

By Senator Brodeur

9-00429C-22

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1                   A bill to be entitled  
2       An act relating to veterinary telehealth; providing a  
3       short title; amending s. 474.202, F.S.; defining the  
4       term "telemedicine"; creating s. 474.2021, F.S.;  
5       authorizing veterinarians to practice telemedicine;  
6       requiring veterinarians using telemedicine to  
7       establish a veterinarian/client/patient relationship  
8       and meet certain professional standards; prohibiting  
9       such veterinarians from prescribing controlled  
10      substances under certain circumstances; providing an  
11      exception; providing licensure requirements to  
12      practice telemedicine; providing jurisdiction of the  
13      Florida Board of Veterinary Medicine; providing  
14      construction; amending s. 828.30, F.S.; authorizing  
15      employees, agents, or contractors of animal control  
16      authorities to administer rabies vaccinations under  
17      certain circumstances; providing that a supervising  
18      veterinarian assumes responsibility for any person  
19      vaccinating animals at the supervising veterinarian's  
20      discretion or under his or her supervision; defining  
21      the term "indirect supervision"; authorizing a  
22      veterinarian who indirectly supervises the  
23      administration of the rabies vaccination to affix his  
24      or her signature stamp on a rabies vaccination  
25      certificate; amending ss. 474.203 and 474.214, F.S.;  
26      conforming provisions to changes made by the act;  
27      providing an effective date.

28  
29   Be It Enacted by the Legislature of the State of Florida:

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30  
31 Section 1. This act may be cited as the "Providing Equity  
32 in Telemedicine Services (PETS) Act."

33 Section 2. Present subsections (11), (12), and (13) of  
34 section 474.202, Florida Statutes, are redesignated as  
35 subsections (12), (13), and (14), respectively, and a new  
36 subsection (11) is added to that section, to read:

37 474.202 Definitions.—As used in this chapter:

38 (11) "Telemedicine" means the practice of veterinary  
39 medicine, including diagnosis, consultation, evaluation,  
40 treatment, or transfer of medical data, by means of a two-way,  
41 real-time interactive communication between a client and patient  
42 and a veterinarian who has access to and the ability to review  
43 the patient's relevant information before the telemedicine  
44 visit.

45 Section 3. Section 474.2021, Florida Statutes, is created  
46 to read:

47 474.2021 Veterinary telemedicine.—

48 (1) A veterinarian may practice telemedicine.

49 (2) A veterinarian who uses telemedicine:

50 (a) Shall take appropriate steps to establish a  
51 veterinarian/client/patient relationship and conduct all  
52 appropriate evaluations and collect appropriate histories of the  
53 patient, consistent with prevailing professional standards of  
54 care for the specific patient presentation.

55 (b) May not prescribe controlled substances if he or she  
56 has not previously performed an in-person physical examination  
57 or made medically appropriate and timely visits to the premises  
58 where the animal is kept. However, a consulting veterinarian

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59 using telemedicine may prescribe controlled substances for a  
60 terminal patient transferred to the consulting veterinarian for  
61 hospice care from a veterinarian who performed an in-person  
62 physical examination of the patient and provided medical records  
63 to the consulting veterinarian.

64 (c) Must hold a current license to practice veterinary  
65 medicine in this state. The practice of medicine occurs where  
66 the veterinarian or the patient, or both, are located at the  
67 time the veterinarian practices telemedicine.

68 (3) The board has jurisdiction over a veterinarian  
69 practicing telemedicine in this state, regardless of where the  
70 veterinarian's physical offices are located. The practice of  
71 telemedicine in accordance with this section is not a standard  
72 of care violation, and a veterinarian may not be disciplined  
73 solely for practicing telemedicine.

74 Section 4. Subsections (1) and (3) of section 828.30,  
75 Florida Statutes, are amended to read:

76 828.30 Rabies vaccination of dogs, cats, and ferrets.—

77 (1)(a) All dogs, cats, and ferrets 4 months of age or older  
78 must be vaccinated by a licensed veterinarian or, in the case of  
79 impounded animals, a person authorized under paragraph (b),  
80 against rabies with a vaccine ~~that is~~ licensed by the United  
81 States Department of Agriculture for use in those species.

82 (b) An employee, an agent, or a contractor of an animal  
83 control authority acting under the indirect supervision of a  
84 veterinarian may vaccinate impounded dogs, cats, and ferrets  
85 that will be transferred, rescued, fostered, adopted, or  
86 reclaimed by the owner. The supervising veterinarian assumes  
87 responsibility for any person vaccinating animals at his or her

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88 direction or under his or her supervision. As used in this  
89 paragraph, the term "indirect supervision" means that the  
90 supervising veterinarian is required to be available for  
91 consultation through telecommunications but is not required to  
92 be physically present during such consultation.

93 (c) The owner of every dog, cat, and ferret shall have the  
94 animal revaccinated 12 months after the initial vaccination.  
95 Thereafter, the interval between vaccinations shall conform to  
96 the vaccine manufacturer's directions. The cost of vaccination  
97 must be borne by the animal's owner. Evidence of circulating  
98 rabies virus neutralizing antibodies may ~~shall~~ not be used as a  
99 substitute for current vaccination in managing rabies exposure  
100 or determining the need for booster vaccinations.

101 (3) Upon vaccination against rabies, the licensed  
102 veterinarian shall provide the animal's owner and the animal  
103 control authority with a rabies vaccination certificate. Each  
104 animal control authority and veterinarian shall use the "Rabies  
105 Vaccination Certificate" of the National Association of State  
106 Public Health Veterinarians (NASPHV) or an equivalent form  
107 approved by the local government which ~~that~~ contains ~~all~~ the  
108 information required by the NASPHV Rabies Vaccination  
109 Certificate. The veterinarian who administers the rabies  
110 vaccination, or who supervises the administration of the rabies  
111 vaccination as provided in paragraph (1) (b), ~~vaccine~~ to an  
112 animal as authorized ~~required~~ under this section may affix his  
113 or her signature stamp in lieu of an actual signature.

114 Section 5. Paragraph (a) of subsection (5) of section  
115 474.203, Florida Statutes, is amended to read:

116 474.203 Exemptions.—This chapter does not apply to:

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117 (5) (a) Any person, or the person's regular employee,  
118 administering to the ills or injuries of her or his own animals,  
119 including, but not limited to, castration, spaying, and  
120 dehorning of herd animals, unless title is transferred or  
121 employment provided for the purpose of circumventing this law.  
122 This exemption does not apply to any person licensed as a  
123 veterinarian in another state or foreign jurisdiction and  
124 practicing temporarily in this state. However, except as  
125 provided in s. 828.30, only a veterinarian may immunize or treat  
126 an animal for diseases that are communicable to humans and that  
127 are of public health significance.

128  
129 For the purposes of chapters 465 and 893, persons exempt  
130 pursuant to subsection (1), subsection (2), or subsection (4)  
131 are deemed to be duly licensed practitioners authorized by the  
132 laws of this state to prescribe drugs or medicinal supplies.

133 Section 6. Paragraph (y) of subsection (1) of section  
134 474.214, Florida Statutes, is amended to read:

135 474.214 Disciplinary proceedings.—

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

138 (y) Using the privilege of ordering, prescribing, or making  
139 available medicinal drugs or drugs as defined in chapter 465, or  
140 controlled substances as defined in chapter 893, for use other  
141 than for the specific treatment of animal patients for which  
142 there is a documented veterinarian/client/patient relationship.

143 ~~Pursuant thereto,~~ The veterinarian shall:

144 1. Have sufficient knowledge of the animal to initiate at  
145 least a general or preliminary diagnosis of the medical

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146 condition of the animal, which means that the veterinarian is  
147 personally acquainted with the keeping and caring of the animal  
148 and has recently performed an examination of the animal or group  
149 of animals either physically in person or by the use of  
150 instrumentation and diagnostic equipment through which images  
151 and medical records may be transmitted electronically ~~seen the~~  
152 ~~animal~~ or has made medically appropriate and timely visits to  
153 the premises where the animal is kept.

154 2. Be available or provide for follow-up ~~followup~~ care and  
155 treatment in case of adverse reactions or failure of the regimen  
156 of therapy.

157 3. Maintain records which document patient visits,  
158 diagnosis, treatment, and other relevant information required  
159 under this chapter.

160 Section 7. This act shall take effect July 1, 2022.