

By: Johnson, et al.

S.B. No. 1414

A BILL TO BE ENTITLED

AN ACT

relating to the temporary regulation of the practice of veterinary medicine by the Texas Department of Licensing and Regulation.

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

SECTION 1. Section 801.003, Occupations Code, is amended to read as follows:

Sec. 801.003. APPLICATION OF SUNSET ACT. The State Board of Veterinary Medical Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2027 [~~2029~~].

SECTION 2. Chapter 801, Occupations Code, is amended by adding Subchapter A-1 to read as follows:

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

Sec. 801.021. DEFINITIONS. In this subchapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

Sec. 801.022. TEMPORARY ADMINISTRATION OF CHAPTER BY DEPARTMENT; RULES. (a) Notwithstanding any other law, the department shall assume all policy-making powers of the board and administer this chapter. The department may contract as necessary to administer this chapter.

1 (b) A power or duty granted to the board under this chapter
2 is a power or duty of the executive director of the department, the
3 department, or the commission, as applicable.

4 (c) The commission or executive director of the department
5 may delegate, or withdraw any delegation of, any power or duty under
6 this chapter to the board or the executive director of the board.
7 The delegation or withdrawal of delegation must be in writing.

8 (d) The commission may not adopt a new rule relating to the
9 scope of practice of or a health-related standard of care for the
10 practice of the profession of veterinary medicine unless the rule
11 has been proposed by the board under Section 801.024(c). For a rule
12 described by this subsection, the commission shall either adopt the
13 rule as proposed or return the rule to the board for revision.

14 (e) The commission retains authority for final adoption of
15 all rules and is responsible for ensuring compliance with all laws
16 regarding the rulemaking process.

17 (f) Not later than December 31, 2026, the department shall
18 conduct a review under Section 2001.039, Government Code, of each
19 rule under 22 T.A.C. Part 24. In conducting the review under this
20 subsection, the department shall ensure that license holders and
21 the public have a meaningful opportunity to provide input and
22 recommend changes to the rules.

23 (g) The department shall propose necessary amendments to a
24 rule, or the repeal of a rule, for which the department determines
25 the board lacks a sufficient reason or authority to adopt or
26 enforce.

27 Sec. 801.023. SEPARATION OF ADMINISTRATIVE FUNCTIONS OF

1 BOARD. (a) The executive director of the department shall direct
2 and may dismiss the executive director of the board. The presiding
3 officer of the commission shall appoint a replacement executive
4 director of the board if necessary.

5 (b) Subject to Subsection (a), the executive director of the
6 board is responsible for the administration of financial services,
7 human resources, and workforce development duties of the board,
8 including:

- 9 (1) accounts payable and accounts receivable;
- 10 (2) budgeting, inventory, and asset management;
- 11 (3) payroll;
- 12 (4) personnel and labor issues;
- 13 (5) purchasing;
- 14 (6) recruitment, evaluation, selection, training, and
15 promotion of personnel;
- 16 (7) submitting required reports regarding finances,
17 performance measures, strategic planning, legislative
18 appropriations requests, operating budgets, and similar
19 information as required by law;
- 20 (8) legal support services, including responding to
21 requests for public information; and
- 22 (9) information technology and support.

23 (c) If the department provides any of the functions listed
24 in Subsection (b), the board shall reimburse the department for
25 administrative costs incurred in providing those services.

26 Sec. 801.024. ADVISORY BOARD. (a) Notwithstanding
27 Subchapter D, the board is an advisory board to the department.

1 (b) The board, the equine dental provider advisory
2 committee, and any advisory committee appointed under Section
3 801.163 shall provide advice and recommendations to the department
4 on technical matters relevant to the administration of this
5 chapter.

6 (c) The board shall propose rules to the commission relating
7 to the scope of practice of or a health-related standard of care for
8 the practice of the profession of veterinary medicine.

9 Sec. 801.025. CONFLICT WITH OTHER LAW. (a)
10 Notwithstanding Section 51.003, to the extent of any conflict
11 between this chapter and Chapter 51, this chapter controls.

12 (b) To the extent of any conflict between this subchapter
13 and another provision of this chapter, this subchapter controls.

14 Sec. 801.026. EXPIRATION. This subchapter expires
15 September 1, 2027.

16 SECTION 3. (a) In this section:

17 (1) "Board" means the State Board of Veterinary
18 Medical Examiners.

19 (2) "Department" means the Texas Department of
20 Licensing and Regulation.

21 (b) Not later than October 1, 2023, the Department of
22 Information Resources shall consult with the department and the
23 board to assess the database needs of the board and establish a plan
24 for the procurement and acquisition of a database suitable to
25 address those needs.

26 (c) Notwithstanding any other law, the board shall provide
27 the Department of Information Resources and the department with

1 access to any system, hardware, software, documents, or information
2 necessary to achieve the purposes of Subsection (b) of this
3 section.

4 (d) The provision of information under this section to the
5 Department of Information Resources or the department does not
6 waive confidentiality or privilege.

7 SECTION 4. Not later than December 1, 2024, the Texas
8 Department of Licensing and Regulation shall submit to the Sunset
9 Advisory Commission and each standing committee of the legislature
10 with primary jurisdiction over the State Board of Veterinary
11 Medical Examiners any legislative recommendations necessary to
12 improve the board's operations.

13 SECTION 5. This Act takes effect September 1, 2023.