

By the Committees on Rules; Fiscal Policy; and Regulated Industries; and Senator Bradley

595-03791-24

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1 A bill to be entitled
2 An act relating to veterinary practices; amending s.
3 474.202, F.S.; defining the term "veterinary
4 telehealth"; creating s. 474.2021, F.S.; providing a
5 short title; authorizing licensed veterinarians to
6 practice veterinary telehealth in accordance with
7 specified criteria; specifying the powers of the Board
8 of Veterinary Medicine related to the practice of
9 telehealth; providing that the practice of veterinary
10 medicine is deemed to occur under specified
11 circumstances; specifying the conditions under which a
12 veterinarian may practice veterinary telehealth;
13 specifying the drugs that a veterinarian practicing
14 telehealth may not provide unless specified conditions
15 are met; providing specific authorizations for cases
16 in which the patient is a food-producing species;
17 amending s. 474.2165, F.S.; conforming a provision to
18 changes made by the act; providing an effective date.
19

20 Be It Enacted by the Legislature of the State of Florida:
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22 Section 1. Subsection (14) is added to section 474.202,
23 Florida Statutes, to read:

24 474.202 Definitions.—As used in this chapter:

25 (14) "Veterinary telehealth" means the use of synchronous
26 or asynchronous telecommunications technology by a telehealth
27 provider to provide health care services, including, but not
28 limited to, assessment, diagnosis, consultation, treatment, and
29 monitoring of a patient; transfer of medical data; patient and

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30 professional health-related education; public health services;
31 and health administration.

32 Section 2. Section 474.2021, Florida Statutes, is created
33 to read:

34 474.2021 Veterinary telehealth.-

35 (1) This section may be cited as the "Providing Equity in
36 Telehealth Services Act."

37 (2) A veterinarian who holds a current license to practice
38 veterinary medicine in this state may practice veterinary
39 telehealth.

40 (3) The board has jurisdiction over a veterinarian
41 practicing veterinary telehealth, regardless of where the
42 veterinarian's physical office is located. The practice of
43 veterinary medicine is deemed to occur when the veterinarian,
44 the patient, or both are located within this state at the time
45 the veterinarian practices veterinary telehealth.

46 (4) A veterinarian practicing veterinary telehealth:

47 (a) May not engage in the practice of veterinary telehealth
48 unless it is within the context of a veterinarian/client/patient
49 relationship;

50 (b) Shall practice in a manner consistent with his or her
51 scope of practice and the prevailing professional standard of
52 practice for a veterinarian who provides in-person veterinary
53 services to patients in this state and shall employ sound,
54 professional judgment to determine whether using veterinary
55 telehealth is an appropriate method for delivering medical
56 advice or treatment to the patient;

57 (c) May use veterinary telehealth to perform an initial
58 patient evaluation to establish the veterinarian/client/patient

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59 relationship if the evaluation is conducted using synchronous,
60 audiovisual communication. The evaluation may not be performed
61 using audio only communications, text messaging, questionnaires,
62 chatbots, or other similar means. If a veterinarian practicing
63 telehealth conducts a patient evaluation sufficient to diagnose
64 and treat the patient, the veterinarian is not required to
65 research a patient's medical history or conduct a physical
66 examination of the patient before using veterinary telehealth to
67 provide a veterinary health care service to the patient;

68 (d) If the initial patient evaluation is performed using
69 veterinary telehealth, must provide the client with a statement
70 containing the veterinarian's name, license number, and contact
71 information and the contact information for at least one
72 physical veterinary clinic in the vicinity of the patient's
73 location and instructions for how to receive patient follow-up
74 care or assistance if the veterinarian and client are unable to
75 communicate because of a technological or equipment failure or
76 if there is an adverse reaction to treatment, and inform the
77 client that, if medication is prescribed, the client may obtain
78 a prescription that may be filled at the pharmacy of his or her
79 choice. The veterinarian shall obtain from the client a signed
80 and dated statement indicating the client has received the
81 required information before practicing veterinary telehealth;

82 (e) Shall prescribe all drugs and medications in accordance
83 with all federal and state laws and the following requirements:

84 1. A veterinarian practicing veterinary telehealth may
85 order, prescribe, or make available medicinal drugs or drugs
86 specifically approved for use in animals by the United States
87 Food and Drug Administration, the use of which conforms to the

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88 approved labeling. Prescriptions based solely on a telehealth
89 evaluation may be issued for up to 1 month for products labeled
90 solely for flea and tick control and up to 14 days of treatment
91 for other animal drugs. Prescriptions based solely on a
92 telehealth evaluation may not be renewed without an in-person
93 examination.

94 2. A veterinarian practicing veterinary telehealth may not
95 order, prescribe, or make available medicinal drugs or drugs as
96 defined in s. 465.003 approved by the United States Food and
97 Drug Administration for human use or compounded antibacterial,
98 antifungal, antiviral, or antiparasitic medications, unless the
99 veterinarian has conducted an in-person physical examination of
100 the animal or made medically appropriate and timely visits to
101 the premises where the animal is kept.

102 3. A veterinarian may not use veterinary telehealth to
103 prescribe a controlled substance as defined in chapter 893
104 unless the veterinarian has conducted an in-person physical
105 examination of the animal or made medically appropriate and
106 timely visits within the past year to the premises where the
107 animal is kept.

108 4. A veterinarian practicing veterinary telehealth may not
109 prescribe a drug or other medication for use on a horse engaged
110 in racing or training at a facility under the jurisdiction of
111 the Florida Gaming Control Commission or on a horse that is a
112 covered horse as defined in the federal Horseracing Integrity
113 and Safety Act, 15 U.S.C. ss. 3051 et seq.;

114 (f) Shall be familiar with available veterinary resources,
115 including emergency resources, near the patient's location and
116 be able to provide the client with a list of nearby

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117 veterinarians who may be able to see the patient in person upon
118 the request of the client;

119 (g) Shall keep, maintain, and make available a summary of
120 the patient record as provided in s. 474.2165; and

121 (h) May not use veterinary telehealth to issue an
122 international or interstate travel certificate or a certificate
123 of veterinary inspection.

124 (5) A veterinarian personally acquainted with the caring
125 and keeping of an animal or group of animals on food-producing
126 animal operations on land classified as agricultural pursuant to
127 s. 193.461 who has recently seen the animal or group of animals
128 or has made medically appropriate and timely visits to the
129 premises where the animal or group of animals is kept may
130 practice veterinary telehealth for animals on such operations.

131 Section 3. Subsection (1) of section 474.2165, Florida
132 Statutes, is amended to read:

133 474.2165 Ownership and control of veterinary medical
134 patient records; report or copies of records to be furnished.—

135 (1) As used in this section, the term "records owner" means
136 any veterinarian who generates a medical record after making an
137 ~~a physical~~ examination of, or administering treatment or
138 dispensing legend drugs to, any patient; any veterinarian to
139 whom records are transferred by a previous records owner; or any
140 veterinarian's employer, provided the employment contract or
141 agreement between the employer and the veterinarian designates
142 the employer as the records owner.

143 Section 4. This act shall take effect July 1, 2024.