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HB 849, Engrossed 1

2024 Legislature

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 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:

21
 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

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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
 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
 48 telehealth unless it is within the context of a
 49 veterinarian/client/patient relationship;

50 (b) Shall practice in a manner consistent with his or her

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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
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

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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
 83 accordance with all federal and state laws and the following
 84 requirements:

85 1. A veterinarian practicing veterinary telehealth may
 86 order, prescribe, or make available medicinal drugs or drugs
 87 specifically approved for use in animals by the United States
 88 Food and Drug Administration, the use of which conforms to the
 89 approved labeling. Prescriptions based solely on a telehealth
 90 evaluation may be issued for up to 1 month for products labeled
 91 solely for flea and tick control and up to 14 days of treatment
 92 for other animal drugs. Prescriptions based solely on a
 93 telehealth evaluation may not be renewed without an in-person
 94 examination.

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

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101 the animal or made medically appropriate and timely visits to
 102 the premises where the animal is kept.

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

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

115 (f) Shall be familiar with available veterinary resources,
 116 including emergency resources, near the patient's location and
 117 be able to provide the client with a list of nearby
 118 veterinarians who may be able to see the patient in person upon
 119 the request of the client;

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

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

125 (5) A veterinarian personally acquainted with the caring

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126 and keeping of an animal or group of animals on food-producing
 127 animal operations on land classified as agricultural pursuant to
 128 s. 193.461 who has recently seen the animal or group of animals
 129 or has made medically appropriate and timely visits to the
 130 premises where the animal or group of animals is kept may
 131 practice veterinary telehealth for animals on such operations.

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

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

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

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