

BILL ANALYSIS

C.S.S.B. 407
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas State Board of Veterinary Medical Examiners (board) was created in 1911 to ensure that safe and quality veterinary services are provided to the citizens of Texas and their animals. The board has three primary functions: licensing qualified individuals to practice veterinary medicine in Texas; setting standards relating to the practice of veterinary medicine; and enforcing the Veterinary Licensing Act, including investigating and resolving complaints. The board currently licenses more than 6,700 veterinarians, with a staff of 11 employees and an annual budget of \$613,145.

The board is subject to the Sunset Act and will be abolished on September 1, 2005, unless continued by the legislature. The Sunset review found that the licensing and regulation of veterinarians is needed and that the board is successful in its mission, but some of the board's processes could be improved to make them fairer and more efficient for both licensees and the public.

This bill strengthens the board's continuing education program to ensure that licensees comply with continuing education requirements by requiring the board to conduct random audits of licensees through the license renewal process to ensure compliance with continuing education provisions and authorizing the board to order a veterinarian who is being disciplined by the board to take additional continuing education hours, in addition to the standard number needed to renew a license.

This bill also requires at least two veterinarian members of the board to review all complaints that require medical expertise and determine whether to dismiss the complaint or refer it to an information hearing. The bill strengthens the board's enforcement program; requires the board to focus enforcement efforts on investigating and resolving complaints; and increases the maximum administrative penalty from \$2,500 to \$5,000 per day; and continues the board for 12 more years.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Veterinary Medical Examiners in SECTION 12 of this bill.

ANALYSIS

This bill amends the occupations code to extend the sunset date for the State Board of Veterinary Medical Examiners (board) from September 1, 2005, to September 1, 2017. It also outlines the conditions for which a person is rendered ineligible for appointment as a public member of the board.

This bill redefines "Texas trade association" and outlines other membership and employee restrictions. It also requires that the governor designate a member of the board as the presiding officer.

This bill outlines grounds for removal from the board and also discusses the requirements for training of a board member. It also outlines the division of responsibilities of the board, the use of technology by the board, and discusses the alternative rulemaking and dispute resolution procedures followed by the board.

This bill also discusses the complaint process followed by the board. The bill also addresses examination fee refunds, procedures for renewal of a license both by a person practicing in state as well as out of state, continuing education, conditions of informal proceedings, committee recommendations, cease and desist orders, enforcement policy of complaints.

EFFECTIVE DATE

This act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The only change made by the substitute is that in Section 15 of the bill the substitute provides that the renewal of an expired license by an out-of-state practitioner may only be awarded if the practitioner is currently licensed "in good standing" by another state.