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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
03/04/2024 04:09 PM	.	03/06/2024 10:48 AM
	.	

Senator Bradley moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (14) is added to section 474.202,
Florida Statutes, to read:

474.202 Definitions.—As used in this chapter:

(14) "Veterinary telehealth" means the use of synchronous
or asynchronous telecommunications technology by a telehealth
provider to provide health care services, including, but not
limited to, assessment, diagnosis, consultation, treatment, and



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12 monitoring of a patient; transfer of medical data; patient and
13 professional health-related education; public health services;
14 and health administration.

15 Section 2. Section 474.2021, Florida Statutes, is created
16 to read:

17 474.2021 Veterinary telehealth.-

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

20 (2) A veterinarian who holds a current license to practice
21 veterinary medicine in this state may practice veterinary
22 telehealth.

23 (3) The board has jurisdiction over a veterinarian
24 practicing veterinary telehealth, regardless of where the
25 veterinarian's physical office is located. The practice of
26 veterinary medicine is deemed to occur when the veterinarian,
27 the patient, or both are located within this state at the time
28 the veterinarian practices veterinary telehealth.

29 (4) A veterinarian practicing veterinary telehealth:

30 (a) May not engage in the practice of veterinary telehealth
31 unless it is within the context of a veterinarian/client/patient
32 relationship;

33 (b) Shall practice in a manner consistent with his or her
34 scope of practice and the prevailing professional standard of
35 practice for a veterinarian who provides in-person veterinary
36 services to patients in this state and shall employ sound,
37 professional judgment to determine whether using veterinary
38 telehealth is an appropriate method for delivering medical
39 advice or treatment to the patient;

40 (c) May use veterinary telehealth to perform an initial



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41 patient evaluation to establish the veterinarian/client/patient
42 relationship if the evaluation is conducted using synchronous,
43 audiovisual communication. The evaluation may not be performed
44 using audio only communications, text messaging, questionnaires,
45 chatbots, or other similar means. If a veterinarian practicing
46 telehealth conducts a patient evaluation sufficient to diagnose
47 and treat the patient, the veterinarian is not required to
48 research a patient's medical history or conduct a physical
49 examination of the patient before using veterinary telehealth to
50 provide a veterinary health care service to the patient;

51 (d) If the initial patient evaluation is performed using
52 veterinary telehealth, must provide the client with a statement
53 containing the veterinarian's name, license number, and contact
54 information and the contact information for at least one
55 physical veterinary clinic in the vicinity of the patient's
56 location and instructions for how to receive patient follow-up
57 care or assistance if the veterinarian and client are unable to
58 communicate because of a technological or equipment failure or
59 if there is an adverse reaction to treatment, and inform the
60 client that, if medication is prescribed, the client may obtain
61 a prescription that may be filled at the pharmacy of his or her
62 choice. The veterinarian shall obtain from the client a signed
63 and dated statement indicating the client has received the
64 required information before practicing veterinary telehealth;

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

67 1. A veterinarian practicing veterinary telehealth may
68 order, prescribe, or make available medicinal drugs or drugs
69 specifically approved for use in animals by the United States



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70 Food and Drug Administration, the use of which conforms to the
71 approved labeling. Prescriptions based solely on a telehealth
72 evaluation may be issued for up to 1 month for products labeled
73 solely for flea and tick control and up to 14 days of treatment
74 for other animal drugs. Prescriptions based solely on a
75 telehealth evaluation may not be renewed without an in-person
76 examination.

77 2. A veterinarian practicing veterinary telehealth may not
78 order, prescribe, or make available medicinal drugs or drugs as
79 defined in s. 465.003 approved by the United States Food and
80 Drug Administration for human use or compounded antibacterial,
81 antifungal, antiviral, or antiparasitic medications, unless the
82 veterinarian has conducted an in-person physical examination of
83 the animal or made medically appropriate and timely visits to
84 the premises where the animal is kept.

85 3. A veterinarian may not use veterinary telehealth to
86 prescribe a controlled substance as defined in chapter 893
87 unless the veterinarian has conducted an in-person physical
88 examination of the animal or made medically appropriate and
89 timely visits within the past year to the premises where the
90 animal is kept.

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

97 (f) Shall be familiar with available veterinary resources,
98 including emergency resources, near the patient's location and



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99 be able to provide the client with a list of nearby
100 veterinarians who may be able to see the patient in person upon
101 the request of the client;

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

104 (h) May not use veterinary telehealth to issue an
105 international or interstate travel certificate or a certificate
106 of veterinary inspection.

107 (5) A veterinarian personally acquainted with the caring
108 and keeping of an animal or group of animals on food-producing
109 animal operations on land classified as agricultural pursuant to
110 s. 193.461 who has recently seen the animal or group of animals
111 or has made medically appropriate and timely visits to the
112 premises where the animal or group of animals is kept may
113 practice veterinary telehealth for animals on such operations.

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

116 474.2165 Ownership and control of veterinary medical
117 patient records; report or copies of records to be furnished.-

118 (1) As used in this section, the term "records owner" means
119 any veterinarian who generates a medical record after making an
120 ~~a physical~~ examination of, or administering treatment or
121 dispensing legend drugs to, any patient; any veterinarian to
122 whom records are transferred by a previous records owner; or any
123 veterinarian's employer, provided the employment contract or
124 agreement between the employer and the veterinarian designates
125 the employer as the records owner.

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

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128 ===== T I T L E A M E N D M E N T =====

129 And the title is amended as follows:

130 Delete everything before the enacting clause

131 and insert:

132 A bill to be entitled

133 An act relating to veterinary practices; amending s.
134 474.202, F.S.; defining the term "veterinary
135 telehealth"; creating s. 474.2021, F.S.; providing a
136 short title; authorizing licensed veterinarians to
137 practice veterinary telehealth in accordance with
138 specified criteria; specifying the powers of the Board
139 of Veterinary Medicine related to the practice of
140 telehealth; providing that the practice of veterinary
141 medicine is deemed to occur under specified
142 circumstances; specifying the conditions under which a
143 veterinarian may practice veterinary telehealth;
144 specifying the drugs that a veterinarian practicing
145 telehealth may not provide unless specified conditions
146 are met; providing specific authorizations for cases
147 in which the patient is a food-producing species;
148 amending s. 474.2165, F.S.; conforming a provision to
149 changes made by the act; providing an effective date.