

New Veterinary Practice Laws Takes Effect

Changes approved by the Indiana General Assembly to the Indiana veterinary practice act became law in Indiana on July 1, 2008. You can find information concerning these updates on the Members Only page of the IVMA web page. An inclusive insert of the changes was included in the last issue of the *Hoosier Veterinarian*. The IVMA will work to continue to process this information and provide you with as much as analysis of the new law as possible.

Below are a few questions that have been asked by IVMA members over the last few months. Answers are provided below. As always, though, consult your own legal counsel for specific legal advice.

1. I have had some Internet pharmacies tell my office staff that I have to give them a prescription after July 1st. Is this so?

No. The relevant part of the new law is below. You must provide a prescription to the client upon request unless there is a law prohibiting the transfer or the veterinarian suspects the issuance of the prescription would lead to inappropriate use. The Internet pharmacy is not the client, and therefore does not have standing to request the prescription.

(d) If a veterinarian prescribes a drug for the client's animal, upon request, the veterinarian shall provide the prescription to the client, unless prohibited by state or federal law or to prevent inappropriate use.

2. Can you clarify which of my staff has to be under direct or indirect supervision as the new law is written?

The Indiana Board of Veterinary Medical Examiners may make some rules to further clarify the law. The RVT may work under indirect or direct supervision. It is at the discretion of the veterinarian. All others may be delegated tasks as appropriate from the veterinarian under direct supervision. The veterinarian takes responsibility for assuring competency of the staff to whom they delegate the task and for the actions and outcomes of that delegation.

3. I would like to refer one of my clients to a chiropractor for treatment of their animal. Can I do this?

Yes. You may refer a client to another licensed professional who is a member of another regulated profession provided that a valid VCPR is maintained and the other professional is acting under your (the veterinarian's) direct or indirect supervision.

4. Can my registered veterinary technician give rabies shots in my veterinary practice?

No. The rule still stands and the new practice act did not in any way change this requirement.

5. I have heard that veterinary medical records are now confidential records. How does this impact what I do in my practice? Do I have to change my consent forms? What do I do if a grooming facility or kennel wants to see the record?

These records are now confidential and the information they contain may only be discussed with, or the records themselves given to, the client or other veterinarians involved in the care or treatment of the animal. The client may consent in writing to the release of the records to entities such as grooming facilities or kennels. It is suggested that new consent forms be prepared for signature by the client for release of such records. Exceptions to this confidentiality rule include: court orders, requests from regulatory boards or law enforcement agencies, or in situations necessary to protect the public. These exceptions are found at IC 25-38.1-4-5.5 (e).

6. Are radiographs part of an animal health record?

Yes. The new statute clearly includes radiographs in the definition of animal health records.

7. How long do I have to keep animal health records?

You must keep animal health records for three (3) years after the last encounter with the animal.

8. My clinic has an abandoned animal. Did the law regarding abandoned animals change in the new veterinary practice act?

Only slightly. The previous laws required written notice to the individual's address who delivered the animal to the veterinarian. The new law requires the notice be by certified mail.

9. Did the penalty increase for practicing veterinary medicine without a license? What do I do if I think someone is practicing without a license? Is my neighbor still allowed to treat and take care of their own animals?

Yes, the penalty was increased from a Class B misdemeanor to a Class A misdemeanor. Persons practicing without a license can be reported to the Indiana Board of Veterinary Medical Examiners, but responsibility for prosecuting them is with the county prosecutor in the county where the services were provided. Neighbors and any other persons may provide treatment for animals as long as they receive **no** compensation whatsoever for providing the treatment.

10. Am I required to report a possible animal cruelty case to the authorities?

No. However civil immunity has been granted to the veterinarian or RVT who in good faith reports a suspected act of animal cruelty.

11. Did the veterinarian-client-patient relationship (VCPR) change any with the implementation of the new practice act?

No. It was simply moved from a Rule of the Board to State statute.

12. If requested by the client, do I have to release a copy of their pet's animal medical record? What do I do about including radiographs in the records? Can I charge a fee and require that the client put the request in writing?

The client is entitled to a copy or summary of the veterinary medical records. A veterinarian may charge a reasonable fee for copying or summarizing the requested veterinary medical record. If the patient requests a copy of a radiograph, then a copy must be provided but the veterinarian can charge a fee for duplication of the radiograph. The veterinarian may require that the request be put in writing.

13. Can I still conduct a rabies clinic in my community given the new laws explaining the Veterinarian-Client-Patient-Relationship?

Yes, for purposes of administering rabies vaccinations you would be considered to be the treating veterinarian for the animal. You should follow the same procedures in examining the animal as you do in your office.

14. Are veterinarians exempt from jury duty?

No, several years ago the U.S. Supreme Court ruled that there are no categorical exemptions for jury duty for anyone. As such, Indiana law was changed in 2006 to remove all exemptions.