



Veterinary Telemedicine: A New Era of Pet Care Carrying Risks for Veterinary Providers

Prior to the COVID-19 pandemic, the idea of a virtual doctor appointment was a foreign concept. Five years on, virtual telemedicine appointments – which offer immediate “face time” with a doctor with just a few clicks of a button – are now integral to our society. In present times, most people opt for a telehealth appointment over in-person appointment primarily for convenience, but could you imagine that same convenience for your pet’s vet visit?

Veterinary telehealth triage offers pet owners 24/7 access to a veterinarian who can assess if your pet is in need of urgent medical care or if they simply had one too many treats. This is particularly useful to pet owners in remote locations who may not have convenient access to a veterinary hospital. Further, it allows veterinarians to cast a wide clientele net while offering triage services to animals located anywhere in the country from the comfort of their home or office.

While veterinary telehealth triage sounds like a great option for pet owners, it presents many regulatory challenges for veterinarians, specifically as it relates to malpractice liability and licensing concerns. Telehealth also presents questions as to confidentiality of records and cybersecurity. A Veterinarian Client Patient Relationship (VCPR) is required by the American Veterinary Medicine Association and by most states, including New York, for a veterinarian to diagnose, prescribe medication, or otherwise treat an animal in their care. If a VCPR has been established, the owner of the pet may be able to hold the telehealth veterinarian liable for veterinary malpractice.

Therefore, the question becomes: does a virtual vet consultation create a VCPR between provider and an animal?

Many states are struggling to determine if veterinary telehealth triage actually establishes a VCPR. The position of most veterinary practices that offer telemedicine services is that a VCPR is not established during a tele-triage appointment, as the veterinarian is solely advising the pet owner on whether or not they need to urgently get their pet to an in-person veterinary clinic or hospital.

The New York State Board for Veterinary Medicine has struggled to classify veterinary telehealth triage services and has not definitively said whether a tele-triage visit establishes a VCPR or not. The New York legislature introduced a bill (NY A06745) aiming to provide a clear avenue for veterinarians to offer telehealth appointments to pets. However, the bill died at the end of last year's session after being referred to the Committee on Higher Education. A similar bill was reintroduced earlier this year (NY A01782), but no action has been taken since it was referred to the Committee on Higher Education. There are also open questions as to whether a licensed vet can offer telehealth triage support to an animal located in another state due to licensing restrictions.

For veterinarians electing to offer telehealth services, it is important to be aware of these potential questions and risks. Practices offering tele-triage appointments should carry sufficient malpractice insurance and speak to counsel on best practices to mitigate risks.

Ruskin Moscou Faltishek, P.C will continue to monitor the situation and provide updates on this topic. If you have any questions, please reach out to:

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