

1-1 By: Zaffirini S.B. No. 811  
1-2 (In the Senate - Filed February 21, 2011; March 1, 2011,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 18, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 18, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 811 By: Whitmire

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of the practice of veterinary medicine.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Section 801.004, Occupations Code, is amended to  
1-13 read as follows:  
1-14 Sec. 801.004. APPLICATION OF CHAPTER. This chapter does  
1-15 not apply to:  
1-16 (1) the treatment or care of an animal in any manner by  
1-17 the owner of the animal, an employee of the owner, or a designated  
1-18 caretaker of the animal, unless the ownership, employment, or  
1-19 designation is established with the intent to violate this chapter;  
1-20 (2) a person who performs an act prescribed by the  
1-21 board as an accepted livestock management practice, including:  
1-22 (A) castrating a male animal raised for human  
1-23 consumption;  
1-24 (B) docking or earmarking an animal raised for  
1-25 human consumption;  
1-26 (C) dehorning cattle;  
1-27 (D) aiding in the nonsurgical birth process of a  
1-28 large animal, as defined by board rule;  
1-29 (E) treating an animal for disease prevention  
1-30 with a nonprescription medicine or vaccine;  
1-31 (F) branding or identifying an animal in any  
1-32 manner;  
1-33 (G) artificially inseminating an animal,  
1-34 including training, inseminating, and compensating for services  
1-35 related to artificial insemination; and  
1-36 (H) shoeing a horse;  
1-37 (3) the performance of a cosmetic or production  
1-38 technique to reduce injury in poultry intended for human  
1-39 consumption;  
1-40 (4) the performance of a duty by a veterinarian's  
1-41 employee if:  
1-42 (A) the duty involves food production animals;  
1-43 (B) the duty does not involve diagnosis,  
1-44 prescription, or surgery;  
1-45 (C) the employee is under the direction and  
1-46 general supervision of the veterinarian; and  
1-47 (D) the veterinarian is responsible for the  
1-48 employee's performance;  
1-49 (5) the performance of an act by a person who is a  
1-50 full-time student of an accredited college of veterinary medicine  
1-51 ~~[or is a foreign graduate of a board-approved equivalent competency~~  
1-52 ~~program for foreign veterinary graduates and who is participating~~  
1-53 ~~in a board-approved extern or preceptor program]~~ if the act is  
1-54 performed under the direct supervision of a veterinarian ~~[employing~~  
1-55 ~~the person]~~;  
1-56 (6) an animal shelter employee who performs euthanasia  
1-57 in the course and scope of the person's employment if the person has  
1-58 successfully completed training in accordance with Chapter 829,  
1-59 Health and Safety Code;  
1-60 (7) a person who is engaged in a recognized  
1-61 state-federal cooperative disease eradication or control program  
1-62 or an external parasite control program while the person is  
1-63 performing official duties required by the program;

2-1 (8) a person who, without expectation of compensation,  
2-2 provides emergency care in an emergency or disaster; or

2-3 (9) a consultation given to a veterinarian in this  
2-4 state by a person who:

- 2-5 (A) resides in another state; and
- 2-6 (B) is lawfully qualified to practice veterinary  
2-7 medicine under the laws of that state.

2-8 SECTION 2. Section 801.157, Occupations Code, is amended to  
2-9 read as follows:

2-10 Sec. 801.157. PEER ASSISTANCE PROGRAM. (a) The board  
2-11 shall establish or approve a peer assistance program for  
2-12 veterinarians. The peer assistance program must comply with  
2-13 Chapter 467, Health and Safety Code.

2-14 (b) The board may order a veterinarian who is subject to  
2-15 disciplinary action under this chapter based on a finding that the  
2-16 veterinarian is impaired by chemical dependency or mental illness  
2-17 to submit to care, counseling, or treatment through the peer  
2-18 assistance program.

2-19 SECTION 3. Subsection (a), Section 801.253, Occupations  
2-20 Code, is amended to read as follows:

2-21 (a) The board shall ~~[hold a regular meeting at least twice~~  
2-22 ~~each year to]~~ conduct licensing examinations at least twice each  
2-23 year as provided by board rule. The [board shall conduct the]  
2-24 examination shall be conducted at a time and place the board  
2-25 determines is convenient for applicants.

2-26 SECTION 4. Subsection (a), Section 801.254, Occupations  
2-27 Code, is amended to read as follows:

2-28 (a) The board shall conduct, or may contract with a  
2-29 board-approved entity to conduct, the licensing examination on  
2-30 subjects relating to veterinary medicine, including anatomy,  
2-31 pathology, chemistry, obstetrics, public health, veterinary  
2-32 practice, veterinary jurisprudence, physiology and bacteriology,  
2-33 and other subjects regularly taught in reputable schools of  
2-34 veterinary medicine. In this chapter, a reference to an  
2-35 examination conducted by the board includes an examination  
2-36 conducted by a board-approved entity as permitted by this  
2-37 subsection.

2-38 SECTION 5. Section 801.258, Occupations Code, is amended to  
2-39 read as follows:

2-40 Sec. 801.258. TEMPORARY LICENSE. The board by rule may  
2-41 provide for the issuance of a temporary license to an applicant who:

2-42 (1) is licensed in good standing as a veterinarian in  
2-43 another state or foreign country;

2-44 (2) meets the eligibility requirements under Sections  
2-45 801.252(1) and (2); and

2-46 (3) is not subject to denial of a license or to  
2-47 disciplinary action for a ground listed in Section 801.402.

2-48 SECTION 6. Section 801.353, Occupations Code, is amended by  
2-49 adding Subsection (d-1) to read as follows:

2-50 (d-1) The privilege provided by this section is waived by  
2-51 the client or the owner of the animal treated by the veterinarian in  
2-52 a proceeding to substantiate and collect on a claim for the  
2-53 provision of veterinary services.

2-54 SECTION 7. This Act takes effect September 1, 2011.

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