

By: Watson

S.B. No. 1144

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the disciplinary authority of the State Board of
3 Veterinary Medical Examiners.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 801.402, Occupations Code, is amended to
6 read as follows:

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

10 (1) presents to the board dishonest or fraudulent
11 evidence of the person's qualifications;

12 (2) commits fraud or deception in the examination
13 process or to obtain a license;

14 (3) is chronically or habitually intoxicated,
15 chemically dependent, or addicted to drugs or has improperly
16 obtained, possessed, used, or distributed a habit-forming drug or
17 narcotic;

18 (4) engages in dishonest or illegal practices in, or
19 connected with, the practice of veterinary medicine or the practice
20 of equine dentistry;

21 (5) is convicted of a felony under the laws of this
22 state, another state, or the United States;

23 (6) engages in practices or conduct that violates the
24 board's rules of professional conduct;

1 (7) permits another to use the person's license to
2 practice veterinary medicine or to practice equine dentistry in
3 this state;

4 (8) fraudulently issues a health certificate,
5 vaccination certificate, test chart, or other form used in the
6 practice of veterinary medicine or the practice of equine dentistry
7 that relates to the presence or absence of animal disease;

8 (9) issues a false certificate relating to the sale
9 for human consumption of inedible animal products;

10 (10) commits fraud in connection with the application
11 or reporting of a test of animal disease;

12 (11) pays or receives a kickback, rebate, bonus, or
13 other remuneration for treating an animal or for referring a client
14 to another provider of veterinary or equine dental services or
15 goods;

16 (12) performs or prescribes unnecessary or
17 unauthorized treatment;

18 (13) orders a prescription drug or controlled
19 substance for the treatment of an animal without first establishing
20 a veterinarian-client-patient relationship;

21 (14) refuses to admit a board representative to
22 inspect the person's client and patient records and business
23 premises during regular business hours;

24 (15) fails to keep the person's equipment and business
25 premises in a sanitary condition;

26 (16) commits gross malpractice or a pattern of acts
27 that indicate consistent malpractice, negligence, or incompetence

1 in the practice of veterinary medicine or the practice of equine
2 dentistry;

3 (17) is subject to disciplinary action in another
4 jurisdiction, including the suspension, probation, or revocation
5 of a license to practice veterinary medicine or to practice equine
6 dentistry issued by another jurisdiction;

7 (18) is convicted for an offense under Section 42.09,
8 42.091, or 42.092, Penal Code;

9 (19) represents the person as a veterinarian without a
10 license issued under this chapter;

11 (20) practices veterinary medicine or assists in the
12 practice of veterinary medicine without a license issued under this
13 chapter; or

14 (21) violates Section 801.353 or a rule adopted by the
15 board related to confidentiality.

16 SECTION 2. Subchapter I, Chapter 801, Occupations Code, is
17 amended by adding Section 801.4025 to read as follows:

18 Sec. 801.4025. SUBMISSION TO MENTAL OR PHYSICAL EVALUATION.

19 (a) In enforcing Section 801.402(3) the board, on probable cause as
20 determined by the board, may request an applicant for or holder of a
21 license to submit to a mental or physical evaluation by a physician
22 or other health care professional designated by the board.

23 (b) If the applicant or license holder refuses to submit to
24 the evaluation under Subsection (a), the board shall issue an order
25 requiring the applicant or license holder to show cause why the
26 applicant or license holder will not submit to the evaluation. The
27 board shall schedule a hearing on the order not later than the 30th

1 day after the date notice is served on the applicant or license
2 holder. The board shall notify the applicant or license holder of
3 the order and hearing by personal service or certified mail, return
4 receipt requested.

5 (c) At the hearing, the applicant or license holder and the
6 applicant's or license holder's attorney are entitled to present
7 testimony or other evidence to show why the applicant or license
8 holder should not be required to submit to the evaluation. The
9 applicant or license holder has the burden of proof to show why the
10 applicant or license holder should not be required to submit to the
11 evaluation.

12 (d) After the hearing, the board by order shall require the
13 applicant or license holder to submit to the evaluation not later
14 than the 60th day after the date of the order or withdraw the
15 request for an evaluation.

16 SECTION 3. Section 801.402, Occupations Code, as amended by
17 this Act, applies only to conduct that occurs on or after the
18 effective date of this Act. Conduct that occurs before the
19 effective date of this Act is governed by the law in effect on the
20 date the conduct occurred, and the former law is continued in effect
21 for that purpose.

22 SECTION 4. This Act takes effect September 1, 2019.