

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 4570

BY DELEGATES HAMRICK, HOWELL, PAYNTER, DEAN, AND

PACK

[Originating in the Committee on Government

Organization; February 23, 2022]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §30-10-24 of this code, all relating to telehealth services; defining terms;
3 establishing requirements for the practice of telehealth; establishing requirements to form
4 a veterinarian-client-patient relationship; providing for renewal of registration; establishing
5 standard of care; and requiring telehealth providers provide certain information for
6 patients.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. VETERINARIANS.

§30-10- 24. Telehealth practice.

1 (a) For purposes of this section, these terms have the following meaning:

2 (1) "Interstate telehealth services" means the provision of telehealth services to a patient
3 located in West Virginia by a registered veterinary care professional located in any other state or
4 commonwealth of the United States.

5 (2) "Personal examination" is a face to face, in person, examination of the patient.

6 (3) "Registration" means an authorization to practice veterinary medicine in the State of
7 West Virginia pursuant to §30-10-1 et seq. of this code, which authorization is limited to providing
8 interstate telehealth services within the registrant's scope of practice.

9 (4) "Registrant" means an individual who holds a valid registration with the board.

10 (5) "Telehealth services" means the use of synchronous or asynchronous
11 telecommunications technology or audio only telephone calls by a veterinary care professional to
12 provide veterinary care services, including, but not limited to, assessment, diagnosis,
13 consultation, treatment, and monitoring of a patient; transfer of medical data; patient and
14 professional health-related education; public health services; and health administration. The term
15 does not include internet questionnaires, email messages, or facsimile transmissions.

16 (6) Veterinary care professional means the official authorization by the board to engage in
17 the practice of veterinary medicine and/or technology.

18 (b) Telehealth Practice.

19 (1) The practice of veterinary medicine occurs where the patient is located at the time
20 telehealth services are provided.

21 (2) To provide veterinary care in the State of West Virginia via interstate telehealth
22 services, an individual not otherwise licensed by the board must first apply for and obtain
23 registration with the board using the application materials provided by the board and paying a fee
24 of \$300.

25 (3) To obtain registration with the board, an individual must be a licensed veterinarian in
26 good standing in all other states in which he or she is licensed and not currently under
27 investigation or subject to an administrative complaint.

28 (4) A registration with the board is subject to annual renewal on or before
29 December 31 including, but not limited to, the renewal fee of \$250 and the submission of up to
30 three patient records of West Virginia patients, if applicable.

31 (5) A veterinarian-client-patient relationship is required for providing veterinary care in the
32 State of West Virginia via telehealth services. Such relationship exists when:

33 (A) A veterinarian assumes responsibility for medical judgments regarding the health of
34 an animal and the client who is the owner or other caretaker of the animal agrees to follow the
35 veterinarian's instructions; and

36 (B) A veterinarian, through personal examination of an animal or a representative sample
37 of a herd or flock, obtains sufficient information to make at least a general or preliminary diagnosis
38 of the medical condition of the animal, herd or flock, which diagnosis is expanded through
39 medically appropriate visits to the premises where the animal, herd or flock is kept.

40 (6) The standard of care for providing veterinary care in the State of West Virginia
41 via telehealth services by a registrant or licensed veterinarian shall be the same as for in-person
42 care. Such standard of care shall require that a veterinarian-client-patient relationship first exist
43 before telehealth services are provided and that a patient visit a veterinarian licensed in another

44 jurisdiction or licensed by the board, in-person and within 12 months of using the initial
45 telemedicine service, or the telemedicine service shall no longer be available to the patient. Only
46 in the event of an imminent, life-threatening emergency may veterinary care be provided in
47 this state via telehealth services without an existing veterinarian-client-patient relationship or
48 without an in-person visit within 12 months.

49 (7) A provider of telemedicine services must ensure that the client is aware of the
50 veterinarian's identity, location, and license number and licensure status and should provide to
51 the client a clear mechanism to:

52 (A) Access, supplement, and amend client-provided contact information and health
53 information about the patient;

54 (B) Register complaints with the board; and,

55 (C) Provide consent for the use of telemedicine.

56 (8) A registrant shall not prescribe any controlled substance listed in Schedule II of the
57 Uniform Controlled Substance Act via interstate telehealth services.

58 (9) By registering to provide interstate telehealth services to patients in this state,
59 a registrant is subject to:

60 (A) The laws, rules, and regulations regarding the practice of veterinary medicine in
61 this state, including the state judicial system and all rules and standards of professional conduct
62 contained within §30-10-1 et seq. of this code and the rules promulgated thereunder; and

63 (B) The jurisdiction of the board, including, but not limited to, the board's complaint,
64 investigation, and hearing processes.

65 (10) A registrant shall notify the board within 30 days of any restrictions placed upon, or
66 actions taken against, his or her license to practice in any other state or jurisdiction.

67 (11) A registration with the board does not authorize a veterinary care professional to
68 practice from a physical location within the State of West Virginia without first obtaining
69 appropriate facility registration.

70 (12) A person currently licensed by the board is not subject to registration but shall
71 practice telehealth in accordance with the provisions of §30-10-1 et seq. and the rules
72 promulgated thereunder.