

By: Johnson, et al. S.B. No. 1414
(Holland, Goldman, Canales, Bell of Kaufman, Clardy)

Substitute the following for S.B. No. 1414:

By: Cain C.S.S.B. No. 1414

A BILL TO BE ENTITLED

AN ACT

relating to the temporary regulation of the practice of veterinary medicine by the Texas Department of Licensing and Regulation.

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

SECTION 1. Section 801.003, Occupations Code, is amended to read as follows:

Sec. 801.003. APPLICATION OF SUNSET ACT. The State Board of Veterinary Medical Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2027 [~~2029~~].

SECTION 2. Chapter 801, Occupations Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TEMPORARY REGULATION BY TEXAS DEPARTMENT OF LICENSING AND REGULATION

Sec. 801.021. DEFINITIONS. In this subchapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

Sec. 801.022. TEMPORARY ADMINISTRATION OF CHAPTER BY DEPARTMENT; RULES. (a) Notwithstanding any other law, the department shall assume all policy-making powers of the board and administer this chapter. The department may contract as necessary to administer this chapter.

1 (b) A power or duty granted to the board under this chapter
2 is a power or duty of the executive director of the department, the
3 department, or the commission, as applicable.

4 (c) The commission or executive director of the department
5 may delegate, or withdraw any delegation of, any power or duty under
6 this chapter to the board or the executive director of the board.
7 The delegation or withdrawal of delegation must be in writing.

8 (d) Except as provided by Section 801.024(c), the
9 commission shall adopt all rules necessary to implement this
10 chapter.

11 (e) Not later than December 31, 2026, the department shall
12 conduct a review under Section 2001.039, Government Code, of each
13 rule under 22 T.A.C. Part 24. In conducting the review under this
14 subsection, the department shall ensure that license holders and
15 the public have a meaningful opportunity to provide input and
16 recommend changes to the rules.

17 (f) The department shall propose necessary amendments to a
18 rule, or the repeal of a rule, for which the department determines
19 the board lacks a sufficient reason or authority to adopt or
20 enforce.

21 (g) For any rulemaking or contested case for which an expert
22 witness is necessary, the commission or department, as applicable,
23 may have a member of the board who is a veterinarian licensed in
24 good standing in this state serve as the expert witness.

25 Sec. 801.023. SEPARATION OF ADMINISTRATIVE FUNCTIONS OF
26 BOARD. (a) The executive director of the department shall direct
27 and may dismiss the executive director of the board. The presiding

1 officer of the commission shall appoint a replacement executive
2 director of the board if necessary.

3 (b) Subject to Subsection (a), the executive director of the
4 board is responsible for the administration of financial services,
5 human resources, and workforce development duties of the board,
6 including:

7 (1) accounts payable and accounts receivable;

8 (2) budgeting, inventory, and asset management;

9 (3) payroll;

10 (4) personnel and labor issues;

11 (5) purchasing;

12 (6) recruitment, evaluation, selection, training, and
13 promotion of personnel;

14 (7) submitting required reports regarding finances,
15 performance measures, strategic planning, legislative
16 appropriations requests, operating budgets, and similar
17 information as required by law;

18 (8) legal support services, including responding to
19 requests for public information; and

20 (9) information technology and support.

21 (c) If the department provides any of the functions listed
22 in Subsection (b), the board shall reimburse the department for
23 administrative costs incurred in providing those services.

24 Sec. 801.024. ADVISORY BOARD. (a) Notwithstanding
25 Subchapter D, the board is an advisory board to the department.

26 (b) The board, the equine dental provider advisory
27 committee, and any advisory committee appointed under Section

1 801.163 shall provide advice and recommendations to the department
2 on technical matters relevant to the administration of this
3 chapter.

4 (c) The board shall adopt rules relating to the scope of
5 practice of or a health-related standard of care for the practice of
6 the profession of veterinary medicine.

7 (d) The commission shall review each rule adopted under
8 Subsection (c) and, if the commission determines that the rule is
9 not authorized by this chapter or other law or is an unauthorized
10 anticompetitive rule, issue an order stating that determination. A
11 rule for which an order is issued under this subsection may not take
12 effect or be enforced.

13 Sec. 801.025. CONFLICT WITH OTHER LAW. (a)
14 Notwithstanding Section 51.003, to the extent of any conflict
15 between this chapter and Chapter 51, this chapter controls.

16 (b) To the extent of any conflict between this subchapter
17 and another provision of this chapter, this subchapter controls.

18 Sec. 801.026. EXPIRATION. This subchapter expires
19 September 1, 2027.

20 SECTION 3. (a) In this section:

21 (1) "Board" means the State Board of Veterinary
22 Medical Examiners.

23 (2) "Department" means the Texas Department of
24 Licensing and Regulation.

25 (b) Not later than October 1, 2023, the Department of
26 Information Resources shall consult with the department and the
27 board to assess the database needs of the board and establish a plan

1 for the procurement and acquisition of a database suitable to
2 address those needs.

3 (c) Notwithstanding any other law, the board shall provide
4 the Department of Information Resources and the department with
5 access to any system, hardware, software, documents, or information
6 necessary to achieve the purposes of Subsection (b) of this
7 section.

8 (d) The provision of information under this section to the
9 Department of Information Resources or the department does not
10 waive confidentiality or privilege.

11 SECTION 4. Not later than December 1, 2024, the Texas
12 Department of Licensing and Regulation shall submit to the Sunset
13 Advisory Commission and each standing committee of the legislature
14 with primary jurisdiction over the State Board of Veterinary
15 Medical Examiners any legislative recommendations necessary to
16 improve the board's operations.

17 SECTION 5. This Act takes effect September 1, 2023.