

HB0145S01 compared with HB0145

~~{deleted text}~~ shows text that was in HB0145 but was deleted in HB0145S01.

inserted text shows text that was not in HB0145 but was inserted into HB0145S01.

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Representative Stephanie Gricius proposes the following substitute bill:

VETERINARY TELEHEALTH AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {}Stephanie Gricius

Senate Sponsor: { _____ } Curtis S. Bramble

LONG TITLE

General Description:

This bill ~~{authorizes}~~ modifies provisions related to veterinary ~~{telehealth services}~~ practice. {}

Highlighted Provisions:

This bill:

▶ ~~{defines terms;~~

- ▶ ~~authorizes veterinary telehealth services if providing the service or treatment through telehealth services would meet the standards of the veterinarian profession;~~
- ▶ ~~limits when}~~ allows a veterinary technician to carry out delegated tasks from a veterinarian ~~{may prescribe a controlled substance through telehealth services; and~~
- ▶ ~~repeals the prohibition on establishing a veterinarian-client-patient relationship solely through electronic or telephonic means}~~ under direct or indirect supervision;

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and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-28-102, as last amended by Laws of Utah 2020, Chapter 435

58-28-502, as last amended by Laws of Utah 2023, Chapter 329

~~{ **58-28-604**, as enacted by Laws of Utah 2006, Chapter 109~~

ENACTS:

~~— **58-28-607**, Utah Code Annotated 1953~~

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-28-102** is amended to read:

58-28-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Abandonment" means to forsake entirely or to refuse to provide care and support for an animal placed in the custody of a licensed veterinarian.
- (2) "Administer" means:
 - (a) the direct application by ~~[a person]~~ an individual of a prescription drug or device by injection, inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a research subject; or
 - (b) a veterinarian providing to the owner or caretaker of an animal a prescription drug for application by injection, inhalation, ingestion, or any other means to the body of the animal by the owner or caretaker in accordance with the veterinarian's written directions.
- (3) "Animal" means any animal other than a human.
- (4) "AVMA" means American Veterinary Medical Association.
- (5) "Board" means the Veterinary Board established in Section 58-28-201.
- (6) "Client" means the patient's owner, the owner's agent, or other person responsible

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for the patient.

(7) "Direct supervision" means a veterinarian ~~[licensed under this chapter]~~ is present and available for face-to-face contact with the patient and ~~[person]~~ individual being supervised, at the time the patient is receiving veterinary care.

(8) "Extra-label use" means actual use or intended use of a drug in an animal in a manner that is not in accordance with approved labeling.

(9) "Immediate supervision" means the veterinarian ~~[licensed under this chapter]~~ is present with the individual being supervised, while the individual is performing the delegated tasks.

(10) "Indirect supervision" means a veterinarian ~~[licensed under this chapter]~~:

(a) has given either written or verbal instructions for veterinary care of a patient to the ~~[person]~~ individual being supervised; and

(b) is available to the ~~[person]~~ individual being supervised by telephone or other electronic means of communication during the period of time in which the veterinary care is given to the patient.

(11) "Practice of veterinary medicine, surgery, and dentistry" means to:

(a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or physical condition of any animal;

(b) administer, prescribe or dispense any drug, medicine, treatment, method, or practice, perform any operation or manipulation, apply any apparatus or appliance for the cure, relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise practice any veterinary medicine, dentistry, or surgery on any animal;

(c) represent by verbal or written claim, sign, word, title, letterhead, card, or any other manner that one is a licensed veterinarian or qualified to practice veterinary medicine, surgery, or dentistry;

(d) hold oneself out as able to practice veterinary medicine, surgery, or dentistry;

(e) solicit, sell, or furnish any parenterally administered animal disease cures, preventions, or treatments, with or without the necessary instruments for the administration of them, or any and all worm and other internal parasitic remedies, upon any agreement, express or implied, to administer these cures, preventions, treatments, or remedies; or

(f) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor,"

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"animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or device tending to indicate that such ~~[person]~~ individual is qualified to practice veterinary medicine, surgery, or dentistry.

(12) "Practice of veterinary technology" means to perform tasks that are:

(a) related to the care and treatment of animals;

(b) delegated by a veterinarian ~~[licensed under this chapter]~~;

(c) performed under the direct or indirect supervision of a veterinarian ~~[licensed under this chapter]~~; and

(d) permitted by administrative rule and performed in accordance with the standards of the profession.

(13) (a) "State certification" means a designation granted by the division on behalf of the state to an individual who has met the requirements for state certification as a veterinary technician related to the practice of veterinary technology.

(b) "State certification" does not grant a state certified veterinary technician the exclusive right to practice veterinary technology.

(14) "State certified" means, when used in conjunction with the occupation of veterinary technician, a title that:

(a) may be used by ~~[a person]~~ an individual who has met state certification requirements related to the occupation of veterinary technician as described in this chapter; and

(b) may not be used by ~~[a person]~~ an individual who has not met the state certification requirements related to the occupation of veterinary technician as described in this chapter.

(15) (a) "Teeth floating" means the removal of enamel points and the smoothing, contouring, and leveling of dental arcades and incisors of equine and other farm animals.

(b) "Teeth floating" does not include a dental procedure on a canine or feline.

~~{ (16) "Telehealth services" means the transmission of animal health-related services or information through the use of electronic communication or information technology.~~

~~† (16) (17) "Unlawful conduct" is defined in Sections 58-1-501 and 58-28-501.~~

~~† (17) (18) "Unlicensed assistive personnel":~~

(a) means any unlicensed ~~[person]~~ individual, regardless of title, to whom tasks are delegated by a veterinarian ~~[licensed under this chapter]~~ as permitted by administrative rule and in accordance with the standards of the profession; and

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(b) includes:

(i) a veterinary assistant, if working under immediate supervision;

(ii) a state certified veterinary technician;

(iii) a veterinary technician who:

(A) has graduated from a program of veterinary technology accredited by the AVMA

that is at least a two-year program; and

(B) is working under direct supervision or indirect supervision; and

(iv) a veterinary technologist who:

(A) has graduated from a four-year program of veterinary technology accredited by the AVMA; and

(B) is working under indirect supervision.

~~ff~~(18)~~ff~~(19) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-28-502 and may be further defined by rule.

(19) "Veterinarian" means an individual licensed under this chapter to engage in the practice of veterinary medicine, surgery, and dentistry.

~~[(19)]~~ (20) "Veterinarian-client-patient relationship" means:

(a) a veterinarian ~~[licensed under this chapter]~~ has assumed responsibility for making clinical judgements regarding the health of an animal and the need for medical treatment of an animal, and the client has agreed to follow the veterinarian's instructions;

(b) the veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, including knowledge of the keeping and care of the animal ~~ff~~as a result of recent personal examination of the animal or by medically appropriate visits to the premises where the animal is housed~~ff~~; and

(c) the veterinarian has arranged for emergency coverage for follow-up evaluation in the event of adverse reaction or the failure of the treatment regimen.

Section 2. Section **58-28-502** is amended to read:

58-28-502. Unprofessional conduct.

(1) "Unprofessional conduct" includes, in addition to the definitions in Section 58-1-501:

(a) applying unsanitary methods or procedures in the treatment of any animal, contrary to rules adopted by the board and approved by the division;

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- (b) procuring any fee or recompense on the assurance that a manifestly incurable diseased condition of the body of an animal can be permanently cured;
- (c) selling any biologics containing living or dead organisms or products or such organisms, except in a manner which will prevent indiscriminate use of such biologics;
- (d) swearing falsely in any testimony or affidavit, relating to, or in the course of, the practice of veterinary medicine, surgery, or dentistry;
- (e) willful failure to report any dangerous, infectious, or contagious disease, as required by law;
- (f) willful failure to report the results of any medical tests, as required by law, or rule adopted pursuant to law;
- (g) violating Chapter 37, Utah Controlled Substances Act;
- (h) delegating tasks to unlicensed assistive personnel in violation of standards of the profession and in violation of Subsection (2); ~~{}~~ and ~~{}~~
- (i) making any unsubstantiated claim of superiority in training or skill as a veterinarian in the performance of professional services ~~{}~~. ~~{}~~ and ~~{}~~

~~{~~ ~~——~~ (j) providing a service or treatment described in Section 58-28-607 in a manner that does not meet the standards of the profession.

~~†~~ (2) (a) "Unprofessional conduct" does not include the following:

(i) delegating to a veterinary technologist, while under the indirect supervision of a veterinarian ~~[licensed under this chapter]~~, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technologist by the veterinarian;

(ii) delegating to a state certified veterinary technician or a veterinary technician, while under the direct or indirect supervision of a veterinarian ~~[licensed under this chapter]~~, patient care and treatment that requires a technical understanding of veterinary medicine if the veterinarian provides written or oral instructions to the state certified veterinary technician;

~~[(iii) delegating to a veterinary technician, while under the direct supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technician by the veterinarian;]~~

~~[(iv)]~~ (iii) delegating to a veterinary assistant, under the immediate supervision of a

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licensed veterinarian, tasks that are consistent with the standards and ethics of the profession;

~~[(v)]~~ [(iv)] delegating to an individual described in Subsection 58-28-307(16), under the direct supervision of a licensed veterinarian, the administration of a sedative drug for teeth floating; or

~~[(vi)]~~ [(v)] discussing the effects of the following on an animal with the owner of an animal:

(A) a cannabinoid or industrial hemp product, as those terms are defined in Section 4-41-102; or

(B) THC or medical cannabis, as those terms are defined in Section 26B-4-201.

(b) The delegation of tasks permitted under Subsections (2)(a)(i) through (v) does not include:

(i) diagnosing;

(ii) prognosing;

(iii) surgery; or

(iv) prescribing drugs, medicines, or appliances.

(3) Notwithstanding any provision of this section, a veterinarian ~~licensed under this chapter~~ is not prohibited from engaging in a discussion described in Subsection (2)(a)(vi).

~~{ Section 3. Section 58-28-604 is amended to read:~~

~~58-28-604. Veterinarian-client-patient relationship.~~

~~[(1)] A licensee under this chapter may only practice under a veterinarian-client-patient relationship as defined in Section 58-28-102.~~

~~[(2) A veterinarian-client-patient relationship may not be established solely by telephone or other electronic means.]~~

~~Section 4. Section 58-28-607 is enacted to read:~~

~~58-28-607. Veterinary telehealth services -- Limitation on prescribing controlled substances through telehealth services.~~

~~(1) Subject to Subsection (2), an individual licensed under Section 58-28-301, may engage in the practice of veterinary medicine, surgery, and dentistry, through telehealth services if the service or treatment provided through telehealth services meets the standards of the profession.~~

~~(2) An individual licensed under Section 58-28-301 may not prescribe a controlled~~

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~~substance using telehealth services unless an animal:~~

~~—— (a) is in an emergency situation; and~~

~~—— (b) the prescribed dosage is limited to an amount necessary to facilitate the animal obtaining appropriate care.~~

‡ Section ~~{5}~~3. **Effective date.**

This bill takes effect on May 1, 2024.