



November 5, 2021

Representative Jim Lilly
Chairman, Rules and Competitiveness Committee
Anderson House Office Building
PO Box 30014
Lansing, MI 48909-7514

RE: Support for Substitute HB 4912 Veterinary Telemedicine

Dear Chairman Lilly:

I'm writing on behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA), North America's most longstanding animal welfare organization, and our Michigan supporters. We write in support of proposed language in the substitute for HB 4912, specifically lines 25-29, that will ensure veterinarians may continue to provide telehealth services for both new and existing patients. In an era when the benefits to public health of telemedicine technology are widely recognized, ASPCA supports policy to ensure the broadest access to medically appropriate veterinary telemedicine services.ⁱ

Current Michigan regulations adopted earlier this year permit a veterinarian to begin working with a client for care of a patient using telehealth service R 338.4901a . However, as filed, HB 4912 would roll back Michigan's sound, forward-thinking veterinary telemedicine policy by requiring an in-person visit to establish a veterinarian-client-patient relationship that legally allows a veterinarian to practice medicine. Such a policy would unnecessarily restrict both professional and consumer access to the benefits of veterinary virtual care at a time when ensuring access to care and supporting public health is needed most.

Modern telemedicine technology in a connected world offers veterinarians the ability to examine an animal in a home environment for many medically appropriate, common situations, such as triage, quality of life assessment, palliative or hospice care, management and monitoring of chronic conditions, behavioral consultations, nutritional consultations, dermatological conditions, parasites such as fleas, ticks, or ear mites, and more.ⁱⁱ The current American Association of Veterinary State Boards practice act model language supports allowing a licensed veterinarian to establish a VCPR through telemedicine,ⁱⁱⁱ and human doctors throughout the country can establish new doctor-patient relationships over telemedicine, even for infants and nonverbal children.^{iv}

Telemedicine is a proven, safe means for delivering care, and highly educated, licensed Michigan veterinarians can be trusted to assess when an animal needs to have an in-person examination and when to ask the client to bring the animal to a clinic. During the COVID-19 pandemic, governments relaxed longstanding state and federal rules restricting telemedicine, and according to the Veterinary Virtual Care Association, no U.S. or Canadian jurisdiction reports problems with harm to pets from telemedicine.^v Ensuring broad access to telemedicine provides a public benefit not only for professionals who wish to offer these services to both new and existing patients but also for consumers eager to obtain greater access to veterinary care. As such, restricting telemedicine in the manner proposed by HB 4912 as originally filed should give the state of Michigan pause considering recent litigation on the issue.^{vi} The rigorous education and Board-sanctioned licensing requirements that Michigan veterinarians undertake to become licensed in the state prepare them to utilize professional judgement in determining whether the use of telemedicine is appropriate in the care of a particular animal or a particular condition.

The ASPCA strongly believes that pets and people belong together; that financial circumstances alone are not a reliable indication of the capacity to love and care for a companion animal; and that strong bonds between people and pets make for stronger communities. Unfortunately, every year thousands of dogs and cats needlessly suffer, experience premature death, or are relinquished to animal shelters due to gaps in veterinary access. The Access to Veterinary Care Coalition (AVCC), formed in 2016 and committed to better understanding and addressing barriers to veterinary care, conducted a national study that found one in four pet owners face obstacles in accessing veterinary care, with the “overwhelming barrier for all groups of pet owners” being “financial for all types of care (80.0% for preventative care, 73.8% for sick care, and 55.7% for emergency care).”^{vii} A 2011 study published in the Journal of the American Veterinary Medical Association found that cost of care was cited frequently as an obstacle to veterinary care.^{viii} While finances are a primary obstacle for all pet owners seeking veterinary care, many people live in underserved urban or rural, remote areas or “veterinary deserts” with few or no veterinary services. Especially when combined, these factors can force families to make difficult decisions to forgo basic preventative care, as well as the urgent medical needs of their pets.^{ix} Poverty, medical emergencies, lack of mobility, and geographic isolation can force even the most devoted pet owner to make dire choices. Access to telemedicine can help address these challenges and others, such as preventing unnecessary time off work for pet owners and ameliorating difficulties bringing pets to the clinic for seniors, disabled individuals, and those without transportation.^x Telemedicine is a critical tool for the veterinary community to bridge these gaps in care.

As we are coming out of this time of national crisis where social distancing has been required to protect public health, personal protective equipment has been scarce, and animals have continued to be in need, ASPCA supports the reduction of unnecessary legal barriers to veterinary telemedicine, something that has already been embraced in human medicine and corresponding public policy increasingly over the past three decades.^{xi} While physical veterinary medical examinations are of course sometimes critical, responsible use of telemedicine can bring essential care to more animals. Because expanding access to veterinary telemedicine holds great promise for elevating pet wellness across the geographic and economic spectrum, we commend the Rules and Competitiveness Committee for considering a substitute amendment that will ensure veterinarians and consumers may continue to use telemedicine effectively. Thank you for your consideration of our views.

Sincerely,



Senior Manager, State Legislation Government Relations

ⁱ “ASPCA Statement of Support for Veterinary Telemedicine During the COVID-19 Pandemic.” 8 April 2020.

<https://www.aspcapro.org/resource/aspca-statement-support-veterinary-telemedicine-during-covid-19-pandemic>

ⁱⁱ Veterinary Virtual Care Association. “Best Practices: Evaluation and Treatment of Patients.” June 2020. Accessed online September 10, 2021 at https://vvca.org/wp-content/uploads/2020/08/BP-Evaluation-and-Treatment_min.pdf

ⁱⁱⁱ American Association of State Veterinary Boards. “AAVSB Recommended Guidelines for the Appropriate Use of Telehealth Technologies in the Practice of Veterinary Medicine.” https://vvca.org/wp-content/uploads/2020/08/Guidelines-for-TelehealthAAVSB2020_4_10_min.pdf

^{iv} AMA’s 2018 “50-state survey: Establishment of a patient-physician relationship via telemedicine,” finds that “all states allow a physician to establish a relationship with a new patient over telemedicine.” See <https://www.ama-assn.org/system/files/2018-10/ama-chart-telemedicine-patient-physician-relationship.pdf>. See also Curfman MD, MBA, FAAP, et al. “Telehealth: Improving Access to and Quality of Pediatric Health Care.” *Pediatrics* Vol. 148. No 3 September 2021. American Academy of Pediatrics. <https://pediatrics.aappublications.org/content/pediatrics/early/2021/08/27/peds.2021-053129.full.pdf>

^v Cushing, Mark, J.D. “Incremental Change is a Step Forward: Smart Veterinary Reform Strategies.” Veterinary Virtual Care Association 2nd Annual Summit. August 18, 2021

^{vi} See: North Carolina State Board of Dental Examiners, *Petitioner v. Federal Trade Commission*, 135 S. Ct. 1101, Feb. 25, 2015. See also:

Teladoc, Inc. v. Texas Medical Board, No. 1:15-CV-00343.

Hines v. Alldredge, 783 F.3d 197 (5th Cir. 2015)

Hines v. Quillivan, 982 F.3d 266 (5th Cir. 2020)

San Francisco Society for the Prevention of Cruelty to Animals; et al. v. Jessica Sieferman, 2:21-cv-00786-TLN-KJN (E.D. Cal. filed May 3, 2021).

^{vii} Access to Veterinary Care Coalition. "Access to Veterinary Care: Barriers, Current Practices, and Public Policy." December 17, 2018. <https://pphe.utk.edu/wp-content/uploads/2020/09/avcc-report.pdf>

^{viii} Volk, JO et al, "Executive summary of the Bayer veterinary case usage study." May 15 2011. Vol. 238, No. 10, p. 1275-1282.

^{ix} Access to Veterinary Care Coalition, Id.

^x Some of these findings have been consistent with research related to human medicine. See COVID-19 Healthcare Coalition Telehealth Impact Study Work Group. "COVID-19 telehealth impact study." Available at <https://c19hcc.org/telehealth>

^{xi} Nesbitt, Thomas S., M.D., M.P.H. "The Role of Telehealth in an Evolving Health Care Environment: Workshop Summary." 2012 Nov

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