

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Agriculture & Livestock
For HB 3945

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Hearing Date: April 12, 2023 8:00 AM

Heather Kutyba
Self/ Veterinary Management/Administration
Cypress, TX

Thank you for the opportunity to address the Committee in via written testimony.
I hold a neutral position on H.B. No. 3945.

Currently, parallel Texas medical occupational boards do not statutorily limit the President role to exclude all but a licensee. To be clear, I support a veterinary licensee OR public member sitting on the acting TBVME board, as position for board President (Chair).

The primary role of the board chair is to keep the agency on track toward fulfilling its mission. At its core, this involves facilitating board meetings, exemplifying strong leadership, practicing ethical governance, and representing as spokesperson for the entire panel. Communication and transparency to all board members and the public alike- is key.

History has painfully demonstrated not all veterinary licensees honor the call to ethics. Instead of focusing on one denominator as this bill suggests, I think it far more prudent to preserve existing statute that mirrors our professional boards in medicine.

The make-up of regulatory boards are diverse for the prime reason of bringing a multitude of experience to the table, in effort to have a vast source of knowledge and representation consistent with industry and the public. ALL members of an existing board should receive equal consideration based on their capacity, merit and willingness to serve.

Judy Santerre
Self/Retired
Wimberley, TX

Judy Santerre, against HB 3945, self
Wimberley, Texas

Veterinary malpractice is "...without question the source of most harm to companion animals." The outcomes for veterinary care are unacceptable because of lack of accountability, affordability, consolidation, and a declining standard of care.

Texas is a proud capitalist state, but the veterinary industry is not that. There is no competition and consumers can't avoid bad actors because those rare agreed orders are often hidden. Bad actors continue to practice without discipline, while the quality of veterinary care declines. The market isn't setting prices, the sellers are. Our companion animals have too often become expendable pawns in the pursuit of profits. The industry is becoming monopolized, and it requires State and Federal action to protect consumers.

The unnecessary deaths of pets people consider family members are devastating for consumers. For years, the board has failed in its mission to protect the public because it is fully controlled by market participants.

To improve the board would take removing full industry control of it. Of the last three board presidents, the only one who tried to do something to improve public protections is Mr. Pardue. He tried to add the word consent in rule but was blocked. The TVMA supported the previous two veterinarian presidents while inspections and board orders dramatically decreased. I understand the next board president is the past president of the TVMA, the same TVMA that added a veterinarian to its own board of directors who is a serial offender and whose last board order alone included eight standard of care violations. This has not been beneficial for the public in the past, and it's doubtful it will be in the future.

We're in a health and safety emergency. In Hays County, we've lost five kids to fentanyl overdose. Xylazine makes fentanyl even deadlier, and it's being diverted from veterinary sources. <https://www.usnews.com/news/health-news/articles/2023-03-29/lawmakers-want-to-tighten-access-to-veterinary-drug-xylazine-often-mixed-with-fentanyl>

Inspections are badly needed for these unregulated veterinary pharmacies, and they won't be done timely as long as the industry is in charge.

Public protection from this industry is long overdue. Please do not pass this bill.

Thank you.

Jodi Ware, BS, PharmD
Self/Retired Pharmacist
Kingwood, TX

I oppose HB 3945.

The Texas Occupations Code pertaining to Officers of regulatory boards is common across health professions. For Texas physicians, nurses, pharmacists, and veterinarians, it states that the governor shall designate a member of the board as the presiding officer. It does not stipulate that the presiding officer must be a member of the profession the board ostensibly regulates. This bill aims to make a special exception for veterinarians.

It may seem logical that the veterinary board president be a veterinarian, but I ask you to think again. The board has failed three Sunset reviews in 6 years while under two different VETERINARIAN board member presidents who prioritized the interests of their brethren colleagues over the public they were supposed to protect from harms. Some examples of their abuses of power due to conflicting interests include:

- Tabling or dismissing cases involving egregious misconduct, even when licensees pose serious and imminent threat to public welfare.
- Suppressing historically released information to help shield licensees' and the board's bad behavior from public view.
- Quietly facilitating statute and rule changes to advance veterinary interests.
- Skirting the Open Meetings Act and wasting precious resources for repeated road shows around the state to hobnob with licensees, while neglecting much more important board priorities (including the public).

Licensees already have advocacy in their veterinary medical associations. This board is meant to be a public trust that advocates for us.

I saw glimpses of reform after the KXAN exposé and resulting disruption while under the presidency of a PUBLIC board member. But yesterday the governor named a VETERINARIAN who is immediate past president of the Texas Veterinary Medical Association—the lobbying group for veterinarians—as the new president of the board that is supposed to regulate veterinarians, so I'm afraid I'm not feeling as optimistic.

Regardless, I believe veterinary board presidency should remain open to public board members who will prioritize the interests of the public the board is in place to protect. I respectfully ask you to preserve existing statute and vote against this bill.

Thank you,
Jodi Ware, BS, PharmD