

By: Watson

S.B. No. 1947

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to monitoring the ordering and distribution of controlled  
3 substances by veterinarians.

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

5 SECTION 1. Section 481.0766, Health and Safety Code, is  
6 amended by adding Subsection (c) to read as follows:

7 (c) The board shall make the information reported under  
8 Subsection (a) available to the State Board of Veterinary Medical  
9 Examiners for the purpose of routine inspections and investigations  
10 of the controlled substance ordering and distribution practices of  
11 veterinarians registered with the federal Drug Enforcement  
12 Administration.

13 SECTION 2. Section 801.164, Occupations Code, is amended to  
14 read as follows:

15 Sec. 801.164. RISK-BASED INSPECTIONS RELATED TO CONTROLLED  
16 SUBSTANCES PRACTICES. (a) The board may conduct a risk-based  
17 inspection of a veterinarian's practice based on information  
18 obtained from the veterinarian or another source concerning the  
19 veterinarian's use, handling, prescribing, dispensing, or delivery  
20 of controlled substances.

21 (b) The board may use the information obtained from the  
22 Texas State Board of Pharmacy under Section 481.0766(c), Health and  
23 Safety Code, for routine inspections or investigations of the  
24 controlled substance ordering and distribution practices of

1 license holders.

2 SECTION 3. Subchapter D, Chapter 801, Occupations Code, is  
3 amended by adding Section 801.165 to read as follows:

4 Sec. 801.165. MONITORING OF CONTROLLED SUBSTANCE ORDERING  
5 AND DISTRIBUTION PRACTICES AND PATTERNS. (a) The board shall  
6 consult with veterinarians of all practice types to create and  
7 maintain internal policies to help investigators identify  
8 veterinary controlled substance ordering or distribution practices  
9 or patterns that may be potentially harmful, abnormal in veterinary  
10 medicine, or indicative of possible drug diversion or drug abuse.

11 (b) If during an inspection or investigation the board  
12 suspects that a veterinarian may be engaging in ordering or  
13 distribution practices or patterns that may be potentially harmful,  
14 abnormal, or indicative of possible drug diversion or drug abuse,  
15 the board may:

16 (1) notify the veterinarian to request an explanation;

17 (2) consider the practice type of the veterinarian or  
18 animal species to which the drug is being dispensed; and

19 (3) evaluate whether an order is of an unusual size or  
20 frequency.

21 (c) The board may open a complaint against a license holder  
22 if there is evidence that the veterinarian is engaging in ordering  
23 or distribution practices or exhibits patterns that suggest  
24 possible drug diversion or drug abuse.

25 (d) The board may not take action against a veterinarian  
26 under this section:

27 (1) for participating in or conducting valid

1 scientific research; or

2 (2) because the treatment provided to a specific  
3 animal is an experimental treatment provided after other  
4 conventional treatments have failed.

5 SECTION 4. The change in law made by this Act applies to  
6 investigations and inspections that occur on or after the effective  
7 date of this Act, regardless of whether the investigation or  
8 inspection reveals evidence of misconduct occurring before that  
9 date.

10 SECTION 5. This Act takes effect September 1, 2019.