

The Veterinarian-Client-Patient Relationship is Condition-Specific

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Commonly, veterinary practices will request that clients bring animal patients in for an annual exam in order to maintain a veterinarian-client-patient relationship (VCPR). Sometimes practices also administer vaccinations at the annual exam. Some practices will then mistakenly interpret the “annual exam” to mean that the practice, including any veterinarian who works in the practice, has a valid VCPR with the client and animal patient for a period of one year. This is only partially true. It is important to understand VCPR law to avoid enforcement action by the California Veterinary Medical Board (VMB).

The California Code of Regulations, Title 16, Section 2032.1 defines the requirements of a valid VCPR in this state. The regulation states:

(a) It is unprofessional conduct for a veterinarian to administer, prescribe, dispense or furnish a drug, medicine, appliance, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture or bodily injury or disease of an animal without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client, except where the patient is a wild animal or the owner is unknown.

(b) A veterinarian-client-patient relationship shall be established by the following:

- (1) The client has authorized the veterinarian to assume responsibility for making medical judgments regarding the health of the animal, including the need for medical treatment,
- (2) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian is personally acquainted with the care of the animal(s) by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animals are kept, and
- (3) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal and has communicated with the client a course of treatment appropriate to the circumstance.

(c) A drug shall not be prescribed for a duration inconsistent with the medical condition of the animal(s) or type of drug prescribed. The veterinarian shall not prescribe a drug for a

duration longer than one year from the date the veterinarian examined the animal(s) and prescribed the drug.

(d) As used herein, “drug” shall mean any controlled substance, as defined by Section 4021 of the code, and any dangerous drug, as defined by Section 4022 of the code.

(e) No person may practice veterinary medicine in this state except within the context of a veterinarian-client-patient relationship or as otherwise permitted by law. A veterinarian-client-patient relationship cannot be established solely by telephonic or electronic means.

(f) Telemedicine shall be conducted within an existing veterinarian-client-patient relationship, with the exception for advice given in an “emergency,” as defined under section 4840.5 of the code, until that patient(s) can be seen by or transported to a veterinarian. For purposes of this section, “telemedicine” shall mean the mode of delivering animal health care services via communication technologies to facilitate consultation, treatment, and care management of the patient.

When reading the regulation, it becomes clear that a VCPR must be established by the veterinarian for each individual condition that he or she diagnoses and treats. For instance, if an animal patient has an appointment for vaccines in January (that some call the “annual exam”), the veterinarian performs an appropriate examination and communicates with the client at that time in order to give the vaccines. Thus, a VCPR is established specifically for this diagnosis and treatment. But if the same animal



patient is limping in March, the veterinarian cannot advise, prescribe, or provide treatment for that condition until a VCPR has been established by virtue of an in-person physical examination of the animal and communication with the client. The fact that the animal came in a couple of months before is irrelevant, because the VCPR established at that time for the vaccinations differs from the present condition. Thus, a veterinarian may have several VCPRs for one patient. The only time that a “one year” stipulation is relevant to a VCPR is in relation to prescribing medications. Section (c) of the aforementioned regulation states that a drug shall not be provided for a duration inconsistent with the medical condition and type of drug, and never for a period longer than one year from the date that the veterinarian examined the animal and prescribed the drug.

On April 9, 2020, the VMB, published the following statement on its website (vmb.ca.gov):

Pursuant to California Code of Regulations (CCR), title 16, section 2032.1, in order to administer, prescribe, dispense, or furnish a drug, medicine, appliance, or treatment of whatever nature, the veterinarian must

first establish a VCPR. The VCPR must be established for each medical condition for which the animal is being treated by the veterinarian, because the regulation requires: (1) the veterinarian to perform an in-person examination of the animal patient to initiate a diagnosis of the medical condition; and (2) the veterinarian to communicate with the client a course of treatment appropriate to the circumstance, or specific condition. (16 CCR § 2032.1(b)(2), (3).)

It is unprofessional conduct for a veterinarian to not establish a valid VCPR prior to treating an animal patient. It is important that all members of the veterinary practice team understand that the VCPR is condition-specific and therefore must be re-established for each new condition being treated. ■

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