not later than March 1 each year, the board shall ~~mail a~~
14 provide a written notice to each licensed veterinarian, veterinary
15 technician, and veterinary technologist that his or her license or
16 certificate will expire on March 31 and shall provide a renewal application
17 form.

18
19 SECTION 4. Arkansas Code § 17-101-312(c), concerning civil penalties
20 for violations of the provisions relating to the practice of veterinary
21 medicine, is amended to read as follows:

22 (c) One-half ($\frac{1}{2}$) of the sums assessed as fines under this chapter
23 shall be paid into the general fund of the county wherein ~~it~~ the fine is
24 assessed, and one-half ($\frac{1}{2}$) of the sums assessed as fines under this chapter
25 shall be deposited with the ~~Secretary-treasurer~~ Director of the Veterinary
26 Medical Examining Board and credited to the account of the Veterinary Medical
27 Examining Board.

28
29 SECTION 5. Arkansas Code § 17-101-313 is amended to read as follows:
30 17-101-313. Abandoned animals.

31 (a) Unless otherwise provided by contract between the veterinarian and
32 his or her client, a veterinarian may dispose of any animal abandoned in his
33 or her care if he or she gives written notice of his or her intention to do
34 so by ~~certified mail sent~~ sending the notice to the last known physical or
35 email address of the client.

36 (b) The veterinarian ~~must~~ shall allow the client twelve (12) days from

1 the ~~mailing of the certified letter~~ issuance of the notice in which to
2 retrieve the animal.

3
4 SECTION 6. Arkansas Code § 17-101-314(a)(1)(A), concerning the
5 penalties of the Veterinary Medical Examining Board for practicing without a
6 license, is amended to read as follows:

7 (a)(1)(A) If upon completion of an investigation the ~~Executive~~
8 Secretary Director of the Veterinary Medical Examining Board has probable
9 cause to believe that a veterinarian or an unlicensed person acting as a
10 veterinarian has violated the provisions of this chapter, he or she may issue
11 a citation to the veterinarian or unlicensed person, as provided in this
12 section.

13
14 SECTION 7. Arkansas Code § 17-101-314(b), concerning the penalties of
15 the Veterinary Medical Examining Board for practicing without a license, is
16 amended to read as follows:

17 (b) Before any citation may be issued, the ~~executive secretary~~
18 director shall submit the alleged violation for review to at least one (1)
19 member of the board.

20
21 SECTION 8. Arkansas Code Title 17, Chapter 101, Subchapter 3, is
22 amended to add an additional section to read as follows:

23 17-101-318. Veterinarians – Restricted license.

24 (a) The Director of the Veterinary Medical Examining Board may issue a
25 restricted license to a person who has graduated from an accredited or
26 approved college of veterinary medicine but has not passed the North American
27 Veterinary Licensing Examination, or its future equivalent, to engage in the
28 practice of veterinary medicine under the direct supervision of a licensed
29 veterinarian.

30 (b) A restricted license shall be issued by the Veterinary Medical
31 Examining Board upon the receipt of the following:

32 (1) A completed application as described in § 17-101-301 and the
33 application fee established by the board, if not previously submitted during
34 the applicant's final year of veterinary school;

35 (2) A restricted license fee established by the board;

36 (3) A letter of recommendation from the supervising licensed

1 veterinarian; and

2 (4) Written confirmation that the applicant is scheduled to take
 3 the next available North American Veterinary Licensing Examination, or its
 4 future equivalent.

5 (c) If the applicant fails to pass the North American Veterinary
 6 Licensing Examination, or its future equivalent, after receiving a restricted
 7 license, the applicant may be issued another restricted license by submitting
 8 the following:

9 (1) The restricted license fee established by the board;

10 (2) A letter of recommendation from the supervising licensed
 11 veterinarian; and

12 (3) Written confirmation that the applicant is scheduled to take
 13 the next available North American Veterinary Licensing Examination, or its
 14 future equivalent.

15 (d)(1) A restricted license shall expire the day after the results of
 16 the North American Veterinary Licensing Examination, or its future
 17 equivalent, are made known to the applicant.

18 (2) An applicant shall not be issued more than three (3)
 19 restricted licenses.

20 (e) The applicant is eligible for an unrestricted license to practice
 21 veterinary medicine upon receiving a passing score on the North American
 22 Veterinary Licensing Examination, or its future equivalent, if all other
 23 requirements are met for the unrestricted license.

24 (f) A restricted licensee shall not apply:

25 (1) For a United States Drug Enforcement Administration
 26 registration; or

27 (2) To become an accredited veterinarian through the United
 28 States Animal and Plant Health Inspection Service.

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 31 **APPROVED: 2/23/21**
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