

**SUBJECT:** Continuing the State Board of Veterinary Medical Examiners

**COMMITTEE:** Agriculture and Livestock — committee substitute recommended

**VOTE:** 4 ayes — Hardcastle, Anderson, B. Brown, Herrero  
0 nays  
1 present not voting — Burnam  
2 absent — Farrar, Olivo

**SENATE VOTE:** On final passage, March 31 — 30-0

**WITNESSES:** None

**BACKGROUND:** The Texas State Board of Veterinary Medical Examiners, created in 1911, licenses qualified practitioners of veterinary medicine, sets standards regarding the practice of veterinary medicine, and enforces the Veterinary Licensing Act and board rules. The board's nine members — six veterinarians and three public members — serve staggered six-year terms and are appointed by the governor. The board has a fiscal 2004-05 budget of \$1.2 million, with a staff of 11 in fiscal 2005. The board recovers all costs from licensing, renewal, and examination fees to veterinarians.

The board underwent sunset review in 1993 and was continued by the 73rd Legislature. If not continued by the 79th Legislature, the board will be abolished September 1, 2005.

**DIGEST:** CSSB 407 would continue the Texas State Board of Veterinary Medical Examiners until September 1, 2017. It would add standard Sunset provisions governing conflicts of interest, gubernatorial designation of the presiding officer, grounds for removal of a board member, training for board members, division of staff and board responsibility, use of technology, and complaint information. The bill also would prioritize complaint investigations, change requirements for provisional licenses, establish criteria for exam fee refunds, eliminate oral exams, and adjust the

late renewal penalty and procedures for renewal of licenses for veterinarians practicing out-of state.

CSSB 407 would add provisions common to health licensing boards including requiring at least two veterinarian members of the board to review a complaint requiring medical expertise and either dismiss the complaint or refer it to an informal hearing. If referred to an informal hearing, two veterinarian board members and at least one public board member would recommend any necessary enforcement actions. The board also would be granted cease-and-desist authority to stop unlicensed activity, and the current limit of \$2,500 per day on the assessment of administrative penalties would be increased to \$5,000 per day.

The bill would require the board to conduct random audits of licensees through the license renewal process to ensure compliance with continuing education requirements. Veterinarians not meeting the continuing education requirements would have to make up for missed hours of continuing education in subsequent years.

The bill would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

CSSB 407 appropriately would continue the State Board of Veterinary Medical Examiners. Veterinarians' expertise is unique in dealing with animal health and zoonotic disease, and it is vital to ensure that an entity continue to regulate these health care professionals. The board adequately regulates the practice of veterinary medicine in Texas but could better serve the public and the profession with a few changes.

By requiring at least two veterinarian board members to review complaints that require professional expertise, no one individual would have excessive decision-making authority over a single complaint. Such a requirement is common practice among other health licensing boards, and this would enhance the fairness of the process.

Granting the board cease-and-desist authority quickly could stop unlicensed and potentially harmful practices. Industry practice involves the use of controlled substances and technical equipment that should not be dealt with by a person lacking expertise in these areas.

Continuing education benefits the veterinarian, consumer, and animals under the veterinarian's care. The veterinary industry quickly is evolving

in terms of technology, medicines, and treatment options. Although continuing education is vital for veterinarians to stay abreast of current best practices and deliver the best medical service, veterinarians currently do not have to make up for any hours of missed continuing education. The changes in CSSB 407 would allow the board to require a veterinarian to make up missed continuing education hours as a part of disciplinary action. Conducting random audits of licensees would provide an equitable method for monitoring compliance with continuing education requirements.

**OPPONENTS  
SAY:**

Although Texas should continue to regulate veterinary medicine, there exist other organizational models under which the board could operate that could enhance resources or potentially could achieve a cost savings for the state. The board could merge with other agencies that deal with animal health and thus could tap into the resources that these related agencies could afford. In addition, the board could minimize administrative costs by merging with other health licensing agencies. There are certain administrative functions common to all health licensing agencies. Twenty-eight states regulate veterinary medicine either under an umbrella agency or a general health professions agency, and it would make more sense for Texas to explore such options.

Requiring two board members to review complaints unnecessarily would hinder the speedy resolution of complaints. This also would double the work load of each board member. Given that there are only three public members on the board, requiring that at least one public member attend each informal hearing could hinder the speedy resolution of complaints, because it may take longer to schedule a hearing when a public member was available.

**NOTES:**

The committee substitute differs from the Senate-passed version of SB 407 in that it would require an out-of-state veterinarian formerly licensed in Texas to be in good standing in that state in order to renew his or her Texas license.

The fiscal note reflects a cost to general revenue-related funds estimated at \$16,693 per year. This is attributed to an expected loss in revenue from

changing the basis of late renewal fees from the cost of the exam to the cost of a standard renewal. Costs also would rise for two extra board members required to travel to each informal hearing.