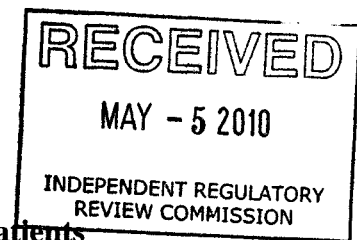


# 2787

**State Board of Veterinary Medicine**  
**Regulation 16A-5722: Responsibility to Clients and Patients**  
**Final Regulation**



**PROPOSAL:** Regulation 16A-5722 is Final Regulation which was delivered to the House Professional Licensure Committee on April 19, 2010. The House Professional Licensure Committee has until May 10, 2010 to either approve or disapprove Final Regulation 16A-5722.

Regulation 16A-5722 amends 49 Pa. Code, §31.21, Principle 7, Veterinarian/client relationships of the Rules of Professional Conduct for Veterinarians. The Final Regulation was amended

**FINAL REGULATION ANALYSIS:** Regulation 16A-5722 amends §31.21, Rules of Professional Conduct for Veterinarians, Principle 7, Veterinarian/client relationships. Principle 7, Veterinarians/client relationships is re-named "Responsibility to clients and patients".

Subsection (a) is amended to allow veterinarians to choose whom they will serve provided that they do not neglect an animal with which there is an established veterinarian/client/patient relationship.

Subsection (a)(1) is added which prohibits a veterinarian from refusing to provide euthanasia to relieve the suffering of an animal that is physically presented to the veterinarian's facility during regular business hours. Euthanasia may be provided under this paragraph without a veterinarian/client/patient relationship if the owner is unknown or cannot be contacted. The veterinarian shall make a reasonable attempt to determine the identity of the animal's owner including checking the animal for a tag, tattoo or microchip. If the owner is known or identified, the veterinarian shall make a reasonable attempt to contact the owner, including checking the animal for a tag, tattoo or microchip, and obtain consent to euthanasia or treatment. If the owner cannot be identified or contacted, the veterinarian shall exercise proper veterinary medical judgment to determine whether to provide euthanasia or other care to the animal.

Subsection (a)(2) is added which permits a veterinarian to discontinue treatment of an animal after giving written notice to the client of his intention to withdraw from treating an animal with which he has a veterinarian/client/patient relationship. The veterinarian must provide reasonable time based on the condition of the animal and the availability of alternative veterinary medical services to allow the client to obtain necessary veterinary care for the animal.

Subsection (b) is amended to require veterinarians to consider first the welfare of the animal for the purpose of relieving suffering and disability while causing minimum of pain or fright.

Subsection (c) is amended to clarify and expand the protection of a client's personal information including social security number, sensitive financial information and confidential health information. Veterinary medical records of a client's animal shall be released to the Board or its agents and public health or law enforcement officials upon demand. Records shall be released to the general public only with the written consent of the client, subpoena, or court order.

Subsection (d) which is amended requires veterinarians to practice in accordance with current advancements and acceptable and prevailing standards of veterinary medical practice in the Commonwealth, including using current proven techniques, drugs (relating to pharmacologic properties, indications and contraindications of drugs and biologics) and scientific research that may affect treatment decisions.

Subsection (e) which is added requires veterinarians to explain the benefits and reasonably anticipated significant potential risks of treatment options to clients. When the client or client's agent is present, veterinarians shall document by signature the client's consent for euthanasia and other treatment that have significant potential risks. If the client is not present, veterinarians shall attempt to contact the owner by telephone or other established means to obtain oral consent and document oral consent in the animal's medical record. This subsection does not preclude a veterinarian from obtaining general consent to treat whenever circumstances require veterinary medical intervention in the best interests of the patient within parameters previously discussed with the client.

Subsection (f) which is added requires veterinarians to serve as patient advocates especially regarding the alleviation of pain and suffering, consistent with acceptable and prevailing standards of veterinary medical practice. Analgesic drugs, dosages, treatment intervals and combination therapies proven to be safe and effective in different species and in various conditions of age, illness or injury shall be used in accordance with current veterinary medical knowledge and acceptable and prevailing standards of veterinary medical practice in this Commonwealth.

Subsection (g) is amended to require a veterinarian who withdraws from a case, because a client desires to consult with another veterinarian, to forward copies of an animal's record in a reasonable period of time to other veterinarians who request them. For the purposes of this subsection and subsection (h), the reasonableness of the period of time shall be based on the nature of the animal's condition and the transfer shall be sufficiently timely to accommodate the animal's veterinary medical needs, but shall in no case be longer than 3 business days after the client makes the request.

Subsection (h) is now amended to require the attending veterinarian honor the request of a client for a referral to another veterinarian or veterinary hospital and facilitate the arrangements, which shall include forwarding copies of the veterinary medical records of the animal in a reasonable period of time to the other veterinarian or veterinary hospital.

There were comments submitted from the public.

**SUMMARY OF THE COMMENTS BY HOUSE PROFESSIONAL LICENSURE  
COMMITTEE TO THE PROPOSED REGULATION AND RESPONSES BY THE BOARD:**

1. The Committee requested an explanation as to how to reconcile the conflict between the need of a veterinarian to obtain oral consent or a signature of an owner to perform humane euthanasia for an animal and the lack of need for client consent for euthanasia when a client cannot be contacted.
  - The Board responded that it did not view the provision that requires a veterinarian to obtain an owner's consent for treatment as conflicting with the provision that allows a veterinarian to provide treatment without an owner's consent if the owner cannot be identified or contacted. There is no conflict, because in the latter case, there is effectively no owner from whom to obtain consent to treatment.
2. The Committee inquired as to how standards that veterinarians are to follow are determined to be "acceptable and prevailing".
  - The Board responded that the standards are identified through expert testimony, learning treatises, textbooks and peer-reviewed professional journals, just as they are determined in all other fields of the healing arts.

**RECOMMENDATION:** It is recommended the House Professional Licensure Committee approve final Regulation 16A-5277.

House of Representatives  
Professional Licensure Committee  
May 5, 2010