

Senate Bill 105

By: Senators Anavitarte of the 31st, Watson of the 11th, Goodman of the 8th, Echols of the 49th, Hatchett of the 50th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to
2 veterinarians and veterinary technicians, so as to authorize licensed veterinarians and
3 veterinary technicians to practice veterinary teleadvice; to authorize licensed veterinarians
4 and veterinary technicians to practice veterinary teletriage under certain circumstances; to
5 authorize licensed veterinarians to practice veterinary telemedicine under certain
6 circumstances; to provide for the regulation of the practice of veterinary telemedicine,
7 veterinary teletriage, and veterinary teleadvice by the State Board of Veterinary Medicine;
8 to revise and provide for definitions; to provide for related matters; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to veterinarians
13 and veterinary technicians, is amended by revising paragraphs (26) and (29) of and adding
14 new paragraphs to Code Section 43-50-3, relating to definitions, as follows:

15 "(26) 'Practice veterinary technology' or '~~veterinary technology~~' means:

16 (A) To perform animal patient care or other services that require a technical
 17 understanding of veterinary medicine by a licensed veterinary technician on the basis
 18 of written or oral instruction of a licensed veterinarian, excluding diagnosing,
 19 prognosing, performing surgery, prescribing, or dispensing;

20 (B) To represent, directly or indirectly, publicly or privately, an ability and willingness
 21 to engage in any act described in subparagraph (A) of this paragraph; or

22 (C) To use any title, words, abbreviation, or letters, while engaged in the practice of
 23 licensed veterinary technology, in a manner or under circumstances that induce the
 24 belief that the person using them is qualified to engage in an act included in
 25 subparagraph (A) of this paragraph."

26 "(29) 'Veterinarian-client-patient relationship' means ~~that~~:

27 (A)(i) ~~The~~ A licensed veterinarian has assumed the responsibility for making medical
 28 judgments regarding the health of the animal and the need for medical treatment, and
 29 the client has given informed consent for services provided by the licensed
 30 veterinarian;

31 ~~(B)~~(ii) There is sufficient knowledge of the animal by the licensed veterinarian to
 32 initiate at least a general or preliminary diagnosis of the medical condition of the
 33 animal. This means that the licensed veterinarian has recently seen and is personally
 34 acquainted with the keeping and care of the animal by ~~the~~ virtue of examination of the
 35 animal or by medically appropriate and timely visits to the premises where the animal
 36 is kept or by medically appropriate and timely visits by the licensed veterinarian to
 37 premises within an operation or production system where the animal or groups of
 38 animals are kept;

39 ~~(C)~~(iii) ~~A~~ The licensed veterinarian is readily available for follow up care or
 40 consultation or has arranged for:

41 (i)(I) Veterinary emergency coverage; and

42 ~~(ii)~~(II) Continuing care and treatment by another licensed veterinarian, including
43 providing a copy of associated records during normal business hours; and

44 ~~(D)~~(iv) The licensed veterinarian develops and maintains appropriate medical
45 records; or

46 (B) All licensed veterinarians employed at the same veterinary facility as any licensed
47 veterinarian for which a veterinarian-client-patient relationship has been established
48 pursuant to subparagraph (A) of this paragraph."

49 "(35) 'Veterinary teleadvice' means the use of synchronous or asynchronous
50 telecommunications technology to provide general advice to a client that is not specific
51 to a particular animal, diagnosis, or treatment.

52 (36) 'Veterinary telemedicine' or 'practice of veterinary telemedicine' means the use of
53 synchronous or asynchronous telecommunications technology to facilitate the practice
54 of veterinary medicine.

55 (37) 'Veterinary teletriage' means the use of synchronous or asynchronous
56 telecommunications technology to assess and manage an animal, including determining
57 whether immediate referral to a licensed veterinarian is necessary, under conditions of
58 reasonable urgency or uncertainty. Such phrase shall not include diagnosis, prognosis,
59 surgery, or the prescribing, administering, or dispensing of any prescription drug or any
60 other medication or treatment specified by the board."

61 **SECTION 2.**

62 Said chapter is further amended by revising Code Section 43-50-21, relating to general
63 powers of board and liberal construction of powers, as follows:

64 "43-50-21.

65 (a) The board shall have the power to:

- 66 (1) Examine and determine the qualifications and fitness of applicants for licenses to
67 practice veterinary medicine, veterinary telemedicine, veterinary teletriage, veterinary
68 teleadvice, and veterinary technology in this state;
- 69 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice veterinary
70 medicine, veterinary telemedicine, veterinary teletriage, veterinary teleadvice, or
71 veterinary technology in this state or otherwise discipline licensed veterinarians and
72 licensed veterinary technicians; and to issue, renew, deny, suspend, or revoke veterinary
73 faculty licenses, consistent with this chapter and the rules and regulations adopted under
74 this chapter;
- 75 (3) Conduct investigations for the purpose of discovering violations of this chapter or
76 grounds for disciplining persons licensed under this chapter;
- 77 (4) Inspect veterinary premises and equipment, including mobile veterinary clinics, at
78 any time in accordance with protocols established by rule of the board;
- 79 (5) Hold hearings on all matters properly brought before the board; and, in connection
80 therewith, to administer oaths, receive evidence, make the necessary determinations, and
81 enter orders consistent with the findings. The board may designate one or more of its
82 members to serve as its hearing officer;
- 83 (6) Appoint from its own membership one member to act as a representative of the board
84 at any meeting within or outside the state where such representative is deemed desirable;
- 85 (7) Bring proceedings in the courts for the enforcement of this chapter or any regulations
86 made pursuant to this chapter;
- 87 (8) Adopt, amend, or repeal all rules necessary for its government and all regulations
88 necessary to carry this chapter into effect, including without limitation the establishment
89 and print or electronic publication of standards of professional conduct for the practice
90 of veterinary medicine, veterinary telemedicine, veterinary teletriage, veterinary
91 teleadvice, and veterinary technology; and
- 92 (9) Establish and publish annually a schedule of fees for licensing.

93 (b) The powers enumerated in subsection (a) of this Code section are granted for the
94 purpose of enabling the board to supervise effectively the practice of veterinary medicine,
95 veterinary telemedicine, veterinary teletriage, veterinary teleadvice, and veterinary
96 technology and are to be construed liberally to accomplish these objectives.

97 **SECTION 3.**

98 Said chapter is further amended by revising Code Section 43-50-30, relating to license
99 requirement for practice of veterinary medicine and practice by business employee, as
100 follows:

101 "43-50-30.

102 (a) No person may practice veterinary medicine, veterinary telemedicine, or veterinary
103 teletriage in this state who is not a licensed veterinarian or the holder of a valid temporary
104 license issued by the division director pursuant to this article.

105 (b) No person may practice veterinary teleadvice in this state who is not a licensed
106 veterinarian or veterinary technician or the holder of a valid temporary license issued by
107 the division director pursuant to this article.

108 (c) A licensed veterinarian may practice veterinary medicine, veterinary telemedicine,
109 veterinary teletriage, or veterinary teleadvice as an employee of a corporation, partnership,
110 or other business organization, provided that the licensed veterinarian is not subject to the
111 direction of anyone not licensed to practice veterinary medicine in Georgia in making
112 veterinary medical decisions or judgments."

113 **SECTION 4.**

114 Said chapter is further amended by adding a new article to read as follows:

115 "ARTICLE 7

116 43-50-120.

117 (a) A licensed veterinarian may practice veterinary telemedicine in this state if:

118 (1) Such individual is in good standing and primarily practices veterinary medicine in
119 this state through in-person visits with clients and animal patients;

120 (2) Such individual has notified the board of his or her intent to practice veterinary
121 telemedicine and satisfied any additional requirements set forth by the board;

122 (3) Such individual has an existing veterinarian-client-patient relationship with any client
123 and animal patient;

124 (4) The animal patient resides within this state at the time the individual practices
125 veterinary telemedicine;

126 (5) Such individual practices veterinary telemedicine in a manner consistent with his or
127 her scope of practice, all federal and state laws, and prevailing professional standards of
128 practice for a veterinarian who provides in-person veterinary services in this state and
129 employs sound, professional judgment to determine whether using veterinary
130 telemedicine is an appropriate method for delivering medical advice or treatment to the
131 animal patient;

132 (6) Such individual takes appropriate precautions to preserve the confidentiality of any
133 client or animal patient's records; and

134 (7) Such individual informs the client, in writing, of his or her full name, location,
135 license number, licensure status, and limitations involved in accessing veterinary
136 telemedicine and obtains a signed and dated statement from the client indicating receipt
137 of such required information.

138 (b) Any prescription, administration, or dispensing of prescription drugs pursuant to this
139 Code section shall be in accordance with all federal and state laws.

140 (c) Nothing in this article shall be construed to authorize any licensed veterinarian to
141 prescribe, administer, or otherwise dispense any prescription drug or any other medication

142 or treatment specified by the board, unless such licensed veterinarian or another licensed
143 veterinarian employed at the same veterinary facility has recently seen and is personally
144 acquainted with the keeping and care of the animal by virtue of a physical examination of
145 the animal at the veterinary facility or during a medically appropriate and timely visit to
146 the premises where the animal is located.

147 43-50-121.

148 (a) Notwithstanding anything to the contrary in this chapter, a licensed veterinarian or a
149 veterinary technician supervised by a licensed veterinarian may practice veterinary
150 teletriage, regardless of whether a veterinarian-client-patient relationship exists, if the
151 following conditions are met:

152 (1) No licensed veterinarian or veterinary technician is available within a 50 mile radius
153 of the animal's location to perform a physical examination at a veterinary facility or the
154 premises where the animal is located within 24 hours of the client's request for services;

155 (2) The licensed veterinarian or veterinary technician requests that, as soon as reasonably
156 practical, the client present the animal patient for a physical examination at the veterinary
157 facility or at the premises where such animal is located; and

158 (3) The licensed veterinarian or veterinary technician informs the client, in writing, of
159 the veterinarian or supervising veterinarian's full name, location, license number,
160 licensure status, and limitations involved in accessing veterinary teletriage, and obtains
161 a signed and dated statement from the client indicating receipt of such required
162 information.

163 (b) Notwithstanding anything to the contrary in this chapter, a licensed veterinarian may
164 practice veterinary telemedicine, regardless of whether a veterinarian-client-patient
165 relationship exists, if the licensed veterinarian satisfies the conditions set forth in
166 paragraphs (1) and (2) of subsection (a) of this Code section and paragraphs (1) and (2) and
167 paragraphs (4) through (7) of subsection (a) of Code Section 43-50-120.

168 (c) Nothing in this Code section shall be construed to require or impose a duty upon any
169 licensed veterinarian or veterinary technician to identify or refer any client to a licensed
170 veterinarian located within the radius imposed under paragraph (1) of subsection (a) of this
171 Code section before practicing veterinary teletriage or veterinary telemedicine.

172 43-50-122.

173 Nothing in this chapter shall be construed to prohibit a licensed veterinarian or a veterinary
174 technician supervised by a licensed veterinarian from providing veterinary teleadvice,
175 regardless of whether a veterinary-client-patient relationship exists."

176

SECTION 5.

177 All laws and parts of laws in conflict with this Act are repealed.