



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Animal Health

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GUIDANCE DOCUMENT

VEB Telehealth

This guidance document is based on Wis. Stat. ch. 89 and chapter(s) VE 1-11 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

This guidance document clarifies what a veterinarian may and may not do with regards to the use of telehealth technologies in the practice of veterinary medicine under current rules and statutes.

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DATE 7/21/21

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Guidance Document VEB-GD-003 Telehealth

Wis. Stat. ch. 89

Wis. Admin. Code ch. VE 1-11

7/21/21

Topic

This guidance document clarifies what a veterinarian may and may not do with regards to the use of telehealth technologies in the practice of veterinary medicine under current rules and statutes.

Relevant Statutes and Administrative Code

Wis. Stat. § 89.02 (6) defines the practice of veterinary medicine as to examine into the fact or cause of animal health, disease or physical condition, or to treat, operate, prescribe or advise for the same, or to under-take, offer, advertise, announce, or hold out in any manner to do any of said acts, for compensation, direct or indirect, or in the expectation thereof.

Wis. Stat. § 89.02 (8) defines the veterinarian–client–patient relationship as a relationship between a veterinarian, a client and the patient in which all of the following apply:

- (a) The veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient and the patient’s need for medical treatment, and the client has agreed to accept those medical judgments and to follow the related instructions of the veterinarian.
- (b) The veterinarian has sufficient knowledge of the patient to initiate a general or preliminary diagnosis of the medical condition of the patient because the veterinarian has recently examined the patient or has made medically appropriate and timely visits to the premises on which the patient is kept.
- (c) The veterinarian is readily available for follow–up treatment of the patient if the patient has an adverse reaction to veterinary treatment.

Wis. Stat. § 89.03 (1) authorizes the board to promulgate rules to establish the scope of the practice permitted for veterinarians and veterinary technicians, within the limits of the definition under Wis. Stat. § 89.02 (6).

Wis. Stat. § 89.05 (1) specifies that, except as provided under sub. (2) and §§ 256.155 and 257.03, no person may offer to practice, advertise to practice or practice veterinary medicine, or use, in connection with his or her name, any title or description which may convey the impression that he or she is a veterinarian, without a license or temporary permit from the examining board. For purposes of this subsection, a person who makes extra–label use of a drug on an animal without a prescription or in any manner not authorized by that prescription is considered to be practicing veterinary medicine.

Wis. Admin. Code § VE 7.03 (1) requires that a veterinarian shall maintain individual patient records on every patient administered to by the veterinarian other than food and fiber patients and equine patients for a period of not less than 3 years after the date of the last entry. The veterinarian shall keep individual client records for

equine and food and fiber patients for 3 years after the date of the last entry. A computerized system may be used for maintaining a record, as required under this section, if the system is capable of producing a printout of records contained in such system within 48 hours of a request.

Wis. Admin. Code § VE 7.03 (2) to (4) specifies what each record shall contain for individual patients, food and fiber patients, and equine patients.

Board Position

In alignment with Wis. Stat. §§ 89.02 (6) and 89.05 (1), the practice of veterinary medicine takes place where the animal is located at the time of practice, and in order to practice veterinary medicine in Wisconsin a veterinarian must be licensed in Wisconsin.

In accordance with Wis. Stat. §§ 89.02 (6) and (8) and 89.068 (1) (c) and Wis. Admin. Code §§ VE 7.02 (1) and 7.06 (10), and except as provided otherwise, to practice veterinary medicine in Wisconsin on animal patients, a veterinarian must have an established veterinary-client-patient relationship with the client.

In accordance with Wis. Stat. §89.02 (8) (b), a veterinary-client-patient relationship must be established via the veterinarian making an in person physical exam, as the meaning of “recently examined the patient”, or through timely medically appropriate visits by the veterinarian to the premises on which the patient is kept. It may not be established by telehealth technologies.

The veterinary-client-patient relationship, once established, extends to other veterinarians within the practice, or relief veterinarians within the practice, that have access to, and have reviewed, the medical history and records of the animal.

In accordance with Wis. Admin. Code § VE 7.03, records must be kept, regardless of the encounter type.

In accordance with Wis. Stat. § 89.02 (8) (c), an animal owner must be able to easily seek follow-up care or information from the veterinarian who conducts an encounter while using telehealth technologies.

All medical services provided to patients, regardless of how the service is provided, must meet the minimum standard of care.