

By the Committee on Health Policy; and Senator Rodriguez

588-02182-21

2021700c1

1 A bill to be entitled
2 An act relating to telehealth; amending s. 409.908,
3 F.S.; requiring the Agency for Health Care
4 Administration to reimburse the use of telehealth
5 services under certain circumstances and subject to
6 certain limitations; requiring providers to include
7 certain documentation in patient records and notes;
8 authorizing certain out-of-state providers to receive
9 reimbursement for telehealth services; providing an
10 exception; amending s. 456.47, F.S.; revising the
11 definition of the term "telehealth"; authorizing
12 telehealth providers to prescribe specified controlled
13 substances through telehealth under certain
14 circumstances; authorizing nonphysician health care
15 practitioners to satisfy a certain supervision
16 requirement through telehealth; amending ss. 458.347
17 and 459.022, F.S.; revising the definition of the term
18 "supervision"; amending s. 465.003, F.S.; revising the
19 definition of the term "pharmacy"; revising
20 construction of the term "not present and on duty";
21 amending s. 465.014, F.S.; authorizing registered
22 pharmacy technicians to compound and dispense
23 medicinal drugs under certain circumstances; providing
24 an exception to certain supervision limitations;
25 amending s. 465.015, F.S.; providing applicability;
26 exempting certain registered pharmacy technicians from
27 specified prohibitions; creating s. 465.0198, F.S.;
28 defining the term "supervising pharmacy"; providing
29 for the permitting of remote-site pharmacies;

588-02182-21

2021700c1

30 requiring a licensed or consultant pharmacist to serve
31 as the prescription department manager of a remote
32 site; requiring remote-site pharmacies to notify the
33 Department of Health of a change in the pharmacy's
34 prescription department manager within a specified
35 timeframe; providing requirements for remote-site
36 pharmacies; providing that remote-site pharmacies are
37 not considered pharmacy locations for purposes of
38 network access in managed care programs; authorizing
39 remote-site pharmacies to store, hold, and dispense
40 medicinal drugs; prohibiting remote-site pharmacies
41 from performing centralized prescription filling;
42 requiring prescription department managers to visit
43 remote sites, based on a certain schedule, to perform
44 specified tasks; authorizing registered pharmacists to
45 serve as prescription department managers for up to
46 three remote-site pharmacies under certain
47 circumstances; amending s. 465.022, F.S.; exempting
48 registered pharmacists serving as prescription
49 department managers for remote-site pharmacies from
50 certain practice limitations; amending s. 465.0265,
51 F.S.; providing applicability; amending s. 465.1893,
52 F.S.; providing additional long-acting medications
53 pharmacists may administer under certain
54 circumstances; revising requirements for a continuing
55 education course such pharmacists must complete;
56 amending s. 468.1225, F.S.; revising minimum
57 procedures and equipment requirements for fitting and
58 selling hearing aids; amending s. 468.1265, F.S.;

588-02182-21

2021700c1

59 revising a prohibition on the sale or distribution of
60 hearing aids through the mail; amending s. 484.0501,
61 F.S.; revising minimum procedures and equipment
62 requirements for fitting and selling hearing aids;
63 amending s. 484.054, F.S.; revising a prohibition on
64 the sale or distribution of hearing aids through the
65 mail; amending s. 893.05, F.S.; prohibiting telehealth
66 providers from prescribing specified controlled
67 substances through telehealth; providing an effective
68 date.

69

70 Be It Enacted by the Legislature of the State of Florida:

71

72 Section 1. Present subsections (22) through (26) of section
73 409.908, Florida Statutes, are redesignated as subsections (23)
74 through (27), respectively, and a new subsection (22) is added
75 to that section, to read:

76

77 409.908 Reimbursement of Medicaid providers.—Subject to
78 specific appropriations, the agency shall reimburse Medicaid
79 providers, in accordance with state and federal law, according
80 to methodologies set forth in the rules of the agency and in
81 policy manuals and handbooks incorporated by reference therein.
82 These methodologies may include fee schedules, reimbursement
83 methods based on cost reporting, negotiated fees, competitive
84 bidding pursuant to s. 287.057, and other mechanisms the agency
85 considers efficient and effective for purchasing services or
86 goods on behalf of recipients. If a provider is reimbursed based
87 on cost reporting and submits a cost report late and that cost
 report would have been used to set a lower reimbursement rate

588-02182-21

2021700c1

88 for a rate semester, then the provider's rate for that semester
89 shall be retroactively calculated using the new cost report, and
90 full payment at the recalculated rate shall be effected
91 retroactively. Medicare-granted extensions for filing cost
92 reports, if applicable, shall also apply to Medicaid cost
93 reports. Payment for Medicaid compensable services made on
94 behalf of Medicaid eligible persons is subject to the
95 availability of moneys and any limitations or directions
96 provided for in the General Appropriations Act or chapter 216.
97 Further, nothing in this section shall be construed to prevent
98 or limit the agency from adjusting fees, reimbursement rates,
99 lengths of stay, number of visits, or number of services, or
100 making any other adjustments necessary to comply with the
101 availability of moneys and any limitations or directions
102 provided for in the General Appropriations Act, provided the
103 adjustment is consistent with legislative intent.

104 (22) Subject to any limitations or directions provided in
105 the General Appropriations Act, the agency shall reimburse the
106 use of telehealth as defined by s. 456.47, to include services
107 provided in real time, services provided using store-and-forward
108 technologies, and remote patient monitoring services to the
109 extent that these technologies are available.

110 (a) Providers using any modality described in this
111 subsection must ensure that treatment services are medically
112 necessary and performed within a provider's scope of practice
113 and any applicable supervision requirements.

114 (b) Providers must include documentation regarding the use
115 of telehealth in the medical record or progress notes for each
116 encounter with a recipient.

588-02182-21

2021700c1

117 (c) Out-of-state providers who are registered under s.
118 456.47(4) and enrolled in Florida Medicaid as an out-of-state
119 provider may be reimbursed for telehealth services provided to
120 recipients in this state.

121 (d) Reimbursement under this subsection does not cover the
122 purchase of any general telecommunications equipment that is not
123 specific to or used solely for the provision of telehealth,
124 including, but not limited to, computers, tablets, cell phones,
125 smartphones, or any other similar equipment or device.

126 Section 2. Paragraph (a) of subsection (1) and paragraph
127 (c) of subsection (2) of section 456.47, Florida Statutes, are
128 amended, and paragraph (f) is added to subsection (2) of that
129 section, to read:

130 456.47 Use of telehealth to provide services.—

131 (1) DEFINITIONS.—As used in this section, the term:

132 (a) "Telehealth" means the use of synchronous or
133 asynchronous telecommunications technology by a telehealth
134 provider to provide or supervise the provision of health care
135 services, including, but not limited to, assessment, diagnosis,
136 consultation, treatment, and monitoring of a patient; transfer
137 of medical data; patient and professional health-related
138 education; public health services; and health administration.
139 The term includes ~~does not include~~ audio-only telephone calls,
140 personal e-mail messages, or facsimile transmissions, and any
141 other nonpublic-facing telecommunications technology.

142 (2) PRACTICE STANDARDS.—

143 (c) A telehealth provider, acting within the scope of his
144 or her practice and in accordance with chapter 893, may ~~not~~ use
145 telehealth to prescribe a controlled substance listed in

588-02182-21

2021700c1

146 Schedule III, Schedule IV, or Schedule V of s. 893.03 ~~unless the~~
147 ~~controlled substance is prescribed for the following:~~

- 148 1. ~~The treatment of a psychiatric disorder;~~
149 2. ~~Inpatient treatment at a hospital licensed under chapter~~
150 ~~395;~~
151 3. ~~The treatment of a patient receiving hospice services as~~
152 ~~defined in s. 400.601; or~~
153 4. ~~The treatment of a resident of a nursing home facility~~
154 ~~as defined in s. 400.021.~~

155 (f) A nonphysician health care practitioner, including, but
156 not limited to, an advanced practice registered nurse, a
157 certified registered nurse anesthetist, or a physician
158 assistant, who is required to maintain a formal supervisory
159 relationship with a physician may satisfy such requirement
160 through telehealth.

161 Section 3. Paragraph (f) of subsection (2) of section
162 458.347, Florida Statutes, is amended to read:

163 458.347 Physician assistants.—

164 (2) DEFINITIONS.—As used in this section:

165 (f) "Supervision" means responsible supervision and
166 control. Except in cases of emergency, supervision requires the
167 easy availability or physical presence of the licensed physician
168 for consultation and direction of the actions of the physician
169 assistant. For the purposes of this definition, the term "easy
170 availability" includes the ability to communicate by way of
171 telehealth as defined in s. 456.47(1) ~~telecommunication~~. The
172 boards shall establish rules as to what constitutes responsible
173 supervision of the physician assistant.

174 Section 4. Paragraph (f) of subsection (2) of section

588-02182-21

2021700c1

175 459.022, Florida Statutes, is amended to read:

176 459.022 Physician assistants.—

177 (2) DEFINITIONS.—As used in this section:

178 (f) "Supervision" means responsible supervision and
179 control. Except in cases of emergency, supervision requires the
180 easy availability or physical presence of the licensed physician
181 for consultation and direction of the actions of the physician
182 assistant. For the purposes of this definition, the term "easy
183 availability" includes the ability to communicate by way of
184 telehealth as defined in s. 456.47(1) ~~telecommunication~~. The
185 boards shall establish rules as to what constitutes responsible
186 supervision of the physician assistant.

187 Section 5. Subsection (11) of section 465.003, Florida
188 Statutes, is amended to read:

189 465.003 Definitions.—As used in this chapter, the term:

190 (11) (a) "Pharmacy" includes a community pharmacy, an
191 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
192 ~~and~~ an Internet pharmacy, and a remote-site pharmacy.

193 1. The term "community pharmacy" includes every location
194 where medicinal drugs are compounded, dispensed, stored, or sold
195 or where prescriptions are filled or dispensed on an outpatient
196 basis.

197 2. The term "institutional pharmacy" includes every
198 location in a hospital, clinic, nursing home, dispensary,
199 sanitarium, extended care facility, or other facility,
200 hereinafter referred to as "health care institutions," where
201 medicinal drugs are compounded, dispensed, stored, or sold.

202 3. The term "nuclear pharmacy" includes every location
203 where radioactive drugs and chemicals within the classification

588-02182-21

2021700c1

204 of medicinal drugs are compounded, dispensed, stored, or sold.
205 The term "nuclear pharmacy" does not include hospitals licensed
206 under chapter 395 or the nuclear medicine facilities of such
207 hospitals.

208 4. The term "special pharmacy" includes every location
209 where medicinal drugs are compounded, dispensed, stored, or sold
210 if such locations are not otherwise defined in this subsection.

211 5. The term "Internet pharmacy" includes locations not
212 otherwise licensed or issued a permit under this chapter, within
213 or outside this state, which use the Internet to communicate
214 with or obtain information from consumers in this state and use
215 such communication or information to fill or refill
216 prescriptions or to dispense, distribute, or otherwise engage in
217 the practice of pharmacy in this state. Any act described in
218 this definition constitutes the practice of pharmacy as defined
219 in subsection (13).

220 6. The term "remote-site pharmacy" or "remote site"
221 includes every location where medicinal drugs are compounded or
222 dispensed by a registered pharmacy technician who is remotely
223 supervised by an off-site pharmacist acting in the capacity of a
224 prescription department manager.

225 (b) The pharmacy department of any permittee shall be
226 considered closed whenever a Florida licensed pharmacist is not
227 present and on duty. The term "not present and on duty" may
228 ~~shall~~ not be construed to prevent any of the following:

229 1. A pharmacist from exiting the prescription department
230 for the purposes of consulting or responding to inquiries or
231 providing assistance to patients or customers.

232 2. A pharmacist from, attending to personal hygiene needs.

588-02182-21

2021700c1

233 3. A pharmacist from, ~~or~~ performing any other function for
234 which the pharmacist is responsible, provided that such
235 activities are conducted in a manner consistent with the
236 pharmacist's responsibility to provide pharmacy services.

237 4. An off-site pharmacist, acting in the capacity of a
238 prescription department manager, from remotely supervising a
239 registered pharmacy technician at a remote-site pharmacy.

240 Section 6. Subsection (1) of section 465.014, Florida
241 Statutes, is amended to read:

242 465.014 Pharmacy technician.—

243 (1) A person other than a licensed pharmacist or pharmacy
244 intern may not engage in the practice of the profession of
245 pharmacy, except that a licensed pharmacist may delegate to
246 pharmacy technicians who are registered pursuant to this section
247 those duties, tasks, and functions that do not fall within the
248 purview of s. 465.003(13), and a registered pharmacy technician
249 operating under remote supervision of an off-site pharmacist
250 under s. 465.0198 may compound and dispense medicinal drugs
251 under such supervision. All such delegated acts must be
252 performed under the direct supervision of a licensed pharmacist
253 who is responsible for all such acts performed by persons under
254 his or her supervision. A registered pharmacy technician, under
255 the supervision of a pharmacist, may initiate or receive
256 communications with a practitioner or his or her agent, on
257 behalf of a patient, regarding refill authorization requests. A
258 licensed pharmacist may not supervise more than one registered
259 pharmacy technician, except as provided in s. 465.0198 or unless
260 otherwise permitted by the guidelines adopted by the board. The
261 board shall establish guidelines to be followed by licensees or

588-02182-21

2021700c1

262 permittees in determining the circumstances under which a
263 licensed pharmacist may supervise more than one pharmacy
264 technician.

265 Section 7. Paragraph (b) of subsection (1) and paragraph
266 (b) of subsection (2) of section 465.015, Florida Statutes, are
267 amended to read:

268 465.015 Violations and penalties.—

269 (1) It is unlawful for any person to own, operate,
270 maintain, open, establish, conduct, or have charge of, either
271 alone or with another person or persons, a pharmacy:

272 (b) In which a person not licensed as a pharmacist in this
273 state or not registered as an intern in this state or in which
274 an intern who is not acting under the direct and immediate
275 personal supervision of a licensed pharmacist fills, compounds,
276 or dispenses any prescription or dispenses medicinal drugs. This
277 paragraph does not apply to any person who owns, operates,
278 maintains, opens, establishes, conducts, or has charge of a
279 remote site pursuant to s. 465.0198.

280 (2) It is unlawful for any person:

281 (b) To fill, compound, or dispense prescriptions or to
282 dispense medicinal drugs if such person does not hold an active
283 license as a pharmacist in this state, is not registered as an
284 intern in this state, ~~or~~ is an intern not acting under the
285 direct and immediate personal supervision of a licensed
286 pharmacist, or is not a registered pharmacy technician at a
287 remote-site pharmacy acting under remote supervision of a
288 licensed pharmacist pursuant to s. 465.0198.

289 Section 8. Section 465.0198, Florida Statutes, is created
290 to read:

588-02182-21

2021700c1

291 465.0198 Remote-site pharmacy permits.-

292 (1) As used in this section, the term "supervising
293 pharmacy" means a pharmacy licensed in this state which employs
294 a licensed pharmacist who remotely supervises a registered
295 pharmacy technician at a remote-site pharmacy.

296 (2) Any person desiring a permit to operate a remote-site
297 pharmacy must apply to the department. If the board certifies
298 that the application complies with the laws and rules of the
299 board, the department must issue the permit. A permit may not be
300 issued unless a licensed pharmacist or consultant pharmacist is
301 designated as the prescription department manager responsible
302 for the oversight of the remote site. The permittee must notify
303 the department within 10 days after any change of the
304 prescription department manager.

305 (3) A remote-site pharmacy must comply with all of the
306 following:

307 (a) Be jointly owned by or operated under a contract with a
308 supervising pharmacy.

309 (b) Maintain a video surveillance system that records
310 continuously 24 hours per day and retain video surveillance
311 recordings for at least 45 days.

312 (c) Display a sign visible to the public indicating that
313 the location is a remote-site pharmacy and that the facility is
314 under 24-hour video surveillance.

315 (d) Maintain a policies and procedures manual, which must
316 be made available to the board or its agent upon request, and
317 must include, but need not be limited to, all of the following:

318 1. A description of how the pharmacy will comply with
319 federal and state laws and rules.

588-02182-21

2021700c1

320 2. The procedures for supervising the remote site and
321 counseling its patients.

322 3. The procedures for reviewing the prescription drug
323 inventory and drug records maintained by the remote site.

324 4. The policies and procedures for providing security
325 adequate to protect the confidentiality and integrity of patient
326 information.

327 5. The written plan for recovery from an event that
328 interrupts or prevents the prescription department manager from
329 supervising the remote site's operation.

330 6. The procedures for use of the state prescription drug
331 monitoring program by the prescription department manager before
332 he or she may authorize the dispensing of any controlled
333 substance.

334 7. The procedures for maintaining a perpetual inventory of
335 the controlled substances listed in s. 893.03(2).

336 8. The specific duties, tasks, and functions that
337 registered pharmacy technicians are authorized to perform at the
338 remote site.

339 (4) A remote-site pharmacy is not considered a pharmacy
340 location for purposes of network access in managed care
341 programs.

342 (5) A remote-site pharmacy may store, hold, or dispense any
343 medicinal drug.

344 (6) A remote-site pharmacy may not perform centralized
345 prescription filling as defined in s. 465.003(16).

346 (7) The prescription department manager must visit the
347 remote site, based on a schedule determined by the board, to
348 inspect the pharmacy, address personnel matters, and provide

588-02182-21

2021700c1

349 clinical services for patients.

350 (8) A registered pharmacist may serve as the prescription
351 department manager for up to three remote-site pharmacies that
352 are under common control of the same supervising pharmacy.

353 Section 9. Paragraph (c) of subsection (11) of section
354 465.022, Florida Statutes, is amended to read:

355 465.022 Pharmacies; general requirements; fees.-

356 (11) A permittee must notify the department of the identity
357 of the prescription department manager within 10 days after
358 employment. The prescription department manager must comply with
359 the following requirements:

360 (c) A registered pharmacist may not serve as the
361 prescription department manager in more than one location,
362 except as authorized under s. 465.0198, unless approved by the
363 board.

364 Section 10. Subsection (1) of section 465.0265, Florida
365 Statutes, is amended to read:

366 465.0265 Centralized prescription filling.-

367 (1) A pharmacy licensed under this chapter may perform
368 centralized prescription filling for another pharmacy, provided
369 that the pharmacies have the same owner or have a written
370 contract specifying the services to be provided by each
371 pharmacy, the responsibilities of each pharmacy, and the manner
372 in which the pharmacies will comply with federal and state laws,
373 rules, and regulations. This subsection does not apply to a
374 remote-site pharmacy.

375 Section 11. Section 465.1893, Florida Statutes, is amended
376 to read

377 465.1893 Administration of long-acting ~~antipsychotic~~

588-02182-21

2021700c1

378 medication by injection.—

379 (1) (a) A pharmacist, at the direction of a physician
380 licensed under chapter 458 or chapter 459, may administer a
381 long-acting antipsychotic medication or an extended-release
382 medication indicated to treat opioid use disorder, alcohol use
383 disorder, or other substance use disorder or dependency,
384 including, but not limited to, buprenorphine, naltrexone, or
385 other medications that have been approved by the United States
386 Food and Drug Administration by injection to a patient if the
387 pharmacist:

388 1. Is authorized by and acting within the framework of an
389 established protocol with the prescribing physician.

390 2. Practices at a facility that accommodates privacy for
391 nondeltoid injections and conforms with state rules and
392 regulations regarding the appropriate and safe disposal of
393 medication and medical waste.

394 3. Has completed the course required under subsection (2).

395 (b) A separate prescription from a physician is required
396 for each injection administered by a pharmacist under this
397 subsection.

398 (2) (a) A pharmacist seeking to administer a ~~long-acting~~
399 ~~antipsychotic~~ medication described in paragraph (1) (a) ~~by~~
400 ~~injection~~ must complete an 8-hour continuing education course
401 offered by:

402 1. A statewide professional association of physicians in
403 this state accredited to provide educational activities
404 designated for the American Medical Association Physician's
405 Recognition Award (AMA PRA) Category 1 Credit or the American
406 Osteopathic Association (AOA) Category 1-A continuing medical

588-02182-21

2021700c1

407 education (CME) credit; and

408 2. A statewide association of pharmacists.

409 (b) The course may be offered in a distance learning format
410 and must be included in the 30 hours of continuing professional
411 pharmaceutical education required under s. 465.009(1). The
412 course shall have a curriculum of instruction that concerns the
413 safe and effective administration of behavioral health, and
414 addiction, and antipsychotic medications by injection,
415 including, but not limited to, potential allergic reactions to
416 such medications.

417 Section 12. Subsections (1) through (4) of section
418 468.1225, Florida Statutes, are amended to read:

419 468.1225 Procedures, equipment, and protocols.—

420 (1) The following minimal procedures must ~~shall~~ be used
421 when a licensed audiologist fits and sells a hearing aid unless
422 the client is 18 years of age or older and provides a medical
423 clearance or a waiver of medical examination:

424 (a) Pure tone audiometric testing by air and bone to
425 determine the type and degree of hearing deficiency when
426 indicated.

427 (b) Effective masking when indicated.

428 (c) Appropriate testing to determine speech reception
429 thresholds, speech discrimination scores, the most comfortable
430 listening levels, uncomfortable loudness levels, and the
431 selection of the best fitting arrangement for maximum hearing
432 aid benefit when indicated.

433 (2) The following equipment must ~~shall~~ be used unless the
434 client is 18 years of age or older and provides a medical
435 clearance or a waiver of medical examination:

588-02182-21

2021700c1

436 (a) A wide range audiometer that ~~which~~ meets the
437 specifications of the American National Standards Institute for
438 diagnostic audiometers when indicated.

439 (b) A speech audiometer or a master hearing aid in order to
440 determine the most comfortable listening level and speech
441 discrimination when indicated.

442 (3) A final fitting ensuring physical and operational
443 comfort of the hearing aid must ~~shall~~ be made when indicated.

444 (4) A licensed audiologist who fits and sells hearing aids
445 must ~~shall~~ obtain the following medical clearance: If, upon
446 inspection of the ear canal with an otoscope in the common
447 procedure of fitting a hearing aid or ~~and~~ upon interrogation of
448 the client, there is any recent history of infection or any
449 observable anomaly, the client must ~~shall~~ be instructed to see a
450 physician, and a hearing aid may ~~shall~~ not be fitted until
451 medical clearance is obtained for the condition noted. If, upon
452 return, the condition noted is no longer observable and the
453 client signs a medical waiver, a hearing aid may be fitted. Any
454 person with a significant difference between bone conduction
455 hearing and air conduction hearing must be informed of the
456 possibility of medical or surgical correction.

457 Section 13. Section 468.1265, Florida Statutes, is amended
458 to read:

459 468.1265 Sale or distribution of hearing aids through mail;
460 penalty.—It is unlawful for any person to sell or distribute
461 hearing aids through the mail to the ultimate consumer who is
462 younger than 18 years of age. Any person who violates this
463 section commits a misdemeanor of the second degree, punishable
464 as provided in s. 775.082 or s. 775.083.

588-02182-21

2021700c1

465 Section 14. Subsections (1) through (4) of section
466 484.0501, Florida Statutes, are amended to read:

467 484.0501 Minimal procedures and equipment.—

468 (1) The following minimal procedures must ~~shall~~ be used in
469 the fitting and selling of hearing aids unless the client is 18
470 years of age or older and provides a medical clearance or a
471 waiver of medical examination:

472 (a) Pure tone audiometric testing by air and bone to
473 determine the type and degree of hearing deficiency.

474 (b) Effective masking when indicated.

475 (c) Appropriate testing to determine speech reception
476 thresholds, speech discrimination scores, the most comfortable
477 listening levels, uncomfortable loudness levels, and the
478 selection of the best fitting arrangement for maximum hearing
479 aid benefit.

480 (2) The following equipment must ~~shall~~ be used unless the
481 client is 18 years of age or older and provides a medical
482 clearance or a waiver of medical examination:

483 (a) A wide range audiometer that ~~which~~ meets the
484 specifications of the American National Standards Institute for
485 diagnostic audiometers.

486 (b) A speech audiometer or a master hearing aid in order to
487 determine the most comfortable listening level and speech
488 discrimination.

489 (3) For clients younger than 18 years of age, a final
490 fitting ensuring physical and operational comfort of the hearing
491 aid must ~~shall~~ be made. For all other clients, such final
492 fitting must be made when indicated.

493 (4) The following medical clearance must ~~shall~~ be obtained:

588-02182-21

2021700c1

494 If, upon inspection of the ear canal with an otoscope in the
495 common procedure of a hearing aid fitter or ~~and~~ upon
496 interrogation of the client, there is any recent history of
497 infection or any observable anomaly, the client must ~~shall~~ be
498 instructed to see a physician, and a hearing aid may ~~shall~~ not
499 be fitted until medical clearance is obtained for the condition
500 noted. If, upon return, the condition noted is no longer
501 observable and the client signs a medical waiver, a hearing aid
502 may be fitted. Any person with a significant difference between
503 bone conduction hearing and air conduction hearing must be
504 informed of the possibility of medical correction.

505 Section 15. Section 484.054, Florida Statutes, is amended
506 to read:

507 484.054 Sale or distribution of hearing aids through mail;
508 penalty.—It is unlawful for any person to sell or distribute
509 hearing aids through the mail to the ultimate consumer who is
510 younger than 18 years of age. Any violation of this section
511 constitutes a misdemeanor of the second degree, punishable as
512 provided in s. 775.082 or s. 775.083.

513 Section 16. Paragraph (e) is added to subsection (1) of
514 section 893.05, Florida Statutes, to read:

515 893.05 Practitioners and persons administering controlled
516 substances in their absence.—

517 (1)

518 (e) A telehealth provider as defined in s. 456.47 may not
519 prescribe through telehealth a controlled substance listed in
520 Schedule I or Schedule II of s. 893.03.

521 Section 17. This act shall take effect July 1, 2021.