

BILL ANALYSIS

Senate Research Center
88R20013 MAW-D

C.S.S.B. 1414
By: Johnson et al.
Water, Agriculture, & Rural Affairs
3/27/2023
Committee Report (Substituted)

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.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1414 amends current law relating to the temporary 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 (Sections 801.022 and 801.024, 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. TEMPORARY REGULATION BY TEXAS DEPARTMENT OF LICENSING AND REGULATION

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

Sec. 801.022. TEMPORARY ADMINISTRATION OF CHAPTER BY DEPARTMENT; RULES. (a) Requires the Texas Department of Licensing and Regulation (TDLR), notwithstanding any other law, to assume all policy-making powers of SBVME and administer this chapter. Authorizes TDLR to contract as necessary to administer this chapter.

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

(c) Authorizes TCLR or the executive director to delegate, or withdraw any delegation of, any power or duty under this chapter to SBVME or the executive director of SBVME. Requires that the delegation or withdrawal of delegation be in writing.

(d) Prohibits TCLR from adopting a new rule relating to the scope of practice of or a health-related standard of care for the practice of the profession of veterinary medicine unless the rule has been proposed by SBVME under Section 801.024(c). Requires TCLR, for a rule described by this subsection, to either adopt the rule as proposed or return the rule to SBVME for revision.

(e) Provides that TCLR retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process.

(f) Requires TDLR, not later than December 31, 2026, to conduct a review under Section 2001.039 (Agency Review of Existing Rules), Government Code, of each rule under 22 T.A.C. Part 24. Requires TDLR, in conducting the review under this subsection, to ensure that license holders and the public have a meaningful opportunity to provide input and recommend changes to the rules.

(g) Requires TDLR to propose necessary amendments to a rule, or the repeal of a rule, for which TDLR determines SBVME lacks a sufficient reason or authority to adopt or enforce.

Sec. 801.023. SEPARATION OF ADMINISTRATIVE FUNCTIONS OF BOARD.

(a) Provides that the executive director is required to direct and is authorized to dismiss the executive director of SBVME. Requires the presiding officer of TCLR to appoint a replacement executive director of SBVME if necessary.

(b) Provides that, subject to Subsection (a), the executive director of SBVME is responsible for the administration of financial services, human resources, and workforce development duties of SBVME, including:

- (1) accounts payable and accounts receivable;
- (2) budgeting, inventory, and asset management;
- (3) payroll;

- (4) personnel and labor issues;
- (5) purchasing;
- (6) recruitment, evaluation, selection, training, and promotion of personnel;
- (7) submitting required reports regarding finances, performance measures, strategic planning, legislative appropriations requests, operating budgets, and similar information as required by law;
- (8) legal support services, including responding to requests for public information; and
- (9) information technology and support.

(c) Requires SBVME, if TDLR provides any of the functions listed in Subsection (b), to reimburse TDLR for administrative costs incurred in providing those services.

Sec. 801.024. ADVISORY BOARD. (a) Provides that SBVME, notwithstanding Subchapter D (Board Powers and Duties), is an advisory board to TDLR.

(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 TDLR relating to the scope of practice of or a health-related standard of care for, and the ethical practice of the profession of veterinary medicine.

Sec. 801.025. 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. 801.026. EXPIRATION. Provides that this subchapter expires September 1, 2027.

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

(b) Requires the Department of Information Resources (DIR), not later than October 1, 2023, to consult with TDLR and SBVME to assess the database needs of SBVME and establish a plan for the procurement and acquisition of a database suitable to address those needs.

(c) Requires SBVME, notwithstanding any other law, to provide DIR and TDLR with access to any system, hardware, software, documents, or information necessary to achieve the purposes of Subsection (b) of this section.

(d) Provides that the provision of information under this section to DIR or TDLR does not waive confidentiality or privilege.

SECTION 4. 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 5. Effective date: September 1, 2023.