

CHAPTER 2024-260

House Bill No. 849

An act relating to veterinary practices; amending s. 474.202, F.S.; defining the term “veterinary telehealth”; creating s. 474.2021, F.S.; providing a short title; authorizing licensed veterinarians to practice veterinary telehealth in accordance with specified criteria; specifying the powers of the Board of Veterinary Medicine related to the practice of telehealth; providing that the practice of veterinary medicine is deemed to occur under specified circumstances; specifying the conditions under which a veterinarian may practice veterinary telehealth; specifying the drugs that a veterinarian practicing telehealth may not provide unless specified conditions are met; providing specific authorizations for cases in which the patient is a food-producing species; amending s. 474.2165, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

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

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

474.2021 Veterinary telehealth.—

(1) This section may be cited as the “Providing Equity in Telehealth Services Act.”

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

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

(4) A veterinarian practicing veterinary telehealth:

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

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

(c) May use veterinary telehealth to perform an initial patient evaluation to establish the veterinarian/client/patient relationship if the evaluation is conducted using synchronous, audiovisual communication. The evaluation may not be performed using audio only communications, text messaging, questionnaires, chatbots, or other similar means. If a veterinarian practicing telehealth conducts a patient evaluation sufficient to diagnose and treat the patient, the veterinarian is not required to research a patient's medical history or conduct a physical examination of the patient before using veterinary telehealth to provide a veterinary health care service to the patient;

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

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

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

2. A veterinarian practicing veterinary telehealth may not order, prescribe, or make available medicinal drugs or drugs as defined in s. 465.003 approved by the United States Food and Drug Administration for human use or compounded antibacterial, antifungal, antiviral, or

antiparasitic medications, unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits to the premises where the animal is kept.

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 21, 2024.

Filed in Office Secretary of State June 21, 2024.