

1                                   A bill to be entitled  
 2           An act relating to veterinary medicine; amending s.  
 3           474.202, F.S.; revising and providing definitions;  
 4           amending s. 474.203, F.S.; providing that licensure is  
 5           not required for persons whose practice is confined  
 6           solely to specified treatments; amending s. 474.214,  
 7           F.S.; revising a ground for disciplinary action;  
 8           amending s. 474.215, F.S.; providing that certain  
 9           practitioners of veterinary telemedicine are not  
 10          required to obtain a premises permit; amending s.  
 11          474.216, F.S.; requiring practitioners of veterinary  
 12          telemedicine to display a license number; amending s.  
 13          474.2165, F.S.; conforming a provision; providing an  
 14          effective date.

15  
 16   Be It Enacted by the Legislature of the State of Florida:

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 18          Section 1.   Section 474.202, Florida Statutes, is amended  
 19          to read:

20          474.202   Definitions.—As used in this chapter:

21          (1)   "Animal" means any mammal other than a human being or  
 22          any bird, amphibian, fish, or reptile, wild or domestic, living  
 23          or dead.

24          (2)   "Board" means the Board of Veterinary Medicine.

25          (3)   "Client" means the owner or caretaker of an animal who

26 | arranges for its veterinary care.

27 |       (4) "Complementary or alternative and integrative  
28 | therapies" means a heterogeneous group of preventive,  
29 | diagnostic, and therapeutic philosophies and practices that are  
30 | not considered part of conventional or Western medicine as  
31 | practiced by most veterinarians. These therapies include, but  
32 | are not limited to, veterinary acupuncture, acutherapy, and  
33 | acupressure; veterinary homeopathy; veterinary manual or  
34 | manipulative therapy, such as therapies based on techniques  
35 | practiced in osteopathy, chiropractic medicine, or physical  
36 | medicine and therapy; veterinary nutraceutical therapy; and  
37 | veterinary physiotherapy. The term does not include non-  
38 | veterinary and non-therapeutic animal massage or acupressure.

39 |       (a) For purposes of this subsection, the term "acupressure"  
40 | means the stimulation with finger pressure, rather than the  
41 | insertion of needles, of the same points on an animal's body  
42 | which are targeted in acupuncture. The term does not include the  
43 | prescribing of drugs or the diagnosis of or prognosis for a  
44 | medical condition of the animal.

45 |       (b) For the purposes of this subsection, the term "animal  
46 | massage" means the use of fingers, hands, and machines to  
47 | manipulate the animal's soft tissues. The term does not include  
48 | the prescribing of drugs or the diagnosis of or prognosis for a  
49 | medical condition of the animal.

50 |       (5)~~(4)~~ "Department" means the Department of Business and

51 Professional Regulation.

52 (6)~~(5)~~ "Immediate supervision" or words of similar purport  
 53 mean a licensed doctor of veterinary medicine is on the premises  
 54 whenever veterinary services are being provided.

55 (7)~~(6)~~ "Limited-service veterinary medical practice" means  
 56 offering or providing veterinary services at any location that  
 57 has a primary purpose other than that of providing veterinary  
 58 medical service at a permanent or mobile establishment permitted  
 59 by the board; provides veterinary medical services for privately  
 60 owned animals that do not reside at that location; operates for  
 61 a limited time; and provides limited types of veterinary medical  
 62 services.

63 (8)~~(7)~~ "Mobile veterinary establishment" and "mobile  
 64 clinic" mean a mobile unit which contains the same treatment  
 65 facilities as are required of a permanent veterinary  
 66 establishment or which has entered into a written agreement with  
 67 another veterinary establishment to provide any required  
 68 facilities not available in the mobile unit. The terms do not  
 69 refer to the use of a car, truck, or other motor vehicle by a  
 70 veterinarian making a house call.

71 (9)~~(8)~~ "Patient" means any animal, herd, collection, or  
 72 group of animals for which the veterinarian practices veterinary  
 73 medicine.

74 (10) "Examination" means the evaluation of a patient  
 75 through means such as inspection, palpation, and auscultation.

76 An examination may be performed using veterinary telemedicine.  
 77 This definition does not apply to s. 474.2185.

78 (11)~~(9)~~ "Practice of veterinary medicine" means diagnosing  
 79 the medical condition of animals and prescribing, dispensing, or  
 80 administering drugs, medicine, appliances, applications, or  
 81 treatment of whatever nature for the prevention, cure, or relief  
 82 of a wound, fracture, bodily injury, or disease thereof;  
 83 performing any manual procedure for the diagnosis of or  
 84 treatment for pregnancy or fertility or infertility of animals;  
 85 or representing oneself by the use of titles or words, or  
 86 undertaking, offering, or holding oneself out, as performing any  
 87 of these functions. The term includes the determination of the  
 88 health, fitness, or soundness of an animal.

89 (12)~~(10)~~ "Responsible supervision" or words of similar  
 90 purport mean the control, direction, and regulation by a  
 91 licensed doctor of veterinary medicine of the duties involving  
 92 veterinary services which she or he delegates to unlicensed  
 93 personnel.

94 (13)~~(11)~~ "Veterinarian" means a health care practitioner  
 95 who is licensed to engage in the practice of veterinary medicine  
 96 in Florida under the authority of this chapter.

97 (14)~~(12)~~ "Veterinarian relationship," "client  
 98 relationship," "patient relationship," or "client/patient  
 99 ~~Veterinarian/client/patient~~ relationship" means a relationship  
 100 where the veterinarian has assumed the responsibility for making

101 medical judgments regarding the health of the animal and its  
102 need for medical treatment.

103 (15) "Veterinary dentistry" means a discipline within the  
104 scope of veterinary practice that involves the professional  
105 examination, evaluation, diagnosis, prevention, and nonsurgical  
106 and surgical treatment of conditions, diseases, and disorders of  
107 the oral cavity and maxillofacial area and their adjacent and  
108 associated structures. A veterinary dental cleaning refers to  
109 scaling, supragingival and subgingival plaque and calculus  
110 removal, and polishing of the teeth with power or hand  
111 instruments by a licensed veterinarian or under his or her  
112 immediate supervision. Periodontal therapy, which is also  
113 included within veterinary dentistry, refers to the treatment of  
114 diseased periodontal tissues which includes professional dental  
115 cleaning as defined in this subsection and one or more of the  
116 following treatments: root planing, gingival curettage,  
117 periodontal flaps, extractions, regenerative surgery,  
118 gingivectomy or gingivoplasty, and local administration of  
119 antiseptics or antibiotics. The term does not include non-  
120 veterinary tooth polishing or brushing on animals which uses  
121 animal toothpastes or whiteners and manual instruments which are  
122 readily available to the public.

123 (16)~~(13)~~ "Veterinary medicine" includes, with respect to  
124 animals, surgery, acupuncture, obstetrics, veterinary dentistry,  
125 physical therapy, radiology, theriogenology, complementary or

126 alternative veterinary medicine, veterinary telemedicine, and  
127 other branches or specialties of veterinary medicine.

128 (17) "Veterinary telemedicine" means the practice of  
129 veterinary medicine by a licensed Florida veterinarian that  
130 includes a complete examination and the establishment of a valid  
131 patient relationship where patient care, treatment, or service  
132 is provided through the use of medical information exchanged  
133 from one site to another via electronic communications.

134 Veterinary telemedicine shall be practiced within a patient  
135 relationship except for patient care, treatment, or service  
136 given in an emergency care situation until such patient can be  
137 seen by or transported to a veterinarian. A veterinarian may  
138 consult on patient care with another veterinarian who has an  
139 ongoing patient relationship with the patient, including the use  
140 of any prescription medications, and may consult on on-call or  
141 cross-coverage situations in which the veterinarian has access  
142 to patient records, via veterinary telemedicine.

143 Section 2. Subsection (9) is added to section 474.203,  
144 Florida Statutes, to read:

145 474.203 Exemptions.—This chapter does not apply to:

146 (9) Any person whose work is confined solely to non-  
147 veterinary and non-therapeutic animal massage or acupressure, or  
148 non-veterinary tooth polishing or brushing.

149  
150 For the purposes of chapters 465 and 893, persons exempt

151 pursuant to subsection (1), subsection (2), or subsection (4)  
152 are deemed to be duly licensed practitioners authorized by the  
153 laws of this state to prescribe drugs or medicinal supplies.

154 Section 3. Paragraph (y) of subsection (1) of section  
155 474.214, Florida Statutes, is amended to read:

156 474.214 Disciplinary proceedings.—

157 (1) The following acts shall constitute grounds for which  
158 the disciplinary actions in subsection (2) may be taken:

159 (y) Using the privilege of ordering, prescribing, or  
160 making available medicinal drugs or drugs as defined in chapter  
161 465, or controlled substances as defined in chapter 893, for use  
162 other than for the specific treatment of animal patients for  
163 which there is a documented veterinarian/client/patient  
164 relationship. Pursuant thereto, the veterinarian shall:

165 1. Have sufficient knowledge of the animal to initiate at  
166 least a general or preliminary diagnosis of the medical  
167 condition of the animal, which means that the veterinarian is  
168 personally acquainted with the keeping and caring of the animal  
169 and has recently seen the animal, ~~or~~ has made medically  
170 appropriate and timely visits to the premises where the animal  
171 is kept, or has recently seen the animal via a veterinary  
172 telemedicine appointment.

173 2. Be available or provide for followup care and treatment  
174 in case of adverse reactions or failure of the regimen of  
175 therapy.

176           3. Maintain records which document patient visits,  
177 diagnosis, treatment, and other relevant information required  
178 under this chapter.

179           Section 4. Subsection (10) is added to section 474.215,  
180 Florida Statutes, to read:

181           474.215 Premises permits.—

182           (10) Any practitioner who provides veterinary services  
183 solely via veterinary telemedicine shall not be required to  
184 obtain a premises permit.

185           Section 5. Section 474.216, Florida Statutes, is amended  
186 to read:

187           474.216 License and premises permit to be displayed.—Each  
188 person to whom a license or premises permit is issued shall keep  
189 such document conspicuously displayed in her or his office,  
190 place of business, or place of employment, whether a permanent  
191 or mobile veterinary establishment or clinic, and shall,  
192 whenever required, exhibit said document to any member or  
193 authorized representative of the board. A practitioner who  
194 performs veterinary telemedicine must conspicuously display his  
195 or her license number on any website or by any other means by  
196 which he or she advertises or conducts the practice of  
197 veterinary telemedicine.

198           Section 6. Subsection (1) of section 474.2165, Florida  
199 Statutes, is amended to read:

200           474.2165 Ownership and control of veterinary medical



201 patient records; report or copies of records to be furnished.-

202 (1) As used in this section, the term "records owner"  
203 means any veterinarian who generates a medical record after  
204 making an ~~a physical~~ examination of, or administering treatment  
205 or dispensing legend drugs to, any patient; any veterinarian to  
206 whom records are transferred by a previous records owner; or any  
207 veterinarian's employer, provided the employment contract or  
208 agreement between the employer and the veterinarian designates  
209 the employer as the records owner.

210 Section 7. This act shall take effect July 1, 2017.