WEST VIRGINIA CODE: §30-10-24

§30-10- 24. Telehealth practice.

(a) For purposes of this section, these terms have the following meaning:

(1) “Interstate telehealth services” means the provision of telehealth services to a patient located in West Virginia by a registered veterinary care professional located in any other state or commonwealth of the United States.

(2) “Personal examination” is a face to face, in person, examination of the patient.

(3) “Registration” means an authorization to practice veterinary medicine in the State of West Virginia pursuant to §30-10-1 *et seq*. of this code, which authorization is limited to providing interstate telehealth services within the registrant’s scope of practice.

(4) “Registrant” means an individual who holds a valid registration with the board.

(5) “Telehealth services” means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a veterinary care professional to provide veterinary care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; maintenance of medical data; patient and professional health-related education; public health services; and health administration. The term does not include internet questionnaires, email messages, or facsimile transmissions.

(6) “Veterinary care professional” means the official authorization by the board to engage in the practice of veterinary medicine.

(b) Telehealth Practice.

(1) The practice of veterinary medicine occurs where the patient is located at the time telehealth services are provided.

(2) To provide veterinary care in the State of West Virginia via interstate telehealth services, an individual not otherwise licensed by the board must first apply for and obtain registration with the board using the application materials provided by the board and paying a fee of $300.

(3) To obtain registration with the board, an individual must be a licensed veterinarian in good standing in all other states in which he or she is licensed and not currently under investigation or subject to an administrative complaint.

(4) A registration with the board is subject to annual renewal on or before December 31 including, but not limited to, the renewal fee of $250 and the submission of at least three patient records of West Virginia patients, if applicable.

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(5) A veterinarian-client-patient relationship is required for providing veterinary care in the State of West Virginia via telehealth services. The veterinary care professional shall perform an in person exam within the 12 months prior, and at least every 12 months thereafter, or the telehealth service shall no longer be available to the patient. Such relationship exists when:

(A) A veterinarian assumes responsibility for medical judgments regarding the health of an animal and the client who is the owner or owner's advocate of the animal consents to the veterinarian's treatment plan; and

(B) A veterinarian, through personal examination of an animal or a representative sample of a herd or flock, obtains sufficient information to make at least a general or preliminary diagnosis of the medical condition of the animal, herd or flock, which diagnosis is expanded through medically appropriate visits to the premises where the animal, herd or flock is kept,

(C) In the event of an imminent, life-threatening emergency veterinary care may be provided in this State via telehealth services without an existing veterinarian-client-patient relationship or an in-person visit within 12 months.

(6) The standard of care for providing veterinary care in the State of West Virginia via telehealth services by a registrant or licensed veterinarian shall be the same as for in-person care. Such standard of care shall require that a veterinarian-client-patient relationship first exist before telehealth services are provided and that a patient visit a veterinarian licensed in another jurisdiction or licensed by the board, in-person and within 12 months of using the initial telemedicine service, or the telemedicine service shall no longer be available to the patient. Only in the event of an imminent, life-threatening emergency may veterinary care be provided in this state via telehealth services without an existing veterinarian-client-patient relationship or without an in-person visit within 12 months.

(7) A provider of telehealth services must ensure that the client is aware of the veterinarian's identity, location, and license number and licensure status and should provide to the client a clear mechanism to:

(A) Access, supplement, and amend client-provided contact information and health information about the patient;

(B) Register complaints with the board;

(C) Provide consent for the use of telehealth; and

(D) Patient medical records must meet the requirements as specified in the Standards of Practice Rules.

(8) A registrant shall not prescribe any controlled substance listed in Schedule II of the Uniform Controlled Substance Act via interstate telehealth services.

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(9) By registering to provide interstate telehealth services to patients in this state, a registrant is subject to:

(A) The laws, rules, and regulations regarding the practice of veterinary medicine in this state, including the state judicial system and all rules and standards of professional conduct contained within §30-10-1 *et seq*. of this code and the rules promulgated thereunder;

(B) The standard of care for providing veterinary care in the State of West Virginia via telehealth services by a registrant or licensed veterinarian shall be the same as for in-person care; and

(C) The jurisdiction of the board, including, but not limited to, the board's complaint, investigation, and hearing processes.

(10) A registrant shall notify the board within 30 days of any restrictions placed upon, or actions taken against, his or her license to practice in any other state or jurisdiction.

(11) A registration with the board does not authorize a veterinary care professional to practice from a physical location within the State of West Virginia without first obtaining appropriate facility registration.

(12) A person currently licensed by the board is not subject to registration but shall practice telehealth in accordance with the provisions of §30-10-1 *et seq*. and the rules promulgated thereunder.

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