



**TO: Committee on Commerce; Senator Robert Olson, Chair**

**FROM: Megan Kilgore, Kansas Veterinary Medical Association**

**RE: Neutral Testimony on SB 137 – Expedited Professional Licensure and Establishing Telemedicine**

**DATE: February 22, 2021**

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Chairman Olson and members of the Committee, on behalf of the Kansas Veterinary Medical Association (KVMA) I want to thank you for the opportunity to provide neutral testimony for SB 137 regarding expedited professional licenses for military service members and establishing telemedicine by out-of-state providers. KVMA is the only statewide professional membership organization dedicated exclusively to veterinary medicine and the interests of the veterinary team.

The KVMA support efforts to ensure military service men and women have an opportunity to obtain a professional license in the state of Kansas in a timely manner. We understand that at times it is difficult for Kansas Board of Veterinary Examiners (KBVE) to obtain the necessary records to approve a license request in the requested 15 days. It is essential that an applicant applying for a Kansas license has met, at minimum, the equivalent requirements set forth by the KBVE and that private certifications are not acceptable within the scope of veterinary medicine.

However, the KVMA does not support the request of telemedicine waivers for out of state physicians or healthcare providers. For public health, safety and welfare, a veterinarian must have physically seen the patient before providing medical care. Having a VCPR (veterinary-client-patient relationship) in place is critical whenever practicing veterinary medicine, whether you are practicing in person or remotely using telemedicine. The veterinary-client-patient relationship is the basis for veterinary care.

To establish such a relationship the following conditions must be satisfied:

1. The licensed veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient(s) and the need for medical therapy and has instructed the client on a course of therapy appropriate to the circumstance.
2. There is sufficient knowledge of the patient(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition(s) of the patient(s).
3. The client has agreed to follow the licensed veterinarian's recommendations.
4. The licensed veterinarian is readily available for follow up evaluation or has arranged for: a. Emergency or urgent care coverage, or b. Continuing care and treatment has been designated by the veterinarian with the prior relationship to a licensed veterinarian who has access to the patient's medical records and/or who can provide reasonable and appropriate medical care.
5. The veterinarian provides oversight of treatment.
6. Such a relationship can exist only when the veterinarian has performed a timely physical examination of the patient(s) or is personally acquainted with the keeping and care of the patient(s) by virtue of medically appropriate and timely visits to the operation where the patient(s) is(are) kept, or both.
7. Patient records are maintained. Both the licensed veterinarian and the client have the right to establish or decline a veterinarian-client-patient relationship within the guidelines set forth in the AVMA Principles of Veterinary Medical Ethics. A licensed veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency or urgent care to a patient when a client cannot be identified, and a veterinarian-client patient relationship is not established, should not be subject to penalty based solely on the veterinarian's inability to establish a veterinarian-client-patient relationship.

According to a 2017 FDA letter to the American Veterinary Medical Association, Dr. Stephen Solomon, Director - Center for Veterinary Medicine, stated "A VCPR cannot be established solely through telemedicine." The KVMA requests the committee strike the telemedicine portion of the bill and allow individual regulatory boards to develop telemedicine criteria that best fit their profession.

In closing, the KVMA supports providing military service men and women the opportunity to an expedited license but they should be held to the same standard as any other applicant. However, we do not support the telemedicine language allowing an out of state physician or healthcare provider to provide medical advice or treatment to an animal patient. Consequently, Kansas Veterinary Medical Association urges the committee to consider removing the "telemedicine section" from SB 137. Thank you for the opportunity to provide testimony today.