

## **BILL ANALYSIS**

Senate Research Center  
88R9550 MAW-D

S.B. 1414  
By: Johnson et al.  
Water, Agriculture, & Rural Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The State Board of Veterinary Medical Examiners (SBVME) has undergone three Sunset reviews over the last six years. These reviews have repeatedly documented significant data collection, reliability, and analysis issues, and poor enforcement procedures in the agency. A special-purpose Sunset review in November 2022 found continued issues with data collection, tracking, reliability, and analysis. This resulted in the Sunset Advisory Commission directing staff to identify options to address the systemic issues at SBVME and to submit them to the commission.

The Sunset Advisory Commission recommends administratively attaching SBVME to the Texas Department of Licensing and Regulation (TDLR) for a four-year period, with another Sunset review at its conclusion. S.B. 1414 amends Section 801 of the Occupations Code so that TDLR provides SBVME with policymaking and administrative oversight, guidance, and support. SBVME serves as an advisory board during this four-year attachment, and the Texas Commission of Licensing and Regulation (TCLR) would not be able to adopt a new rule unless the rule has been proposed by the advisory board. During this period, TCLR would adopt rules prescribing the procedure by which the advisory board may propose rules relating to the scope of practice of, a health-related standard of care for, or the ethical practices of the profession of veterinary medicine. At the end of this period, SBVME would return to its independent agency status.

Another major provision of S.B. 1414 is that TDLR and SBVME would adopt a memorandum of understanding, with specifications that SBVME staff would shadow TDLR staff to be trained in licensing, inspection, and enforcement policies and procedures. Also, the agency would work with both TDLR and DIR to determine its database needs, and to acquire and implement a suitable database.

Prior to the 89th legislative session, TDLR would be required to provide statutory recommendations designed to improve the agency's operations to the Sunset Advisory Commission and the standing committees with jurisdiction over SBVME. The Sunset date for SBVME would be changed from 2029 to 2027.

As proposed, S.B. 1414 amends current law relating to the regulation of the practice of veterinary medicine by the Texas Department of Licensing and Regulation.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 (Section 801.022, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 801.003, Occupations Code, as follows:

Sec. 801.003. APPLICATION OF SUNSET ACT. Provides that the State Board of Veterinary Medical Examiners (SBVME) is subject to Chapter 325 (Sunset Law), Government Code. Provides that unless continued in existence as provided by that chapter, SBVME is abolished September 1, 2027, rather than 2029.

SECTION 2. Amends Chapter 801, Occupations Code, by adding Subchapter A-1, as follows:

SUBCHAPTER A-1. REGULATION BY TEXAS DEPARTMENT OF LICENSING AND  
REGULATION

Sec. 801.021. DEFINITIONS. Defines "commission" and "department."

Sec. 801.022. ADMINISTRATION OF CHAPTER BY DEPARTMENT; RULES. (a) Requires the Texas Department of Licensing and Regulation (TDLR), notwithstanding any other law, to administer this chapter. Authorizes TDLR to contract with an independent management consultant to assist in administering this chapter.

(b) Provides that a power or duty granted to SBVME under this chapter is a power or duty of TDLR or the Texas Commission of Licensing and Regulation (TCLR), as applicable.

(c) Prohibits SBVME from exercising any power or duty under this chapter unless authorized by TCLR.

(d) Prohibits TCLR from adopting a new rule relating to the scope of practice of, a health-related standard of care for, or the ethical practice of the profession of veterinary medicine unless the rule has been proposed by SBVME under Section 801.023(c). Requires TCLR to adopt rules prescribing the procedure by which SBVME is authorized to propose rules described by this subsection.

(e) Requires TCLR, for each rule proposed as described by Subsection (d), to either adopt the rule as proposed or return the rule to SBVME for revision. Provides that TCLR retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process.

Sec. 801.023. ADVISORY BOARD. (a) Provides that SBVME, notwithstanding Subchapter D (Board Powers and Duties), is an advisory board to TDLR. Authorizes TDLR to establish working groups composed of SBVME members as TDLR considers necessary.

(b) Requires SBVME, the equine dental provider advisory committee, and any advisory committee appointed under Section 801.163 (Advisory Committees) to provide advice and recommendations to TDLR on technical matters relevant to the administration of this chapter.

(c) Requires SBVME to propose rules to TCLR relating to the scope of practice of, a health-related standard of care for, and the ethical practice of the profession of veterinary medicine.

Sec. 801.024. CONFLICT WITH OTHER LAW. (a) Provides that this chapter controls, notwithstanding Section 51.003 (Applicability), to the extent of any conflict between this chapter and Chapter 51 (Texas Department of Licensing and Regulation).

(b) Provides that this subchapter controls to the extent of any conflict between this subchapter and another provision of this chapter.

Sec. 801.025. EXPIRATION. Provides that this subchapter expires September 1, 2027.

SECTION 3. (a) Defines "board" and "department."

(b) Requires TDLR and SBVME, not later than October 1, 2023, to adopt a memorandum of understanding regarding the regulation of the practice of veterinary medicine by TDLR. Requires that the memorandum:

(1) specify the manner in which SBVME and SBVME staff will observe and assist TDLR and TDLR staff and receive appropriate training on implementing policies and procedures related to licensing, inspections, and enforcement;

(2) require TDLR and SBVME to consult with the Department of Information Resources to assess the database needs of SBVME and establish a plan for the procurement and acquisition of a database suitable to address those needs; and

(3) specify the circumstances under which SBVME is authorized to exercise a power or duty as authorized by TDLR under Section 801.022(c), Occupations Code, as added by this Act.

(c) Requires TDLR, not later than December 1, 2024, to submit to the Sunset Advisory Commission and each standing committee of the legislature with primary jurisdiction over SBVME any legislative recommendations necessary to improve SBVME's operations.

SECTION 4. Effective date: September 1, 2023.