

CHAPTER 39

(SB 151)

AN ACT relating to the release of veterinarian records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 321.185 is amended to read as follows:

- (1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the client, and the patient shall be established and maintained. "Veterinarian-client-patient relationship" means that:
 - (a) The veterinarian has assumed the responsibility for making judgments regarding the health of the animal and the need for veterinary treatment, and the client, whether owner or other caretaker, has agreed to follow the instructions of the veterinarian;
 - (b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal ~~or~~ by medically appropriate and timely visits to the premises where the animal is kept; and
 - (c) The practicing veterinarian is readily available or shall provide medical service for follow-up in case of adverse reactions or failure of the regimen of therapy. A new regimen of therapy shall be contingent only upon cooperation of the client and availability of the subject animal.
- (2) The veterinarian shall maintain records which document patient visits, diagnosis, treatment, and other relevant information.
- (3)
 - (a) *A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client.*
 - (b) *A veterinarian shall not release information concerning a client or care of a client's animal, except on the veterinarian's receipt of:*
 1. *A written authorization or other form of waiver executed by the client; or*
 2. *An appropriate court order or subpoena.*
 - (c) *A veterinarian who releases information as required under paragraph (b) of this subsection shall not be liable to any person, including the client, for an action resulting from the disclosure.*
 - (d) *The privilege provided by this subsection is waived by the client or the owner of an animal treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal proceeding:*
 1. *The nature and extent of the animal's injuries; or*
 2. *The care and treatment of the animal provided by the veterinarian.*
 - (e) *This subsection shall not apply to:*
 1. *An inspection or investigation conducted by the board or an agent of the board; or*
 2. *The veterinary reporting requirements and regulatory authority of the Kentucky Horse Racing Commission to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any other law applicable to the regulation of horse racing in the Commonwealth.*
- (4) *Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.*

Signed by the Governor March 20, 2009.