

By: Johnson, et al.

S.B. No. 1414

A BILL TO BE ENTITLED

AN ACT

relating to the 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. 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. ADMINISTRATION OF CHAPTER BY DEPARTMENT; RULES. (a) Notwithstanding any other law, the department shall administer this chapter. The department may contract with an independent management consultant to assist in administering this chapter.

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

3 (c) The board may not exercise any power or duty under this
4 chapter unless authorized by the commission.

5 (d) The commission may not adopt a new rule relating to the
6 scope of practice of, a health-related standard of care for, or the
7 ethical practice of the profession of veterinary medicine unless
8 the rule has been proposed by the board under Section 801.023(c).
9 The commission shall adopt rules prescribing the procedure by which
10 the board may propose rules described by this subsection.

11 (e) For each rule proposed as described by Subsection (d),
12 the commission shall either adopt the rule as proposed or return the
13 rule to the board for revision. The commission retains authority
14 for final adoption of all rules and is responsible for ensuring
15 compliance with all laws regarding the rulemaking process.

16 Sec. 801.023. ADVISORY BOARD. (a) Notwithstanding
17 Subchapter D, the board is an advisory board to the department. The
18 department may establish working groups composed of board members
19 as the department considers necessary.

20 (b) The board, the equine dental provider advisory
21 committee, and any advisory committee appointed under Section
22 801.163 shall provide advice and recommendations to the department
23 on technical matters relevant to the administration of this
24 chapter.

25 (c) The board shall propose rules to the commission relating
26 to the scope of practice of, a health-related standard of care for,
27 and the ethical practice of the profession of veterinary medicine.

1 Sec. 801.024. CONFLICT WITH OTHER LAW. (a)

2 Notwithstanding Section 51.003, to the extent of any conflict
3 between this chapter and Chapter 51, this chapter controls.

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

6 Sec. 801.025. EXPIRATION. This subchapter expires
7 September 1, 2027.

8 SECTION 3. (a) In this section:

9 (1) "Board" means the State Board of Veterinary
10 Medical Examiners.

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

13 (b) Not later than October 1, 2023, the department and the
14 board shall adopt a memorandum of understanding regarding the
15 regulation of the practice of veterinary medicine by the
16 department. The memorandum must:

17 (1) specify the manner in which the board and board
18 staff will observe and assist the department and department staff
19 and receive appropriate training on implementing policies and
20 procedures related to licensing, inspections, and enforcement;

21 (2) require the department and the board to consult
22 with the Department of Information Resources to assess the database
23 needs of the board and establish a plan for the procurement and
24 acquisition of a database suitable to address those needs; and

25 (3) specify the circumstances under which the board
26 may exercise a power or duty as authorized by the Texas Commission
27 of Licensing and Regulation under Section 801.022(c), Occupations

1 Code, as added by this Act.

2 (c) Not later than December 1, 2024, the department shall
3 submit to the Sunset Advisory Commission and each standing
4 committee of the legislature with primary jurisdiction over the
5 board any legislative recommendations necessary to improve the
6 board's operations.

7 SECTION 4. This Act takes effect September 1, 2023.