Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 801.002, Occupations Code, is amended by adding Subdivisions (1-a), (4-b), (4-c), and (6-a) and amending Subdivision (4-a) to read as follows:

(1-a) “Certified veterinary assistant” means a person who has been certified as a certified veterinary assistant by the Texas Veterinary Medical Association and is employed by a licensed veterinarian.

(4-a) “Immediate supervision” means supervision by a person who is within audible and visual range of both the animal patient and the person under supervision.

(4-b) “Licensed equine dental provider” means a person who holds a license to practice equine dentistry issued under this chapter.

(4-c) “Licensed veterinary technician” means a person licensed as a veterinary technician by the board.

(6-a) “Veterinary assistant” means a person who:

(A) is employed by a licensed veterinarian;

(B) performs tasks related to animal care; and

(C) is not a certified veterinary assistant or a licensed veterinary technician.

SECTION 2. Subsections (c), (d), and (e), Section 801.151, Occupations Code, are amended to read as follows:

(c) The board shall adopt rules to:

(1) protect the public;

(2) ensure that alternate therapies, including ultrasound diagnosis and therapy, magnetic field therapy, holistic medicine, homeopathy, chiropractic treatment, acupuncture, and laser therapy, are performed only by a veterinarian or under the supervision of a veterinarian; and

(3) ensure that equine dentistry is performed only by a veterinarian who is active and in good standing or by a licensed equine dental provider who is active and in good standing under the appropriate level of supervision of a veterinarian who is active and in good standing and who has established a veterinarian-client-patient relationship with the owner or other caretaker of an animal in accordance with Section 801.351; and

(4) provide for the licensing and regulation of licensed veterinary technicians.

(d) The board may adopt rules regarding the work of a person who:

[(4)] fulfills the requirements established by a board-approved organization for registered veterinary technicians.

(e) The board shall adopt rules to implement a jurisprudence examination for licensed equine dental providers and licensed veterinary technicians, including rules relating to the development and administration of the examination, examination fees, guidelines for reexamination, examination grading, and provision of notice of examination results.

SECTION 3. Subchapter D, Chapter 801, Occupations Code, is amended by adding Section 801.163 to read as follows:

Sec. 801.163. ADVISORY COMMITTEES. (a) The board may appoint advisory committees to perform advisory functions as assigned by the board.

(b) An advisory committee shall provide independent expertise on board functions and policies, but may not be involved in setting board policy.
The board shall adopt rules regarding the purpose, structure, and use of an advisory committee, including rules on:

1. The purpose, role, responsibility, and goal of an advisory committee;
2. The size and quorum requirements for an advisory committee;
3. The composition and representation of an advisory committee;
4. The qualifications of advisory committee members, including any experience requirements or requirements that members represent specific geographic regions of the state;
5. The appointment procedures for an advisory committee;
6. The terms of service for advisory committee members;
7. The training requirements for advisory committee members, if necessary;
8. The method the board will use to receive public input on issues addressed by an advisory committee; and
9. The development of board policies and procedures to ensure that an advisory committee meets the requirements for open meetings under Chapter 551, Government Code, including notice requirements.

To the extent of any conflict with Chapter 2110, Government Code, this section and board rules adopted under this section control.

SECTION 4. Section 801.264, Occupations Code, is amended to read as follows:

Sec. 801.264. JURISPRUDENCE EXAMINATION. (a) The board shall develop and administer a jurisprudence examination for licensed equine dental providers to determine an applicant's knowledge of this chapter, board rules, and any other applicable laws of this state affecting the applicant's practice.

(b) The board shall develop and administer a jurisprudence examination for licensed veterinary technicians to determine an applicant's knowledge of this chapter, board rules, and any other applicable laws of this state affecting the applicant's employment as a licensed veterinary technician.

SECTION 5. Subchapter F, Chapter 801, Occupations Code, is amended by adding Sections 801.265 and 801.266 to read as follows:

Sec. 801.265. LICENSED VETERINARY TECHNICIAN: APPLICATION, QUALIFICATIONS, AND ISSUANCE. (a) The board shall issue a veterinary technician license to a person who is qualified under this section. A person is qualified to be licensed as a licensed veterinary technician if the person:

1. Passes a jurisprudence examination conducted by the board in accordance with Section 801.264;
2. Is at least 18 years old;
3. Has graduated from a program accredited by the American Veterinary Medical Association;
4. Has passed the Veterinary Technician National Examination; and
5. Is not disqualified under this chapter or board rule.

(b) An applicant for a veterinary technician license must submit to the board:

1. An application on the form prescribed by the board;
2. Information to enable the board to conduct a criminal background check if required by the board; and
3. Any other information required by the board.

Sec. 801.266. LICENSED VETERINARY TECHNICIAN LICENSE REQUIRED; DISPLAY OF LICENSE. (a) A person may not use the title "Licensed Veterinary Technician" or "LVT" or advertise or offer services in a manner to lead other people to believe that the person is licensed as a licensed veterinary technician unless the person holds a license under Section 801.265.
(b) If employed by a veterinary hospital, a licensed veterinary technician shall display at that facility the person’s license issued by the board or a legible photocopy of the license.

SECTION 6. Subsection (a), Section 801.307, Occupations Code, is amended to read as follows:

(a) The board by rule shall establish a minimum number of hours of continuing education required to renew a license to practice veterinary medicine or work as a licensed veterinary technician. The board shall require six hours of continuing education annually to renew an equine dental provider license.

SECTION 7. Subchapter H, Chapter 801, Occupations Code, is amended by adding Sections 801.363 and 801.364 to read as follows:

Sec. 801.363. DELEGATION AND SUPERVISION OF ANIMAL CARE TASKS. (a) Decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient must be made by a supervising veterinarian.

(b) A supervising veterinarian shall determine the appropriate level of supervision and protocol for a task that is delegated to a licensed veterinary technician, certified veterinary assistant, or veterinary assistant. In determining the appropriate level of supervision, the veterinarian must consider the level of training and experience of the person to whom the task is delegated.

(c) According to the judgment of the supervising veterinarian, a veterinarian may delegate greater responsibility to a licensed veterinary technician than to a certified veterinary assistant or a veterinary assistant. A veterinarian may provide greater supervision for a task performed by a certified veterinary assistant or a veterinary assistant than for the same task performed by a licensed veterinary technician.

(d) A satellite office or mobile facility may not be operated without a supervising veterinarian.

Sec. 801.364. SCOPE OF PRACTICE OF LICENSED VETERINARY TECHNICIANS, CERTIFIED VETERINARY ASSISTANTS, AND VETERINARY ASSISTANTS. (a) A licensed veterinary technician may:

(1) under the direct or immediate supervision of a veterinarian:
   (A) suture to close existing surgical skin incisions and skin lacerations;
   (B) induce anesthesia; and
   (C) extract loose teeth or dental fragments of companion animals with minimal periodontal attachments by hand and without the use of an elevator;

(2) under the direct, immediate, or general supervision of a veterinarian:
   (A) draw blood; and
   (B) take samples for the purpose of testing and diagnosis;

(3) perform a task assigned by the supervising veterinarian under a level of supervision determined by the supervising veterinarian; and

(4) immediately supervise a certified veterinary assistant or veterinary assistant who is performing a task described by Subdivision (1)(A) or (B) or (2) or other tasks related to animal care as assigned by the supervising veterinarian according to the protocol established by the supervising veterinarian.

(b) A licensed veterinary technician who is immediately supervising a task performed by a certified veterinary assistant or a veterinary assistant is responsible for conduct that violates laws, including board rules, related to the practice of veterinary medicine.

(c) In addition to tasks described by Subsection (a)(4), a certified veterinary assistant or veterinary assistant may:

(1) under the immediate supervision of a veterinarian:
   (A) suture to close existing surgical skin incisions and skin lacerations; and
   (B) induce anesthesia; and

(2) perform other tasks assigned by the supervising veterinarian under a level of supervision determined by the supervising veterinarian.
(d) A licensed veterinary technician, certified veterinary assistant, or veterinary assistant may not:

(1) perform surgery;
(2) perform an invasive dental procedure, except as provided by Subsection (a)(1)(C);
(3) diagnose or determine a prognosis for an animal disease or condition;
(4) prescribe a drug or appliance; or
(5) initiate treatment without prior instruction by a veterinarian, except in the case of an emergency.

SECTION 8. Section 801.402, Occupations Code, is amended to read as follows:

Sec. 801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(1) presents to the board dishonest or fraudulent evidence of the person's qualifications;
(2) commits fraud or deception in the examination process or to obtain a license;
(3) is chronically or habitually intoxicated, chemically dependent, or addicted to drugs;
(4) engages in dishonest or illegal practices in, or connected with, the practice of veterinary medicine or the practice of equine dentistry;
(5) is convicted of a felony under the laws of this state, another state, or the United States;
(6) engages in practices or conduct that violates the board's rules of professional conduct;
(7) permits another to use the person's license to practice veterinary medicine or to practice equine dentistry in this state;
(8) fraudulently issues a health certificate, vaccination certificate, test chart, or other form used in the practice of veterinary medicine or the practice of equine dentistry that relates to the presence or absence of animal disease;
(9) issues a false certificate relating to the sale for human consumption of inedible animal products;
(10) commits fraud in connection with the application or reporting of a test of animal disease;
(11) pays or receives a kickback, rebate, bonus, or other remuneration for treating an animal or for referring a client to another provider of veterinary or equine dental services or goods;
(12) performs or prescribes unnecessary or unauthorized treatment;
(13) orders a prescription drug or controlled substance for the treatment of an animal without first establishing a veterinarian-client-patient relationship;
(14) refuses to admit a board representative to inspect the person's client and patient records and business premises during regular business hours;
(15) fails to keep the person's equipment and business premises in a sanitary condition;
(16) commits gross malpractice or a pattern of acts that indicate consistent malpractice, negligence, or incompetence in the practice of veterinary medicine or the practice of equine dentistry; [or]
(17) is subject to disciplinary action in another jurisdiction, including the suspension, probation, or revocation of a license to practice veterinary medicine or to practice equine dentistry issued by another jurisdiction;
(18) is convicted for an offense under Section 42.09, 42.091, or 42.092, Penal Code;
(19) represents the person as a veterinarian without a license issued under this chapter;
(20) practices veterinary medicine or assists in the practice of veterinary medicine without a license issued under this chapter; or
(21) violates Section 801.353 or a rule adopted by the board related to confidentiality.
SECTION 9. (a) Before September 1, 2014, the State Board of Veterinary Medical Examiners shall issue a veterinary technician license described by Section 801.265, Occupations Code, as added by this Act, to a person who:

(1) presents proof of registration in good standing as a registered veterinary technician with the Texas Veterinary Medical Association; and

(2) submits an application and required fee.

(b) A license issued under this section may be renewed in the same manner as a license issued to a person under Section 801.265, Occupations Code, as added by this Act.

SECTION 10. Not later than June 1, 2014, the State Board of Veterinary Medical Examiners shall adopt the rules, procedures, fees, and jurisprudence examination necessary to administer Chapter 801, Occupations Code, as amended by this Act.

SECTION 11. Notwithstanding Chapter 801, Occupations Code, as amended by this Act, a person employed as a licensed veterinary technician is not required to hold a license under that chapter to practice as a licensed veterinary technician in this state before September 1, 2014.

SECTION 12. This Act takes effect September 1, 2013.

Passed the Senate on April 25, 2013: Yeas 30, Nays 0; May 7, 2013, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 8, 2013, House granted request of the Senate; May 16, 2013, Senate adopted Conference Committee Report by the following vote: Yeas 29, Nays 0; passed the House, with amendments, on May 4, 2013: Yeas 82, Nays 50, two present not voting; May 8, 2013, House granted request of the Senate for appointment of Conference Committee; May 16, 2013, House adopted Conference Committee Report by the following vote: Yeas 97, Nays 42, two present not voting.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 482

S.B. No. 1415

AN ACT
relating to notice of termination by suppliers of certain dealer agreements governed by the Fair Practices of Equipment Manufacturers, Distributors, Wholesalers, and Dealers Act.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 57.155, Business & Commerce Code, as added by Chapter 1039 (H.B. 3079), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

(c) The notice and right to cure provisions in this section do not apply if the reason for termination is for any reason stated in Sections 57.155(a)(2)-(11) [57.154(a)(1)-(11)].

SECTION 2. This Act takes effect September 1, 2013.

Passed the Senate on April 25, 2013: Yeas 30, Nays 0; passed the House on May 17, 2013: Yeas 133, Nays 1, two present not voting.

Approved June 14, 2013.
Effective September 1, 2013.