

An Act

HOUSE BILL 24-1048

BY REPRESENTATIVE(S) McCormick and Martinez, McLachlan, Amabile, Bacon, Bird, Boesenecker, Brown, Catlin, Clifford, Epps, Froelich, Garcia, Hamrick, Jodeh, Kipp, Lindsay, Lindstedt, Lukens, Lynch, Mauro, Parenti, Ricks, Snyder, Soper, Story, Titone, Valdez, Vigil, Young, McCluskie, Armagost, English, Herod, Joseph, Lieder, Marshall, Marvin, Ortiz, Weinberg, Willford;
also SENATOR(S) Ginal and Pelton B., Pelton R., Simpson, Bridges, Danielson, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Marchman, Roberts, Van Winkle, Will.

CONCERNING THE PROVISION OF VETERINARY SERVICES THROUGH TELEHEALTH.

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

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

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

(19) (a) "Veterinarian-client-patient relationship" means ~~that~~ THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

relationship established when:

(a) (I) The veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical treatment, and the owner, OWNER'S AGENT, or ~~other~~ AUTHORIZED caretaker has agreed to follow the instruction of the veterinarian;

(b) (II) There is sufficient knowledge of an animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an IN-PERSON, PHYSICAL examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and

(c) (III) The practicing veterinarian is readily available, or has arranged for emergency coverage, for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen.

(b) A VETERINARIAN-CLIENT-PATIENT RELATIONSHIP ESTABLISHED ACCORDING TO SUBSECTION (19)(a) OF THIS SECTION MAY EXTEND TO OTHER LICENSED VETERINARIANS WORKING OUT OF THE SAME PHYSICAL PRACTICE LOCATION AS THE VETERINARIAN WHO ESTABLISHED THE VETERINARIAN-CLIENT-PATIENT RELATIONSHIP IF THE OTHER LICENSED VETERINARIANS HAVE ACCESS TO AND HAVE REVIEWED THE PATIENT'S MEDICAL RECORDS.

SECTION 2. In Colorado Revised Statutes, 12-315-106, **add** (9) as follows:

12-315-106. Board of veterinary medicine - creation - powers - rules. (9) (a) THE BOARD MAY PROMULGATE RULES REGARDING THE USE OF TELEHEALTH TO PROVIDE VETERINARY SERVICES IN COLORADO PURSUANT TO PART 3 OF THIS ARTICLE 315.

(b) IN DEVELOPING RULES PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION, THE BOARD SHALL CONSULT WITH LICENSED VETERINARIANS, REGISTERED VETERINARY TECHNICIANS, CLIENTS, AND OTHER RELEVANT STAKEHOLDERS AS DETERMINED BY THE BOARD.

SECTION 3. In Colorado Revised Statutes, **add** part 3 to article 315 of title 12 as follows:

PART 3
USE OF TELEHEALTH TO PROVIDE
VETERINARY SERVICES

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

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

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

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

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

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

(5) "TELEMEDICINE" MEANS THE REMOTE PRACTICE OF VETERINARY MEDICINE THROUGH THE USE OF TELECOMMUNICATIONS TECHNOLOGY THAT ALLOWS A LICENSED VETERINARIAN WITH AN ESTABLISHED

VETERINARIAN-CLIENT-PATIENT RELATIONSHIP TO EVALUATE, DIAGNOSE, AND TREAT A PATIENT VIRTUALLY.

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

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

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

(9) "TELETRIAGE" MEANS THE SAFE, APPROPRIATE, AND TIMELY ASSESSMENT OF AN ANIMAL, OR A GROUP OF ANIMALS, UNDER CONDITIONS OF UNCERTAINTY AND URGENCY, AND THE POSSIBLE REFERRAL TO A LICENSED VETERINARIAN, AFTER DISCUSSION WITH THE INDIVIDUAL RESPONSIBLE FOR THE ANIMAL OR GROUP OF ANIMALS, USING TELECOMMUNICATIONS TECHNOLOGY. A VETERINARIAN-CLIENT-PATIENT RELATIONSHIP IS NOT REQUIRED FOR SUCH AN ASSESSMENT OR REFERRAL. "TELETRIAGE" DOES NOT INCLUDE THE RENDERING OF A DIAGNOSIS BUT MAY INCLUDE THE PROVISION OF TELE-ADVICE.

(10) "VETERINARY SPECIALIST" MEANS A VETERINARIAN WHO IS FORMALLY RECOGNIZED AS A SPECIALIST FROM A SPECIALTY ORGANIZATION THAT IS RECOGNIZED BY THE AMERICAN VETERINARY MEDICAL ASSOCIATION'S AMERICAN BOARD OF VETERINARY SPECIALTIES, OR ITS SUCCESSOR ORGANIZATION, OR ANOTHER ASSOCIATION THAT RECOGNIZES VETERINARY SPECIALISTS THAT THE STATE BOARD OF VETERINARY MEDICINE HAS APPROVED BY RULE.

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

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

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

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

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

(b) A PERSON WHO IS NOT A LICENSED VETERINARIAN IN COLORADO AND WHO USES TELEMEDICINE TO PROVIDE VETERINARY SERVICES TO ANIMALS AND INDIVIDUALS RESPONSIBLE FOR THE ANIMALS ENGAGES IN THE UNAUTHORIZED PRACTICE OF VETERINARY MEDICINE. SUCH PERSON IS SUBJECT TO PENALTIES FOR THE UNAUTHORIZED PRACTICE OF VETERINARY MEDICINE PURSUANT TO SECTION 12-315-114.

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

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

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

(b) CLEAR COMMUNICATION WITH CLIENTS; AND

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

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

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

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

(II) WHETHER, IN THE VETERINARIAN'S PROFESSIONAL OPINION, THE PATIENT'S CONDITION CAN BE ACCURATELY DIAGNOSED OR TREATED USING TELEMEDICINE; AND

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

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

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

12-315-305. Prescribing medication through telemedicine. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, ONLY A LICENSED VETERINARIAN WITH AN ESTABLISHED VETERINARIAN-CLIENT-PATIENT RELATIONSHIP MAY PRESCRIBE MEDICATION THROUGH TELEMEDICINE.

(b) A LICENSED VETERINARIAN SHALL USE PROFESSIONAL JUDGMENT

WHEN DETERMINING IF IT IS APPROPRIATE TO PRESCRIBE MEDICATION THROUGH TELEMEDICINE.

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

(3) IN ACCORDANCE WITH SECTION 12-315-105 (2)(b), A LICENSED VETERINARIAN WHO DOES NOT HAVE AN ESTABLISHED VETERINARIAN-CLIENT-PATIENT RELATIONSHIP WITH AN ANIMAL AND ITS OWNER MAY USE TELEMEDICINE TO ADMINISTER, DISTRIBUTE, OR DISPENSE A PRESCRIPTION DRUG THAT HAS BEEN PRESCRIBED BY ANOTHER LICENSED VETERINARIAN WHO HAS AN ESTABLISHED VETERINARIAN-CLIENT-PATIENT RELATIONSHIP.

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

(2) A VETERINARY SPECIALIST TO WHOM A PATIENT IS REFERRED MAY PROVIDE VETERINARY SERVICES USING TELECOMMUNICATIONS TECHNOLOGY FOR THE PATIENT AND CLIENT UNDER THE REFERRING VETERINARIAN'S VETERINARIAN-CLIENT-PATIENT RELATIONSHIP.

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

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

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

12-315-307. Telesupervision. (1) A LICENSED VETERINARIAN MAY

PROVIDE, AT THE VETERINARIAN'S DISCRETION, TELESUPERVISION OF REGISTERED VETERINARY TECHNICIANS FOR TASKS THAT DO NOT REQUIRE DIRECT OR IMMEDIATE SUPERVISION, PURSUANT TO BOARD RULES.

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

(a) THE SUPERVISING LICENSED VETERINARIAN AND THE REGISTERED VETERINARY TECHNICIANS ARE EMPLOYEES OF THE SAME VETERINARY PRACTICE LOCATION; AND

(b) THE VETERINARY PROFESSIONALS ARE REGISTERED OR LICENSED IN COLORADO AND THE PATIENT IS LOCATED IN COLORADO.

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

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

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

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

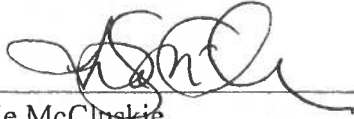
(3) AN ANIMAL CARE PROVIDER THAT CREATES MEDICAL RECORDS DURING THE PROVISION OF VETERINARY SERVICES, INCLUDING THE CLIENT'S CONSENT TO TELEHEALTH SERVICES, SHALL INCLUDE THE RECORDS IN THE

PATIENT'S MEDICAL RECORD AND MAKE THE RECORDS ACCESSIBLE TO BOTH THE CLIENT AND THE ANIMAL CARE PROVIDER.

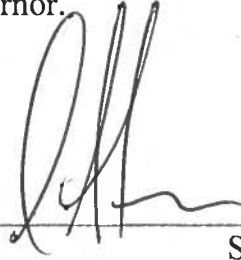
12-315-310. Confidentiality and privacy. A LICENSED VETERINARIAN SHALL ENSURE THAT A CLIENT'S PRIVACY AND CONFIDENTIALITY ARE PROTECTED WHEN THE VETERINARIAN IS PROVIDING VETERINARY SERVICES USING TELEHEALTH PURSUANT TO THE VETERINARIAN'S PROFESSIONAL AND LEGAL OBLIGATIONS.

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

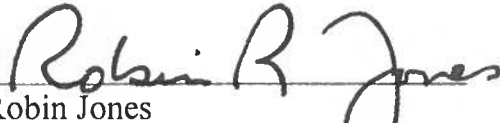
November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Friday April 19th 2024 at 12:30 PM
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

JARED POLIS
GOVERNOR



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April 19, 2024

The Honorable Colorado General Assembly
74th General Assembly
Second Regular Session
Colorado State Capitol
200 East Colfax Avenue
Denver, CO 80203

Dear Honorable Members of the Colorado General Assembly,

Today, I am signing the bipartisan HB 2024-1048 "Concerning the Provision of Veterinary Services Through Telehealth", which defines different telehealth tools that can be used in a veterinary practice. There is an urgent need to address the veterinary shortage in our state, as the lack of access to care takes a daily toll on the well-being of animals in rural and urban areas alike. According to Colorado State University research, more than a quarter of Coloradans cannot obtain veterinary care even when they have the means. Nearly three-quarters feel comfortable seeking care for their pet through a telemedicine appointment, and we should trust our veterinary professionals to determine when providing that care through telemedicine is appropriate.

I am grateful that the bill allows referral of patients to vets without triggering an additional in-person exam requirement and allows for vets to advise clients on animal health concerns during triage situations without an in-person exam. I am, however, disappointed that it also codifies for the first time in state statute the requirement for an in-person examination prior to most forms of telehealth. I am concerned that this codification creates additional impediments to veterinary care, especially in rural areas. Currently, other states allow for telehealth to be conducted without the prior in-person requirement. As a major farming and ranching state, and, according to a *Forbes* survey, ranked first in the nation for how much we love our dogs, Colorado should be on the forefront of expanding veterinary care options through telehealth.

Our state needs to take more measures to address the critical veterinary shortage, as it makes a difference every day for the well-being of companion and farm animals in our state. I thank the sponsors for their work to address the veterinary shortage and look forward to further conversations on how we can ensure the best results for animals in our state.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Polis".

Jared Polis
Governor
State of Colorado