

BILL ANALYSIS

Senate Research Center
82R5427 EES-F

S.B. 811
By: Zaffirini
Criminal Justice
4/8/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Veterinary Licensing Act (VLA) gives the Texas Board of Veterinary Medicinal Examiners (TBVME) the authority to regulate the practice of veterinary medicine by ensuring that veterinarians are competent, meet established standards, and are held accountable for their actions.

Clear legislative direction in the areas of peer assistance programs, licensing, and confidentiality would better focus TBVME's mission and allow it to better serve its licensees and the public.

TBVME does not have the power to order, after a finding of impairment by chemical dependency or mental illness, a veterinarian to treatment through a peer assistance program. This is a problem because TBVME's peer assistance program is only voluntary, which undermines the purpose for which the program was established: to ensure impaired veterinarians receive counseling.

The VLA language concerning licensing examinations is outdated. This bill standardizes licensing and regulatory functions that do not conform to commonly applied licensing practices.

The VLA does not provide specific guidelines regarding the public's access to files for open investigations of licensed veterinarians. Moreover, the current language of the VLA prevents TBVME from complying with a court-ordered subpoena, which could result in members of TBVME being held in contempt of court.

The VLA does not provide specific guidelines regarding who can be issued a temporary license by TBVME. The VLA needs to be updated with language that improves TBVME's ability to issue temporary licenses. Unlicensed veterinarians from other states or countries do not have clear direction on who may be issued a temporary license.

As proposed, S.B. 811 amends current law relating to the regulation of the practice of veterinary medicine.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Veterinary Medical Examiners is modified in SECTION 6 (Section 801.258, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 801.004, Occupations Code, to delete existing text providing that this chapter does not apply to the performance of an act by a person who is a foreign graduate of a board-approved equivalent competency program for foreign veterinary graduates and who is participating in a board-approved extern or preceptor program if the act is performed under the direct supervision of a veterinarian employing the person.

SECTION 2. Amends Section 801.157, Occupations Code, as follows:

Sec. 801.157. PEER ASSISTANCE PROGRAM. (a) Creates this subsection from existing text. Makes no further changes.

(b) Authorizes the Texas Board of Veterinary Medical Examiners (TBVME) to order a veterinarian who is subject to disciplinary action under this chapter based on a finding that the veterinarian is impaired by chemical dependency or mental illness to submit to care, counseling, or treatment through the peer assistance program.

SECTION 3. Amends Subchapter D, Chapter 801, Occupations Code, by adding Section 801.164, as follows:

Sec. 801.164. PEACE OFFICERS. (a) Authorizes TBVME to commission as a peace officer to enforce this chapter an employee who has been certified as qualified to be a peace officer by the Commission on Law Enforcement Officer Standards and Education.

(b) Provides that an employee commissioned as a peace officer under this chapter has the powers, privileges, and immunities of a peace officer while carrying out duties as a peace officer under this chapter.

SECTION 4. Amends Section 801.253(a), Occupations Code, as follows:

(a) Requires TBVME to conduct licensing examinations at least twice each year as provided by TBVME rule, rather than requiring TBVME to hold a regular meeting at least twice each year to conduct licensing examinations as provided by TBVME rule. Requires that the examination be conducted, rather than requires TBVME to conduct the examination, at a time and place TBVME determines is convenient for applicants.

SECTION 5. Amends Section 801.254(a), Occupations Code, as follows:

(a) Requires TBVME to conduct, or authorizes TBVME to contract with a TBVME-approved entity to conduct, the licensing examination on certain subjects and other subjects regularly taught in reputable schools of veterinary medicine. Provides that, in this chapter, a reference to an examination conducted by TBVME includes an examination conducted by a TBVME-approved entity as permitted by this subsection.

SECTION 6. Amends Section 801.258, Occupations Code, as follows:

Sec. 801.258. TEMPORARY LICENSE. Authorizes TBVME by rule to provide for the issuance of a temporary license to an applicant who:

(1) is licensed in good standing as a veterinarian in another state or foreign country;

(2) meets the eligibility requirements under Sections 801.252(1) (providing that a person is qualified to be licensed if the person has attained the age of majority) and (2) (providing that the person is qualified to be licensed if the person is a graduate of a TBVME-approved school or college of veterinary medicine); and

(3) is not subject to denial of a license or to disciplinary action for a ground listed in Section 801.402 (General Grounds for License Denial or Disciplinary Action).

SECTION 7. Amends Section 801.353, Occupations Code, by adding Subsection (d-1) to provide that the privilege provided by this section is waived by the client or the owner of the animal treated by the veterinarian in a proceeding to substantiate and collect on a claim for the provision of veterinary services.

SECTION 8. Amends Article 2.12, Code of Criminal Procedure, to include among certain persons who are peace officers commissioned by the TBVME under Section 801.164, Occupations Code, subject to the limitations imposed by that section.

SECTION 9. Effective date: September 1, 2011.