

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0363.01 Christopher McMichael x4775

HOUSE BILL 24-1048

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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

SENATE
Amended 2nd Reading
February 23, 2024

HOUSE
3rd Reading Unamended
February 12, 2024

HOUSE
Amended 2nd Reading
February 9, 2024

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, OWNER'S AGENT, or ~~other~~ AUTHORIZED
11 caretaker has agreed to follow the instruction of the veterinarian;

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

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

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

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

20 **12-315-106. Board of veterinary medicine - creation - powers**
21 **- rules.** (9)(a) THE BOARD MAY PROMULGATE RULES REGARDING THE USE
22 OF TELEHEALTH TO PROVIDE VETERINARY SERVICES IN COLORADO
23 PURSUANT TO PART 3 OF THIS ARTICLE 315.

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

1 **SECTION 3.** In Colorado Revised Statutes, **add** part 3 to article
2 315 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:

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

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

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

25 (b) "TELEHEALTH" MAY INCLUDE TELE-ADVICE, TELECONSULTING,
26 TELE-EDUCATION, TELEMEDICINE, TELEMONITORING, TELEREFERRAL,
27 TELESUPERVISION, TELETRIAGE, AND OTHER TOOLS THAT HELP

1 VETERINARY PROFESSIONALS DELIVER VETERINARY EDUCATION AND
2 SERVICES VIRTUALLY.

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

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

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

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

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

1 MAY INCLUDE THE PROVISION OF TELE-ADVICE.

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

9 **12-315-302. Veterinarian-client-patient relationship -**
10 **telemedicine.** (1) ONLY A LICENSED VETERINARIAN MAY ESTABLISH A
11 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP IN THIS STATE.

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

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

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

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

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

17 (b) CLEAR COMMUNICATION WITH CLIENTS; AND

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

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

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

27 (I) THE VETERINARY PROFESSIONAL'S NAME, LOCATION, AND, IF

1 APPLICABLE, LICENSE NUMBER AND LICENSURE STATUS;

2 (II) WHETHER, IN THE VETERINARIAN'S PROFESSIONAL OPINION,

3 THE PATIENT'S CONDITION CAN BE ACCURATELY DIAGNOSED OR TREATED

4 USING TELEMEDICINE; AND

5 (III) THE DIAGNOSIS, PROGNOSIS, AND TREATMENT OPTIONS FOR

6 THE PATIENT.

7 **12-315-304. Standard of care.** (1) A LICENSED VETERINARIAN

8 USING TELEHEALTH TO PROVIDE VETERINARY SERVICES SHALL CONDUCT

9 ALL NECESSARY PATIENT EVALUATIONS AND TREATMENT USING THE

10 APPLICABLE STANDARD OF CARE FOR THOSE EVALUATIONS AND

11 TREATMENTS.

12 (2) A LICENSED VETERINARIAN SHALL NOT RECOMMEND

13 TREATMENT OR CARE FOR AN ANIMAL BASED SOLELY ON A CLIENT'S

14 RESPONSES TO AN ONLINE QUESTIONNAIRE.

15 **12-315-305. Prescribing medication through telemedicine.**

16 (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, ONLY

17 A LICENSED VETERINARIAN WITH AN ESTABLISHED

18 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP MAY PRESCRIBE

19 MEDICATION THROUGH TELEMEDICINE.

20 (b) A LICENSED VETERINARIAN SHALL USE PROFESSIONAL

21 JUDGMENT WHEN DETERMINING IF IT IS APPROPRIATE TO PRESCRIBE

22 MEDICATION THROUGH TELEMEDICINE.

23 (2) A LICENSED VETERINARIAN WHO PRESCRIBES MEDICATION

24 THROUGH TELEMEDICINE IS SUBJECT TO THE LIMITATIONS ON

25 PRESCRIPTIONS SPECIFIED IN SECTION 12-30-109.

26 (3) IN ACCORDANCE WITH SECTION 12-315-105 (2)(b), A LICENSED

27 VETERINARIAN WHO DOES NOT HAVE AN ESTABLISHED

1 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP WITH AN ANIMAL AND ITS
2 OWNER MAY USE TELEMEDICINE TO ADMINISTER, DISTRIBUTE, OR DISPENSE
3 A PRESCRIPTION DRUG THAT HAS BEEN PRESCRIBED BY ANOTHER LICENSED
4 VETERINARIAN WHO HAS AN ESTABLISHED VETERINARIAN-CLIENT-PATIENT
5 RELATIONSHIP.

6 **12-315-306. Telereferral.** (1) A VETERINARIAN WITH AN
7 ESTABLISHED VETERINARIAN-CLIENT-PATIENT RELATIONSHIP MAY REFER
8 A PATIENT TO A VETERINARY SPECIALIST.

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

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

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

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

25 **12-315-307. Telesupervision.** (1) A LICENSED VETERINARIAN
26 MAY PROVIDE, AT THE VETERINARIAN'S DISCRETION, TELESUPERVISION OF
27 REGISTERED VETERINARY TECHNICIANS FOR TASKS THAT DO NOT REQUIRE

1 DIRECT OR IMMEDIATE SUPERVISION, PURSUANT TO BOARD RULES.

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

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

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

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

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

23 **12-315-309. Medical records - definition.** (1) AS USED IN THIS
24 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ANIMAL CARE
25 PROVIDER" HAS THE MEANING SET FORTH IN SECTION 12-315-119 (1).

26 (2) AN ANIMAL CARE PROVIDER THAT USES TELEHEALTH TO
27 PROVIDE VETERINARY SERVICES SHALL MAINTAIN MEDICAL RECORDS

1 PURSUANT TO SECTION 12-315-119.

2 (3) AN ANIMAL CARE PROVIDER THAT CREATES MEDICAL RECORDS
3 DURING THE PROVISION OF VETERINARY SERVICES, INCLUDING THE
4 CLIENT'S CONSENT TO TELEHEALTH SERVICES, SHALL INCLUDE THE
5 RECORDS IN THE PATIENT'S MEDICAL RECORD AND MAKE THE RECORDS
6 ACCESSIBLE TO BOTH THE CLIENT AND THE ANIMAL CARE PROVIDER.

7 **12-315-310. Confidentiality and privacy.** A LICENSED
8 VETERINARIAN SHALL ENSURE THAT A CLIENT'S PRIVACY AND
9 CONFIDENTIALITY ARE PROTECTED WHEN THE VETERINARIAN IS PROVIDING
10 VETERINARY SERVICES USING TELEHEALTH PURSUANT TO THE
11 VETERINARIAN'S PROFESSIONAL AND LEGAL OBLIGATIONS.

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