

1-1 By: Schwertner S.B. No. 1312  
 1-2 (In the Senate - Filed March 7, 2013; March 13, 2013, read  
 1-3 first time and referred to Committee on Agriculture, Rural Affairs,  
 1-4 and Homeland Security; April 11, 2013, reported adversely, with  
 1-5 favorable Committee Substitute by the following vote: Yeas 4,  
 1-6 Nays 0; April 11, 2013, 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 COMMITTEE SUBSTITUTE FOR S.B. No. 1312 By: Schwertner

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the regulation and practice of veterinary medicine;  
 1-18 authorizing a fee.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 801.002, Occupations Code, is amended by  
 1-21 adding Subdivisions (1-a), (4-b), (4-c), and (6-a) and amending  
 1-22 Subdivision (4-a) to read as follows:

1-23 (1-a) "Certified veterinary assistant" means a person  
 1-24 who has been certified as a certified veterinary assistant by the  
 1-25 Texas Veterinary Medical Association and is employed by a licensed  
 1-26 veterinarian.

1-27 (4-a) "Immediate supervision" means supervision by a  
 1-28 person who is within audible and visual range of both the animal  
 1-29 patient and the person under supervision.

1-30 (4-b) "Licensed equine dental provider" means a person  
 1-31 who holds a license to practice equine dentistry issued under this  
 1-32 chapter.

1-33 (4-c) "Licensed veterinary technician" means a person  
 1-34 licensed as a veterinary technician by the board.

1-35 (6-a) "Veterinary assistant" means a person who:

1-36 (A) is employed by a licensed veterinarian;

1-37 (B) performs tasks related to animal care; and

1-38 (C) is not a certified veterinary assistant or a  
 1-39 licensed veterinary technician.

1-40 SECTION 2. Subsections (c), (d), and (e), Section 801.151,  
 1-41 Occupations Code, are amended to read as follows:

1-42 (c) The board shall adopt rules to:

1-43 (1) protect the public;

1-44 (2) ensure that alternate therapies, including  
 1-45 ultrasound diagnosis and therapy, magnetic field therapy, holistic  
 1-46 medicine, homeopathy, chiropractic treatment, acupuncture, and  
 1-47 laser therapy, are performed only by a veterinarian or under the  
 1-48 supervision of a veterinarian; ~~and~~

1-49 (3) ensure that equine dentistry is performed only by  
 1-50 a veterinarian who is active and in good standing or by a licensed  
 1-51 equine dental provider who is active and in good standing under the  
 1-52 appropriate level of supervision of a veterinarian who is active  
 1-53 and in good standing and who has established a  
 1-54 veterinarian-client-patient relationship with the owner or other  
 1-55 caretaker of an animal in accordance with Section 801.351; and

1-56 (4) provide for the licensing and regulation of  
 1-57 licensed veterinary technicians.

1-58 (d) The board may adopt rules regarding the work of a person  
 1-59 who [+]

1-60 [~~1~~] works under the supervision of a veterinarian[+]

2-1 ~~and~~  
 2-2  ~~[(2) fulfills the requirements established by a~~  
 2-3  ~~board-approved organization for registered veterinary~~  
 2-4  ~~technicians].~~

2-5 (e) The board shall adopt rules to implement a jurisprudence  
 2-6 examination for licensed equine dental providers and licensed  
 2-7 veterinary technicians, including rules relating to the  
 2-8 development and administration of the examination, examination  
 2-9 fees, guidelines for reexamination, examination grading, and  
 2-10 provision of notice of examination results.

2-11 SECTION 3. Subchapter D, Chapter 801, Occupations Code, is  
 2-12 amended by adding Section 801.163 to read as follows:

2-13 Sec. 801.163. ADVISORY COMMITTEES. (a) The board may  
 2-14 appoint advisory committees to perform advisory functions as  
 2-15 assigned by the board.

2-16 (b) An advisory committee shall provide independent  
 2-17 expertise on board functions and policies, but may not be involved  
 2-18 in setting board policy.

2-19 (c) The board shall adopt rules regarding the purpose,  
 2-20 structure, and use of an advisory committee, including rules on:

2-21 (1) the purpose, role, responsibility, and goal of an  
 2-22 advisory committee;

2-23 (2) the size and quorum requirements for an advisory  
 2-24 committee;

2-25 (3) the composition and representation of an advisory  
 2-26 committee;

2-27 (4) the qualifications of advisory committee members,  
 2-28 including any experience requirements or requirements that members  
 2-29 represent specific geographic regions of the state;

2-30 (5) the appointment procedures for an advisory  
 2-31 committee;

2-32 (6) the terms of service for advisory committee  
 2-33 members;

2-34 (7) the training requirements for advisory committee  
 2-35 members, if necessary;

2-36 (8) the method the board will use to receive public  
 2-37 input on issues addressed by an advisory committee; and

2-38 (9) the development of board policies and procedures  
 2-39 to ensure that an advisory committee meets the requirements for  
 2-40 open meetings under Chapter 551, Government Code, including notice  
 2-41 requirements.

2-42 (d) To the extent of any conflict with Chapter 2110,  
 2-43 Government Code, this section and board rules adopted under this  
 2-44 section control.

2-45 SECTION 4. Section 801.264, Occupations Code, is amended to  
 2-46 read as follows:

2-47 Sec. 801.264. JURISPRUDENCE EXAMINATION. (a) The board  
 2-48 shall develop and administer a jurisprudence examination for  
 2-49 licensed equine dental providers to determine an applicant's  
 2-50 knowledge of this chapter, board rules, and any other applicable  
 2-51 laws of this state affecting the applicant's [equine dentistry]  
 2-52 practice.

2-53 (b) The board shall develop and administer a jurisprudence  
 2-54 examination for licensed veterinary technicians to determine an  
 2-55 applicant's knowledge of this chapter, board rules, and any other  
 2-56 applicable laws of this state affecting the applicant's employment  
 2-57 as a licensed veterinary technician.

2-58 SECTION 5. Subchapter F, Chapter 801, Occupations Code, is  
 2-59 amended by adding Sections 801.265 and 801.266 to read as follows:

2-60 Sec. 801.265. LICENSED VETERINARY TECHNICIAN:  
 2-61 APPLICATION, QUALIFICATIONS, AND ISSUANCE. (a) The board shall  
 2-62 issue a veterinary technician license to a person who is qualified  
 2-63 under this section. A person is qualified to be licensed as a  
 2-64 licensed veterinary technician if the person:

2-65 (1) passes a jurisprudence examination conducted by  
 2-66 the board in accordance with Section 801.264;

2-67 (2) is at least 18 years old;

2-68 (3) has graduated from a program accredited by the  
 2-69 American Veterinary Medical Association;

3-1                   (4) has passed the Veterinary Technician National  
3-2 Examination; and  
3-3                   (5) is not disqualified under this chapter or board  
3-4 rule.  
3-5                   (b) An applicant for a veterinary technician license must  
3-6 submit to the board:  
3-7                   (1) an application on the form prescribed by the  
3-8 board;  
3-9                   (2) information to enable the board to conduct a  
3-10 criminal background check if required by the board; and  
3-11                   (3) any other information required by the board.  
3-12                   Sec. 801.266. LICENSED VETERINARY TECHNICIAN LICENSE  
3-13 REQUIRED; DISPLAY OF LICENSE. (a) A person may not use the title  
3-14 "Licensed Veterinary Technician" or "LVT" or advertise or offer  
3-15 services in a manner to lead other people to believe that the person  
3-16 is licensed as a licensed veterinary technician unless the person  
3-17 holds a license under Section 801.265.  
3-18                   (b) If employed by a veterinary hospital, a licensed  
3-19 veterinary technician shall display at that facility the person's  
3-20 license issued by the board or a legible photocopy of the license.  
3-21                   SECTION 6. Subsection (a), Section 801.307, Occupations  
3-22 Code, is amended to read as follows:  
3-23                   (a) The board by rule shall establish a minimum number of  
3-24 hours of continuing education required to renew a license to  
3-25 practice veterinary medicine or work as a licensed veterinary  
3-26 technician. The board shall require six hours of continuing  
3-27 education annually to renew an equine dental provider license.  
3-28                   SECTION 7. Subchapter H, Chapter 801, Occupations Code, is  
3-29 amended by adding Sections 801.363 and 801.364 to read as follows:  
3-30                   Sec. 801.363. DELEGATION AND SUPERVISION OF ANIMAL CARE  
3-31 TASKS. (a) Decisions relating to the diagnosis, treatment,  
3-32 management, and future disposition of an animal patient must be  
3-33 made by a supervising veterinarian.  
3-34                   (b) A supervising veterinarian shall determine the  
3-35 appropriate level of supervision and protocol for a task that is  
3-36 delegated to a licensed veterinary technician, certified  
3-37 veterinary assistant, or veterinary assistant. In determining the  
3-38 appropriate level of supervision, the veterinarian must consider  
3-39 the level of training and experience of the person to whom the task  
3-40 is delegated.  
3-41                   (c) According to the judgment of the supervising  
3-42 veterinarian, a veterinarian may delegate greater responsibility  
3-43 to a licensed veterinary technician than to a certified veterinary  
3-44 assistant or a veterinary assistant. A veterinarian may provide  
3-45 greater supervision for a task performed by a certified veterinary  
3-46 assistant or a veterinary assistant than for the same task  
3-47 performed by a licensed veterinary technician.  
3-48                   (d) A satellite office or mobile facility may not be  
3-49 operated without a supervising veterinarian.  
3-50                   Sec. 801.364. SCOPE OF PRACTICE OF LICENSED VETERINARY  
3-51 TECHNICIANS, CERTIFIED VETERINARY ASSISTANTS, AND VETERINARY  
3-52 ASSISTANTS. (a) A licensed veterinary technician may:  
3-53                   (1) under the direct or immediate supervision of a  
3-54 veterinarian:  
3-55                   (A) suture to close existing surgical skin  
3-56 incisions and skin lacerations;  
3-57                   (B) induce anesthesia; and  
3-58                   (C) extract loose teeth or dental fragments of  
3-59 companion animals with minimal periodontal attachments by hand and  
3-60 without the use of an elevator;  
3-61                   (2) under the direct, immediate, or general  
3-62 supervision of a veterinarian:  
3-63                   (A) draw blood; and  
3-64                   (B) take samples for the purpose of testing and  
3-65 diagnosis;  
3-66                   (3) perform a task assigned by the supervising  
3-67 veterinarian under a level of supervision determined by the  
3-68 supervising veterinarian; and  
3-69                   (4) immediately supervise a certified veterinary

4-1 assistant or veterinary assistant who is performing a task  
 4-2 described by Subdivision (1)(A) or (B) or (2) or other tasks related  
 4-3 to animal care as assigned by the supervising veterinarian  
 4-4 according to the protocol established by the supervising  
 4-5 veterinarian.

4-6 (b) A licensed veterinary technician who is immediately  
 4-7 supervising a task performed by a certified veterinary assistant or  
 4-8 a veterinary assistant is responsible for conduct that violates  
 4-9 laws, including board rules, related to the practice of veterinary  
 4-10 medicine.

4-11 (c) In addition to tasks described by Subsection (a)(4), a  
 4-12 certified veterinary assistant or veterinary assistant may:

4-13 (1) under the direct or immediate supervision of a  
 4-14 veterinarian:

4-15 (A) suture to close existing surgical skin  
 4-16 incisions and skin lacerations; and

4-17 (B) induce anesthesia; and

4-18 (2) perform other tasks assigned by the supervising  
 4-19 veterinarian under a level of supervision determined by the  
 4-20 supervising veterinarian.

4-21 (d) A licensed veterinary technician, certified veterinary  
 4-22 assistant, or veterinary assistant may not:

4-23 (1) perform surgery;

4-24 (2) perform an invasive dental procedure, except as  
 4-25 provided by Subsection (a)(1)(C);

4-26 (3) diagnose or determine a prognosis for an animal  
 4-27 disease or condition;

4-28 (4) prescribe a drug or appliance; or

4-29 (5) initiate treatment without prior instruction by a  
 4-30 veterinarian, except in the case of an emergency.

4-31 SECTION 8. Section 801.402, Occupations Code, is amended to  
 4-32 read as follows:

4-33 Sec. 801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR  
 4-34 DISCIPLINARY ACTION. A person is subject to denial of a license or  
 4-35 to disciplinary action under Section 801.401 if the person:

4-36 (1) presents to the board dishonest or fraudulent  
 4-37 evidence of the person's qualifications;

4-38 (2) commits fraud or deception in the examination  
 4-39 process or to obtain a license;

4-40 (3) is chronically or habitually intoxicated,  
 4-41 chemically dependent, or addicted to drugs;

4-42 (4) engages in dishonest or illegal practices in, or  
 4-43 connected with, the practice of veterinary medicine or the practice  
 4-44 of equine dentistry;

4-45 (5) is convicted of a felony under the laws of this  
 4-46 state, another state, or the United States;

4-47 (6) engages in practices or conduct that violates the  
 4-48 board's rules of professional conduct;

4-49 (7) permits another to use the person's license to  
 4-50 practice veterinary medicine or to practice equine dentistry in  
 4-51 this state;

4-52 (8) fraudulently issues a health certificate,  
 4-53 vaccination certificate, test chart, or other form used in the  
 4-54 practice of veterinary medicine or the practice of equine dentistry  
 4-55 that relates to the presence or absence of animal disease;

4-56 (9) issues a false certificate relating to the sale  
 4-57 for human consumption of inedible animal products;

4-58 (10) commits fraud in connection with the application  
 4-59 or reporting of a test of animal disease;

4-60 (11) pays or receives a kickback, rebate, bonus, or  
 4-61 other remuneration for treating an animal or for referring a client  
 4-62 to another provider of veterinary or equine dental services or  
 4-63 goods;

4-64 (12) performs or prescribes unnecessary or  
 4-65 unauthorized treatment;

4-66 (13) orders a prescription drug or controlled  
 4-67 substance for the treatment of an animal without first establishing  
 4-68 a veterinarian-client-patient relationship;

4-69 (14) refuses to admit a board representative to

5-1 inspect the person's client and patient records and business  
5-2 premises during regular business hours;

5-3 (15) fails to keep the person's equipment and business  
5-4 premises in a sanitary condition;

5-5 (16) commits gross malpractice or a pattern of acts  
5-6 that indicate consistent malpractice, negligence, or incompetence  
5-7 in the practice of veterinary medicine or the practice of equine  
5-8 dentistry; ~~or~~

5-9 (17) is subject to disciplinary action in another  
5-10 jurisdiction, including the suspension, probation, or revocation  
5-11 of a license to practice veterinary medicine or to practice equine  
5-12 dentistry issued by another jurisdiction;

5-13 (18) is convicted for an offense under Section 42.09,  
5-14 42.091, or 42.092, Penal Code;

5-15 (19) represents the person as a veterinarian without a  
5-16 license issued under this chapter;

5-17 (20) practices veterinary medicine or assists in the  
5-18 practice of veterinary medicine without a license issued under this  
5-19 chapter; or

5-20 (21) violates Section 801.353 or a rule adopted by the  
5-21 board related to confidentiality.

5-22 SECTION 9. (a) Before September 1, 2014, the State Board  
5-23 of Veterinary Medical Examiners shall issue a veterinary technician  
5-24 license described by Section 801.265, Occupations Code, as added by  
5-25 this Act, to a person who:

5-26 (1) presents proof of registration in good standing as  
5-27 a registered veterinary technician with the Texas Veterinary  
5-28 Medical Association; and

5-29 (2) submits an application and required fee.

5-30 (b) A license issued under this section may be renewed in  
5-31 the same manner as a license issued to a person under Section  
5-32 801.265, Occupations Code, as added by this Act.

5-33 SECTION 10. Not later than June 1, 2014, the State Board of  
5-34 Veterinary Medical Examiners shall adopt the rules, procedures,  
5-35 fees, and jurisprudence examination necessary to administer  
5-36 Chapter 801, Occupations Code, as amended by this Act.

5-37 SECTION 11. Notwithstanding Chapter 801, Occupations Code,  
5-38 as amended by this Act, a person employed as a licensed veterinary  
5-39 technician is not required to hold a license under that chapter to  
5-40 practice as a licensed veterinary technician in this state before  
5-41 September 1, 2014.

5-42 SECTION 12. This Act takes effect September 1, 2013.

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