

PUBLIC COMMENTS

HB 2850

HOUSE COMMITTEE ON AGRICULTURE & LIVESTOCK

Hearing Date: April 15, 2021 8:00 AM

Breanthony Baker

Self, Texas A&M College of Vet Med Student

College Station, TX

This bill is important in providing veterinarians the ability to provide accessible and timely care to animals in need, and the opportunity to defend their business from cyber bullying attacks from misunderstood clients. Please consider passing it; as a future member of this industry I believe it has the potential to enact great positive change!

C. Bryan Stuckey, DVM, Dr

Self. Veterinarian

Seguin, TX

I believe the general population will benefit from the passage of this bill. Veterinarians should have protection assisting by giving necessary information in time of need and have the ability to refute false and/or misleading statements that may damage their reputation.

Thank you

Sherry Speir

Babcock Hills Veterinary Hospital

San Antonio, TX

This bill needs to be passed for all of the reasons mentioned in the bill. But most importantly in my opinion, with the suicide rate among veterinarians so high, there needs to be a way to respond to on-line reviews that are malicious and without merit. Veterinarians are professionals that will not divulge personal information but statements that are false should be able to be refuted in the public arena for the well-being of veterinarians. NOT ONE MORE VET!

Veronica Flores, Dr.

Self

Santo, TX

I support this bill to protect myself as a Veterinarian and others in my profession from all online attacks.

Jennifer McFatter

BEEVET Animal Hospital (Practice Manager)

Bee Caves, TX

I support this bill, as veterinarians/veterinary facilities are victims of online bullying with regard to care provided, cost of medical services, etc.

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Mary Egan, DVM

self

Houston, TX

Please pass this bill. It is critical to veterinarians on multiple levels. We want to voluntarily help those in need during natural disasters, knowing we may have limited access to equipment and essential drugs and do not want to be worried about being accused of malpractice when working under undesirable conditions.

Internet bullying is REAL. We have no recourse but to read nasty comments and our business, reputation and self-worth deteriorate. Give us some tools to fight these bullies and stand up for ourselves and post the FACTS. Thank you

Heather Dunn, DVM

Self

Cedar Park, TX

In the age of social media I believe we, as veterinarians and veterinary staff should have the right to protect ourselves from damaging claims in online forums especially when the claims are false. There is no way we can know the true financial loss of online bullying, but it is certain that it takes a mental toll on caregivers.

Charles Lay, Dr

Lay Veterinary Endoscopy, Medical, & Surgical Svcs.

Sulphur Springs, TX

I want to agree with this bill in particular the part that has to do with online forums and refuting false information.

Jeffrey M Kunde, DVM

Self

Prosper, TX

Yes, about time. Unfortunately it is needed in today's world. Thank you.

James Greenwell, DR.

Self Employed

Plano, TX

I believe that we should be able to answer clients false, or other, claims with their names. The anonymity of the internet makes cyberbullying that much worse. If a client leaves a "scorched earth" bullying review, I think that responding to them with their full name would help prevent their future bullying. When someone in the future performs an internet search of their name, their tirade would show up. They give up their privacy rights when they choose to start a public forum. It needs to be quid pro quo to help level the playing field. Thank you for your consideration.

Craig Buffington, Dr

Stonebrook Family Pet Clinic

Frisco, TX

Veterinarians should be able to comment on any aspect of a case that is put into a public forum by the owner/pet parent of a current patient in their care. If the owner wishes to discuss any one part of an ongoing/past case, we, as the attending doctor, should be able to address the case in its entirety along with their public concerns in a public manner with current test/physical

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exam results to refute any and all inaccurate/slanderous information being put forth by the pet's owner. If it can be proven that the complainant is not the owner, then, that should also be within our legal right to bring that to light in a public fashion as well.

Eleanor Green, Dean Emerita, TAMU

self

Millsap, TX

- HB2850 ensures that veterinarians, licensed veterinary technicians (LVT's) and certified veterinary assistants (CVA's) are protected from civil liability when they in good faith volunteer to provide emergency medical assistance to an ill or injured animal during a man-made or natural disaster at the request of emergency personnel or an owner. Applies if the person is working without expectation of compensation, under the appropriate level of supervision and scope of practice. It does not apply to acts or omissions that are grossly negligent or intentional misconduct.
- HB2850 also clarifies that it is not a violation of existing law to disclose information to another veterinarian or governmental entity information concerning the prescribing, dispensing or requesting of a controlled substance in order to prevent potential or suspected drug diversion or abuse.
- HB2850 also clarifies that it is not a violation of existing law for a veterinarian making a lawful report of animal cruelty or attack to the proper authorities to immediately turn over medical records to show the extent of the injuries or abuse. Until recently, veterinarians were forced to wait for local law enforcement to provide them with a court order or subpoena to provide medical records. Veterinarians believe that if they can immediately provide evidence of the abuse to law enforcement that this would enable authorities to act quickly.
- HB2850 This ensures that veterinarians are not subjected to disciplinary action by the Texas State Board of Veterinary Medical Examiners (veterinary board) for refuting false information related to the care or treatment of an animal posted in an online forum. The veterinarians response is limited to direct refutation of false information and personal info may not be shared.

Connie Lindley, Dr

slef veterinarian

Childress, TX

Veterinarians should be allowed to defend their selves, their reputation, their business and their employees from negative comments made by individuals who are not clients nor have ever presented a patient to the veterinary facility for care or treatment. Veterinarians and their staff need to be able to provide emergency care to patients if owners are not known or cannot be located to prevent pain and to provide life threatening care until owners can be located or found. This happens when Animal Control Officers have an injured animal which needs emergency care immediately to save its life or euthanasia is necessary to prevent suffering due to injuries resulting in suffering. Thank you

Merten Pearson, DVM

Veterinarians

Amarillo, TX

Please support this bill. It makes it much more likely that veterinarians and technicians will feel like they can assist in emergencies.

It also makes clear that we, as veterinarians, can disclose information about prescribing, dispensing, or requesting controlled substances so we can help mitigate the opioid crisis.

It also clarifies how a veterinarian can report cruelty and abuse of an animal lawfully, allowing us to share our records immediately to help law enforcement to act in a timely fashion instead of having to wait to get a court order or subpoena before getting access to the medical records.

Lastly, this bill makes it so that false information posted in an online forum can be responded to so we can protect our business from false info attacks. I personally have had this happen to me when, on a day off, an employee called me and wanted me to help her with a dog she had found with a broken leg. I was out of town so was unable to help. She was several miles from my

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clinic when she found the dog. I told her I couldn't help and to take the foundling to animal control because they have procedures etc to deal with injured animals and to help find the owners. That is their job. I found the next day that this person had posted that I had refused to help even when she found the dog right in front of my clinic, that I was obviously an awful person etc. Again, I reiterate, I was out of town and she was miles away from my clinic on a day when the clinic was closed. My clinic took a lot of heat and bad publicity because of the lies of this employee who lied about the situation. We need to be able to respond with facts to the falsehoods.

This bill, in its entirety, is a reasonable bill to promote welfare and fairness. Please support it and help move it forward.

Sincerely,

Merten G. Pearson, DVM
Amarillo, TX

Pamela Lee Barlow, Dr.
Self, Owner/Veterinarian Bowie Pet Clinic
Bowie, TX

Because of the inequity of personal and privacy law faced by practicing Veterinarians vs clients, I started placing the following on my client/patient forms which potential clients sign to receive care for their animals here:

"By posting comments about treatment or diagnosis on social media of any kind (including the newspaper), I voluntarily agree to give up all my rights to client/patient confidentiality to allow the Bowie Pet Clinic to respond honestly and accurately."

I believe that the addition of this caveat statement to our forms has been an overall positive for client relations. Although it has yet to be tested in court, I wish to have something similar codified by HB 2850 for the protection of Veterinary clients and patients that may be deterred or prevented from receiving appropriate Veterinary care by reading false, misleading, and/or vindictive misinformation in a social forum. This is especially true in small town or rural settings, which may preclude finding alternate Veterinary care within a reasonable drive time for emergencies.

Just as MD Doctors have their natural limitations, so do DVM Doctors. We can not possible save every animal, in every case, no matter the issue, or how late in the course of the disease before seeking help, and do it all for free --- but that really is the expectation of some of our clients.

I sincerely hope that you will consider the possible overall negative effects that one or two bad clients can cause, and the impact it might have on the hundreds of good clients in the average practice. This is especially true in today's "cancel culture" mob viciousness, and the reach of social media into so many personal lives.

Tara Moll, Dr.
self, veterinarian
Garland, TX

Veterinarians have been subject to extensive online bullying and limiting their ability to refute false claims can perpetuate the bullying, especially on social media.

Animal cruelty investigations can be very difficult and time sensitive, veterinarians need to be able to safely provide information to law enforcement in order to assist in fighting animal cruelty and abuse.

Kathryn Pearce
Pearce vet clinic
Santa Anna, TX

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Please vote to Pass this bill

Cynthia Rachal, Dr
self/veterinarian
Arlington, TX

I am 100% in support of this bill as the suicide rate in our field continues to climb and we find ourselves being vilified online often with very untrue facts and are expected to just accept it and let people bully us without repercussions. This will give us a chance to at least speak up and defend ourselves more.

Conrad Nightingale
Hill Country Veterinary Hospital
Bandera, TX

i believe this bill clears up some issues with reporting, etc and I am in support of the bill

Julie Catalano
Self, Independent Journalist
San Antonio, TX

Of all the dopey and disturbing bills that Texas veterinarians and lobbyists have introduced, none shows more contempt for Texas pet owners than HB 2850.

It's basically the butthurt babies bill. It penalizes pet owners for leaving an unfavorable review of veterinary services by automatically waiving confidentiality, allowing vets to post whatever lies they want in rebuttal to a "false" review. And who will determine the falsity of a review? Why the vets of course! who can then intimidate critics by posting private information about the owners and their animals, and encouraging vet fans to organize mob attacks.

These attacks on consumers are fueled by procured media shills in which the same old misleading stats push the false narrative that vets kill themselves bigger, better, faster and more often than any other profession. Vets can't control the internet. Suing us only reveals their negligence. This latest tactic is to employ the chilling effect at its worst: Criticize a vet in public and you will be punished in public.

As state licensees they enjoy complete protection while getting their revenge on critics. They have proven this repeatedly over the years while playing the "real victims." I will match my documented stack of rape and death threats against any received by Texas vets, not to mention Suki's killer Edward J Nichols DVM spreading filthy lies about me using two "reporters" happy to help him shred my life. I know firsthand the destructive rage of a vet whose incompetence and lies have been exposed by his records.

If passed, HB 2850 will likely backfire. The more a vet lies in public, the more vet victims will fight back, until all that is left is some vet whining about "cyber bullying" and suicide while hopefully their clients leave in search of someone more mature who doesn't blame the people who pay their salaries for their problems. So much for a "noble profession."

HB 2850 is a dangerous bill designed to strengthen veterinary mobs using the threat of suicide. Leave a negative review? Vets might kill themselves. File a board complaint? Vets might kill themselves. Express displeasure at billing practices? Vets might kill themselves. BTW, no vet anywhere has ever been put out of business by bad reviews absent any other factor. That's a lie. Bad reviews are a part of grownup business. Can't handle them? Find a different job, instead of demanding punishing legislation to coddle your spun glass egos.

I hope vets are okay with their plumbers, contractors, and dentists fighting back in public, as HB 2850 will open the door to every whiner claiming a negative review is "cyberbullying."

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I oppose this ridiculous, childish, dangerous HB 2850 that makes pet owners the enemy, leaving them at the mercy of vicious veterinary mobs attacking customers for negative reviews.

Julie Catalano
San Antonio
Member, American Society of Journalists & Authors
Veterinary Abuse Network
<http://vetabusenetwork.blogspot.com/>

Katie Alldredge, Dr.
Babcock Hills Veterinary Hospital
San Antonio, TX

I support this bill. It is just to rebut online reviews that are falsely claiming inappropriate care of their animal. Veterinarians and veterinary staff should have a voice in defending themselves in such matters of personal and/or professional attack online. Online forums are an important part of marketing in our profession these days and having truthful information / situations for future clients to see when they are trying to locate a veterinary hospitals is important. We should have a voice to stand up for ourselves in the online world and not be expected to just take hateful words that are usually emotion based and not factual. There are always two sides to a story and having both represented is of the utmost importance. Presenting the facts in a professional manner should be supported and encouraged by our profession.

Derrick Nelson
Self, Veterinarian
Azle, TX

As a licensed veterinarian, this bill is a common sense bill. There is not down side for anyone should this pass, and only has positives. Please pass this bill. Sincerely, Derrick Nelson, DVM

Judy Santerre
Self, retired
Wimberley, TX

Regarding (d-2), veterinarians already have a law to protect them from harm if someone posts falsehoods. They can file a lawsuit for libel, but not if the client posted the truth, and I fear that's what (d-2) is targeting as a way to subvert the protections of the Texas Citizen Participation Act and negate truthful free speech. According to the Cornell University Law School, "...the Supreme Court generally requires—even when applying less than strict scrutiny—that, "[w]hen the government defends a regulation on speech as a means to redress past harms or prevent anticipated harms, it must do more than simply 'posit the existence of the disease sought to be cured.' . . . It must demonstrate that the recited harms are real, not merely conjectural, and that the regulation will in fact alleviate these harms in a direct and material way." I do not believe veterinarians are harmed by people posting negative reviews on social media since most veterinarians have at least one and many have multiple bad reviews and these practices are busy ones. Once guilty veterinarians start attacking malpractice victims online with falsehoods, others will be afraid to speak out, and I believe this constitutes an overbreadth of the First Amendment. If citizens who suffer pet deaths from veterinarians had other pathways for justice, if they could file lawsuits and be properly compensated, if the Texas DTPA applied to veterinary negligence and malpractice, if the TBVME revoked licenses for standard of care, if the TBVME treated all complaints fairly and ethically, if veterinarians always reported adverse events to Federal agencies and sold only drugs without unacceptable rates of harm, if they warned clients of side effects, if they didn't use pets as guinea pigs, if they didn't engage in deceptive practices, if they didn't sell harmful products because of kickbacks (no Sunshine Act applies), if they didn't over vaccinate, if they didn't use general anesthesia when it wasn't necessary, if they held our pets' safety above their profits, they would not need to silence their clients. The only way people find out about dangerous veterinarians and practices is through social media, where they can tell their stories, share information, and receive solace from other victims. Other than file lawsuits with little hope of a fair recovery, the public has no recourse when lies are posted to cover up the veterinary malpractice that

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killed their pet. It is alarming that pet deaths due to malpractice are routinely cloaked in secrecy by settlements and NDA's to silence victims so we don't know just how prevalent it is. People need protection for posting the truth, and I am afraid (d-2) will take that away. Please do not give this unregulated industry yet another exemption from our laws. Please delete HB 2850 (d-2). Thank you.

Jodi Long
Texas Veterinary Medical Association
Angleton, TX

Every person should be able to defend themselves against social media attacks. As it currently stands, I cannot even explain that a person is not even a client without opening myself up to censor or a state board sanction.

Anna Hayes
Anna K Hayes DVM
Denison, TX

I support this bill being an Equine (Horse) veterinarian I have to deal with horse emergencies at night,the volunteers are of great help and should not risk liability

Meagan Anderson
self - veterinarian in private practice.
Fort Worth, TX

It is vital that veterinarians be able to defend themselves from baseless online attacks. At the current time, online reviews can be used as threats by members of the general public in attempt to extort veterinarians to provide free services. Often, uneducated people unconnected to the case perpetuate incorrect claims. Veterinarians should legally be permitted to state the facts of the case in public and online so that the general public can decide who is telling the truth. As things currently stand, veterinarians are trampled in the online forums and have no means by which to defend their reputation. This causes tremendous psychological damage to the veterinary professional, who many times is innocent. I have experienced this personally and it was both eye-opening and disheartening. Our profession deserves better.

Richard Lusk, Dr.
Myself
Austin, TX

I agree 100% with this bill to limit liability for unpaid volunteers and to offer veterinarians relief from fraudulent claims by owners or those who claim to be their agents.
Rick Lusk DVM, MS

Jodi Ware, BS, PharmD
Self, retired pharmacist
Kingwood, TX

To the Honorable Committee members:

Thank you for your service and for considering my input.

I oppose Subsection (d-2) of HB 2850 for the reasons outlined during my in-person testimony and for those below.

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According to the American Pet Products Association, Americans spent \$103.9 billion on pets last year and are predicted to spend nearly \$110 billion this year. If Texas represents ~9% of the American population, that equates to nearly \$10 billion spent by Texan pet owners alone. Pets and their people have few consumer protections. In fact, the principal protection is the TBVME which often fails to act, even against some of the worst offenders.

Stripping away confidentiality would be yet another removed consumer protection on an already lengthy list, including but not limited to the following:

- Regulatory oversight is hugely lacking
- Most clients are self-pay and, even if insured, no payer limits are imposed
- Malpractice awards are extremely rare because pets have little economic value
- As I understand it, veterinarians are exempt from the Texas DTPA
- Compliance with the Texas PMP is not mandated for controlled substances and veterinarians have a single chain of prescription command (i.e., procure, stock, prescribe, administer, dispense, and destroy), yet rarely do on-site TBVME inspections occur
- No requirement exists for reporting into the Federal Sunshine Payments Act
- Reference to informed owner consent (outside of select alternative therapies) is noticeably absent from Texas veterinary statute and rule
- Client counseling on veterinary drugs is not compulsory—and to be clear, some drugs used in animals can harm the humans handling them
- Patients cannot voice their symptoms and concerns which may contribute to overdiagnosis and overtreatment
- Owners are vulnerable and trusting (and often separated from their pets while they are being assessed and treated)
- Federal laws protect human and laboratory (but not companion) animal research subjects which can lead to a whole host of problems as exemplified by my dog's covert use as a study subject for a new bone-cutting cruciate surgery that led to avoidable harms
- The lack of research oversight can also contribute to premature seeding/widespread use of diagnostics and interventions that have a dearth of evidence
- Some veterinarians perform procedures beyond the scope of their experiential training under mentorship/without having demonstrated proficiency (e.g., bone-cutting cruciate surgeries that have been 'taught' in short continuing education courses)

Pets and their people already have so few protections while veterinarians enjoy insulation from many checks and balances. I implore you not to exacerbate this further with Subsection (d-2) of HB 2850. Please statutorily uphold confidentiality and strike Subsection (d-2) from this bill.

Thank you and kindest regards,

Jodi Ware, BS, PharmD

<https://pubmed.ncbi.nlm.nih.gov/30020010/>

<https://pubmed.ncbi.nlm.nih.gov/30120190/>