

By: Zaffirini
(Hardcastle)

S.B. No. 811

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of veterinary medicine.

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

SECTION 1. Section 801.004, Occupations Code, is amended to read as follows:

Sec. 801.004. APPLICATION OF CHAPTER. This chapter does not apply to:

(1) the treatment or care of an animal in any manner by the owner of the animal, an employee of the owner, or a designated caretaker of the animal, unless the ownership, employment, or designation is established with the intent to violate this chapter;

(2) a person who performs an act prescribed by the board as an accepted livestock management practice, including:

(A) castrating a male animal raised for human consumption;

(B) docking or earmarking an animal raised for human consumption;

(C) dehorning cattle;

(D) aiding in the nonsurgical birth process of a large animal, as defined by board rule;

(E) treating an animal for disease prevention with a nonprescription medicine or vaccine;

(F) branding or identifying an animal in any manner;

1 (G) artificially inseminating an animal,
2 including training, inseminating, and compensating for services
3 related to artificial insemination; and

4 (H) shoeing a horse;

5 (3) the performance of a cosmetic or production
6 technique to reduce injury in poultry intended for human
7 consumption;

8 (4) the performance of a duty by a veterinarian's
9 employee if:

10 (A) the duty involves food production animals;

11 (B) the duty does not involve diagnosis,
12 prescription, or surgery;

13 (C) the employee is under the direction and
14 general supervision of the veterinarian; and

15 (D) the veterinarian is responsible for the
16 employee's performance;

17 (5) the performance of an act by a person who is a
18 full-time student of an accredited college of veterinary medicine
19 ~~[or is a foreign graduate of a board-approved equivalent competency~~
20 ~~program for foreign veterinary graduates and who is participating~~
21 ~~in a board-approved extern or preceptor program]~~ if the act is
22 performed under the direct supervision of a veterinarian ~~[employing~~
23 ~~the person]~~;

24 (6) an animal shelter employee who performs euthanasia
25 in the course and scope of the person's employment if the person has
26 successfully completed training in accordance with Chapter 829,
27 Health and Safety Code;

1 (7) a person who is engaged in a recognized
2 state-federal cooperative disease eradication or control program
3 or an external parasite control program while the person is
4 performing official duties required by the program;

5 (8) a person who, without expectation of compensation,
6 provides emergency care in an emergency or disaster; or

7 (9) a consultation given to a veterinarian in this
8 state by a person who:

9 (A) resides in another state; and

10 (B) is lawfully qualified to practice veterinary
11 medicine under the laws of that state.

12 SECTION 2. Section 801.157, Occupations Code, is amended to
13 read as follows:

14 Sec. 801.157. PEER ASSISTANCE PROGRAM. (a) The board
15 shall establish or approve a peer assistance program for
16 veterinarians. The peer assistance program must comply with
17 Chapter 467, Health and Safety Code.

18 (b) The board may order a veterinarian who is subject to
19 disciplinary action under this chapter based on a finding that the
20 veterinarian is impaired by chemical dependency or mental illness
21 to submit to care, counseling, or treatment through the peer
22 assistance program.

23 SECTION 3. Subsection (a), Section 801.253, Occupations
24 Code, is amended to read as follows:

25 (a) The board shall [~~hold a regular meeting at least twice~~
26 ~~each year to~~] conduct licensing examinations at least twice each
27 year as provided by board rule. The [~~board shall conduct the~~]

1 examination shall be conducted at a time and place the board
2 determines is convenient for applicants.

3 SECTION 4. Subsection (a), Section 801.254, Occupations
4 Code, is amended to read as follows:

5 (a) The board shall conduct, or may contract with a
6 board-approved entity to conduct, the licensing examination on
7 subjects relating to veterinary medicine, including anatomy,
8 pathology, chemistry, obstetrics, public health, veterinary
9 practice, veterinary jurisprudence, physiology and bacteriology,
10 and other subjects regularly taught in reputable schools of
11 veterinary medicine. In this chapter, a reference to an
12 examination conducted by the board includes an examination
13 conducted by a board-approved entity as permitted by this
14 subsection.

15 SECTION 5. Section 801.258, Occupations Code, is amended to
16 read as follows:

17 Sec. 801.258. TEMPORARY LICENSE. The board by rule may
18 provide for the issuance of a temporary license to an applicant who:

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

21 (2) meets the eligibility requirements under Sections
22 801.252(1) and (2); and

23 (3) is not subject to denial of a license or to
24 disciplinary action for a ground listed in Section 801.402.

25 SECTION 6. Section 801.353, Occupations Code, is amended by
26 adding Subsection (d-1) to read as follows:

27 (d-1) The privilege provided by this section is waived by

1 the client or the owner of the animal treated by the veterinarian in
2 a proceeding to substantiate and collect on a claim for the
3 provision of veterinary services.

4 SECTION 7. This Act takes effect September 1, 2011.