

1-1 By: Johnson, et al. S.B. No. 1414
1-2 (In the Senate - Filed March 1, 2023; March 16, 2023, read
1-3 first time and referred to Committee on Water, Agriculture & Rural
1-4 Affairs; March 29, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 29, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1414 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the temporary regulation of the practice of veterinary
1-22 medicine by the Texas Department of Licensing and Regulation.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 801.003, Occupations Code, is amended to
1-25 read as follows:

1-26 Sec. 801.003. APPLICATION OF SUNSET ACT. The State Board of
1-27 Veterinary Medical Examiners is subject to Chapter 325, Government
1-28 Code (Texas Sunset Act). Unless continued in existence as provided
1-29 by that chapter, the board is abolished September 1, 2027 [2029].

1-30 SECTION 2. Chapter 801, Occupations Code, is amended by
1-31 adding Subchapter A-1 to read as follows:

1-32 SUBCHAPTER A-1. TEMPORARY REGULATION BY TEXAS DEPARTMENT OF
1-33 LICENSING AND REGULATION

1-34 Sec. 801.021. DEFINITIONS. In this subchapter:

1-35 (1) "Commission" means the Texas Commission of
1-36 Licensing and Regulation.

1-37 (2) "Department" means the Texas Department of
1-38 Licensing and Regulation.

1-39 Sec. 801.022. TEMPORARY ADMINISTRATION OF CHAPTER BY
1-40 DEPARTMENT; RULES. (a) Notwithstanding any other law, the
1-41 department shall assume all policy-making powers of the board and
1-42 administer this chapter. The department may contract as necessary
1-43 to administer this chapter.

1-44 (b) A power or duty granted to the board under this chapter
1-45 is a power or duty of the executive director of the department, the
1-46 department, or the commission, as applicable.

1-47 (c) The commission or executive director of the department
1-48 may delegate, or withdraw any delegation of, any power or duty under
1-49 this chapter to the board or the executive director of the board.
1-50 The delegation or withdrawal of delegation must be in writing.

1-51 (d) The commission may not adopt a new rule relating to the
1-52 scope of practice of or a health-related standard of care for the
1-53 practice of the profession of veterinary medicine unless the rule
1-54 has been proposed by the board under Section 801.024(c). For a rule
1-55 described by this subsection, the commission shall either adopt the
1-56 rule as proposed or return the rule to the board for revision.

1-57 (e) The commission retains authority for final adoption of
1-58 all rules and is responsible for ensuring compliance with all laws
1-59 regarding the rulemaking process.

1-60 (f) Not later than December 31, 2026, the department shall

2-1 conduct a review under Section 2001.039, Government Code, of each
2-2 rule under 22 T.A.C. Part 24. In conducting the review under this
2-3 subsection, the department shall ensure that license holders and
2-4 the public have a meaningful opportunity to provide input and
2-5 recommend changes to the rules.

2-6 (g) The department shall propose necessary amendments to a
2-7 rule, or the repeal of a rule, for which the department determines
2-8 the board lacks a sufficient reason or authority to adopt or
2-9 enforce.

2-10 Sec. 801.023. SEPARATION OF ADMINISTRATIVE FUNCTIONS OF
2-11 BOARD. (a) The executive director of the department shall direct
2-12 and may dismiss the executive director of the board. The presiding
2-13 officer of the commission shall appoint a replacement executive
2-14 director of the board if necessary.

2-15 (b) Subject to Subsection (a), the executive director of the
2-16 board is responsible for the administration of financial services,
2-17 human resources, and workforce development duties of the board,
2-18 including:

2-19 (1) accounts payable and accounts receivable;

2-20 (2) budgeting, inventory, and asset management;

2-21 (3) payroll;

2-22 (4) personnel and labor issues;

2-23 (5) purchasing;

2-24 (6) recruitment, evaluation, selection, training, and
2-25 promotion of personnel;

2-26 (7) submitting required reports regarding finances,
2-27 performance measures, strategic planning, legislative
2-28 appropriations requests, operating budgets, and similar
2-29 information as required by law;

2-30 (8) legal support services, including responding to
2-31 requests for public information; and

2-32 (9) information technology and support.

2-33 (c) If the department provides any of the functions listed
2-34 in Subsection (b), the board shall reimburse the department for
2-35 administrative costs incurred in providing those services.

2-36 Sec. 801.024. ADVISORY BOARD. (a) Notwithstanding
2-37 Subchapter D, the board is an advisory board to the department.

2-38 (b) The board, the equine dental provider advisory
2-39 committee, and any advisory committee appointed under Section
2-40 801.163 shall provide advice and recommendations to the department
2-41 on technical matters relevant to the administration of this
2-42 chapter.

2-43 (c) The board shall propose rules to the commission relating
2-44 to the scope of practice of or a health-related standard of care for
2-45 the practice of the profession of veterinary medicine.

2-46 Sec. 801.025. CONFLICT WITH OTHER LAW. (a)
2-47 Notwithstanding Section 51.003, to the extent of any conflict
2-48 between this chapter and Chapter 51, this chapter controls.

2-49 (b) To the extent of any conflict between this subchapter
2-50 and another provision of this chapter, this subchapter controls.

2-51 Sec. 801.026. EXPIRATION. This subchapter expires
2-52 September 1, 2027.

2-53 SECTION 3. (a) In this section:

2-54 (1) "Board" means the State Board of Veterinary
2-55 Medical Examiners.

2-56 (2) "Department" means the Texas Department of
2-57 Licensing and Regulation.

2-58 (b) Not later than October 1, 2023, the Department of
2-59 Information Resources shall consult with the department and the
2-60 board to assess the database needs of the board and establish a plan
2-61 for the procurement and acquisition of a database suitable to
2-62 address those needs.

2-63 (c) Notwithstanding any other law, the board shall provide
2-64 the Department of Information Resources and the department with
2-65 access to any system, hardware, software, documents, or information
2-66 necessary to achieve the purposes of Subsection (b) of this
2-67 section.

2-68 (d) The provision of information under this section to the
2-69 Department of Information Resources or the department does not

3-1 waive confidentiality or privilege.

3-2 SECTION 4. Not later than December 1, 2024, the Texas
3-3 Department of Licensing and Regulation shall submit to the Sunset
3-4 Advisory Commission and each standing committee of the legislature
3-5 with primary jurisdiction over the State Board of Veterinary
3-6 Medical Examiners any legislative recommendations necessary to
3-7 improve the board's operations.

3-8 SECTION 5. This Act takes effect September 1, 2023.

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