

March 6, 2025

To: Colorado State Board of Veterinary Medicine

From: Colorado Veterinary Medical Association, Diane Matt, CEO

Subject: Rulemaking Comments, First Early Engagement Stakeholder Meeting

The Colorado Veterinary Medical Association (CVMA) appreciates the opportunity to submit written comments about Rulemaking for the Veterinary Professional Associate (VPA) to the State Board of Veterinary Medicine (SBVM).

CVMA was founded in 1888 and today the organization represents more than 2,700 Veterinary Professionals across Colorado. CVMA's mission is to advance animal and human health and welfare and to advance the knowledge and wellbeing of Colorado veterinarians. For 137 years, CVMA has served as the collective voice for Colorado's veterinary community, championing excellence in veterinary practice and animal welfare.

As we know, CVMA opposed Proposition 129 Establish the Veterinary Professional Associate. CVMA opposed the measure because our members clearly expressed concern about patient safety and care that reflects their deep commitment to the quality care that Colorado animal owners expect and deserve. The percentage of Colorado veterinarians who would not hire a VPA has significantly increased by 36% over the past three years, from 59% to 93%:

- 2022: 59% Colorado veterinarians would not hire VPA – CVMA survey
- 2023: 79% Colorado veterinarians would not hire a VPA – CSU AHPC survey
- 2024: 93% Colorado veterinarians would not hire a VPA – AVMA survey

CVMA recognizes that the initiative is moving forward and respects the will of the voters who passed Proposition 129. We believe our energy is best invested in ensuring successful implementation through a sound regulatory framework comparable to that for veterinarians, veterinary technician specialists, and veterinary technicians. CVMA is uniquely positioned to help guide these regulations, drawing on our members' extensive clinical experience and deep understanding of veterinary practice realities.

What we seek is the implementation of clear, comprehensive rules that will give veterinarians the confidence to embrace this new category of professionals. We hope that with proper safeguards in place, VPAs can become a valuable addition to veterinary care teams while maintaining the high standards of care that define our profession.

CVMA seeks for the board to set clear regulations for the VPA that:

- Ensure safe, quality care for Colorado’s animals
- Build consumer trust, confidence, and provide consumer protection
- Include clear requirements for delegation, supervision, responsibility, and liability
- Protect public health
- Facilitate collaborative, patient-centered care and efficient, effective delivery of veterinary services

CVMA believes that the following five subject areas are core to understanding the VPA’s role in the veterinary team, and that they should be addressed clearly in rule by the SBVM. We have provided comments on each one:

- I. Licensed Supervising Veterinarian Responsibility for VPA Performance and Supervision and Delegation – Page 3
 - II. Veterinarian-Client-Patient Relationship (VCPR) – Page 7
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Again, CVMA appreciates the opportunity to offer this input. Please feel free to contact us for further information or clarification. CVMA can be reached at [REDACTED]

FIVE CORE SUBJECT AREAS FOR REGULATING THE VPA'S ROLE IN THE VETERINARY TEAM

I. Licensed Supervising Veterinarian Responsibility for VPA Performance and Supervision and Delegation

Statutory Framework for Supervision, Delegation, and Veterinarian Responsibility for the Performance of the Veterinary Professional Associate

Current Colorado Veterinary Practice Act: The importance of supervision and delegation in veterinary medicine is illustrated by how often these terms are found in the veterinary practice act. The current veterinary practice act contains 80 references to “supervis” and 30 references to “delega”. In 2024 HB24-1047 Veterinary Technician Scope of Practice added the section below to clarify and encourage delegation and supervision in clinical practice. The three-page section of the practice act is organized by level of supervision and includes specific examples of tasks that may be delegated to qualified personnel.

12-315-105.5. Delegation to and supervision of veterinary technicians, veterinary technician specialists, and other qualified personnel - rules.

(1) A licensed veterinarian may delegate tasks in accordance with this section and rules adopted by the board pursuant to this section.

(2) A licensed veterinarian shall establish a veterinarian-client-patient relationship before the veterinarian delegates a task to a veterinary technician, a veterinary technician specialist, or other qualified personnel.

(3) (a) When determining whether to delegate a task to a veterinary technician, a veterinary technician specialist, or other qualified personnel, a licensed veterinarian shall consider:

(I) The level of education, skills, training, licensing, and experience of the veterinary technician, the veterinary technician specialist, or other qualified personnel;

(II) The appropriate level of supervision for the delegated task pursuant to subsections (4), (6), and (7) of this section and, if rules have been established by the board, any applicable rules established by the board pursuant to subsection (4) of this section; and

(III) Whether the delegation of the task complies with all applicable state and federal laws.

Changes Introduced by Proposition 129: Proposition 129 made two additions to the Veterinary Practice Act that detail the responsibility of the licensed supervising veterinarian for the performance of the VPA. These new additions are shown in CAPITAL LETTERS below. Both become effective January 1, 2026.

12-315-105. License requirements and exceptions - definitions - rules. (1)

An individual shall not practice veterinary medicine in this state if the

individual is not a licensed veterinarian. An individual shall not practice artificial insemination or ova transplantation of cattle or other animal species in this state except in accordance with rules established pursuant to section 12-315-106 (5)(c). An individual not licensed as a veterinarian pursuant to this part 1 shall not diagnose, issue prognoses for, prescribe for, or perform surgery on an animal. This article 315 does not prohibit:

(u) [Editor's note: Subsection (1)(u) is effective January 1, 2026.] A VETERINARY PROFESSIONAL ASSOCIATE FROM PRACTICING VETERINARY MEDICINE THAT IS:

(I) WITHIN THE VETERINARY PROFESSIONAL ASSOCIATE'S ADVANCED EDUCATION AND EXPERIENCE; AND

(II) PERFORMED WHILE UNDER THE SUPERVISION OF A LICENSED VETERINARIAN WHO IS RESPONSIBLE FOR THE VETERINARY PROFESSIONAL ASSOCIATE'S PERFORMANCE.

12-315-209.7. Duties of licensed veterinarian - direction and supervision of veterinary

professional associate - rules. [Editor's note: This section is effective January 1, 2026.]

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON PRACTICING AS A VETERINARY PROFESSIONAL ASSOCIATE MAY PERFORM DUTIES AND ACTIONS AUTHORIZED PURSUANT TO SECTION 12-315-105(1)(r) THAT ARE WITHIN THE SCOPE OF THE VETERINARY PROFESSIONAL ASSOCIATE'S ADVANCED EDUCATION AND EXPERIENCE IF THE PERSON PERFORMS THOSE DUTIES UNDER THE SUPERVISION OF A LICENSED VETERINARIAN.

(2) A VETERINARY PROFESSIONAL ASSOCIATE SHALL PERFORM ONLY THOSE DUTIES OR ACTIONS DELEGATED BY THE LICENSED, SUPERVISING VETERINARIAN FOR WHICH THE VETERINARY PROFESSIONAL ASSOCIATE HAS THE NECESSARY TRAINING AND EXPERIENCE, AS DETERMINED BY THE SUPERVISING VETERINARIAN, TO MEET GENERALLY ACCEPTED STANDARDS OF VETERINARY CARE.

(3) IF A VETERINARY PROFESSIONAL ASSOCIATE IS DELEGATED DUTIES BEYOND THE VETERINARY PROFESSIONAL ASSOCIATE'S TRAINING AND EXPERIENCE, THE LICENSED VETERINARIAN:

(a) IS IN VIOLATION OF SECTION 12-315-112(1)(ee);

(b) MAY BE LIABLE FOR DAMAGES RESULTING FROM ANY NEGLIGENCE OF THE VETERINARY PROFESSIONAL ASSOCIATE IN PROVIDING CARE TO AN ANIMAL; AND

(c) MAY BE SUBJECT TO PROFESSIONAL DISCIPLINE IN ACCORDANCE WITH SECTION 12-315-112.

(4) IF A VETERINARY PROFESSIONAL ASSOCIATE PERFORMS DUTIES BEYOND THE VETERINARY PROFESSIONAL ASSOCIATE'S TRAINING AND EXPERIENCE OR DOES NOT CONFORM WITH THE REQUIREMENT TO PERFORM ALL DUTIES AND ACTIONS PURSUANT TO SECTION 12-315-

105(1)(u) UNDER THE SUPERVISION OF A LICENSED, SUPERVISING VETERINARIAN AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE VETERINARY PROFESSIONAL ASSOCIATE MAY BE SUBJECT TO:

- (a) A CEASE-AND-DESIST ORDER PURSUANT TO SECTION SECTION 12-20-405;
- (b) DAMAGES RESULTING FROM ANY NEGLIGENCE OF THE VETERINARY PROFESSIONAL ASSOCIATE IN PROVIDING CARE TO AN ANIMAL; AND
- (c) DISCIPLINE PURSUANT TO SECTIONS 12-20-404 AND 12-315-204 FOR A VIOLATION OF SECTION 12-315-207(1)(n).

Justification for Rules Related to Supervision and Delegation: The two provisions shown above that were introduced by Proposition 129 create a new level of responsibility for the licensed supervising veterinarian who is supervising the VPA. The VPA would be practicing under the veterinarian's license, which puts the veterinarian's license at risk. This creates the requirement for structured regulations for supervision and delegation.

Rules on Supervision and Delegation Recommended by CVMA: In view of the requirements of Proposition 129, CVMA respectfully requests that the SBVM establish rules that:

- Require the VPA to practice on or accept delegated tasks for only those species for which the VPA is educated, trained, and competent.
- Require the practice of veterinary medicine by the VPA to be conducted under immediate or direct supervision of a licensed, supervising veterinarian.
- Permit the VPA to perform under indirect supervision veterinary tasks that do not constitute the practice of veterinary medicine if deemed appropriate by the licensed, supervising veterinarian. These could be similar to those tasks that may be delegated to a Registered Veterinary Technician under indirect supervision as shown in 12-315-105.5 (c)(I)(A-G).
- Require that the licensed supervising veterinarian and the VPA be located in the same veterinary premises while practicing veterinary medicine.
- Require that a signed, written "collaborative agreement" be filed with a board-approved entity that details the terms and conditions of the supervisory agreement, similar to the requirement now in place for Colorado Medical Doctors and Physician Assistants.
- Require the licensed supervising veterinarian, VPA, and other registered personnel to wear badges that identify them with Name, Title, License or Registration Number, consistent with SB25-152, "Know Your Healthcare Practitioner Act".

- Require that a licensed supervising veterinarian supervise no more than two to three VPAs who are practicing veterinary medicine at any point in time.
- Prohibit a corporation, employer, director or officer from requiring a licensed veterinarian to supervise a VPA as a condition of employment.

II. Veterinarian-Client-Patient Relationship (VCPR)

Statutory Framework for the VCPR

Current Colorado Veterinary Practice Act: References to the veterinarian-client-patient relationship appear in the practice act 31 times in sections on Definitions, Exceptions, Discipline, and Records.

In 2024, HB24-1047 Veterinary Technician Scope of Practice and HB24-1048 Telehealth clarified that:

- A VCPR could be established only by virtue of an in-person, physical examination of the animal or by medically appropriate and timely visits to the premises.
- A VCPR must be established by a licensed veterinarian before delegating a task to qualified personnel

12-315-104. Definitions.

(19)(a)(II) There is sufficient knowledge of an animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an in-person, physical examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and

(19)(b) A veterinarian-client-patient relationship established according to subsection (19)(a) of this section may extend to other licensed veterinarians working out of the same physical practice location as the veterinarian who established the veterinarian-client-patient relationship if the other licensed veterinarians have access to and have reviewed the patient's medical records.

12-315-105.5. Delegation to and supervision of veterinary technicians, veterinary technician specialists, and other qualified personnel - rules.

(2) A licensed veterinarian shall establish a veterinarian-client-patient relationship before the veterinarian delegates a task to a veterinary technician, a veterinary technician specialist, or other qualified personnel.

Changes Introduced by Proposition 129: Proposition 129 includes no mention of veterinarian-client-patient relationship.

Justification for Rules on the VCPR: The Veterinarian-Client-Patient Relationship (VCPR) is the legal and ethical foundation for veterinary medicine. It ensures that veterinarians provide appropriate medical care and that clients receive accurate guidance on the treatment and well-being of their animals. The VCPR is required by the FDA and state regulatory boards for prescribing medications and making treatment decisions. Colorado's definition of the VCPR has historically been the same or very similar to the FDA's definition of the VCPR.

CVMA firmly believes that establishing a VCPR through a hands-on examination of the patient is essential to ensure a sound diagnosis, and therefore appropriate treatment and medication. In addition establishing a VCPR through a hands-on examination helps to ensure that ethical decisions are based on medical necessity, rather than commercial interests.

Rules on the VCPR Recommended by CVMA: In view of the provisions in the existing Colorado veterinary practice act, and the lack of any statutory change through Proposition 129, CVMA respectfully requests that the SBVM:

- Revise in rule the definition of the VCPR to reflect the requirement in current statute that a VCPR must be established by an in-person, physical examination of the patient, consistent with 12-315-104 (19)(a)(II).
- Establish a rule that only a veterinarian may establish and maintain a VCPR, consistent with 12-315-104 (19)(a)(II).
- Establish a rule that a VCPR must be established before tasks are delegated to qualified veterinary personnel, consistent with 12-315-105.5 (2).
- Establish a rule that a VCPR may be extended to other licensed veterinarians working out of the same physical practice locations as the veterinarian who established the veterinarian-client-patient relationship if the licensed veterinarians have access to and have reviewed the patient's medical records, consistent with 12-315-104 (19)(b).
- Establish a rule that an established VCPR can be maintained only by a licensed veterinarian through examinations that occur using telecommunications technology in between appropriated in-person, physical examinations or visits to the premises where the patient is kept, consistent with 12-315-302 (3).

III. Prescribing

Statutory Framework for Prescribing

Current Colorado Veterinary Practice Act: The current veterinary practice act has many references to “prescribing”. The sections relevant to the veterinary professional associate are shown below. To summarize:

- Prescribing is included in the definition of “Practice of veterinary medicine”.
- A person who is not a licensed veterinarian is prohibited from prescribing prescription drugs.
- A licensed veterinarian may be disciplined for administering, dispensing, distributing, or prescribing any prescription drug without a veterinarian-client-patient relationship.
- Only a licensed veterinarian with an established veterinarian-client-patient relationship may prescribe medication through telemedicine.

12-315-104. Definitions

(14)(a) (14) "Practice of veterinary medicine" means any of the following:

(a) The diagnosing, treating, correcting, changing, relieving, or preventing of animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique and the use of any manual or mechanical procedure for artificial insemination, for ova transplantation, for testing for pregnancy, or for correcting sterility or infertility or to render advice or recommendation with regard thereto;

12-315-105. License requirements and exceptions - definitions - rules. (1)

An individual shall not practice veterinary medicine in this state if the individual is not a licensed veterinarian. An individual shall not practice artificial insemination or ova transplantation of cattle or other animal species in this state except in accordance with rules established pursuant to section 12-315-106 (5)(c). An individual not licensed as a veterinarian pursuant to this part 1 shall not diagnose, issue prognoses for, prescribe for, or perform surgery on an animal. This article 315 does not prohibit:

12-315-105. License requirements and exceptions - definitions - rules.

(2) (a) Notwithstanding subsection (1)(f) of this section, a person who is not a licensed veterinarian shall not distribute, dispense, or prescribe prescription drugs. Except as provided in subsection (2)(b) of this section, a licensed veterinarian must have a veterinarian-client-patient relationship with the animal and its owner or other caretaker in order to administer, distribute, dispense, or prescribe prescription drugs to or for an animal. A licensed veterinarian may delegate the administration of prescription drugs or the filling of a prescription order to an individual under an appropriate level of

supervision determined in accordance with this article 315 and board rules adopted pursuant to section 12-315-105.5 (4).

12-315-112. Discipline of licensees - definition.

(y) **Administering, dispensing, distributing, or prescribing any prescription drug other than in the course of a veterinarian-client-patient relationship,** except in accordance with section 12-315-105 (2)(b);

12-315-305. Prescribing medication through telemedicine. (1) (a) **Except as provided in subsection (3) of this section, only a licensed veterinarian with an established veterinarian-client-patient relationship may prescribe medication through telemedicine.**

(2) A licensed veterinarian who prescribes medication through telemedicine is subject to the limitations on prescriptions specified in section 12-30-109.

(3) In accordance with section 12-315-105 (2)(b), a licensed veterinarian who does not have an established veterinarian-client-patient relationship with an animal and its owner may use telemedicine to administer, distribute, or dispense a prescription drug that has been prescribed by another licensed veterinarian who has an established veterinarian-client-patient relationship.

Changes Introduced by Proposition 129: Proposition 129 includes no mention of veterinary prescribing.

Food and Drug Administration Prescribing Requirements: The Food and Drug Administration published on 09/04/2024 guidance on Federal requirements relevant to aspects of veterinary practice titled [**Veterinarian-Client-Patient Relationships, Prescribing/Dispensing Animal Drugs and Telemedicine**](#) is included below.

Justification: Clear rules regarding veterinary prescribing is essential for the addition of the VPA to veterinary practice in Colorado. Federal law dictating prescribing practices for veterinary medicine is a primary driver in this space.

Federal laws that dictate prescribing for veterinary patients differ significantly from laws that dictate prescribing for human patients. Only a small percentage of drugs used in veterinary medicine are labeled as animal drugs. The majority of the drugs prescribed in veterinary medicine are medications for humans that are used in veterinary medicine in different dosages, for different diseases, and different species. To ensure that the full compendium of medications used in veterinary medicine can be legally prescribed, it is essential that Colorado's rules are consistent with Federal prescribing law.

Rules Recommended by CVMA: In view of the provisions in the existing Colorado veterinary practice act, the requirements of the Food and Drug Administration, and the lack of any further statutory guidance in Proposition 129, CVMA respectfully requests that the SBVM:

- Establish a rule that only a licensed veterinarian with an established VCPR is permitted to prescribe medications, consistent with C.R.S. 12-315-105 (1) and consistent with current Federal Law 21 U.S.C. Sec.353 (f).
- Establish a rule that only a licensed veterinarian with an established VCPR is permitted to prescribe medications through telemedicine, consistent with C.R.S. 12-315-105 (1) and consistent with current Federal Law 21 U.S.C. Sec.353 (f).
- Establish a rule that a licensed veterinarian may delegate the administration of prescription drugs or the filling of a prescription order to an individual under an appropriate level of supervision, consistent with C.R.S. 12-315-105 (1) and consistent with current Federal Law 21 U.S.C. Sec.353 (f).

IV. Accreditation, Credentialing, Competency, and Continuing Education

Statutory Framework for Accreditation, Credentialing, Competency, and Continuing Education

Current Colorado Veterinary Practice Act and Proposition 129: In the existing practice act, rules, and Proposition 129, there are references to “accred”, “credential”, and “competen” as shown below.

	Practice Act	Rules	Prop 129
“Credential”	43	27	8
“Competen”	3	6	2
“Accred”	3	6	--

Justification for Rules

The State Board of Veterinary Medicine Board's mission is to safeguard the health, safety, and welfare of the people and animals of Colorado by establishing and enforcing professional standards through the development and maintenance of rules and policies to ensure that only qualified persons are licensed/registered to provide veterinary care and that violators of the laws and rules regulating veterinary medicine are sanctioned as appropriate.

CVMA is highly supportive of the work of the SBVM as well as the benefits to the profession of accreditation, credentialing, competency examinations, and Continuing Education for all veterinary professionals.

Accreditation elevates and standardizes the veterinary profession consistent with the goals of DORA

- Establishes educational and clinical standards
- Builds public trust and professional credibility
- Promotes legal and regulatory compliance
- Advances evidence-based medical practices, efficient, and quality care

Rules Recommended by CVMA: In view of the provisions in the existing Colorado veterinary practice act, the rules, and Proposition 129, CVMA respectfully requests that the SBVM:

- Require in rule programmatic accreditation comparable to that for DVM and VT programs for CSU’s MVCC program as soon as practical.
- Require in rule similar programmatic accreditation for graduates from other programs who apply for VPA registration in Colorado.

- Approve a credentialing organization and process as required by Proposition 129 that is comparable to that for other Colorado veterinary professionals as soon as possible.
- Approve a competency examinations comparable to that for veterinary professional associates that is comparable to those for other Colorado veterinary professionals as soon as possible.
- Establish in rule requirements for continuing education for veterinary professional associates between 20 and 32 hours per licensing period.
- Consider a requirement in rule for re-credentialing every 5-10 years as is required for Physician Assistants in human medicine.

V. Surgery

Statutory Framework for Surgery

Current Colorado Veterinary Practice Act, Rules, and Proposition 129: As shown below, the veterinary practice act in 12-315-104 defines surgery as part of veterinary medicine. In Exceptions 12-315-105, individuals who are not licensed veterinarians are prohibited from performing surgery. Also in this section, any person is allowed to assist in a surgical procedure under immediate supervision of a licensed veterinarian who is responsible for the person's performance. In 12-315-105.5, veterinarians may delegate assisting in surgical procedures under immediate supervision, except for the use of surgical lasers. In 12-315-116, veterinarians may permit veterinary students or student preceptors to "Perform surgery, only if the student is competent and has the necessary training and experience, under the direct supervision of a licensed veterinarian."

Rule 1.6 has similar restrictions, "Only a licensed veterinarian in Colorado may diagnose, prescribe, perform surgery, or initiate treatment." It also mirrors the requirements for veterinary students and student preceptors. Rule 1.11 requires records to include details of surgical procedures.

Proposition 129 has no references to surgery.

12-315-104. Definitions.

(20) "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of animal medicine.

12-315-105. License requirements and exceptions - definitions - rules. (1)

An individual shall not practice veterinary medicine in this state if the individual is not a licensed veterinarian. An individual shall not practice artificial insemination or ova transplantation of cattle or other animal species in this state except in accordance with rules established pursuant to section 12-315-106 (5)(c). An individual not licensed as a veterinarian pursuant to this part 1 shall not diagnose, issue prognoses for, prescribe for, or perform surgery on an animal.

12-315-105. License requirements and exceptions - definitions - rules. (1)

... This article 315 does not prohibit:

p) Any person from assisting in a surgical procedure under the immediate supervision of a licensed veterinarian, who is responsible for the person's performance;

12-315-105.5. Delegation to and supervision of veterinary technicians, veterinary

technician specialists, and other qualified personnel - rules. (a) A licensed veterinarian may delegate the following tasks to a veterinary technician or veterinary technician specialist who is under the licensed veterinarian's immediate supervision:

(4)(a)(I) **Assisting in surgical procedures**; and

(II) The placement of abdominal, thoracic, esophagostomy, or percutaneous endoscopic gastrostomy tubes.

(c) A licensed veterinarian may delegate the following tasks to a veterinary technician or veterinary technician specialist who is under at least indirect supervision by the licensed veterinarian:

(IX) Administration of a therapeutic laser, **except for the use of surgical lasers**;

12-315-116. Veterinary students and veterinary student preceptors.

(1) All duties or actions performed by a veterinary student or veterinary student preceptor must be assigned by the student's instructor or be performed under the direct supervision of a licensed veterinarian. If the student does not conform to the following requirements, the licensed veterinarian is in violation of this part 1. A veterinary student or veterinary student preceptor may:

(a) Administer drugs only under the direct supervision of a licensed veterinarian; and

(b) **Perform surgery, only if the student is competent and has the necessary training and experience, under the direct supervision of a licensed veterinarian.**

Rule 1.6 SUPERVISION

A. 1. 1. **Only a licensed veterinarian in Colorado may diagnose, prescribe, perform surgery, or initiate treatment.**

a. These duties, with the exception of rabies vaccination administration pursuant to section 12-315-105(1)(q), C.R.S., **cannot be delegated to veterinary personnel other than a veterinary student or veterinary student preceptor.**

b. **These duties may be delegated to a veterinary student or veterinary student preceptor in compliance with section 12-315-116, C.R.S.**

Rule 1.11 RECORD KEEPING REQUIREMENTS

B Core Components of Required Records

11. Surgery and Anesthesia (if applicable): **Surgical procedures completed**, including name of surgeon, summary of procedure noting abnormalities/complications, anesthesia/sedative agents used, route of administration, strength, monitoring record including name of anesthetist

Justification for Rules on Surgery: The veterinary practice act and rules recognize the serious nature of veterinary surgery. Those who perform surgery are literally holding a pet's life in their hands. The practice act and rules currently permit surgery to be performed only

by licensed veterinarians. Veterinary students and student preceptors may perform surgery under direct supervision. The statute allows non-veterinarians to assist in surgical procedures.

This is a strong foundation for rules for the Veterinary Professional Associate concerning surgery. We understand that the VPA will have two hours of Surgical Skills Lab in the fourth semester. The fifth semester is a Clinical Internship and no details are available for that experience. We anticipate this will be a very low level of qualification for performing surgery.

Proposition 129 was explained to voters as creating the veterinary equivalent of a Physician's Assistant in human medicine. Proposition 129 does not contain the word surgery. There was no reasonable expectation for voters to understand that this position would be performing surgery independently. Not based on the wording of the Proposition or based on parallels within human medicine.

Rules Recommended by CVMA: In view of the provisions in the existing Colorado veterinary practice act, the rules, and Proposition 129, CVMA respectfully requests that the SBVM establish rules that:

- Establish a rule that only a licensed veterinarian may perform surgery.
- Permit veterinary professional associates to assist in surgical procedures under immediate supervision if the VPA is qualified through education, training, and experience, and if surgical assisting is included in their collaborative agreement.

APPENDIX:
FDA Federal Requirements Relevant to Aspects of Veterinary Practice 09/04/2024

**Veterinarian–Client–Patient Relationships,
Prescribing/Dispensing Animal Drugs and Telemedicine**

Federal Requirements Relevant to Aspects of Veterinary Practice

The FDA has received questions from interested parties about Federal requirements related to a veterinarian's role in dispensing prescription animal drugs and to the establishment of a veterinarian-client-patient relationship (VCPR) in the course of practice. The following Q&As only cover the veterinarian's obligations under Federal law. Veterinarians should also consult their state licensing boards to determine if there are additional requirements at the state or local level.

What is a veterinarian's role in dispensing prescription animal drugs?

Federal law requires a veterinarian's involvement to ensure that prescription animal drugs are used safely. Section 503(f) of the Federal Food, Drug, and Cosmetic Act ([/regulatory-information/laws-enforced-fda/federal-food-drug-and-cosmetic-act-fdc-act](https://www.fda.gov/regulatory-information/laws-enforced-fda/federal-food-drug-and-cosmetic-act-fdc-act)) (FD&C Act) states that prescription animal drugs can only be dispensed by or on the lawful order of a licensed veterinarian in the course of their professional practice. An animal prescription drug is one that is not safe for use except under the professional supervision of a licensed veterinarian because of its toxicity or potential for harmful effects, or because of the way it is used or other measures necessary for its use, or because the drug approval limits the drug to use under the professional supervision of a licensed veterinarian.

What does “dispensed by or on the lawful order of” mean?

In each instance, prescription animal drugs must be “dispensed by or upon the lawful written or oral order of a licensed veterinarian in the course of the veterinarian's professional practice.” In addition to administering a drug at their practice or on-site, a veterinarian may dispense a prescription animal drug directly to the animal owner/caretaker (client) with appropriate directions for use, or issue an order, in a manner consistent with applicable Federal and State requirements, authorizing that a prescription animal drug be dispensed to an animal owner/caretaker (client) with appropriate directions for use.

What is meant by professional supervision or oversight?

As part of the animal drug approval process, certain animal drug products are designated as prescription products because, among other reasons, FDA determined that the product could not be safely used without the supervision or oversight of a licensed veterinarian. Although the specific nature of the safety concern may vary by animal drug product, the underlying premise is that a licensed veterinarian has the necessary expertise and training to provide directions for the safe use of the product. Therefore, when a

prescription animal drug is dispensed (or is authorized to be dispensed), FDA's expectation is that the dispensing/authorizing veterinarian takes appropriate steps to ensure that such directions for safe use are provided/conveyed.

States may have additional or more specific requirements. You can consult your state licensing board for more information about State specific requirements.

Can someone other than a licensed veterinarian dispense a prescription animal drug?

Given current Federal law and regulations, a licensed veterinarian's direct involvement and oversight is required. As part of a team approach to veterinary medicine, a licensed veterinarian, in the course of their professional practice, may direct staff, such as veterinary technicians, to dispense prescription animal drugs. Such directions to staff are consistent with the requirement that a prescription animal drug be "dispensed by or upon the lawful written or oral order of a licensed veterinarian in the course of the veterinarian's professional practice." However, Section 503(f) of the Federal Food, Drug, and Cosmetic Act ([/regulatory-information/laws-enforced-fda/federal-food-drug-and-cosmetic-act-fdc-act](#)) (FD&C Act) states without a lawful written or oral order of a licensed veterinarian, it would be unlawful for anyone other than a licensed veterinarian to dispense prescription animal drugs.

What is a veterinarian's role in extralabel use?

Extralabel use is when an approved animal drug is used in a manner that differs from the labeled directions or an approved human drug is used in animals. For example, extralabel use may be at a different dosage, in a different species, or to treat a different disease. The FD&C Act authorizes the extralabel use of approved drugs in animals under certain conditions. One condition is that such use is by or on the lawful order of a licensed veterinarian within the context of a valid veterinarian-client-patient relationship (VCPR). FDA regulations at 21 CFR 530.3(i) ([https://www.ecfr.gov/current/title-21/part-530/section-530.3#p-530.3\(i\)](https://www.ecfr.gov/current/title-21/part-530/section-530.3#p-530.3(i))) set out the definition of a valid VCPR.

A veterinarian must have an established VCPR to prescribe the extralabel use of approved animal or human drugs, and to issue a Veterinary Feed Directive (VFD) for a VFD drug.

States may have additional requirements. You can consult your state licensing board for more information about State specific requirements.

- For the extralabel use of approved animal or human drugs, the veterinarian must have a VCPR as defined in federal regulations at 21 CFR 530.3(i).
- For a VFD drug, a veterinarian must issue the VFD in the context of a VCPR as defined by the State. However, if the State VCPR requirements do not include the key elements of a valid VCPR as defined in 21 CFR 530.3(i), the veterinarian must issue the VFD in the context of a valid VCPR as defined in federal regulations. See Does the State or Federal VCPR Definition Apply to a Lawful VFD

[in my State? \(/animal-veterinary/development-approval-process/does-state-or-federal-vcpr-definition-apply-lawful-vfd-my-state\)](#)

Is a VCPR required when approved animal drugs are used on label?

Federal law requires that a licensed veterinarian have an established VCPR to prescribe the extralabel use of approved animal or human drugs, and to issue a Veterinary Feed Directive (VFD) for a VFD drug. Although Federal law does not establish specific VCPR requirements related to the on-label use of approved animal drugs, you should consult your state licensing board for more information about State specific requirements.

Can a Veterinarian–Client–Patient Relationship be established through telemedicine?

The federal VCPR definition (21 CFR 530.3(i)) includes the following requirement: "The practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy. Such a relationship can exist only when the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of examination of the animal(s) and/or by medically appropriate and timely visits to the premises where the animal(s) are kept." Therefore, for the purposes of the federal definition, a valid VCPR cannot be established solely through telemedicine (e.g., photos, videos, or other electronic means that do not involve examination of the animal(s) or timely visits to the premises). However, once a VCPR is established, telemedicine can be a useful tool for maintaining the VCPR.

<https://www.fda.gov/animal-veterinary/product-safety-information/veterinarian-client-patient-relationships-prescribingdispensing-animal-drugs-and-telemedicine>

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