

By the Committee on Regulated Industries; and Senator Rodriguez

580-02591-21

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1 A bill to be entitled
2 An act relating to the medical treatment of animals;
3 amending s. 474.202, F.S.; revising the definition of
4 the term "veterinarian/client/patient relationship";
5 defining the term "veterinary telemedicine"; creating
6 s. 474.2021, F.S.; authorizing veterinarians to
7 practice veterinary telemedicine; prohibiting
8 veterinarians from prescribing controlled substances;
9 providing exceptions; providing licensure requirements
10 to practice veterinary telemedicine; providing
11 jurisdiction of the Florida Board of Veterinary
12 Medicine; providing construction; amending s. 474.203,
13 F.S.; revising exceptions to who may immunize or treat
14 an animal for certain diseases; amending s. 474.214,
15 F.S.; revising grounds for disciplinary action against
16 a veterinarian; amending s. 828.30, F.S.; authorizing
17 employees, agents, or contractors of animal control
18 authorities to administer rabies vaccinations under
19 certain circumstances; providing that a supervising
20 veterinarian assumes responsibility for any person
21 working at his or her discretion or under his or her
22 supervision; defining the term "indirect supervision";
23 providing requirements; authorizing a veterinarian who
24 indirectly supervises the administration of the rabies
25 vaccination to affix his or her signature stamp on a
26 rabies vaccination certificate; providing an effective
27 date.

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

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Section 1. Subsection (12) of section 474.202, Florida Statutes, is amended, and subsection (14) is added to that section, to read:

474.202 Definitions.—As used in this chapter:

(12) "Veterinarian/client/patient relationship" means a relationship where the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and its need for medical treatment. Such relationship may be established in person or by means of veterinary telemedicine if audio-visual technology is used to establish such relationship. A physical examination is not required for the veterinarian to assume responsibility for making medical judgments or providing treatment.

(14) "Veterinary telemedicine" means the practice of veterinary medicine in a remote setting, including through the use of telephone or audio-visual technology or by other means consistent with the veterinarian's professional judgment, as long as the veterinarian/client/patient relationship is established either in person or by audio-visual technology.

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

474.2021 Veterinary telemedicine.—

(1) A veterinarian may practice veterinary telemedicine.

(2) A veterinarian may not prescribe controlled substances if the veterinarian/client/patient relationship has been established remotely under this section and the veterinarian has not previously performed a physical examination, unless the controlled substance is prescribed for the following:

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59 (a) Inpatient treatment at an animal clinic or hospital; or

60 (b) The treatment of a patient receiving hospice services.

61 (3) A veterinarian must hold a current license to practice
62 veterinary medicine in this state in order to practice
63 veterinary telemedicine.

64 (4) The board has jurisdiction over a veterinarian
65 practicing veterinary telemedicine in this state, regardless of
66 where the veterinarian's physical offices are located. The
67 practice of veterinary telemedicine in accordance with this
68 section is not a standard of care violation, and a veterinarian
69 may not be disciplined solely for practicing veterinary
70 telemedicine.

71 Section 3. Paragraph (a) of subsection (5) of section
72 474.203, Florida Statutes, is amended to read:

73 474.203 Exemptions.—This chapter does not apply to:

74 (5) (a) Any person, or the person's regular employee,
75 administering to the ills or injuries of her or his own animals,
76 including, but not limited to, castration, spaying, and
77 dehorning of herd animals, unless title is transferred or
78 employment provided for the purpose of circumventing this law.
79 This exemption does not apply to any person licensed as a
80 veterinarian in another state or foreign jurisdiction and
81 practicing temporarily in this state. However, except as
82 provided in s. 828.30, only a veterinarian may immunize or treat
83 an animal for diseases that are communicable to humans and that
84 are of public health significance.

85
86 For the purposes of chapters 465 and 893, persons exempt
87 pursuant to subsection (1), subsection (2), or subsection (4)

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88 are deemed to be duly licensed practitioners authorized by the
89 laws of this state to prescribe drugs or medicinal supplies.

90 Section 4. Paragraph (y) of subsection (1) of section
91 474.214, Florida Statutes, is amended to read:

92 474.214 Disciplinary proceedings.—

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

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

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

101 1. Have sufficient knowledge of the animal to initiate at
102 least a general or preliminary diagnosis of the medical
103 condition of the animal, which means that the veterinarian is
104 ~~personally~~ acquainted with the keeping and caring of the animal
105 ~~and has recently seen the animal or has made medically~~
106 ~~appropriate and timely visits to the premises where the animal~~
107 ~~is kept.~~

108 2. Be available or provide for followup care and treatment
109 in case of adverse reactions or failure of the regimen of
110 therapy.

111 3. Maintain records which document patient visits,
112 diagnosis, treatment, and other relevant information required
113 under this chapter.

114 Section 5. Subsections (1) and (3) of section 828.30,
115 Florida Statutes, are amended to read:

116 828.30 Rabies vaccination of dogs, cats, and ferrets.—

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117 (1) (a) Except as provided in paragraph (b), all dogs, cats,
118 and ferrets 4 months of age or older must be vaccinated by a
119 licensed veterinarian against rabies with a vaccine that is
120 licensed by the United States Department of Agriculture for use
121 in those species.

122 (b) An employee, an agent, or a contractor of an animal
123 control authority acting under the indirect supervision of a
124 veterinarian may vaccinate impounded animals that will be
125 transferred, rescued, fostered, adopted, or reclaimed by the
126 owner. As used in this subsection, the term "indirect
127 supervision," means that the supervising veterinarian is
128 available for consultation by telecommunications but is not
129 required to be on the premises during such consultation. The
130 supervising veterinarian assumes responsibility for the
131 veterinary care given to the animal by any person working under
132 or at his or her direction and supervision.

133 (c) The owner of every dog, cat, and ferret shall have the
134 animal revaccinated 12 months after the initial vaccination.
135 Thereafter, the interval between vaccinations shall conform to
136 the vaccine manufacturer's directions. The cost of vaccination
137 must be borne by the animal's owner. Evidence of circulating
138 rabies virus neutralizing antibodies ~~may shall~~ not be used as a
139 substitute for current vaccination in managing rabies exposure
140 or determining the need for booster vaccinations.

141 (3) Upon vaccination against rabies, the licensed
142 veterinarian shall provide the animal's owner and the animal
143 control authority with a rabies vaccination certificate. Each
144 animal control authority and veterinarian shall use the "Rabies
145 Vaccination Certificate" of the National Association of State

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146 Public Health Veterinarians (NASPHV) or an equivalent form
147 approved by the local government that contains all the
148 information required by the NASPHV Rabies Vaccination
149 Certificate. The veterinarian who administers the rabies
150 vaccination, or who supervises an employee, an agent, or a
151 contractor of an animal control authority administering the
152 rabies vaccination, ~~vaccine~~ to an animal as required under this
153 section may affix his or her signature stamp in lieu of an
154 actual signature.

155 Section 6. This act shall take effect July 1, 2021.