

SUBSTITUTE FOR  
HOUSE BILL NO. 4220

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 18818.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 18818. (1) A veterinarian shall not engage in the  
2       practice of veterinary medicine unless it is within the context of  
3       a veterinarian-client-patient relationship. Subject to federal law,  
4       all of the following requirements must be met to establish a  
5       veterinarian-client-patient relationship:

6       (a) The veterinarian must assume responsibility for making  
7       clinical judgments regarding the health of the animal and the need  
8       for medical treatment.

9       (b) The veterinarian must have current knowledge of the animal

1 to initiate, at a minimum, a general or preliminary diagnosis of  
2 the medical condition of the animal. For purposes of this  
3 subdivision, a veterinarian may obtain current knowledge of an  
4 animal through any of the following means:

5 (i) Conducting an in-person examination of the animal.

6 (ii) Subject to subsection (2), conducting an examination of  
7 the animal through telehealth using real-time interactive audio and  
8 visual electronic technology.

9 (iii) By making a medically appropriate and timely visit to the  
10 premises where the animal is kept or where a group of animals is  
11 kept.

12 (2) All of the following apply for purposes of an examination  
13 of an animal under subsection (1) (b) (ii) :

14 (a) The veterinarian shall not conduct an examination of an  
15 animal through telehealth if any of the following apply:

16 (i) The animal is not a companion animal, unless the  
17 veterinarian has current knowledge of the animal through a  
18 medically appropriate and timely visit described in subsection  
19 (1) (b) .

20 (ii) The veterinarian is performing the examination to issue an  
21 interstate certificate of veterinary inspection or a pet health  
22 certificate.

23 (b) When conducting an examination through telehealth, the  
24 veterinarian shall use instrumentation and diagnostic equipment  
25 through which an image and a medical record may be transmitted  
26 electronically.

27 (c) The veterinarian shall be readily available, or arrange  
28 for emergency coverage, if the animal experiences an adverse  
29 reaction or the treatment regimen for the animal fails.

1 (d) Subject to subsection (4), if the veterinarian, the owner  
2 of the animal, or the qualified individual has concerns about the  
3 animal's health that cannot be addressed through telehealth, the  
4 veterinarian shall encourage the owner of the animal or the  
5 qualified individual to schedule an in-person follow-up examination  
6 of the animal to occur not later than 90 days after the date of the  
7 examination through telehealth.

8 (e) Subject to subsection (4), the owner of the animal or the  
9 qualified individual may request an in-person follow-up examination  
10 with the veterinarian.

11 (3) If a veterinarian establishes a veterinarian-client-  
12 patient relationship through the examination described in  
13 subsection (1) (b) (ii), the veterinarian may prescribe the animal  
14 that was the subject of the examination a drug subject to all of  
15 the following conditions:

16 (a) If the only examination performed on the animal by the  
17 veterinarian is the examination described in subsection (1) (b) (ii),  
18 the veterinarian shall not prescribe the animal more than a 14-day  
19 supply of the drug with no refills. The veterinarian may prescribe  
20 the animal 1 additional 14-day supply of the drug if the  
21 veterinarian conducts another examination described in subsection  
22 (1) (b) (ii) of the animal. The veterinarian shall not issue any  
23 additional renewals of the prescription for the animal unless the  
24 veterinarian conducts an in-person examination of the animal.

25 (b) The veterinarian shall notify the owner of the animal or  
26 the qualified individual that some prescription drugs may be  
27 available at a pharmacy and, on the request of the owner or  
28 qualified individual, send a prescription to a pharmacy of the  
29 owner's or qualified individual's choice.

(c) The veterinarian shall not prescribe a controlled substance for the animal unless the veterinarian performs an in-person examination of the animal or has current knowledge of the animal through a medically appropriate and timely visit described in subsection (1)(b).

(d) The veterinarian shall comply with federal law and any laws of this state for the prescribing of the drug, including, but not limited to, section 16285.

(4) If a veterinarian cannot perform an in-person follow-up examination of an animal under subsection (2) (d) or (e), the veterinarian shall provide the owner or qualified individual with a list of other veterinarians who are geographically accessible to the owner or qualified individual.

(5) As used in this section:

(a) "Companion animal" means that term as defined in section 50b of the Michigan penal code, 1931 PA 328, MCL 750.50b.

(b) "Pet health certificate" means that term as defined in section 1 of 1969 PA 287, MCL 287.331.

(c) "Telehealth" means that term as defined in section 16283.

(d) "Qualified individual" means an individual who is in possession of the animal and who does not know the owner of the animal.

(e) "Veterinarian-client-patient relationship" means the relationship meeting the requirements described in subsection (1).

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4221 of the 103rd Legislature is enacted into law.