



Texas State Board of Veterinary Medical Examiners

Agency at a Glance

To ensure that safe and quality veterinary services are provided to the citizens of Texas and their animals, the Texas State Board of Veterinary Medical Examiners regulates the practice of veterinary medicine in Texas. The State began regulating veterinarians in 1911, when the Legislature created the Veterinary Licensing Act and established the Board. The Board's main functions include:

- licensing qualified individuals to practice veterinary medicine in Texas;
- setting standards regarding the practice of veterinary medicine; and
- enforcing the Veterinary Licensing Act and Board rules, which includes investigating and resolving complaints against both licensed and unlicensed individuals, and taking disciplinary action when necessary.

Key Facts

- **Funding.** In fiscal year 2004, the Board operated with a budget of \$613,145 and collected more than \$1.7 million in revenues from professional and licensing fees and fines.
- **Staffing.** The Board has a staff of 11, all based in Austin.
- **Licensing.** The Board regulates 6,760 veterinarians, including about 1,400 that live outside of Texas. In fiscal year 2004, the Board issued 289 new licenses.
- **Enforcement.** In fiscal year 2004, the Board received 339 jurisdictional complaints and resolved 308. Of the resolved complaints, 42 resulted in disciplinary action, with the largest category of complaints relating to standard of care.



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Board Members (9)

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Recommendations

1. Strengthen the Board's Continuing Education Program to Better Ensure Licensees Keep Current With Industry Standards and Practices.
2. Conform Key Elements of the Board's Licensing and Regulatory Functions to Commonly Applied Licensing Practices.
3. Continue the Texas State Board of Veterinary Medical Examiners for 12 Years.

Continuing Education Efforts Lack Controls to Ensure the Benefits Intended From Enhanced Professional Competence.

Key Findings

- Continuing education (CE) keeps licensed veterinarians abreast of current industry practices and recent technological developments, which enhances public protection.
- Opportunities for licensees to circumvent the Board's continuing education requirements may reduce the effectiveness of the Board's CE program.
- Other regulatory agencies have established more effective continuing education programs.

Because industry standards change as improvements in technology and medical treatment are developed, the Board requires veterinarians to complete continuing education every year. Doing so allows veterinarians to stay abreast of current best practices and provide better veterinary medical service, as well as brings the Board in line with practices at other regulatory agencies. However, limitations in the Board's ability to monitor CE compliance, require veterinarians to make up missed CE hours, and use continuing education as an enforcement tool stunt the effectiveness of the Board's CE program.

Recommendations

Change in Statute

1.1 Require the Board to check veterinarians' compliance with continuing education through the licensing process.

The Board's primary method for checking that veterinarians have obtained the mandatory hours of continuing education would be through a random audit of license renewals. Those licensees randomly selected would send their proof of CE completion to the Board, which would accept verifiable certificates for individual CE courses as proof of attendance, and discontinue the practice of allowing veterinarians to list all courses on one presigned form. The Board would focus its CE-monitoring efforts through its licensing functions instead of inspections, providing a more equitable system of checking for CE compliance, and freeing investigators to focus on more imminent threats, such as controlled substance and sanitation violations.

1.2 Authorize the Board to require a licensee to take more than the annual number of continuing education hours as part of a disciplinary action.

This recommendation would remove the provision in the Veterinary Licensing Act that limits the Board from requiring a licensee to take more than 17 hours of continuing education in any one year. As a result, the Board would have authority to require veterinarians who violated the Board's CE requirements to make up the missing hours in subsequent years, ensuring that they receive the valuable continuing education required of them. In addition, the Board would be able to specify that a veterinarian take continuing education beyond the standard requirement as part of a disciplinary action, giving the Board an avenue to see that veterinarians address identified concerns.

Management Action

1.3 The Board should explore and implement ways to ensure that continuing education providers comply with minimum standards established by the Board.

Approaches explored should include the following:

- staff or Board-member site visits and monitoring;
- regular submission of records, such as sign-in and sign-out logs;
- providing guidelines to CE providers regarding the types of acceptable certificates of completion; and
- other methods established by the Board.

The Board would establish methods for making sure that continuing education courses cover the topics and meet the class length advertised to licensees and the Board, that providers have a method for recording and verifying attendance, and that providers give certificates of completion at the end of the course. The Board would work with CE providers to make them aware of the Board's requirements and standards. As needed, Board members and staff would make site visits to continuing education courses, particularly if the Board receives a complaint regarding a specific course or provider. Providers who do not meet these standards would be subject to removal from the Board's list of acceptable continuing education providers.

Issue 2

Key Elements of the Board's Licensing and Regulatory Functions Do Not Conform to Commonly Applied Licensing Practices.

Key Findings

- Licensing provisions of the Board's statute do not follow model licensing practices and could potentially affect the fair treatment of licensees and the agency's ability to protect consumers.
- Nonstandard enforcement provisions of the Board's statute could reduce the agency's effectiveness in protecting consumers.

Various licensing, enforcement, and administrative processes in the Veterinary Licensing Act do not match model licensing standards developed by the Sunset Commission from experience gained through more than 80 occupational licensing reviews over the last 25 years. For example, the Board's process for reviewing and settling complaints does not provide the broad perspective needed to ensure sound decisions that protect consumers. A comparison of the Board's statute, rules, and practices with model licensing standards identified variations from these standards and the needed changes to bring the Board in line with model standards.

Recommendations

Licensing

Change in Statute

2.1 Eliminate the statutory authority for oral exams in the Board's statute.

This recommendation would remove the Board's authority to use oral exams from its statute because this language is obsolete and does not conform to model examination procedures.

2.2 Require the Board to establish a policy for refunding examination fees.

This recommendation would authorize the Board to retain all or part of examination fees should an applicant withdraw from an exam without reasonable advance notice or a satisfactory excuse, such as an emergency. The Board would need to develop a rule to define the reasonable notification period and the emergencies that would warrant a refund.

2.3 Provide an exemption from the provisional license supervision requirement for applicants who are already licensed to practice independently in other states.

Allowing qualified veterinarians from other states to practice independently in Texas while the Board processes their applications would remove a barrier to entry into the profession. As long as a veterinarian has a license to practice independently, is in good standing in another state, and meets Texas' licensing requirements, the Board should allow independent practice in Texas.

2.4 Change the basis for the Board's late renewal penalties.

The renewal fee for veterinarians who are delinquent in renewing their licenses would be based on the normal renewal fee set by the Board, not the examination fee. A person whose license has been expired for 90 days or less would pay a renewal fee equal to 1-1/2 times the renewal fee. Those whose licenses have been expired for more than 90 days, but less than one year, would pay an amount equal to twice the renewal fee. In calculating the late penalty, the Board would not include the \$200 professional fee assessed on veterinarians.

Enforcement

Change in Statute

2.5 Require at least two veterinarian Board members to review complaints and attend informal settlement conferences that require professional expertise, and authorize staff to settle administrative complaints.

This recommendation would require the Board to submit all complaints that may require the expertise of a practitioner to at least two veterinarian members of the Board to review and decide whether to dismiss or to refer the matter directly to an informal settlement conference. In the event the two Board members differ on how to proceed, the complaint would automatically be referred to the Board's enforcement committee for a settlement conference. If a settlement conference is needed, the two veterinarian Board members would participate. All proposed and agreed orders recommended in settlement conference would still need to receive final approval by the full Board.

This recommendation would also authorize staff to resolve cases involving nontechnical and administrative violations. Staff would have the ability to dismiss these complaints, subject to review by the Board at its public meeting, or refer the matter directly to a settlement conference conducted by either a committee of staff or a committee of Board members. All proposed orders must still receive final approval by the full Board.

2.6 Require the Board to include one of its public members in the informal settlement process.

Requiring the Board to include at least one public member in its informal settlement conferences would ensure consumer interests are properly represented in determining whether a violation occurred and what action to take.

2.7 Authorize the Board to set penalties at a level that match the egregiousness of each drug-related felony conviction.

This recommendation would give the Board the discretion to determine appropriate sanctions against licensees with drug-related felonies by considering each case on its own merits, as opposed to the automatic suspension or revocation of a license currently required by the Act.

2.8 Clarify the Board's administrative penalty authority.

This change removes the statutory provisions for a Board subcommittee to recommend the amount of administrative penalties, and for the Board to impose a civil penalty. Instead, the Board would assess administrative penalties in the same way as it does for other enforcement actions. The Board would retain the option to seek civil penalties for unlicensed practice through the courts.

The recommendation also increases the amount of an administrative penalty the Board would be able to impose on an individual who violates the Veterinary Licensing Act or Board rules from \$2,500 to \$5,000 per violation per day, the same as for violations that involve controlled substances.

2.9 Authorize the Board to require a refund as part of the settlement process.

The Board would be allowed to include refunds as part of an agreed order reached in an informal settlement conference on a complaint. Refunds would be limited to the amount the complainant paid for services, and would not include an estimation of other damages or harm.

2.10 Authorize the Board to issue cease-and-desist orders.

Providing the Board with cease-and-desist authority would enable the Board to move more quickly to stop unlicensed activity that threatens the health and safety of the public and their animals. The recommendation would also authorize the Board to assess administrative penalties against persons who violate cease-and-desist orders.

2.11 Require the Board to adopt formal policies that focus the Board on resolving complaints and prioritize complaints according to risk.

This recommendation would require the Board to adopt a formal policy that would focus its enforcement efforts on investigating complaints as opposed to performing compliance inspections. For example, the Board should consider whether it is meeting its target for complaint resolution time or if its caseload of pending complaints is reasonable when planning for compliance inspections. This recommendation would also require the Board to place complaints in priority order so that the agency handles the most serious problems first.

Management Action

2.12 The Board should post information about disciplinary orders and sanctions on its Web site in a format that consumers may access easily.

Increasing accessibility could include creating a searchable database of practitioners showing disciplinary history or listing licensees who have had disciplinary action taken against them, including the type of sanction and violation, and the date the sanction was ordered. In addition to helping the public, this listing may reduce the amount of time staff must dedicate to handling consumer inquiries.

2.13 The Board should post information about the peer assistance program on its Web site.

The Board would post information on its Web site about the peer assistance program for veterinarians who are chemically dependent or mentally impaired. Because the Board contracts with the Texas Veterinary Medical Association (TVMA) to administer the program, the Board should also provide TVMA's contact information in its description of the program.

Issue 3

Texas Has a Continuing Need for the Texas State Board of Veterinary Medical Examiners.

Key Findings

- Texas has a continuing interest in licensing and regulating veterinarians.
- The Texas State Board of Veterinary Medical Examiners protects the public by ensuring that qualified individuals practice veterinary medicine.

The practice of veterinary medicine affects all Texans. Veterinarians provide medical services for companion animals and livestock. They play a key role in public health issues by protecting the public from zoonotic diseases, those transferable from animals to humans. Veterinarians also have a direct impact on food-animal production – a major segment of the state's economy – by assisting producers in disease prevention, nutrition programs, and general herd and flock management.

Recommendation

Change in Statute

3.1 Continue the Texas State Board of Veterinary Medical Examiners for 12 years.

This recommendation would continue the Board as a separate, stand-alone agency for the standard 12-year period.

Fiscal Implication Summary

Several recommendations regarding the Texas State Board of Veterinary Medical Examiners would result in a small net savings to the State. The fiscal impact of the recommendations is summarized below:

- **Issue 2** – Changing the basis for the late renewal penalty would result in a positive fiscal impact of \$27,000 annually. The Board would need \$9,200 a year to cover travel costs associated with requiring a public member and an additional veterinarian Board member to attend informal conferences.

<i>Fiscal Year</i>	<i>Cost to the General Revenue Fund</i>	<i>Gain to the General Revenue Fund</i>	<i>Net Effect on the General Revenue Fund</i>
2006	\$9,200	\$27,000	\$17,800
2007	\$9,200	\$27,000	\$17,800
2008	\$9,200	\$27,000	\$17,800
2009	\$9,200	\$27,000	\$17,800
2010	\$9,200	\$27,000	\$17,800