

By: Schwertner

S.B. No. 1312

A BILL TO BE ENTITLED

AN ACT

relating to the regulation and practice of veterinary medicine;
authorizing a fee.

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

SECTION 1. Section 801.002, Occupations Code, is amended by
adding Subdivisions (1-a), (4-b), (4-c), and (6-a) and amending
Subdivision (4-a) to read as follows:

(1-a) "Certified veterinary assistant" means a person
who has been certified as a certified veterinary assistant by the
Texas Veterinary Medical Association and is employed by a licensed
veterinarian.

(4-a) "Immediate supervision" means supervision by a
person who is within audible and visual range of both the animal
patient and the person under supervision.

(4-b) "Licensed equine dental provider" means a person
who holds a license to practice equine dentistry issued under this
chapter.

(4-c) "Licensed veterinary technician" means a person
licensed as a veterinary technician by the board.

(6-a) "Veterinary assistant" means a person who:
(A) is employed by a licensed veterinarian;
(B) performs tasks related to animal care; and
(C) is not a certified veterinary assistant or a
licensed veterinary technician.

1 SECTION 2. Sections 801.151(c), (d), and (e), Occupations
2 Code, are amended to read as follows:

3 (c) The board shall adopt rules to:

4 (1) protect the public;

5 (2) ensure that alternate therapies, including
6 ultrasound diagnosis and therapy, magnetic field therapy, holistic
7 medicine, homeopathy, chiropractic treatment, acupuncture, and
8 laser therapy, are performed only by a veterinarian or under the
9 supervision of a veterinarian; ~~and~~

10 (3) ensure that equine dentistry is performed only by
11 a veterinarian who is active and in good standing or by a licensed
12 equine dental provider who is active and in good standing under the
13 appropriate level of supervision of a veterinarian who is active
14 and in good standing and who has established a
15 veterinarian-client-patient relationship with the owner or other
16 caretaker of an animal in accordance with Section 801.351; and

17 (4) provide for the licensing and regulation of
18 licensed veterinary technicians.

19 (d) The board may adopt rules regarding the work of a person
20 who ~~+~~

21 ~~[(1)]~~ works under the supervision of a veterinarian ~~+~~
22 ~~and~~

23 ~~[(2) fulfills the requirements established by a~~
24 ~~board-approved organization for registered veterinary~~
25 ~~technicians].~~

26 (e) The board shall adopt rules to implement a jurisprudence
27 examination for licensed equine dental providers and licensed

1 veterinary technicians, including rules relating to the
2 development and administration of the examination, examination
3 fees, guidelines for reexamination, examination grading, and
4 provision of notice of examination results.

5 SECTION 3. Subchapter D, Chapter 801, Occupations Code, is
6 amended by adding Section 801.163 to read as follows:

7 Sec. 801.163. ADVISORY COMMITTEES. (a) The board may
8 appoint advisory committees to perform advisory functions as
9 assigned by the board.

10 (b) An advisory committee shall provide independent
11 expertise on board functions and policies, but may not be involved
12 in setting board policy.

13 (c) The board shall adopt rules regarding the purpose,
14 structure, and use of an advisory committee, including rules on:

15 (1) the purpose, role, responsibility, and goal of an
16 advisory committee;

17 (2) the size and quorum requirements for an advisory
18 committee;

19 (3) the composition and representation of an advisory
20 committee;

21 (4) the qualifications of advisory committee members,
22 including any experience requirements or requirements that members
23 represent specific geographic regions of the state;

24 (5) the appointment procedures for an advisory
25 committee;

26 (6) the terms of service for advisory committee
27 members;

1 (7) the training requirements for advisory committee
2 members, if necessary;

3 (8) the method the board will use to receive public
4 input on issues addressed by an advisory committee; and

5 (9) the development of board policies and procedures
6 to ensure that an advisory committee meets the requirements for
7 open meetings under Chapter 551, Government Code, including notice
8 requirements.

9 (d) To the extent of any conflict with Chapter 2110,
10 Government Code, this section and board rules adopted under this
11 section control.

12 SECTION 4. Section 801.264, Occupations Code, is amended to
13 read as follows:

14 Sec. 801.264. JURISPRUDENCE EXAMINATION. (a) The board
15 shall develop and administer a jurisprudence examination for
16 licensed equine dental providers to determine an applicant's
17 knowledge of this chapter, board rules, and any other applicable
18 laws of this state affecting the applicant's [~~equine dentistry~~]
19 practice.

20 (b) The board shall develop and administer a jurisprudence
21 examination for licensed veterinary technicians to determine an
22 applicant's knowledge of this chapter, board rules, and any other
23 applicable laws of this state affecting the applicant's employment
24 as a licensed veterinary technician.

25 SECTION 5. Subchapter F, Chapter 801, Occupations Code, is
26 amended by adding Sections 801.265 and 801.266 to read as follows:

27 Sec. 801.265. LICENSED VETERINARY TECHNICIAN: APPLICATION,

1 QUALIFICATIONS, AND ISSUANCE. (a) The board shall issue a
2 veterinary technician license to a person who is qualified under
3 this section. A person is qualified to be licensed as a licensed
4 veterinary technician if the person:

5 (1) passes a jurisprudence examination conducted by
6 the board in accordance with Section 801.264;

7 (2) is at least 18 years old;

8 (3) has graduated from a program accredited by the
9 American Veterinary Medical Association;

10 (4) has passed the Veterinary Technician National
11 Examination; and

12 (5) is not disqualified under this chapter or board
13 rule.

14 (b) An applicant for a veterinary technician license must
15 submit to the board:

16 (1) an application on the form prescribed by the
17 board;

18 (2) information to enable the board to conduct a
19 criminal background check if required by the board; and

20 (3) any other information required by the board.

21 Sec. 801.266. LICENSED VETERINARY TECHNICIAN LICENSE
22 REQUIRED; DISPLAY OF LICENSE. (a) A person may not use the title
23 "Licensed Veterinary Technician" or "LVT" or advertise or offer
24 services in a manner to lead other people to believe that the person
25 is licensed as a licensed veterinary technician unless the person
26 holds a license under Section 801.265.

27 (b) If employed by a veterinary hospital, a licensed

1 veterinary technician shall display at that facility the person's
2 license issued by the board or a legible photocopy of the license.

3 SECTION 6. Section 801.307(a), Occupations Code, is amended
4 to read as follows:

5 (a) The board by rule shall establish a minimum number of
6 hours of continuing education required to renew a license to
7 practice veterinary medicine or work as a licensed veterinary
8 technician. The board shall require six hours of continuing
9 education annually to renew an equine dental provider license.

10 SECTION 7. Subchapter H, Chapter 801, Occupations Code, is
11 amended by adding Sections 801.363 and 801.364 to read as follows:

12 Sec. 801.363. DELEGATION AND SUPERVISION OF ANIMAL CARE
13 TASKS. (a) Decisions relating to the diagnosis, treatment,
14 management, and future disposition of an animal patient must be
15 made by a supervising veterinarian.

16 (b) A supervising veterinarian shall determine the
17 appropriate level of supervision and protocol for a task that is
18 delegated to a licensed veterinary technician, certified
19 veterinary assistant, or veterinary assistant. In determining the
20 appropriate level of supervision, the veterinarian must consider
21 the level of training and experience of the person to whom the task
22 is delegated.

23 (c) According to the judgment of the supervising
24 veterinarian, a veterinarian may delegate greater responsibility
25 to a licensed veterinary technician than to a certified veterinary
26 assistant or a veterinary assistant. A veterinarian may provide
27 greater supervision for a task performed by a certified veterinary

1 assistant or a veterinary assistant than for the same task
2 performed by a licensed veterinary technician.

3 (d) A satellite office or mobile facility may not be
4 operated without a supervising veterinarian.

5 Sec. 801.364. SCOPE OF PRACTICE OF LICENSED VETERINARY
6 TECHNICIANS, CERTIFIED VETERINARY ASSISTANTS, AND VETERINARY
7 ASSISTANTS. (a) A licensed veterinary technician may:

8 (1) under the direct or immediate supervision of a
9 veterinarian:

10 (A) suture to close existing surgical skin
11 incisions and skin lacerations;

12 (B) induce anesthesia; and

13 (C) extract loose teeth or dental fragments of
14 companion animals with minimal periodontal attachments by hand and
15 without the use of an elevator;

16 (2) under the direct, immediate, or general
17 supervision of a veterinarian:

18 (A) draw blood; and

19 (B) take samples for the purpose of testing and
20 diagnosis;

21 (3) perform a task assigned by the supervising
22 veterinarian under a level of supervision determined by the
23 supervising veterinarian; and

24 (4) immediately supervise a certified veterinary
25 assistant or veterinary assistant who is performing a task
26 described by Subdivision (1)(A) or (B) or (2) or other tasks related
27 to animal care as assigned by the supervising veterinarian

1 according to the protocol established by the supervising
2 veterinarian.

3 (b) A licensed veterinary technician who is immediately
4 supervising a task performed by a certified veterinary assistant or
5 a veterinary assistant is responsible for conduct that violates
6 laws, including board rules, related to the practice of veterinary
7 medicine.

8 (c) In addition to tasks described by Subsection (a)(4), a
9 certified veterinary assistant or veterinary assistant may:

10 (1) under the direct or immediate supervision of a
11 veterinarian:

12 (A) suture to close existing surgical skin
13 incisions and skin lacerations; and

14 (B) induce anesthesia; and

15 (2) perform other tasks assigned by the supervising
16 veterinarian under a level of supervision determined by the
17 supervising veterinarian.

18 (d) A licensed veterinary technician, certified veterinary
19 assistant, or veterinary assistant may not:

20 (1) perform surgery;

21 (2) perform an invasive dental procedure, except as
22 provided by Subsection (a)(1)(C);

23 (3) diagnose or determine a prognosis for an animal
24 disease or condition;

25 (4) prescribe a drug or appliance; or

26 (5) initiate treatment without prior instruction by a
27 veterinarian, except in the case of an emergency.

1 SECTION 8. Section 801.402, Occupations Code, is amended to
2 read as follows:

3 Sec. 801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR
4 DISCIPLINARY ACTION. A person is subject to denial of a license or
5 to disciplinary action under Section 801.401 if the person:

6 (1) presents to the board dishonest or fraudulent
7 evidence of the person's qualifications;

8 (2) commits fraud or deception in the examination
9 process or to obtain a license;

10 (3) is chronically or habitually intoxicated,
11 chemically dependent, or addicted to drugs;

12 (4) engages in dishonest or illegal practices in, or
13 connected with, the practice of veterinary medicine or the practice
14 of equine dentistry;

15 (5) is convicted of a felony under the laws of this
16 state, another state, or the United States;

17 (6) engages in practices or conduct that violates the
18 board's rules of professional conduct;

19 (7) permits another to use the person's license to
20 practice veterinary medicine or to practice equine dentistry in
21 this state;

22 (8) fraudulently issues a health certificate,
23 vaccination certificate, test chart, or other form used in the
24 practice of veterinary medicine or the practice of equine dentistry
25 that relates to the presence or absence of animal disease;

26 (9) issues a false certificate relating to the sale
27 for human consumption of inedible animal products;

1 (10) commits fraud in connection with the application
2 or reporting of a test of animal disease;

3 (11) pays or receives a kickback, rebate, bonus, or
4 other remuneration for treating an animal or for referring a client
5 to another provider of veterinary or equine dental services or
6 goods;

7 (12) performs or prescribes unnecessary or
8 unauthorized treatment;

9 (13) orders a prescription drug or controlled
10 substance for the treatment of an animal without first establishing
11 a veterinarian-client-patient relationship;

12 (14) refuses to admit a board representative to
13 inspect the person's client and patient records and business
14 premises during regular business hours;

15 (15) fails to keep the person's equipment and business
16 premises in a sanitary condition;

17 (16) commits gross malpractice or a pattern of acts
18 that indicate consistent malpractice, negligence, or incompetence
19 in the practice of veterinary medicine or the practice of equine
20 dentistry; [~~or~~]

21 (17) is subject to disciplinary action in another
22 jurisdiction, including the suspension, probation, or revocation
23 of a license to practice veterinary medicine or to practice equine
24 dentistry issued by another jurisdiction;

25 (18) is convicted for an offense under Section 42.09,
26 42.091, or 42.092, Penal Code;

27 (19) represents the person as a veterinarian without a

1 license issued under this chapter;

2 (20) practices veterinary medicine or assists in the
3 practice of veterinary medicine without a license issued under this
4 chapter; or

5 (21) violates Section 801.353 or a rule adopted by the
6 board related to confidentiality.

7 SECTION 9. (a) Before September 1, 2014, the State Board of
8 Veterinary Medical Examiners shall issue a veterinary technician
9 license described by Section 801.265, Occupations Code, as added by
10 this Act, to a person who:

11 (1) presents proof of registration in good standing as
12 a registered veterinary technician with the Texas Veterinary
13 Medical Association; and

14 (2) submits an application and required fee.

15 (b) A license issued under this section may be renewed in
16 the same manner as a license issued to a person under Section
17 801.265, Occupations Code, as added by this Act.

18 SECTION 10. Not later than June 1, 2014, the State Board of
19 Veterinary Medical Examiners shall adopt the rules, procedures,
20 fees, and jurisprudence examination necessary to administer
21 Chapter 801, Occupations Code, as amended by this Act.

22 SECTION 11. Notwithstanding Chapter 801, Occupations Code,
23 as amended by this Act, a person employed as a licensed veterinary
24 technician is not required to hold a license under that chapter to
25 practice as a licensed veterinary technician in this state before
26 September 1, 2014.

27 SECTION 12. This Act takes effect September 1, 2013.