



# ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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April 5, 2020

Dear Colleague,

During this difficult time, the Board recognizes the many challenges that your practice is facing and is thankful for your ongoing care and diligence in providing veterinary medical services in our state. As critical components of the public health system, veterinary medical providers must also take advantage of opportunities only if they will ultimately enhance patient well-being.

On April 1, 2020, Governor Ducey issued Executive Order 2020-19, "Telemedicine for Pets and Animals" in an effort to support COVID-19 "stay home" measures and ensure that Arizonans who may be sick or under quarantine can access care from their homes and avoid potentially risky trips to a health care provider. We know as well that many of you have already taken measures to create physical distancing from clients, such as drive-up/drop-off services, and encourage more practices to find ways to limit your and your staff's exposure to others.

The Telemedicine Executive Order does indeed open the door to a type of practice that is new to most of us and the Board understands there are concerns and questions. We agree that launching into telemedicine this quickly is not ideal; however, protecting human health is paramount right now and **the Board is assured that these provisions will end as soon as the Declaration of Public Health Emergency expires.**

Providing telemedicine services, when appropriate, will:

- a) assist the efforts to control the spread of COVID-19 by limiting in-person contacts for both clients and staff;
- b) conserve personal protective equipment (PPE) necessary to test and treat human patients with COVID-19, as well as maintain a supply for essential veterinary services; and
- c) provide another option for the provision of medical services to pets and/or other animals during the declared emergency.

The Executive Order states that the Board may create reasonable requirements and parameters for telemedicine services. The requirements are not more restrictive and are not less favorable to practitioners than those services delivered in-person. These may be amended as the Board learns how veterinarians and the public are utilizing the new telemedicine opportunity. The parameters and requirements are explained below.

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## Key points:

- Utilizing telemedicine in one's practice is a **choice, not a requirement**.
  - Administrative Rule A.A.C. R3-11-501(7) states "a veterinarian is free to choose whom the veterinarian will serve within the limits of the law. A veterinarian who agrees to provide veterinary medical services to an animal is responsible for the welfare of the animal until the animal is released, referred, or discharged by the veterinarian or the veterinarian is dismissed by the animal owner."
- The Arizona-licensed veterinarian must employ sound professional judgment to determine whether using telemedicine is suitable each time veterinary services are provided. The veterinarian must only furnish medical advice or recommend treatment via telemedicine when it is judged to be medically appropriate.
- Some patient presentations are appropriate for the utilization of telemedicine as a component of, or in lieu of, hands-on medical care. Some presentations are not appropriate for telemedicine and an in-office or emergency referral are appropriate.
- Veterinarians will likely be faced with determining whether the possible uneasiness of a telemedicine encounter outweighs the fact that the animal is unlikely to get any care at all if the client is unable or unwilling to leave the safety of his/her home. If you feel you cannot safely make these choices, you are under no obligation to provide telemedicine services, although we encourage you to assist the client with other available options. You may want to consider referral to a mobile veterinarian or emergency service.
- Per the Executive Order, **the Veterinary-Client-Patient Relationship (VCPR) may be established by telemedicine procedures**, which differs from the Arizona statutes currently in place. The definition of a VCPR in the Arizona Veterinary Practice Act remains in effect to the extent it does not conflict with the ability to establish the VCPR by telemedicine as authorized by Executive Order 2020-19.
  - If the VCPR is established by telemedicine, the veterinarian must gather sufficient information to initiate a preliminary diagnosis and conform to the minimum standard of care.
- As you know, good client communication is always key to a successful encounter. If you choose to utilize telemedicine in your practice, we suggest that you make it clear to clients that these services are an option and if in your professional judgment, the animal cannot be appropriately evaluated to a safe degree, the telemedicine services will not be provided. As well, it is suggested that you clarify that you are only considering the presenting complaint(s) and the fact that you cannot address other possible issues/problems that are not readily identified through telemedicine does not mean that the animal has no other issues/problems.

- **Informed Consent is required** and is gained by informing the client or the client's authorized representative about the limitations of telemedicine and continuing to offer in-person consultations or referrals if the client is not comfortable with the situation.
- Per the Executive Order, all electronic means of delivery veterinary telemedicine, including telephone and video calls to enable individuals to remain in their homes shall be allowed. Insurers must allow a patient's home to be an approved location to receive telemedicine services.
- Per the Executive Order, charges for a telemedicine visit may not be more than would be charged for an in-person visit.
- All other statutes contained in Chapter 21 of the Arizona Revised Statutes and Administrative Rules (Title 3, Chapter 11) remain in effect unless superseded by any Executive Order.

**Terms** (List of selected current statutory definitions plus terms added for the purposes of these interim parameters and requirements. Current statute or administrative rule noted following the definition. Terms not currently included in Arizona statutes or administrative rules apply only within the duration of Executive Order 2020-19.)

- **Animal** means any animal other than human. {A.R.S. § 32-2201(1)}
- **Animal Owner** means an individual who has all or part of the lawful right to an animal or an individual designated by the animal owner to act on the animal owner's behalf. {A.A.C. R3-11-101(B)(2)}
- **Board** means the Arizona State Veterinary Medical Examining Board. {A.R.S. § 32-2201(2)}
- **Certified Veterinary Technician (CVT)** means an individual certified by the Board on or before December 31, 2010 pursuant to the rules adopted by the Board {A.R.S. § 32-2201(3)}
- **Telemedicine/Telehealth** as referred to in this document is the remote delivery of healthcare services, such as health assessments or consultations, over the telecommunications infrastructure. It allows veterinarians to evaluate, diagnose and treat patients without the need for an in-person visit.
- **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).
- **Veterinarian** means an individual who is duly licensed to practice Veterinary Medicine in Arizona.

- **Veterinarian-Client-Patient-Relationship (VCPR)** (per A.R.S. 32-2201(25) means all of the following:
  - a) The veterinarian has assumed the responsibility for making medical judgments regarding the animal's health and need for medical treatment and the client, owner, or caretaker 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 animal's medical condition. Sufficient knowledge is obtained when the veterinarian has recently seen and is personally acquainted with the keeping and caring of the animal as a result of examining the animals, when there are medically appropriate and timely visits to the premises where the animal is kept or when a veterinarian affiliated with the practice has reviewed the medical record of such examinations or visits.
  - c) The veterinarian is readily available for a follow-up evaluation or the veterinarian has arranged for either of the following:
    - (i.) Emergency coverage
    - (ii.) Continuing care and treatment by another veterinarian who has access to the animal's medical records.

**Exceptions for providing veterinary services through telemedicine**, which modify the current statute during the time Executive Order 2020-19 is in place:

- **If using telemedicine**, the requirement in current statute to have “recently seen” the animal and be “personally acquainted with the keeping and caring of the animal as a result of examining the animals” is not required, as Executive Order 2020-19 allows for a VCPR to be established via telemedicine services.
- **If the VCPR is established by telemedicine**, the veterinarian must gather sufficient information to initiate a preliminary diagnosis and conform to the minimum standard of care.

### [Interim Parameters and Requirements of the Appropriate Use of Telemedicine Technologies in Veterinary Medical Practice during the Declaration of Public Health Emergency](#)

#### Licensure

A veterinarian must be licensed by the Arizona State Veterinary Medical Examining Board to provide telemedicine.

#### Informed Consent

**Informed Consent is required** and is gained by informing the animal owner or the owner's authorized representative about the limitations of telemedicine and continuing to offer in-person consultations or referrals if the consent is not given.

## **Telemedicine Service Requirements**

A provider of telemedicine services must ensure that the animal owner is provided with the name of the veterinarian who will be providing the telemedicine services.

## **Evaluation and Treatment of the Patient(s)**

The veterinarian is required to employ sound professional judgment to determine whether using telemedicine is suitable each time veterinary services are provided and only furnish medical advice or treatment via telemedicine when it is medically appropriate.

A veterinarian using telemedicine must take appropriate steps to establish the VCPR, obtain Informed Consent from the animal owner, and conduct all necessary patient evaluations consistent with currently acceptable standards of care. Some patient presentations are appropriate for the utilization of telemedicine as a component of, or in lieu of, hands-on medical care, while others are not.

## **Referrals**

As a reminder, Administrative Rule A.A.C. R3-11-501(3) requires a veterinarian to "seek a consultation or a referral whenever it appears that the quality of veterinary medical service provided by the veterinarian will be enhanced."

## **Prescribing Medications**

Prescribing medications in-person or via telemedicine requires a VCPR and is at the professional discretion of the veterinarian. The indication, appropriateness, and safety considerations for each prescription issued in association with telemedicine services must be evaluated by the veterinarian in accordance with all state and federal laws and standards of care.

Prescription refills from a veterinary premises may only be authorized if a VCPR has been established by a veterinarian at the premises where the client wishes to obtain the medication.

## **Emergency Services**

Teletriage may be performed by a veterinarian or Certified Veterinary Technician (CVT) who is working under the supervision of a veterinarian without establishing a VCPR or obtaining Informed Consent to provide emergency, potentially life-saving telemedicine services. When determining whether to delegate such responsibility to a CVT, the veterinarian should consider the CVT's knowledge, skills, and abilities.

Note that Administrative Rule – A.A.C. R3-11-502 (B) requires that a Responsible Veterinarian shall ensure that a notice of where veterinary medical services may be obtained when the veterinary medical premises is not open for business is placed on the voice mail of the veterinary medical premises and contains the name, telephone number, and address of a veterinarian or veterinary medical premises that is available to provide veterinary medical services. Livestock veterinarians are exempt from providing an address.

**Continuity of Care/Medical Records**

Veterinarians must maintain appropriate medical records that contain sufficient information for continued care and are compliant with the current provisions of the Administrative Rules (A.A.C. R3-11-502(L) and R3-11-501 (8)), with these exceptions or modifications:

<p><b>Current Administrative Rules - Medical Records-</b></p>	<p><b>Interim Telemedicine Requirements through the duration of Executive Order 2020-19 -Medical Records-</b></p>
<p><b>A.A.C. R3-11-502(C):</b> Before providing a veterinary medical service, a veterinarian shall ensure that the animal owner or the animal's agent is provided an estimate of the cost for the veterinary medical service, except in the case of livestock.</p>	<p><b>A.A.C. R3-11-502(C) in effect.</b> Executive Order states "veterinary providers shall not charge more for a telemedicine visit than they would for an in-person visit."</p>
<p><b>A.A.C. R3-11-502(L):</b> "Except as provided in subsection (N), a veterinarian shall maintain on the veterinary medical premises for three years after the last date an animal receives veterinary medical services a written medical record containing the:</p> <ul style="list-style-type: none"> <li>(1) Name, Address, and telephone number of the animal owner;</li> <li>(2) Description or color photograph, sex, breed, weight, and age of the animal;</li> <li>(3) Date of veterinary services and date a written entry is made to the medical record, if the entry is made on a date other than when the veterinary medical services were provided;</li> <li>(4) Results of examination, including temperature, heart rate, respiratory rate, and general condition of the animals, except for livestock and species or in situations that make the examination impractical or potentially detrimental to the animal or examiner;</li> <li>(5) The animal's tentative or definitive diagnosis;</li> <li>(6) Treatment provided to the animal;</li> <li>(7) Name of each medication administered including: <ul style="list-style-type: none"> <li>a) Concentration, except when the medication is only offered in one size and strength;</li> <li>b) Amount</li> <li>c) Frequency; and</li> <li>d) Route of administration</li> </ul> </li> <li>(8) Name of each medication prescribed</li> </ul>	<p><b>A.A.C. R3-11-502(L) remains in effect except for these modifications:</b></p> <ul style="list-style-type: none"> <li>(2) Recorded <b>weight</b> may be an estimate, value from a previous visit, or based on information provided by the client.</li> </ul> <p><b>Age and color</b> may be provided by the client.</p> <ul style="list-style-type: none"> <li>(4) Gathering data of <b>temperature, heart rate and respiratory rate</b> is not required and is not required to be noted in the medical record. If the service is conducted via video, "general condition" may be observed and recorded in the medical record.</li> </ul> <p><b>The requirement for an exam</b> by a veterinarian each time a veterinary service is performed will be met by the audio/visual examination that occurs.</p> <p><b>Subjective data</b>, including information from the client's point of view ("symptoms"), including feelings, perceptions, and concerns that are obtained through interviews is required to be recorded in the medical record.</p>

<p>including concentration, amount, and frequency;</p> <p>(9) Name and result of each diagnostic and laboratory test conducted;</p> <p>(10) Signature or initials of each individual placing an entry in the medical record; and</p> <p>(11) Signature or initials of the veterinarian performing the veterinary medical services.</p> <p>Note: Section "N" referenced above refers to veterinarians who administer rabies vaccines on behalf of an animal control agency or animal shelter and provides no other medical service.</p>	<p><b>Objective data</b>, including observable and measurable data ("signs") obtained through audio-visual observation by the veterinarian, is required to be recorded in the medical record.</p>
	<p>Evidence documenting <b>Informed Consent</b> for the use of telemedicine must be obtained and recorded in the medical record.</p>
	<p><b>Method of encounter</b> (i.e. audio only, video, both) is required to be recorded in the medical record.</p>
<p><b>A.A.C. R3-11-501(8):</b> A veterinarian shall provide records or copies of records of veterinary medical services, including copies of radiographs, to an animal owner or another licensed veterinarian currently providing veterinary medical services within 10 days from the date of the animal owner's or other licensed veterinarian's request, or in less than 10 days if the animal's medical condition requires.</p>	<p><b>A.A.C. R3-11-501(8):</b> Remains in effect</p>

**What's Next?**

The Board will be reviewing these parameters and requirements periodically throughout the time they are in effect. The Board's experience with the topic of telemedicine during this period could serve as the basis for future proposed administrative rules or recommendations for statute changes. As such, we invite your feedback during and after this emergency period.

**Please continue to check for updates on the Board's website at [vetboard.az.gov](http://vetboard.az.gov)**

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

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EXECUTIVE ORDER

**Executive Order 2020-19**

**Telemedicine for Pets and Animals**

**WHEREAS**, on March 11, 2020, I declared a Public Health State of Emergency in Arizona in response to the COVID-19 pandemic; and

**WHEREAS**, on March 30, 2020, I issued a “Stay home, Stay healthy, Stay connected” order, requiring Arizona residents not participating in essential work or activities to stay home to slow the spread of COVID-19; and

**WHEREAS**, the Secretary of the United States Department of Health and Human Services issued a Public Health Emergency Declaration on January 31, 2020 which allows practitioners, including veterinarians, to utilize telemedicine for prescribing all Schedule II-V controlled substances to a patient that they have not conducted an in-person medical evaluation on if certain conditions are met, and are in compliance with federal and state laws; and

**WHEREAS**, on March 24, 2020, the Food and Drug Administration (FDA) announced that it was issuing guidance “to facilitate veterinarians’ ability to provide veterinary medical services during the COVID-19 pandemic”; and

**WHEREAS**, that guidance states, “the FDA is aware that during the COVID-19 outbreak some states are modifying their requirements for veterinary telemedicine, including state requirements regarding the veterinarian-client-patient relationship (VCPR)”; and

**WHEREAS**, the guidance also states that “given that the Federal VCPR definition requires animal examination and/or medically appropriate and timely visits to the premises where the animal(s) are kept, the Federal VCPR definition cannot be met solely through telemedicine”; and

**WHEREAS**, the guidance further states, “the FDA generally intends not to enforce the animal examination and premises visit VCPR requirements relevant to FDA regulations governing Extralabel Drug Use in Animals (21 CFR part 530) and Veterinary Feed Directive Drugs (21 CFR 558.6)”; and

**WHEREAS**, this guidance means that the FDA will not be enforcing the in-person animal examination and premises visit requirements required by FDA regulations; and

**WHEREAS**, the spread of COVID-19, the danger the virus poses to at-risk populations, and the need to protect our veterinary healthcare workforce requires an expansion of veterinary telemedicine in Arizona for the duration of the State's declared Public Health Emergency; and

**WHEREAS**, Arizonans will have continued needs for their pets and livestock to see a veterinarian for the care of their animals during the duration of this public health emergency.

**NOW, THEREFORE**, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this state, hereby order as follows:

1. Beginning on April 1, 2020, and continuing for the duration of the Public Health Emergency declared in Arizona on March 11, 2020, in order to protect public health, expedite access to and treatment of animal health conditions, and to minimize the risk of the spread of COVID-19 within veterinary healthcare facilities, the use of telemedicine may be used by licensed veterinarians in Arizona.
2. The Arizona State Veterinary Medical Board may establish reasonable requirements and parameters for telehealth services, including recordkeeping, but such requirements and parameters may not be more restrictive or less favorable to providers than are required for veterinary medical services delivered in-person.
3. Veterinary providers shall not charge more for a telemedicine visit than they would for an in-person visit.
4. All electronic means of delivering veterinary telehealth, including telephone and video calls to enable individuals to remain in their homes shall be allowed. Insurers shall allow a patient's home to be an approved location to receive telemedicine services.
5. Telehealth services subject to this Executive Order may be provided by any Arizona licensed veterinarian to establish a valid Veterinary-Client-Patient Relationship (VCPR), or maintain a previously established VCPR provided that the veterinarian is able to gather sufficient information in order to initiate a preliminary diagnosis, following the minimum standard of care. The veterinarian shall gain informed consent, by informing the client about the limitations of telemedicine, and continuing to offer in-person consultations if the client is not comfortable or does not provide consent.
6. This Executive Order does not expand the scope of practice for any licensed provider type.

7. Unless otherwise provided herein, this Executive Order expires upon the termination of the Declaration of Public Health Emergency related to COVID-19 dated March 11, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.



*Douglas R. Ducey*

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this first day of April in the Year Two Thousand Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

**ATTEST:**

*[Signature]*

**Secretary of State**