

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to the medical treatment of animals;
3 providing a short title; amending s. 474.202, F.S.;
4 defining the term "veterinary telemedicine"; creating
5 s. 474.2021, F.S.; authorizing veterinarians to
6 practice veterinary telemedicine; providing licensure
7 requirements to practice veterinary telemedicine;
8 providing jurisdiction of the Board of Veterinary
9 Medicine; requiring a veterinarian practicing
10 telemedicine to establish a
11 veterinarian/client/patient relationship, provide the
12 client with specified information, and employ certain
13 professional judgments regarding the use of veterinary
14 telemedicine; authorizing a veterinarian practicing
15 telemedicine to order, prescribe, or make available
16 specified medicinal drugs; prohibiting such
17 veterinarian from ordering, prescribing, or making
18 available controlled substances unless certain
19 conditions are met; authorizing veterinarians to
20 practice veterinary telemedicine for animals on
21 certain animal operations if the veterinarian meets
22 certain conditions; amending s. 474.203, F.S.;
23 conforming provisions to changes made by the act;
24 amending s. 474.214, F.S.; revising grounds for
25 disciplinary action against a veterinarian; amending
26 s. 474.2165, F.S.; revising the definition of the term
27 "records owner" to conform to changes made by the act;
28 amending s. 828.30, F.S.; authorizing certain
29 employees, agents, or contractors to administer rabies

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30 vaccinations under certain circumstances; providing
31 that a supervising veterinarian assumes responsibility
32 for any person working under the veterinarian's
33 supervision or at his or her direction; defining the
34 term "indirect supervision"; authorizing a
35 veterinarian who indirectly supervises the
36 administration of the rabies vaccination to affix his
37 or her signature stamp in lieu of an actual signature
38 on the rabies vaccination certificate; providing an
39 effective date.

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

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

45 Section 2. Subsection (14) is added to section 474.202,
46 Florida Statutes, to read:

47 474.202 Definitions.—As used in this chapter:

48 (14) "Veterinary telemedicine" means the practice of
49 veterinary medicine using synchronous, audiovisual, interactive
50 telecommunications technology.

51 Section 3. Section 474.2021, Florida Statutes, is created
52 to read:

53 474.2021 Veterinary telemedicine.—

54 (1) A veterinarian may practice veterinary telemedicine.

55 (2) A veterinarian must hold a current license to practice
56 veterinary medicine in this state in order to practice
57 veterinary telemedicine. The practice of veterinary medicine is
58 deemed to occur at the premises where the patient is located at

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59 the time the veterinarian practices veterinary telemedicine.

60 (3) The board has jurisdiction over a veterinarian
61 practicing veterinary telemedicine in this state, regardless of
62 where the veterinarian's physical office is located.

63 (4) A veterinarian practicing telemedicine shall do all of
64 the following:

65 (a) Establish the veterinarian/client/patient relationship.

66 (b) Provide the client with a statement containing the
67 veterinarian's identity, license number, and contact information
68 and the contact information for at least one physical veterinary
69 clinic in the vicinity of the pet's location and instructions
70 for how to receive patient follow-up care or assistance if the
71 veterinarian and client are unable to communicate because of a
72 technological or equipment failure or if there is an adverse
73 reaction to treatment. The veterinarian shall obtain from the
74 client a signed and dated statement indicating the client has
75 received the required information.

76 (c) Employ sound, professional judgment to determine
77 whether using veterinary telemedicine is an appropriate method
78 for delivering medical advice or treatment to the patient and
79 providing quality of care consistent with prevailing veterinary
80 medical practice. The practice of veterinary telemedicine in
81 compliance with this section is not a quality-of-care violation,
82 and a veterinarian may not be disciplined solely for practicing
83 veterinary telemedicine.

84 (5) A veterinarian practicing veterinary telemedicine may
85 order, prescribe, or make available medicinal drugs or drugs as
86 defined in chapter 465.

87 (6) A veterinarian practicing veterinary telemedicine may

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88 not order, prescribe, or make available controlled substances as
89 defined in chapter 893 unless the veterinarian has performed an
90 in-person physical examination of the patient or made medically
91 appropriate and timely visits to the premises where the patient
92 is kept.

93 (7) A veterinarian personally acquainted with the caring
94 and keeping of an animal or group of animals on food-producing
95 animal operations on land classified as agricultural pursuant to
96 s. 193.461 who has recently seen the animal or group of animals
97 or has made medically appropriate and timely visits to the
98 premises where the animal or group of animals is kept may
99 practice veterinary telemedicine for animals on such operations
100 in compliance with this section and applicable federal law.

101 Section 4. Paragraph (a) of subsection (5) of section
102 474.203, Florida Statutes, is amended to read:

103 474.203 Exemptions.—This chapter does not apply to:

104 (5) (a) Any person, or the person's regular employee,
105 administering to the ills or injuries of her or his own animals,
106 including, but not limited to, castration, spaying, and
107 dehorning of herd animals, unless title is transferred or
108 employment provided for the purpose of circumventing this law.
109 This exemption does not apply to any person licensed as a
110 veterinarian in another state or foreign jurisdiction and
111 practicing temporarily in this state. However, except as
112 provided in s. 828.30, only a veterinarian may immunize or treat
113 an animal for diseases that are communicable to humans and that
114 are of public health significance.

115

116 For the purposes of chapters 465 and 893, persons exempt

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

120 Section 5. Paragraph (y) of subsection (1) of section
121 474.214, Florida Statutes, is amended to read:

122 474.214 Disciplinary proceedings.—

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

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

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

131 1. Have sufficient knowledge of the animal to initiate at
132 least a general or preliminary diagnosis of the medical
133 condition of the animal, which means that the veterinarian is
134 personally acquainted with the keeping and caring of the animal
135 and has recently performed an examination of the patient either
136 in person or by the use of veterinary telemedicine in compliance
137 with s. 474.2021 ~~seen the animal~~ or has made medically
138 appropriate and timely visits to the premises where the animal
139 is kept.

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

143 3. Maintain records which document patient visits,
144 diagnosis, treatment, and other relevant information required
145 under this chapter.

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

148 474.2165 Ownership and control of veterinary medical
149 patient records; report or copies of records to be furnished.—

150 (1) As used in this section, the term "records owner" means
151 any veterinarian who generates a medical record after making an
152 a physical examination of a patient, either in person or by the
153 use of veterinary telemedicine in compliance with s. 474.2021,
154 or administering treatment or dispensing legend drugs to, any
155 patient; any veterinarian to whom records are transferred by a
156 previous records owner; or any veterinarian's employer, provided
157 the employment contract or agreement between the employer and
158 the veterinarian designates the employer as the records owner.

159 Section 7. Subsections (1) and (3) of section 828.30,
160 Florida Statutes, are amended to read:

161 828.30 Rabies vaccination of dogs, cats, and ferrets.—

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

167 (b) An employee, an agent, or a contractor of a county or
168 municipal animal control authority acting under the indirect
169 supervision of a veterinarian may vaccinate impounded dogs,
170 cats, and ferrets that will be transferred, rescued, fostered,
171 adopted, or reclaimed by the owner. The supervising veterinarian
172 assumes responsibility for any person vaccinating animals at the
173 veterinarian's direction or under his or her supervision. As
174 used in this paragraph, the term "indirect supervision" means

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175 that the supervising veterinarian is required to be available
176 for consultation through telecommunications but is not required
177 to be physically present during such consultation.

178 (c) The owner of every dog, cat, and ferret shall have the
179 animal revaccinated 12 months after the initial vaccination.
180 Thereafter, the interval between vaccinations shall conform to
181 the vaccine manufacturer's directions. The cost of vaccination
182 must be borne by the animal's owner. Evidence of circulating
183 rabies virus neutralizing antibodies may ~~shall~~ not be used as a
184 substitute for current vaccination in managing rabies exposure
185 or determining the need for booster vaccinations.

186 (3) Upon vaccination against rabies, the licensed
187 veterinarian shall provide the animal's owner and the animal
188 control authority with a rabies vaccination certificate. Each
189 animal control authority and veterinarian shall use the "Rabies
190 Vaccination Certificate" of the National Association of State
191 Public Health Veterinarians (NASPHV) or an equivalent form
192 approved by the local government which ~~that~~ contains all the
193 information required by the NASPHV Rabies Vaccination
194 Certificate. The veterinarian who administers the rabies
195 vaccination, or who supervises the administration of the rabies
196 vaccination as provided in paragraph (1) (b), vaccine to an
197 animal as authorized ~~required~~ under this section may affix his
198 or her signature stamp in lieu of an actual signature.

199 Section 8. This act shall take effect July 1, 2023.