



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: January 22, 2020

TIME: 8:49 AM

WSR 20-03-172

**Agency:** Department of Health- Veterinary Board of Governors

**Original Notice**

**Supplemental Notice to WSR**

**Continuance of WSR**

**Preproposal Statement of Inquiry was filed as WSR 18-12-090 ; or**

**Expedited Rule Making--Proposed notice was filed as WSR ; or**

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

**Proposal is exempt under RCW .**

**Title of rule and other identifying information:** (describe subject) WAC 246-933-310 Definitions and WAC 246-933-345 (New) Client Communication. The Veterinary Board of Governors (board) is proposing to add a definition related to facilities and practice management standards and to create a new section to establish requirements for veterinarians when communicating with clients regarding evaluation and treatment.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
03/02/2020	10:00 am	Department of Health Creekside Two at Center Point 20425 72nd Ave South, Room 307 Kent, WA 98032	

**Date of intended adoption:** 03/02/2020 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Lorelei Walker

Address: Department of Health  
Veterinary Board of Governors  
P O Box 47852  
Olympia WA 98504-7852

Email: <https://fortress.wa.gov/doh/policyreview>

Fax: (360) 236-2901

Other:

By (date) 02/21/2020

**Assistance for persons with disabilities:**

Contact Lorelei Walker

Phone: 360-236-4947

Fax:

TTY: (360) 833-6388 or 711

Email: [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov)

Other:

By (date) 02/21/2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The board is proposing to establish minimum requirements for information provided to clients when evaluating and treating animal patients. The board proposes to amend an existing rule and create a new rule in order to take a more holistic approach to requirements for client communication. The proposed rule includes expanded or new communication requirements for proposed diagnostic tests, possible and definitive diagnoses, common side effects or adverse outcomes of diagnostics and treatment, estimated cost, prognosis and treatment options, communication that is timely and prior to treatment (except during emergencies or when the client cannot be reached), communication that enables the clients to understand the problem and options, and written or verbal consent from the clients.

**Reasons supporting proposal:** This proposal is intended to ensure care provided promotes the health and safety of animal patients based on client decisions and emphasizes the importance of consultation with clients.

**Statutory authority for adoption:** RCW 18.92.030

**Statute being implemented:** chapter 18.92 RCW

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) Department of Health - Veterinary Board of Governors  Private  Public  Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting: Manager	Loralei Walker, Program	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947
Implementation: Manager	Loralei Walker, Program	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947
Enforcement: Manager	Loralei Walker, Program	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name: Loralei Walker

Address: Department of Health  
Veterinary Board of Governors  
P O Box 47852  
Olympia WA 98504-7852

Phone: (360) 236-4947

Fax: (360) 236-2901

TTY: (360) 833-6388 or 711

Email: [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov)

Other:

No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. License holders, not businesses, must meet the proposed rules.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Date:** 01/21/2020

**Signature:**

**Name:** Kirk Breuninger, VMD MPH DACVPM



**Title:** Chair, Veterinary Board of Governors

**WAC 246-933-310 Definitions.** The definitions in this section apply in WAC 246-933-310 through 246-933-350 unless the context clearly requires otherwise.

(1) ~~((**Veterinary medical facility:** Any premise, unit, structure or vehicle where any animal is received and/or confined to be examined, diagnosed or treated medically, surgically or prophylactically, as defined in RCW 18.92.010.~~

(2) ~~**Mobile clinic:** A vehicle, including a camper, motor home, trailer or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.~~

(3) ~~**Aseptic surgery:** Aseptic surgical technique exists when everything that comes in contact with the wound is sterile and precautions are taken to ensure such sterility during the procedure. These precautions include, but are not limited to, such things as the surgery room itself, sterilization procedures, scrubbing hands and arms, sterile gloves, caps and masks, sterile long-sleeved gowns, and sterile draping and operative techniques.~~

(4)) "Antiseptic surgery( (: ~~Antiseptic surgical~~ ))" means the technique ((exists)) used when care is taken to avoid bacterial contamination but the precautions are not as thorough and extensive as in aseptic surgery. Surgeons and surgical assistants ((shall)) wear clean attire and sterile gloves, and the patient ((shall be)) is appropriately draped. A separate sterile surgical pack shall be used for each animal.

(2) "Aseptic surgery" means the technique used when everything that comes in contact with the wound is sterile and precautions are taken to ensure such sterility during the procedure. These precautions include, but are not limited to, such things as the surgery room itself, sterilization procedures, scrubbing hands and arms, sterile gloves, caps and masks, sterile long-sleeved gowns, and sterile draping and operative techniques.

(3) "Client" means the patient's owner, owner's agent, or other person presenting the patient for care.

(4) "Mobile clinic" means a vehicle, including a camper, motor home, trailer or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(5) "Treatment" means any action or procedure taken to impact an animal's physical, mental, or behavioral health in the pursuit of preventing or resolving disease, maintaining or improving quality of life, or providing end of life care. This includes, but is not limited to, the prescription, recommendation, issuance, or administration of any drug, veterinary feed directive, vitamins, minerals, or supplements.

(6) "Veterinary medical facility" means any premise, unit, structure or vehicle where any animal is either received or confined, or both, to be examined, diagnosed or treated medically, surgically or prophylactically, as defined in RCW 18.92.010.

NEW SECTION

**WAC 246-933-345 Client communication regarding evaluation and treatment.** (1) The veterinarian must communicate when appropriate to the client the following:

- (a) Proposed diagnostic tests;
- (b) Differential diagnoses;
- (c) Definitive diagnoses;
- (d) Proposed treatments;
- (e) Common side effects or adverse outcomes from proposed diagnostic testing or treatment;
- (f) Most likely side effects or adverse outcomes from proposed diagnostic testing or treatment based on patient signalment and disease status. Patient signalment may include, but is not limited to, species, breed, age, and sex;
- (g) Estimated cost;
- (h) Prognosis; and
- (i) Alternate diagnostic and treatment options for the patient.

(2) Such communications must be timely and sufficient to enable the client to understand clearly the problem and the choices that must be made, and provide written or verbal consent for a proposed diagnostic and treatment plan. If other staff is involved in the communication process, it is the responsibility of the veterinarian to ensure that such communications are appropriate. All communications must be made prior to rendering treatment, except in cases of emergencies as described in WAC 246-933-050 or when a client cannot be reached for consultation within a reasonable time frame as dictated by the patient's condition.

(3) Client communication required in subsection (1) of this section must be documented in the patient medical record.