

By Senator Gruters

22-01167-23

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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 redefining the term "patient"; defining the term
5 "veterinary telemedicine"; creating s. 474.2021, F.S.;
6 authorizing licensed veterinarians to practice
7 veterinary telemedicine; authorizing a veterinarian
8 practicing telemedicine to order, prescribe, or make
9 available specified medicinal drugs and controlled
10 substances; providing requirements for use of
11 veterinary telemedicine in veterinarian referrals;
12 providing jurisdiction of the Board of Veterinary
13 Medicine with regard to practicing veterinary
14 telemedicine; amending s. 474.203, F.S.; conforming
15 provisions to changes made by the act; amending s.
16 474.214, F.S.; revising grounds for disciplinary
17 action against a veterinarian; amending s. 828.30,
18 F.S.; authorizing certain employees, agents, or
19 contractors to administer rabies vaccinations under
20 certain circumstances; providing that a supervising
21 veterinarian assumes responsibility for any person
22 working under the veterinarian's supervision or at his
23 or her direction; defining the term "indirect
24 supervision"; authorizing a veterinarian who
25 indirectly supervises the administration of the rabies
26 vaccination to affix his or her signature stamp in
27 lieu of an actual signature on the rabies vaccination
28 certificate; reenacting s. 465.0276(5), F.S., relating
29 to a veterinarian's ability to administer drugs to a

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30 patient, to incorporate the amendment made to s.
31 474.202, F.S., in a reference thereto; providing an
32 effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. This act may be cited as the "Veterinary
37 Telemedicine Act."

38 Section 2. Subsection (8) of section 474.202, Florida
39 Statutes, is amended, and subsection (14) is added to that
40 section, to read:

41 474.202 Definitions.—As used in this chapter:

42 (8) "Patient" means any animal or herd, collection, or
43 group of animals for which the veterinarian practices veterinary
44 medicine.

45 (14) "Veterinary telemedicine" means the practice of
46 veterinary medicine with an established
47 veterinarian/client/patient relationship in a remote setting in
48 which patient care, treatment, and services are provided through
49 the use of telecommunications, including telephone and audio-
50 visual technology.

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

53 474.2021 Veterinary telemedicine.—

54 (1) A veterinarian who holds a current license to practice
55 veterinary medicine in this state may practice veterinary
56 telemedicine.

57 (2) A veterinarian practicing veterinary telemedicine may
58 order, prescribe, or make available all of the following:

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59 (a) Medicinal drugs or drugs as defined in chapter 465.

60 (b) Controlled substances in compliance with chapter 893
61 and the federal Controlled Substance Act.

62 (3) A veterinarian who practices veterinary telemedicine
63 may maintain the veterinarian/client/patient relationship
64 between medically necessary examinations of the patient or
65 timely medical visits to the premises where the patient is kept
66 for a time period determined by the Board of Veterinary
67 Medicine.

68 (4) A veterinarian with a veterinarian/client/patient
69 relationship may refer a specific patient to a veterinarian who
70 is a board-certified specialist, certified in an area of
71 practice recognized by the board, or recognized by the referring
72 veterinarian to have specific expertise in a particular area of
73 veterinary medicine. The veterinarian to whom the patient is
74 referred may practice veterinary telemedicine and consult
75 directly with the client under the referring veterinarian's
76 veterinarian/client/patient relationship, provided he or she
77 keeps the referring veterinarian informed of any diagnosis,
78 treatment, or patient progress. Additionally, only the referring
79 veterinarian may prescribe medicinal drugs as defined in chapter
80 465 or controlled substances as defined in chapter 893.

81 (5) The practice of veterinary medicine is deemed to occur
82 when the veterinarian or the patient are located within this
83 state at the time the veterinarian practices veterinary
84 telemedicine. The board has jurisdiction over a veterinarian
85 practicing veterinary telemedicine in this state, regardless of
86 where the veterinarian's physical office is located.

87 Section 4. Paragraph (a) of subsection (5) of section

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88 474.203, Florida Statutes, is amended to read:

89 474.203 Exemptions.—This chapter does not apply to:

90 (5) (a) Any person, or the person's regular employee,
91 administering to the ills or injuries of her or his own animals,
92 including, but not limited to, castration, spaying, and
93 dehorning of herd animals, unless title is transferred or
94 employment provided for the purpose of circumventing this law.
95 This exemption does not apply to any person licensed as a
96 veterinarian in another state or foreign jurisdiction and
97 practicing temporarily in this state. However, except as
98 provided in s. 828.30, only a veterinarian may immunize or treat
99 an animal for diseases that are communicable to humans and that
100 are of public health significance.

101
102 For the purposes of chapters 465 and 893, persons exempt
103 pursuant to subsection (1), subsection (2), or subsection (4)
104 are deemed to be duly licensed practitioners authorized by the
105 laws of this state to prescribe drugs or medicinal supplies.

106 Section 5. Paragraph (y) of subsection (1) of section
107 474.214, Florida Statutes, is amended to read:

108 474.214 Disciplinary proceedings.—

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

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

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

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117 1. Have sufficient knowledge of the patient animal to
118 initiate at least a general or preliminary diagnosis of the
119 medical condition of the patient animal, which means that the
120 veterinarian is personally acquainted with the keeping and
121 caring of the patient animal and has recently performed an in-
122 person examination of the patient ~~seen the animal~~ or has made
123 medically appropriate and timely visits to the premises where
124 the patient animal is kept.

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

128 3. Maintain records that ~~which~~ document patient visits,
129 diagnosis, treatment, and other relevant information required
130 under this chapter.

131 Section 6. Subsections (1) and (3) of section 828.30,
132 Florida Statutes, are amended to read:

133 828.30 Rabies vaccination of dogs, cats, and ferrets.—

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

139 (b) An employee, an agent, or a contractor of a county or
140 municipal animal control authority acting under the indirect
141 supervision of a licensed veterinarian may vaccinate impounded
142 dogs, cats, and ferrets that will be transferred, rescued,
143 fostered, adopted, or reclaimed by the owner. The supervising
144 veterinarian assumes responsibility for any person vaccinating
145 animals at the veterinarian's direction or under his or her

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146 supervision. As used in this paragraph, the term "indirect
147 supervision" means that the supervising veterinarian is required
148 to be available for consultation through telecommunications but
149 is not required to be physically present during such
150 consultation.

151 (c) The owner of every dog, cat, and ferret shall have the
152 animal revaccinated 12 months after the initial vaccination.
153 Thereafter, the interval between vaccinations shall conform to
154 the vaccine manufacturer's directions. The cost of vaccination
155 must be borne by the animal's owner. Evidence of circulating
156 rabies virus neutralizing antibodies may ~~shall~~ not be used as a
157 substitute for current vaccination in managing rabies exposure
158 or determining the need for booster vaccinations.

159 (3) Upon vaccination against rabies, the licensed
160 veterinarian shall provide the animal's owner and the animal
161 control authority with a rabies vaccination certificate. Each
162 animal control authority and veterinarian shall use the "Rabies
163 Vaccination Certificate" of the National Association of State
164 Public Health Veterinarians (NASPHV) or an equivalent form
165 approved by the local government which ~~that~~ contains all the
166 information required by the NASPHV Rabies Vaccination
167 Certificate. The veterinarian who administers the rabies
168 vaccination, or who supervises the administration of the rabies
169 vaccination as provided in paragraph (1) (b), ~~vaccine~~ to an
170 animal as authorized ~~required~~ under this section may affix his
171 or her signature stamp in lieu of an actual signature.

172 Section 7. For the purpose of incorporating the amendment
173 made by this act to section 474.202, Florida Statutes, in a
174 reference thereto, subsection (5) of section 465.0276, Florida

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175 Statutes, is reenacted to read:

176 465.0276 Dispensing practitioner.-

177 (5) This chapter and the rules adopted thereunder do not
178 prohibit a veterinarian licensed under chapter 474 from
179 administering a compounded drug to a patient, as defined in s.
180 474.202, or dispensing a compounded drug to the patient's owner
181 or caretaker. This subsection does not affect the regulation of
182 the practice of pharmacy as set forth in this chapter.

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