

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0363.01 Christopher McMichael x4775

HOUSE BILL 24-1048

HOUSE SPONSORSHIP

McCormick and Martinez, McLachlan

SENATE SPONSORSHIP

Ginal and Pelton B., Pelton R., Simpson

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF VETERINARY SERVICES THROUGH
102 TELEHEALTH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources and Agriculture Review Committee. The bill concerns the use of telehealth to provide veterinary services. The bill defines different types of telehealth tools that can be used in a veterinary practice.

In current law, one criterion for the establishment of a veterinarian-client-patient relationship is that the veterinarian has

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

conducted an examination of the animal that is the patient. The bill clarifies that the examination must be an in-person, physical examination. The bill also extends the veterinarian-client-patient relationship to other licensed veterinarians who share the same physical premises as the veterinarian who established the relationship if the other veterinarians have access to and have reviewed the patient's medical records.

The bill allows a licensed veterinarian who has established a veterinarian-client-patient relationship to use telehealth to provide veterinary services to clients and patients in Colorado with the consent of the client. A licensed veterinarian may also refer a patient to a veterinary specialist, who may provide veterinary services via telemedicine under the referring veterinarian's veterinarian-client-patient relationship.

The bill authorizes the state board of veterinary medicine to establish rules for the use of telehealth to provide veterinary services.

The bill clarifies that only a licensed veterinarian with an established veterinarian-client-patient relationship may prescribe medication using telemedicine.

The bill allows a licensed veterinarian who has established a veterinarian-client-patient relationship to supervise veterinary personnel who are not located on the same premises using telesupervision if the veterinarian and the personnel are employees of the same veterinary practice and the veterinary premises, the veterinary professionals or other veterinary personnel, and the patient are all located in Colorado.

The bill establishes record-keeping, confidentiality, and privacy requirements related to the use of telehealth.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-315-104, **amend**
3 (19) as follows:

4 **12-315-104. Definitions.** As used in this article 315, unless the
5 context otherwise requires:

6 (19)(a) "Veterinarian-client-patient relationship" means ~~that~~ THE
7 relationship established when:

8 ~~(a)~~ (I) The veterinarian has assumed the responsibility for making
9 medical judgments regarding the health of an animal and the need for
10 medical treatment, and the owner or other caretaker has agreed to follow
11 the instruction of the veterinarian;

1 VETERINARY SERVICES

2 **12-315-301. Definitions - rules.** AS USED IN THIS PART 3, UNLESS
3 THE CONTEXT OTHERWISE REQUIRES:

4 (1) "TELE-ADVICE" MEANS THE PROVISION OF ANY HEALTH
5 INFORMATION, OPINION, OR GUIDANCE BY A VETERINARY PROFESSIONAL
6 THAT IS NOT SPECIFIC TO A PARTICULAR ANIMAL'S, OR GROUP OF ANIMALS',
7 HEALTH, ILLNESS, OR INJURY AND THAT IS NOT INTENDED TO DIAGNOSE,
8 TREAT, OR ISSUE PROGNOSSES OF AN ANIMAL'S, OR GROUP OF ANIMALS',
9 PHYSICAL OR BEHAVIORAL ILLNESS OR INJURY. A
10 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP IS NOT REQUIRED TO
11 PROVIDE TELE-ADVICE.

12 (2) "TELECONSULTING" MEANS A VETERINARIAN WHO
13 COMMUNICATES WITH A VETERINARY SPECIALIST OR OTHER QUALIFIED
14 EXPERT USING TELECOMMUNICATIONS TECHNOLOGY TO GAIN INSIGHT OR
15 ADVICE REGARDING THE CARE OF A PATIENT.

16 (3) "TELE-EDUCATION" MEANS THE USE OF INFORMATION AND
17 TELECOMMUNICATIONS TECHNOLOGY FOR DISTANCE LEARNING.

18 (4) (a) "TELEHEALTH" MEANS THE USE OF TELECOMMUNICATIONS
19 TECHNOLOGY TO PROVIDE VETERINARY SERVICES OR TO COLLECT AND
20 DELIVER VETERINARY HEALTH INFORMATION OR EDUCATION VIRTUALLY
21 AND CAN ENCOMPASS GENERAL VETERINARY SERVICES OR
22 PATIENT-SPECIFIC VETERINARY SERVICES.

23 (b) "TELEHEALTH" MAY INCLUDE TELE-ADVICE, TELECONSULTING,
24 TELE-EDUCATION, TELEMEDICINE, TELEMONITORING, TELEREFERRAL,
25 TELESUPERVISION, TELETRIAGE, AND OTHER TOOLS THAT HELP
26 VETERINARY PROFESSIONALS DELIVER VETERINARY EDUCATION AND
27 SERVICES VIRTUALLY.

1 (5) "TELEMEDICINE" MEANS THE REMOTE PRACTICE OF
2 VETERINARY MEDICINE THROUGH THE USE OF TELECOMMUNICATIONS
3 TECHNOLOGY THAT ALLOWS A LICENSED VETERINARIAN WITH AN
4 ESTABLISHED VETERINARIAN-CLIENT-PATIENT RELATIONSHIP TO
5 EVALUATE, DIAGNOSE, AND TREAT A PATIENT VIRTUALLY.

6 (6) "TELEMONITORING" MEANS THE USE OF TELECOMMUNICATIONS
7 TECHNOLOGY TO AUGMENT VETERINARY SERVICES BY COLLECTING AND
8 DELIVERING HEALTH INFORMATION FROM A PATIENT.

9 (7) "TELEREFERRAL" MEANS A VETERINARIAN WITH AN
10 ESTABLISHED VETERINARIAN-CLIENT-PATIENT RELATIONSHIP WHO REFERS
11 THE CLIENT TO A VETERINARY SPECIALIST TO PROVIDE VETERINARY
12 SERVICES USING TELECOMMUNICATIONS TECHNOLOGY UNDER THE
13 ESTABLISHED VETERINARIAN-CLIENT-PATIENT RELATIONSHIP.

14 (8) "TELESUPERVISION" MEANS THE SUPERVISION OF INDIVIDUALS
15 PROVIDING VETERINARY SERVICES USING MEDIA SUCH AS AUDIO,
16 AUDIO-VISUAL CONFERENCING, TEXT MESSAGING, E-MAIL, OR OTHER
17 VIRTUAL OR DIGITAL TECHNOLOGIES.

18 (9) "TELETRIAGE" MEANS THE SAFE, APPROPRIATE, AND TIMELY
19 ASSESSMENT OF AN ANIMAL, OR A GROUP OF ANIMALS, UNDER CONDITIONS
20 OF UNCERTAINTY AND URGENCY, AND THE POSSIBLE REFERRAL TO A
21 LICENSED VETERINARIAN, AFTER DISCUSSION WITH THE INDIVIDUAL
22 RESPONSIBLE FOR THE ANIMAL OR GROUP OF ANIMALS, USING
23 TELECOMMUNICATIONS TECHNOLOGY. A VETERINARIAN-CLIENT-PATIENT
24 RELATIONSHIP IS NOT REQUIRED FOR SUCH AN ASSESSMENT OR REFERRAL.
25 "TELETRIAGE" DOES NOT INCLUDE THE RENDERING OF A DIAGNOSIS.

26 (10) "VETERINARY SPECIALIST" MEANS A VETERINARIAN WHO IS
27 FORMALLY RECOGNIZED AS A SPECIALIST FROM A SPECIALTY

1 ORGANIZATION THAT IS RECOGNIZED BY THE AMERICAN VETERINARY
2 MEDICAL ASSOCIATION'S AMERICAN BOARD OF VETERINARY
3 SPECIALTIES, OR ITS SUCCESSOR ORGANIZATION, OR ANOTHER
4 ASSOCIATION THAT RECOGNIZES VETERINARY SPECIALISTS THAT THE
5 STATE BOARD OF VETERINARY MEDICINE HAS APPROVED BY RULE.

6 **12-315-302. Veterinarian-client-patient relationship -**
7 **telemedicine.** (1) ONLY A LICENSED VETERINARIAN MAY ESTABLISH A
8 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP IN THIS STATE.

9 (2) (a) A VETERINARIAN-CLIENT-PATIENT RELATIONSHIP MUST BE
10 ESTABLISHED BY AN IN-PERSON, PHYSICAL EXAMINATION OF THE ANIMAL
11 OR TIMELY VISITS TO THE PREMISES WHERE THE ANIMAL IS KEPT.

12 (b) A VETERINARY SPECIALIST MAY USE TELECOMMUNICATIONS
13 TECHNOLOGY TO SEE A PATIENT UNDER ANOTHER VETERINARIAN'S
14 PREVIOUSLY ESTABLISHED VETERINARIAN-CLIENT-PATIENT RELATIONSHIP
15 PURSUANT TO SECTION 12-315-306.

16 (3) AN ESTABLISHED VETERINARIAN-CLIENT-PATIENT
17 RELATIONSHIP MAY BE MAINTAINED THROUGH EXAMINATIONS THAT
18 OCCUR USING TELECOMMUNICATIONS TECHNOLOGY IN BETWEEN
19 IN-PERSON, PHYSICAL EXAMINATIONS OR VISITS TO THE PREMISES WHERE
20 THE PATIENT IS KEPT.

21 **12-315-303. Treatment of patients using telehealth -**
22 **telemedicine - licensure - technology - consent.** (1) (a) A PERSON MUST
23 BE LICENSED TO PRACTICE VETERINARY MEDICINE IN COLORADO IN ORDER
24 TO PRACTICE TELEMEDICINE IN COLORADO.

25 (b) A PERSON WHO IS NOT A LICENSED VETERINARIAN IN
26 COLORADO AND WHO USES TELEMEDICINE TO PROVIDE VETERINARY
27 SERVICES TO ANIMALS AND INDIVIDUALS RESPONSIBLE FOR THE ANIMALS

1 ENGAGES IN THE UNAUTHORIZED PRACTICE OF VETERINARY MEDICINE.
2 SUCH PERSON IS SUBJECT TO PENALTIES FOR THE UNAUTHORIZED PRACTICE
3 OF VETERINARY MEDICINE PURSUANT TO SECTION 12-315-114.

4 (2) A LICENSED VETERINARIAN SHALL EMPLOY SOUND,
5 PROFESSIONAL JUDGMENT WHEN DETERMINING WHETHER TO PROVIDE
6 VETERINARY SERVICES TO A PATIENT THROUGH TELEMEDICINE AND SHALL
7 USE TELEMEDICINE ONLY WHEN SUCH USE IS MEDICALLY APPROPRIATE
8 BASED ON THE PATIENT'S CONDITION.

9 (3) A VETERINARY PROFESSIONAL SHALL ENSURE THAT THE
10 TECHNOLOGY USED WHEN PROVIDING VETERINARY SERVICES THROUGH
11 TELEHEALTH IS OF APPROPRIATE QUALITY TO ENSURE:

12 (a) ACCURACY OF THE REMOTE ASSESSMENT OF THE PATIENT'S
13 CONDITION OR BEHAVIOR;

14 (b) CLEAR COMMUNICATION WITH CLIENTS; AND

15 (c) COMPLIANCE WITH ALL RELEVANT PRIVACY AND
16 CONFIDENTIALITY REQUIREMENTS.

17 (4) (a) A VETERINARY PROFESSIONAL SHALL OBTAIN CONSENT
18 FROM THE CLIENT BEFORE PROVIDING VETERINARY SERVICES THROUGH
19 TELEHEALTH AND SHALL RECORD THE CLIENT'S CONSENT IN THE PATIENT'S
20 MEDICAL RECORD.

21 (b) A VETERINARY PROFESSIONAL USING TELEHEALTH TO PROVIDE
22 VETERINARY SERVICES SHALL INFORM THE CLIENT, OR THE CLIENT'S
23 AUTHORIZED REPRESENTATIVE, OF:

24 (I) THE VETERINARY PROFESSIONAL'S NAME, LOCATION, AND, IF
25 APPLICABLE, LICENSE NUMBER AND LICENSURE STATUS;

26 (II) WHETHER, IN THE VETERINARIAN'S PROFESSIONAL OPINION,
27 THE PATIENT'S CONDITION CAN BE ACCURATELY DIAGNOSED OR TREATED

1 USING TELEMEDICINE; AND

2 (III) THE DIAGNOSIS, PROGNOSIS, AND TREATMENT OPTIONS FOR
3 THE PATIENT.

4 **12-315-304. Standard of care.** (1) A LICENSED VETERINARIAN
5 USING TELEHEALTH TO PROVIDE VETERINARY SERVICES SHALL CONDUCT
6 ALL NECESSARY PATIENT EVALUATIONS AND TREATMENT USING THE
7 APPLICABLE STANDARD OF CARE FOR THOSE EVALUATIONS AND
8 TREATMENTS.

9 (2) A LICENSED VETERINARIAN SHALL NOT RECOMMEND
10 TREATMENT OR CARE FOR AN ANIMAL BASED SOLELY ON A CLIENT'S
11 RESPONSES TO AN ONLINE QUESTIONNAIRE.

12 **12-315-305. Prescribing medication through telemedicine.**

13 (1) (a) ONLY A LICENSED VETERINARIAN WITH AN ESTABLISHED
14 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP MAY PRESCRIBE
15 MEDICATION THROUGH TELEMEDICINE.

16 (b) A LICENSED VETERINARIAN SHALL USE PROFESSIONAL
17 JUDGMENT WHEN DETERMINING IF IT IS APPROPRIATE TO PRESCRIBE
18 MEDICATION THROUGH TELEMEDICINE.

19 (2) A LICENSED VETERINARIAN WHO PRESCRIBES MEDICATION
20 THROUGH TELEMEDICINE IS SUBJECT TO THE LIMITATIONS ON
21 PRESCRIPTIONS SPECIFIED IN SECTION 12-30-109.

22 **12-315-306. Telereferral.** (1) A VETERINARIAN WITH AN
23 ESTABLISHED VETERINARIAN-CLIENT-PATIENT RELATIONSHIP MAY REFER
24 A PATIENT TO A VETERINARY SPECIALIST.

25 (2) A VETERINARY SPECIALIST TO WHOM A PATIENT IS REFERRED
26 MAY PROVIDE VETERINARY SERVICES USING TELECOMMUNICATIONS
27 TECHNOLOGY FOR THE PATIENT AND CLIENT UNDER THE REFERRING

1 VETERINARIAN'S VETERINARIAN-CLIENT-PATIENT RELATIONSHIP.

2 (3) A VETERINARY SPECIALIST TO WHOM A PATIENT IS REFERRED
3 SHALL PROVIDE THE REFERRING VETERINARIAN WITH INFORMATION
4 RELATED TO THE DIAGNOSIS, TREATMENT, AND PROGRESS OF THE PATIENT.

5 (4) (a) A VETERINARY SPECIALIST TO WHOM A PATIENT IS
6 REFERRED SHALL NOT PRESCRIBE MEDICATIONS TO THE PATIENT UNLESS
7 THE VETERINARY SPECIALIST ESTABLISHES A
8 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP THROUGH AN IN-PERSON,
9 PHYSICAL EXAMINATION OF THE PATIENT.

10 (b) THE LICENSED VETERINARIAN WITH THE ESTABLISHED
11 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP MAY PRESCRIBE
12 MEDICATIONS TO THE PATIENT AFTER CONSULTATION WITH THE
13 VETERINARY SPECIALIST TO WHOM THE PATIENT WAS REFERRED.

14 **12-315-307. Telesupervision.** (1) A LICENSED VETERINARIAN
15 MAY PROVIDE, AT THE VETERINARIAN'S DISCRETION, TELESUPERVISION
16 FOR VETERINARY SERVICES THAT DO NOT REQUIRE DIRECT OR IMMEDIATE
17 SUPERVISION, PURSUANT TO BOARD RULES.

18 (2) A SUPERVISING LICENSED VETERINARIAN WHO HAS AN
19 ESTABLISHED VETERINARIAN-CLIENT-PATIENT RELATIONSHIP MAY USE
20 TELESUPERVISION TO SUPERVISE VETERINARY PERSONNEL WHO ARE NOT
21 LOCATED ON THE SAME PREMISES AS THE SUPERVISING VETERINARIAN IF:

22 (a) THE SUPERVISING LICENSED VETERINARIAN AND THE
23 VETERINARY PROFESSIONAL OR OTHER VETERINARY PERSONNEL ARE
24 EMPLOYEES OF THE SAME VETERINARY PRACTICE; AND

25 (b) THE VETERINARY PREMISES, VETERINARY PROFESSIONALS OR
26 OTHER VETERINARY PERSONNEL, AND PATIENT ARE LOCATED IN
27 COLORADO.

1 **12-315-308. Emergency care - continuity of care.** (1) A
2 LICENSED VETERINARIAN WHO PRACTICES VETERINARY MEDICINE
3 THROUGH TELEMEDICINE SHALL BE AVAILABLE IN PERSON AT A
4 VETERINARY PREMISES THAT IS ACCESSIBLE TO THE CLIENT AND PATIENT
5 OR SHALL ARRANGE FOR ANOTHER LICENSED VETERINARIAN IN COLORADO
6 TO BE AT A VETERINARY PREMISES THAT IS ACCESSIBLE TO THE CLIENT
7 AND PATIENT IN CASE OF AN EMERGENCY OR FOR NECESSARY FOLLOW-UP
8 EVALUATIONS.

9 (2) A LICENSED VETERINARIAN SHALL PROVIDE THE CLIENT WITH
10 A PLAN FOR EMERGENCY OR FOLLOW-UP CARE WHEN PROVIDING
11 VETERINARY SERVICES THROUGH TELEMEDICINE.

12 **12-315-309. Medical records - definition.** (1) AS USED IN THIS
13 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ANIMAL CARE
14 PROVIDER" HAS THE MEANING SET FORTH IN SECTION 12-315-119 (1).

15 (2) AN ANIMAL CARE PROVIDER THAT USES TELEHEALTH TO
16 PROVIDE VETERINARY SERVICES SHALL MAINTAIN MEDICAL RECORDS
17 PURSUANT TO SECTION 12-315-119.

18 (3) AN ANIMAL CARE PROVIDER THAT CREATES MEDICAL RECORDS
19 DURING THE PROVISION OF VETERINARY SERVICES, INCLUDING THE
20 CLIENT'S CONSENT TO TELEHEALTH SERVICES, SHALL INCLUDE THE
21 RECORDS IN THE PATIENT'S MEDICAL RECORD AND MAKE THE RECORDS
22 ACCESSIBLE TO BOTH THE CLIENT AND THE ANIMAL CARE PROVIDER.

23 **12-315-310. Confidentiality and privacy.** A LICENSED
24 VETERINARIAN SHALL ENSURE THAT A CLIENT'S PRIVACY AND
25 CONFIDENTIALITY ARE PROTECTED WHEN THE VETERINARIAN IS PROVIDING
26 VETERINARY SERVICES USING TELEHEALTH PURSUANT TO THE
27 VETERINARIAN'S PROFESSIONAL AND LEGAL OBLIGATIONS.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2024 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.