

Committee on Regulated Industries

HB 849 — Veterinary Practices

by Reps. Killebrew, Buchanan, and others (CS/CS/CS/SB 1040 by Rules Committee; Fiscal Policy Committee; Regulated Industries Committee; and Senator Bradley)

The bill creates an act that may be cited as the Providing Equity in Telehealth Services (PETS) Act (PETS act), which establishes a framework for the practice of veterinary telehealth in the state.

The PETS act establishes a framework for the practice of veterinary telehealth and:

- Defines “veterinary telehealth” to mean the use of synchronous or asynchronous telecommunications technology (occurring or not occurring simultaneously) by a telehealth provider to provide health care services. This includes, but is 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;
- Allows a veterinarian who holds a current license to practice veterinary medicine in Florida to practice veterinary telehealth;
- Gives the board jurisdiction over a veterinarian practicing veterinary telehealth, regardless of where the veterinarian’s physical office is located;
- Deems the practice of veterinary telehealth to occur at the premises where the patient is located at the time the veterinarian practices veterinary telehealth;
- Prohibits practicing veterinary telehealth unless it is within the context of a veterinarian/client/patient relationship;
- Requires the practice of telehealth to be consistent with a veterinarian’s scope of practice and the prevailing professional standard of practice for a veterinarian who provides in-person veterinary services to patients in Florida, and who must employ sound, professional judgment to determine whether using veterinary telehealth is an appropriate method for delivering medical advice or treatment to the patient;
- Authorizes veterinarians to use veterinary telehealth to perform an initial patient evaluation to establish the veterinarian/client/patient relationship, if the evaluation is conducted using audiovisual communication at the same time that the evaluation occurs (synchronous, audiovisual communication); the evaluation may not be performed using audio-only communications, text messaging, questionnaires, chatbots, or other similar means; and
- Specifies that 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.

The PETS act requires that a veterinarian practicing veterinary telehealth:

- Must provide the client the veterinarian’s name, license number, and contact information, if the initial patient evaluation is performed using veterinary telehealth;
- Must provide the client 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
 - There is an adverse reaction to treatment;
- Must 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;
- Must obtain a signed and dated statement from the client indicating the client has received the required information before practicing veterinary telehealth;
- Must prescribe all drugs and medications in accordance with federal and state laws;
- May order or prescribe medicinal drugs or drugs specifically approved for use in animals by the United States Food and Drug Administration, conforming to approved labeling. Prescriptions based solely on a telehealth evaluation may be issued for up to one 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;
- May not order or prescribe medicinal drugs or drugs as defined in s. 465.003, F.S., 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 within the past year to the premises where the animal is kept.
- May not use veterinary telehealth to prescribe a controlled substance as defined in ch. 893, F.S., (Drug Abuse Prevention and Control), 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.
- 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.;
- Must be familiar with available veterinary resources, including emergency resources, near the patient’s location;
- Must 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;
- Must keep, maintain and make available a summary of the patient record as required by s. 474.2165, F.S., relating to ownership and control of veterinary medical patient records; and
- May not use veterinary telehealth to issue an international or interstate travel certificate, or a certificate of veterinary inspection.

The PETS act also:

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- Authorizes a veterinarian who is 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, F.S., 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, to practice veterinary telehealth for animals on such operations; and
- Revises current law relating to ownership and control of veterinary medical patient records, to refer to medical records that are generated after a veterinarian makes an examination, to conform to the use of veterinary telehealth as authorized in the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 113-0