

SENATE AMENDMENTS

2nd Printing

By: Anderson, Guillen, Stucky, Buckley,
Rogers, et al.

H.B. No. 3442

A BILL TO BE ENTITLED

1 AN ACT
2 relating to complaints filed with the State Board of Veterinary
3 Medical Examiners.

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

5 SECTION 1. Section 801.207, Occupations Code, is amended by
6 amending Subsections (b) and (c) and adding Subsections (b-1),
7 (b-2), and (b-3) to read as follows:

8 (b) Except as provided by Subsections (b-1) and (b-2), each
9 ~~[Each]~~ complaint, investigation file and record, and other
10 investigation report and all other investigative information in the
11 possession of or received or gathered by the board or the board's
12 employees or agents relating to a license holder, an application
13 for license, or a criminal investigation or proceeding is
14 privileged and confidential and is not subject to discovery,
15 subpoena, or other means of legal compulsion for release to anyone
16 other than the board or the board's employees or agents involved in
17 discipline of a license holder.

18 (b-1) The board shall provide a copy of each complaint to
19 the license holder who is the subject of the complaint not later
20 than the 14th day before the date any response is due, unless
21 providing a copy of the complaint would jeopardize an
22 investigation. The board may not require the license holder to
23 request a copy of the complaint.

24 (b-2) The board shall provide to the complainant a copy of

1 any response to the complaint the license holder provides not later
2 than the 14th day after the date the board receives the response,
3 unless providing the copy would jeopardize an investigation or the
4 act alleged in the complaint is not under the board's jurisdiction.
5 If the board provides a copy of a response to a complainant, the
6 board shall include with the copy notice of the complainant's
7 opportunity to rebut the license holder's response.

8 (b-3) The board is not required to provide a copy of the
9 complaint under Subsection (b-1) or a license holder's response
10 under Subsection (b-2) for a complaint initiated by the board.

11 (c) Except as provided by Subsection (b-1), the [The] board
12 shall protect the identity of a complainant to the extent possible.

13 SECTION 2. Section 801.207, Occupations Code, as amended by
14 this Act, applies only to a complaint filed with the State Board of
15 Veterinary Medical Examiners on or after the effective date of this
16 Act. A complaint filed with the board before the effective date of
17 this Act is governed by the law in effect on the date the complaint
18 was filed, and the former law is continued in effect for that
19 purpose.

20 SECTION 3. This Act takes effect September 1, 2021.

ADOPTED

MAY 18 2021

Lately Law
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Beverly Powell*

1 Amend H.B. No. 3442 (senate committee report) as follows:

2 (1) In the recital to SECTION 1 of the bill, amending
3 Section 801.207, Occupations Code (page 1, lines 22 through 24),
4 strike "Subsections (b-1), (b-2), and (b-3)" and substitute
5 "Subsection (b-1)".

6 (2) In SECTION 1 of the bill, in amended Section 801.207(b),
7 Occupations Code (page 1, line 25), strike "Subsections (b-1) and
8 (b-2)" and substitute "Subsection (b-1)".

9 (3) In SECTION 1 of the bill, strike proposed Sections
10 801.207(b-1), (b-2), and (b-3), Occupations Code (page 1, lines 35
11 through 51), and substitute the following:

12 (b-1) Not later than the 14th day before the date of an
13 informal proceeding under Section 801.408, the board shall provide
14 to the license holder who is the subject of the complaint a copy of
15 the record of any review conducted under Section 801.2055 of a
16 complaint requiring medical expertise. The board shall redact the
17 name of each veterinarian who conducted the review.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3442 by Anderson (Relating to complaints filed with the State Board of Veterinary Medical Examiners.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to complaints filed with the State Board of Veterinary Medical Examiners could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 578 Bd of Vet Medical Exam

LBB Staff: JMc, LBO, AJL, TG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 11, 2021

TO: Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture & Rural Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3442 by Anderson (Relating to complaints filed with the State Board of Veterinary Medical Examiners.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 801.207, Occupations Code, to require the Texas Board of Veterinary Medical Examiners (TBVME) to provide a copy of each complaint to the license holder who is the subject of the complaint not later than the 14th day before the date any response is due and provide a complainant a copy of any response to the complaint the license holder provides not later than the 14th day after the date TBVME receives the response, unless providing a copy would jeopardize an investigation.

Based on the information provided by TBMVE, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 578 Bd of Vet Medical Exam

LBB Staff: JMc, AJL, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 9, 2021

TO: Honorable DeWayne Burns, Chair, House Committee on Agriculture & Livestock

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3442 by Anderson (Relating to complaints filed with the State Board of Veterinary Medical Examiners.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 801.207, Occupations Code, to require the Texas Board of Veterinary Medical Examiners (TBVME) to provide a copy of each complaint to the license holder who is the subject of the complaint not later than the 14th day before the date any response is due and provide a complainant a copy of any response to the complaint the license holder provides not later than the 14th day after the date TBVME receives the response, unless providing a copy would jeopardize an investigation.

Based on the information provided by TBMVE, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 578 Bd of Vet Medical Exam

LBB Staff: JMc, AJL, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 31, 2021

TO: Honorable DeWayne Burns, Chair, House Committee on Agriculture & Livestock

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3442 by Anderson (Relating to the requirement that the State Board of Veterinary Medical Examiners provide a copy of a complaint to the subject of the complaint.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 801.207, Occupations Code, to require the Texas Board of Veterinary Medical Examiners (TBVME) to provide a copy of each complaint to the license holder who is the subject of the complaint not later than the 14th day before the date any response is due, unless providing a copy of the complaint would jeopardize an investigation.

Based on the information provided by TBMVE, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 578 Bd of Vet Medical Exam

LBB Staff: JMc, AJL, TG