

1                   A bill to be entitled  
 2           An act relating to veterinary medicine; amending s.  
 3           474.202, F.S.; defining "complementary or alternative  
 4           and integrative therapies," "examination," "veterinary  
 5           dentistry" and "veterinary telemedicine"; revising the  
 6           definitions of "veterinarian/client/patient  
 7           relationship" and "veterinary medicine"; amending s.  
 8           474.203, F.S.; providing that licensure is not  
 9           required for persons whose practice is confined solely  
 10          to non-veterinary and non-therapeutic animal massage  
 11          or acupressure or non-veterinary tooth polishing or  
 12          brushing; amending s. 474.214, F.S.; revising a  
 13          grounds for disciplinary action; amending s. 474.215,  
 14          F.S.; providing that certain practitioners of  
 15          veterinary telemedicine are not required to obtain a  
 16          premises permit; amending s. 474.216, F.S.; requiring  
 17          practitioners of veterinary telemedicine to display  
 18          his or her license number on any means used to conduct  
 19          veterinary telemedicine; amending s. 474.2165, F.S.;  
 20          conforming a provision; providing an effective date.  
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22   Be It Enacted by the Legislature of the State of Florida:  
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24           Section 1. Subsections (4), (5), (6), (7), (8), (9), (10),  
 25           (11), (12), and (13) of section 474.202, Florida Statutes, are

26 amended to read:

27 474.202 Definitions.—As used in this chapter:

28 (4) "Complementary or alternative and integrative  
 29 therapies" means a heterogeneous group of preventive,  
 30 diagnostic, and therapeutic philosophies and practices that are  
 31 not considered part of conventional or Western medicine as  
 32 practiced by most veterinarians. These therapies include, but  
 33 are not limited to, veterinary acupuncture, acuthery, and  
 34 acupressure; veterinary homeopathy; veterinary manual or  
 35 manipulative therapy, such as therapies based on techniques  
 36 practiced in osteopathy, chiropractic medicine, or physical  
 37 medicine and therapy; veterinary nutraceutical therapy; and  
 38 veterinary physiotherapy. The term does not include non-  
 39 veterinary and non-therapeutic animal massage or acupressure.

40 (a) For purposes of this subsection, the term "acupressure"  
 41 means the stimulation with finger pressure, rather than the  
 42 insertion of needles, of the same points on an animal's body  
 43 which are targeted in acupuncture. The term does not include the  
 44 prescribing of drugs or the diagnosis of or prognosis for a  
 45 medical condition of the animal.

46 (b) For the purposes of this subsection, the term "animal  
 47 massage" means the use of fingers, hands, and machines to  
 48 manipulate the animal's soft tissues. The term does not include  
 49 the prescribing of drugs or the diagnosis of or prognosis for a  
 50 medical condition of the animal.

51        (5)~~(4)~~ "Department" means the Department of Business and  
52 Professional Regulation.

53        (6)~~(5)~~ "Immediate supervision" or words of similar purport  
54 mean a licensed doctor of veterinary medicine is on the premises  
55 whenever veterinary services are being provided.

56        (7)~~(6)~~ "Limited-service veterinary medical practice" means  
57 offering or providing veterinary services at any location that  
58 has a primary purpose other than that of providing veterinary  
59 medical service at a permanent or mobile establishment permitted  
60 by the board; provides veterinary medical services for privately  
61 owned animals that do not reside at that location; operates for  
62 a limited time; and provides limited types of veterinary medical  
63 services.

64        (8)~~(7)~~ "Mobile veterinary establishment" and "mobile  
65 clinic" mean a mobile unit which contains the same treatment  
66 facilities as are required of a permanent veterinary  
67 establishment or which has entered into a written agreement with  
68 another veterinary establishment to provide any required  
69 facilities not available in the mobile unit. The terms do not  
70 refer to the use of a car, truck, or other motor vehicle by a  
71 veterinarian making a house call.

72        (9)~~(8)~~ "Patient" means any animal, herd, collection, or  
73 group of animals for which the veterinarian practices veterinary  
74 medicine.

75        (10) "Examination" means the evaluation of a patient

76 | through means such as inspection, palpation, and auscultation.  
 77 | An examination may be performed using veterinary telemedicine.  
 78 | This definition does not apply to s. 474.2185.

79 | (11)-(9) "Practice of veterinary medicine" means diagnosing  
 80 | the medical condition of animals and prescribing, dispensing, or  
 81 | administering drugs, medicine, appliances, applications, or  
 82 | treatment of whatever nature for the prevention, cure, or relief  
 83 | of a wound, fracture, bodily injury, or disease thereof;  
 84 | performing any manual procedure for the diagnosis of or  
 85 | treatment for pregnancy or fertility or infertility of animals;  
 86 | or representing oneself by the use of titles or words, or  
 87 | undertaking, offering, or holding oneself out, as performing any  
 88 | of these functions. The term includes the determination of the  
 89 | health, fitness, or soundness of an animal.

90 | (12)-(10) "Responsible supervision" or words of similar  
 91 | purport mean the control, direction, and regulation by a  
 92 | licensed doctor of veterinary medicine of the duties involving  
 93 | veterinary services which she or he delegates to unlicensed  
 94 | personnel.

95 | (13)-(11) "Veterinarian" means a health care practitioner  
 96 | who is licensed to engage in the practice of veterinary medicine  
 97 | in Florida under the authority of this chapter.

98 | (14)-(12) "Veterinarian relationship," "client  
 99 | relationship," "patient Veterinarian/client/patient  
 100 | relationship," or "client/patient relationship" means a

101 relationship where the veterinarian has assumed the  
 102 responsibility for making medical judgments regarding the health  
 103 of the animal and its need for medical treatment.

104 (15) "Veterinary dentistry" means a discipline within the  
 105 scope of veterinary practice that involves the professional  
 106 examination, evaluation, diagnosis, prevention, and nonsurgical  
 107 and surgical treatment of conditions, diseases, and disorders of  
 108 the oral cavity and maxillofacial area and their adjacent and  
 109 associated structures. A veterinary dental cleaning refers to  
 110 scaling, supragingival and subgingival plaque and calculus  
 111 removal, and polishing of the teeth with power or hand  
 112 instruments by a licensed veterinarian or under his or her  
 113 immediate supervision. Periodontal therapy, which is also  
 114 included within veterinary dentistry, refers to the treatment of  
 115 diseased periodontal tissues which includes professional dental  
 116 cleaning as defined in this subsection and one or more of the  
 117 following treatments: root planing, gingival curettage,  
 118 periodontal flaps, extractions, regenerative surgery,  
 119 gingivectomy or gingivoplasty, and local administration of  
 120 antiseptics or antibiotics. The term does not include non-  
 121 veterinary tooth polishing or brushing on animals which uses  
 122 animal toothpastes or whiteners and manual instruments which are  
 123 readily available to the public.

124 (16)~~(13)~~ "Veterinary medicine" includes, with respect to  
 125 animals, surgery, acupuncture, obstetrics, veterinary dentistry,

126 | physical therapy, radiology, theriogenology, complementary or  
 127 | alternative veterinary medicine, veterinary telemedicine, and  
 128 | other branches or specialties of veterinary medicine.

129 |       (17) "Veterinary telemedicine" means the practice of  
 130 | veterinary medicine by a licensed Florida veterinarian that  
 131 | includes a complete examination and the establishment of a valid  
 132 | patient relationship where patient care, treatment, or service  
 133 | is provided through the use of medical information exchanged  
 134 | from one site to another via electronic communications.

135 | Veterinary telemedicine shall be practiced within a patient  
 136 | relationship except for patient care, treatment, or service  
 137 | given in an emergency care situation until such patient can be  
 138 | seen by or transported to a veterinarian. A veterinarian is not  
 139 | prohibited from consulting on patient care with another  
 140 | veterinarian who has an ongoing patient relationship with the  
 141 | patient, including the use of any prescription medications, nor  
 142 | on-call or cross-coverage situations in which the veterinarian  
 143 | has access to patient records, via veterinary telemedicine.

144 |       Section 2. Subsection (9) is added to section 474.203,  
 145 | Florida Statutes, to read:

146 |       474.203 Exemptions.—This chapter does not apply to:

147 |       (9) Any person whose work is confined solely to non-  
 148 | veterinary and non-therapeutic animal massage or acupressure, or  
 149 | non-veterinary tooth polishing or brushing.

150 |

151 For the purposes of chapters 465 and 893, persons exempt  
 152 pursuant to subsection (1), subsection (2), or subsection (4)  
 153 are deemed to be duly licensed practitioners authorized by the  
 154 laws of this state to prescribe drugs or medicinal supplies.

155 Section 3. Subsection (1) of section 474.214, Florida  
 156 Statutes, is amended to read:

157 474.214 Disciplinary proceedings.—

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

160 (a) Attempting to procure a license to practice veterinary  
 161 medicine by bribery, by fraudulent representations, or through  
 162 an error of the department or the board.

163 (b) Having a license or the authority to practice  
 164 veterinary medicine revoked, suspended, or otherwise acted  
 165 against, including the denial of licensure, by the licensing  
 166 authority of any jurisdiction, including any agency or  
 167 subdivision thereof. The licensing authority's acceptance of a  
 168 veterinarian's relinquishment of a license, stipulation, consent  
 169 order, or other settlement, offered in response to or in  
 170 anticipation of the filing of administrative charges against the  
 171 veterinarian's license or authority to practice, shall be  
 172 construed as action against the veterinarian's license or  
 173 authority to practice.

174 (c) Being convicted or found guilty, regardless of  
 175 adjudication, of a crime in any jurisdiction which directly

176 | relates to the practice of veterinary medicine or the ability to  
 177 | practice veterinary medicine. Any crime which demonstrates a  
 178 | lack of regard for animal life relates to the ability to  
 179 | practice veterinary medicine. In addition, crimes relating to  
 180 | the ability to practice veterinary medicine shall include, but  
 181 | not be limited to, crimes involving any violation of state or  
 182 | federal drug laws.

183 |         (d) Making or filing a report or record which the licensee  
 184 | knows to be false, intentionally or negligently failing to file  
 185 | a report or record required by state or federal law, willfully  
 186 | impeding or obstructing such filing, or inducing another person  
 187 | to impede or obstruct such filing. Such reports or records shall  
 188 | include only those which are signed in the capacity of a  
 189 | licensed veterinarian.

190 |         (e) Advertising goods or services in a manner which is  
 191 | fraudulent, false, deceptive, or misleading in form or content.

192 |         (f) Violating any provision of this chapter or chapter  
 193 | 455, a rule of the board or department, or a lawful order of the  
 194 | board or department previously entered in a disciplinary  
 195 | hearing, or failing to comply with a lawfully issued subpoena of  
 196 | the department.

197 |         (g) Practicing with a revoked, suspended, inactive, or  
 198 | delinquent license.

199 |         (h) Being unable to practice veterinary medicine with  
 200 | reasonable skill or safety to patients by reason of illness,



201 drunkenness, use of drugs, narcotics, chemicals, or any other  
202 material or substance or as a result of any mental or physical  
203 condition. In enforcing this paragraph, upon a finding by the  
204 secretary, the secretary's designee, or the probable cause panel  
205 of the board that probable cause exists to believe that the  
206 licensee is unable to practice the profession because of the  
207 reasons stated in this paragraph, the department shall have the  
208 authority to compel a licensee to submit to a mental or physical  
209 examination by a physician designated by the department. If the  
210 licensee refuses to comply with the department's order, the  
211 department may file a petition for enforcement in the circuit  
212 court of the circuit in which the licensee resides or does  
213 business. The licensee shall not be named or identified by  
214 initials in any other public court records or documents and the  
215 enforcement proceedings shall be closed to the public. The  
216 department shall be entitled to the summary procedure provided  
217 in s. 51.011. A licensee affected under this paragraph shall be  
218 afforded an opportunity at reasonable intervals to demonstrate  
219 that she or he can resume the competent practice for which she  
220 or he is licensed with reasonable skill and safety to patients.  
221 Neither the record of proceedings nor the orders entered by the  
222 board in any proceedings under this paragraph shall be used  
223 against a licensee in any other proceedings.

224 (i) Judicially determined mental incompetency. However, a  
225 license suspended for this cause may be reinstated upon legal

226 restoration of the competency of the individual whose license  
 227 was so suspended.

228 (j) Knowingly maintaining a professional connection or  
 229 association with any person who is in violation of the  
 230 provisions of this chapter or the rules of the board or  
 231 department. However, if the licensee verifies that the person is  
 232 actively participating in a board-approved program for the  
 233 treatment of a physical or mental condition, the licensee is  
 234 required only to report such person to the consultant.

235 (k) Paying or receiving kickbacks, rebates, bonuses, or  
 236 other remuneration for receiving a patient or client or for  
 237 referring a patient or client to another provider of veterinary  
 238 services or goods.

239 (l) Performing or prescribing unnecessary or unauthorized  
 240 treatment.

241 (m) Fraud in the collection of fees from consumers or any  
 242 person, agency, or organization paying fees to practitioners.

243 (n) Attempting to restrict competition in the field of  
 244 veterinary medicine other than for the protection of the public.  
 245 However, this provision shall not apply to testimony made in  
 246 good faith at a hearing or other proceeding in which the subject  
 247 is the revocation of a license or a lesser penalty.

248 (o) Fraud, deceit, negligence, incompetency, or  
 249 misconduct, in or related to the practice of veterinary  
 250 medicine.

- 251 (p) Conviction on a charge of cruelty to animals.
- 252 (q) Permitting or allowing another to use a veterinarian's
- 253 license for the purpose of treating or offering to treat
- 254 animals.
- 255 (r) Being guilty of incompetence or negligence by failing
- 256 to practice medicine with that level of care, skill, and
- 257 treatment which is recognized by a reasonably prudent
- 258 veterinarian as being acceptable under similar conditions and
- 259 circumstances.
- 260 (s) Willfully making any misrepresentations in connection
- 261 with the inspection of food for human consumption.
- 262 (t) Fraudulently issuing or using any false health
- 263 certificate, vaccination certificate, test chart, or other blank
- 264 form used in the practice of veterinary medicine relating to the
- 265 presence or absence of animal disease or transporting animals or
- 266 issuing any false certificate relating to the sale of products
- 267 of animal origin for human consumption.
- 268 (u) Fraud or dishonesty in applying, treating, or
- 269 reporting on tuberculin, diagnostic, or other biological tests.
- 270 (v) Failing to keep the equipment and premises of the
- 271 business establishment in a clean and sanitary condition, having
- 272 a premises permit suspended or revoked pursuant to s. 474.215,
- 273 or operating or managing premises that do not comply with
- 274 requirements established by rule of the board.
- 275 (w) Practicing veterinary medicine at a location for which

276 a valid premises permit has not been issued when required under  
 277 s. 474.215.

278 (x) Refusing to permit the department to inspect the  
 279 business premises of the licensee during regular business hours.

280 (y) Using the privilege of ordering, prescribing, or  
 281 making available medicinal drugs or drugs as defined in chapter  
 282 465, or controlled substances as defined in chapter 893, for use  
 283 other than for the specific treatment of animal patients for  
 284 which there is a documented veterinarian/client/patient  
 285 relationship. Pursuant thereto, the veterinarian shall:

286 1. Have sufficient knowledge of the animal to initiate at  
 287 least a general or preliminary diagnosis of the medical  
 288 condition of the animal, which means that the veterinarian is  
 289 personally acquainted with the keeping and caring of the animal  
 290 and has recently seen the animal, ~~or~~ has made medically  
 291 appropriate and timely visits to the premises where the animal  
 292 is kept, or has recently seen the animal via a veterinary  
 293 telemedicine appointment.

294 2. Be available or provide for followup care and treatment  
 295 in case of adverse reactions or failure of the regimen of  
 296 therapy.

297 3. Maintain records which document patient visits,  
 298 diagnosis, treatment, and other relevant information required  
 299 under this chapter.

300 (z) Providing, prescribing, ordering, or making available

301 for human use medicinal drugs or drugs as defined in chapter  
 302 465, controlled substances as defined in chapter 893, or any  
 303 material, chemical, or substance used exclusively for animal  
 304 treatment.

305 (aa) Failing to report to the department any person the  
 306 licensee knows to be in violation of this chapter or of the  
 307 rules of the department or board. However, if the licensee  
 308 verifies that the person is actively participating in a board-  
 309 approved program for the treatment of a physical or mental  
 310 condition, the licensee is required only to report such person  
 311 to the consultant.

312 (bb) Violating any of the requirements of chapter 499, the  
 313 Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
 314 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
 315 the Comprehensive Drug Abuse Prevention and Control Act of 1970,  
 316 more commonly known as the Comprehensive Drug Abuse Prevention  
 317 and Control Act; or chapter 893.

318 (cc) Failing to provide adequate radiation safeguards.

319 (dd) Failing to perform any statutory or legal obligation  
 320 placed upon a licensee.

321 (ee) Failing to keep contemporaneously written medical  
 322 records as required by rule of the board.

323 (ff) Prescribing or dispensing a legend drug as defined in  
 324 chapter 499, including any controlled substance, inappropriately  
 325 or in excessive or inappropriate quantities.

326 (gg) Practicing or offering to practice beyond the scope  
 327 permitted by law.

328 (hh) Delegating professional responsibilities to a person  
 329 when the licensee delegating such responsibilities knows or has  
 330 reason to know that such person is not qualified by training,  
 331 experience, or licensure to perform them.

332 (ii) Presigning blank prescription forms.

333 (jj) Failing to report to the board within 30 days, in  
 334 writing, any action set forth in paragraph (b) that has been  
 335 taken against the practitioner's license to practice veterinary  
 336 medicine by any jurisdiction, including any agency or  
 337 subdivision thereof.

338 (kk) Aiding or assisting another person in violating any  
 339 provision of this chapter or any rule adopted pursuant thereto.

340 (ll) Failing to respond within 60 days after receipt of a  
 341 request to provide satisfactory proof of having participated in  
 342 approved continuing education programs.

343 (mm) Failing to maintain accurate records or reports as  
 344 required by this chapter or by federal or state laws or rules  
 345 pertaining to the storing, labeling, selling, dispensing,  
 346 prescribing, and administering of controlled substances.

347 (nn) Failing to report a change of address to the board  
 348 within 60 days thereof.

349 (oo) Failure of the responsible veterinarian to report a  
 350 change of premises ownership or responsible veterinarian within

351 60 days thereof.

352 (pp) Failing to give the owner of a patient, before  
353 dispensing any drug, a written prescription when requested.

354 Section 4. Subsection (10) is added to section 474.215,  
355 Florida Statutes, to read:

356 474.215 Premises permits.—

357 (10) Any practitioner who provides veterinary services  
358 solely via veterinary telemedicine shall not be required to  
359 obtain a premises permit.

360 Section 5. Section 474.216, Florida Statutes, is amended  
361 to read:

362 474.216 License and premises permit to be displayed.—Each  
363 person to whom a license or premises permit is issued shall keep  
364 such document conspicuously displayed in her or his office,  
365 place of business, or place of employment, whether a permanent  
366 or mobile veterinary establishment or clinic, and shall,  
367 whenever required, exhibit said document to any member or  
368 authorized representative of the board. A practitioner who  
369 performs veterinary telemedicine must conspicuously display his  
370 or her license number on any website or any other means by which  
371 he or she advertises or conducts the practice of veterinary  
372 telemedicine.

373 Section 6. Subsection (1) of section 474.2165, Florida  
374 Statutes, is amended to read:

375 474.2165 Ownership and control of veterinary medical

376 | patient records; report or copies of records to be furnished.-

377 |       (1) As used in this section, the term "records owner"  
378 | means any veterinarian who generates a medical record after  
379 | making an ~~physical~~ examination of, or administering treatment or  
380 | dispensing legend drugs to, any patient; any veterinarian to  
381 | whom records are transferred by a previous records owner; or any  
382 | veterinarian's employer, provided the employment contract or  
383 | agreement between the employer and the veterinarian designates  
384 | the employer as the records owner.

385 |       Section 7. This act shall take effect July 1, 2017.