MDC Subcommittee on Medical Records and Prescription Refills

respectfully submitted by

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Four Issues:
1) regulations for veterinarians who are asked to refill medication in the absence of the originally prescribing veterinarian
2) a 'software lock' for electronic medical records to prevent inappropriate modifications of the medical record
3) language regarding 'Addenda' to medical records
4) altering/cropping radiographs to meet acceptable standards

Issue #1:
Prescribing by another DVM
(Recommend that this be in a section separate from the VCPR)

2242. (a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 without an appropriate prior examination and a **medical** indication, constitutes unprofessional conduct.

(b) No licensee shall be found to have committed unprofessional conduct within the meaning of this section if, at the time the drugs were prescribed, dispensed, or furnished, any of the following applies:

(1) The licensee was a designated ~~physician and surgeon or podiatrist~~ *veterinarian* serving in the absence of the ~~patient's physician and surgeon or podiatrist~~ *animal patient's veterinarian*, as the case may be, and if the drugs were prescribed, dispensed, or furnished only as necessary to maintain the *animal* patient until the return of ~~his or her practitioner~~ *the originally prescribing veterinarian*, but in any case no longer than 72 hours.

(2) The ~~licensee~~ *veterinarian* transmitted the order for the drugs to ~~a registered nurse or to a licensed vocational nurse in an inpatient facility~~ *another veterinarian or registered veterinary technician*, and if both of the following conditions exist:

(A) The practitioner had consulted with ~~the registered nurse or licensed vocational nurse~~ *veterinarian or registered veterinary technician* who had reviewed the patient's records.

(B) The practitioner was designated as the practitioner to serve in the absence of the *animal* patient's ~~physician and surgeon or podiatrist~~ *veterinarian*, as the case may be.

(3) The licensee was a designated ~~practitioner~~ *veterinarian* serving in the absence of the *animal* patient's ~~physician and surgeon or podiatrist~~ *veterinarian*, as the case may be, and was in possession of or had utilized the *animal* patient's records and

ordered the renewal of a medically indicated prescription for an amount not exceeding the original prescription in strength or amount or for more than one refill.

(4) The licensee was acting in accordance with Section 120582 of the Health and Safety **Code**.

Issues 2, 3, & 4:

Altering Medical Records including Radiographs and Addenda

CALIFORNIA CODES
BUSINESS AND **PROFESSIONS CODE**
SECTION 2220-2319

2262. Altering or modifying the **medical record** of any ~~person~~ *animal*, with fraudulent intent, or creating any false **medical record**, with fraudulent intent, constitutes unprofessional conduct.

~~In addition to any other disciplinary action, the Division of Medical Quality or the California Board of Podiatric Medicine may impose a civil penalty of five hundred dollars ($500) for a violation of this section.~~

Discussion by JK: The preceding language addresses issues 2, 3, and 4 in a clear but general sense. Anything more detailed would risk becoming cumbersome, overly restrictive or omitting something important.

In regards to altering radiographs-- -- it's not the cropping of a radiograph that is a problem—it is the cropping of an radiograph that is done *for fraudulent purposes* that is a violation--- so I don't think we can eliminate cropping.

Regarding Addenda-- as long as they are time stamped (which seems like VMB policy to me, not regulations) any record should be *appropriately modifiable forever*, no? There is no mention of a ‘time stamp’ in any of the B&P codes for the medical profession that I can find—