



Use of Out-of-State Specialists

NYSVMS Position:

NYSVMS supports the ability of veterinarians in New York State to consult with out-of-state licensed consulting practices, including but not limited to veterinary radiological services and laboratory review of specimens.

Current law allows for certain out-of-state licensed veterinarians to practice in New York. Section §6705 dealing with exempt persons states in relevant part:

“The following persons under the following limitations may practice veterinary medicine within the state without a license:

3. Any veterinarian who is licensed in another state or country and who is meeting a veterinarian licensed in this state for purposes of consultation provided such practice is limited to such consultation;
4. Any veterinarian who is licensed in a bordering state and who resides near a border of this state, provided such practice is limited in this state to the vicinity of such border and provided such veterinarian does not maintain an office or place to meet patients or receive calls within this state;”

Paragraph 3, as historically understood by the profession, has allowed veterinarians in New York State to consult with specialists outside the state on specific patients. In 2015, NYSED changed its position to require that any specialty practitioner who is asked for a consultation by a NYS licensed veterinarian must also be licensed in NYS and that it is the obligation of the NYS veterinarian to confirm that he/she is using a NYS-licensed specialist.

NYSED’s current interpretation of this language, that only out-of-state veterinarians who occasionally consult with New York state veterinarians are permitted to practice in New York under this section of law, and not those veterinarians who may provide more frequent services in New York, such as radiological services, has proven unfavorable to the profession and patients.

Patient treatment across the state has been delayed in many instances simply because a NYS-licensed specialist in the laboratory or out-of-state practice was not available to read films or specimens in a timely fashion. In addition, a nationally-recognized, well-respected laboratory prominently displays a warning to all NYS veterinarians that reports of submissions may be delayed due to the limits imposed by the NYSED interpretation.

NYSED’s current position focuses on the frequency of the consultations, rather than the nature of the consult, and the relaying of information to the patient’s primary veterinarian who is a New York licensed veterinarian. A plain reading of the statute does not support NYSED’s interpretation, as no timeframe or frequency is cited in the statutory language.

NYSVMS strongly urges the State Board for Veterinary Medicine to reexamine NYSED’s position on this matter as

it greatly impacts New York State veterinarians’ ability to access timely consultations for their patients. Should NYSED continue with its current interpretation of this section of law, NYSVMS would support efforts to amend the law to bring it inline with the current needs of veterinary patients in New York and the realities of the practice of the profession at this time.