

### **321.185 Veterinarian-client-patient relationship.**

- (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. The veterinarian-client-patient relationship or VCPR is the basis for veterinary care and means that:
  - (a) The veterinarian and the client or other caretaker of the patient both agree for the veterinarian to assume responsibility for making medical judgments regarding the health of the animal;
  - (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 within the previous twelve (12) months the veterinarian either physically examined the animal or made a medically appropriate in-person visit to the premises where the animal is kept; and
  - (c) The veterinarian has assumed responsibility for providing follow-up care and continuation of care to the patient, except in cases where the veterinarian has:
    1. Arranged for or contracted for emergency care or urgent care coverage by another veterinarian who can provide reasonable and appropriate medical care and has notified the client how to access emergency care; or
    2. Notified the client of an available registered facility that can provide reasonable and appropriate medical care.
- (2) The VCPR may extend to another veterinarian employed in the same registered facility who is licensed to practice veterinary medicine within the Commonwealth, so long as the other Kentucky-licensed veterinarian has sufficient knowledge in the medical record to make a decision.
- (3) The veterinarian shall maintain records that document patient visits, diagnosis, treatment, and other relevant information, as required by KRS 321.187.
- (4)
  - (a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client. Consultation by the veterinarian with another veterinarian or professional expert for the benefit of the patient shall not constitute a violation of confidentiality.
  - (b) A veterinarian shall not release information concerning a client or care of a client's animal, except:
    1. On the veterinarian's receipt of:
      - a. A written authorization or other form of waiver executed by the client; or
      - b. An appropriate court order or subpoena;
    2. In cases of animal abuse, pursuant to KRS 321.188;
    3. In cases of reportable diseases as they relate to public or animal health pursuant to KRS 257.080 and 258.065 and the administrative regulations promulgated under the authority of those statutes;
    4. Other exceptions established in KRS 321.187 and 321.200; or
    5. Upon request from the board.

- (c) A veterinarian who releases information 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 state or federal law applicable to the regulation of horse racing in the Commonwealth.
- (5) Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.
- (6) A licensed veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency care or urgent care to an animal when a client cannot be identified shall not be subject to penalty based solely on the veterinarian's inability to establish a VCPR with an owner or the owner's representative.
- (7) A VCPR shall not be established solely by telehealth means. In the absence of a VCPR, any advice provided through telehealth shall be general and not specific to a patient, diagnosis, or treatment. Veterinary telemedicine shall only be conducted within an existing VCPR, with the exception for advice given in an emergency care situation until that patient can be seen in person by a licensed veterinarian.

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**History:** Amended 2023 Ky. Acts ch. 95, sec. 10, effective June 29, 2023. -- Amended 2020 Ky. Acts ch. 117, sec. 2, effective July 15, 2020. -- Amended 2016 Ky. Acts ch. 116, sec. 3, effective July 15, 2016. -- Amended 2009 Ky. Acts ch. 39, sec. 1, effective June 25, 2009. -- Created 1992 Ky. Acts ch. 299, sec. 3, effective July 14, 1992.