

SELF-EVALUATION REPORT
SUBMITTED TO
THE SUNSET ADVISORY COMMISSION



**TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS**

AUGUST 18, 2003

**RON ALLEN,
EXECUTIVE DIRECTOR**

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Texas State Board of Veterinary Medical Examiners Self-Evaluation Report

I. Key Functions, Powers, and Duties

A. Provide an overview of the agency's mission, key functions, powers, and duties. Specify which duties are statutory.

The Texas State Board of Veterinary Medical Examiners operates under the authority of Chapter 801, Texas Occupations Code. The purpose of the Board is to protect the public by ensuring that persons entering the profession meet minimum academic and examination requirements. The Board also establishes and enforces policies to ensure the best possible quality of veterinary services for the citizens of Texas. The Board may adopt and amend rules of professional conduct as appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine. Examinations are administered by the Board to qualified applicants. Successful completion is a prerequisite to issuance of any license. The Board has authority to refuse applicants for examination, revoke or suspend licenses, issue administrative penalties, administer oaths and subpoenas, and compel witnesses to attend hearings concerning alleged violations of the Veterinary Licensing Act.

B. Does the agency's enabling law correctly reflect the agency's mission, key functions, powers, and duties?

Yes. The Veterinary Licensing Act provides protection for the public by authorizing detailed licensing procedures, providing an easy-to-understand complaint process, specifying an enforcement process, creating administrative penalties, and providing rule-making authority to the Board.

C. Please explain why these functions are needed. Are any of these functions required by federal law?

Federal law does not require these functions. The Texas Veterinary Licensing Act, Texas Occupations Code, Chapter 801, gives the Board the authority, and rules adopted by the Board flesh out the laws. Enforcement of both the Act and the Rules reasonably ensures the citizens of Texas and their pets receive care from properly educated and licensed veterinarians. Without examination of basic knowledge and required continuing education throughout the veterinarian's career and licensure, the consumer is at risk of receiving substandard services.

Renewal of a license with a continuing education requirement provides for a basic, realistic monitoring of the profession. This is complimented by regular compliance visits from staff. These compliance visits are conducted to ensure compliance with the Act and State dangerous drug and controlled substances laws. They also are conducted for educational purposes and provide an important link from this agency to the profession.

D. In general, how do other states carry out similar functions?

States vary widely from independent agencies like this one to being buried down in large umbrella agencies. Generally, small states will have them in a larger agency. Independent boards will usually be in mid to large states.

E. Describe any major agency functions that are outsourced.

The Peer Assistance program, authorized by Chapter 467 of the Health and Safety Code, assists veterinarians and veterinary students who are impaired by chemical dependency or mental illness. Participation may be voluntary or required by board order; the program is administered under contract through the Texas Veterinary Medical Association, and is approved by the Texas Commission on Alcohol and Drug Abuse. The association subcontracts with a peer assistance professional and has a committee of volunteers who assist. In 1998, the Board competitively bid the contract to operate the program. As a result it entered into a formal contract with the association and continued the previous relationship. The contract was renewed for the 2002-2003 biennium.

F. Discuss anticipated changes in federal law and outstanding court cases as they impact the agency's key functions.

There are no anticipated changes in federal law that would impact key functions. There are no outstanding court cases that may impact these function.

G. Please fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact the agency.

Texas State Board of Veterinary Medical Examiners Exhibit 1: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency (e.g., "provides authority to license and regulate nursing home administrators")
Chapter 801, Texas Occupations Code, Veterinary Licensing Act	Provides authority to license and regulate veterinarians.
Chapters 481, 483 and 485, Health and Safety Code	Chapters 481 and 483 relate to the classification, control and dispensing of controlled substances and dangerous drugs. Since veterinarians often control and dispense controlled substances in their practices, these statutes impact the Agency's rules concerning controlled substances. Chapter 485 relates to the use of abusable volatile chemicals that may be possessed by veterinarians. A criminal conviction of a veterinarian under these chapters requires the Board to revoke the veterinarian's license.
21 United States Code, Section 801 <i>et seq.</i>	This section of the Code contains the federal law on controlled substances, including schedules of controlled substances, and provides the basis for the Texas controlled substance statutes. Veterinarians must adhere to this statute in handling controlled substances.

10 CFR section 1300 <i>et seq.</i>	These regulations of the Federal Drug Enforcement Administration are based on the federal law 21 United States Code, Section 801 <i>et seq.</i> Veterinarians must comply with these regulations.
37 TAC 13.1 - .278	These regulations are Texas Department of Public Safety rules requiring persons who distribute or prescribe controlled substances to register with the DPS and meet other regulatory requirements.
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
DM-498 (December 22, 1998)	This opinion helped clarify the relationship of veterinarians and non-veterinarian business entities regarding the practice of veterinary medicine. The opinion led to changes in the Veterinary Licensing Act to allow legal sanctions against corporations or business entities that illegally practice veterinary medicine.

H. Please fill in the following chart:

Texas State Board of Veterinary Medical Examiners Exhibit 2: Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
Agency Head	Ron Allen	333 Guadalupe, Ste 3-810 Austin, TX 78701	512/305-7562 512/305-7556 (f)	Ron.allen@tbvme.state.tx.us
Agency's Sunset Liaison	Julie A. Barker	333 Guadalupe, Ste 3-810 Austin, TX 78701	512/305-7563 512/305-7556 (f)	Julie.barker@tbvme.state.tx.us

II. History and Major Events

Provide a time line discussion of the agency's history, briefly describing the key events in the development of the agency, including:

- C the date the agency was established;
- C the original purpose and responsibilities of the agency;
- C major changes in responsibilities or statutory authority;
- C agency/policymaking body name and composition changes;
- C the impact of state/federal legislation, mandates, and funding;
- C the impact of significant state/federal litigation that specifically affects the agency's operations; and
- C key organizational events, and areas of change and impact on the agency's organization (e.g., a major reorganization of the agency's divisions or program areas).

- 1911 The 32nd Legislature passed House Bill 62, creating the Veterinary Licensing Act and the Texas State Board of Veterinary Medical Examiners. The newly created Board was charged with regulating the practice of veterinary medicine, surgery and dentistry according to the new Veterinary Licensing Act.
- 1920 The 36th Legislature repealed the 1911 law and passed Senate Bill 83 as the new Veterinary Licensing Act. The new law continued the Board, required licensees to have their certificate of license recorded in the office of the District Clerk of the county where they resided and to display the license. The law provided the Board with the ability to refuse to admit for examination persons who obtained a license, certificate or diploma illegally or fraudulently.
- 1953 The 53rd Legislature amended the Act, giving the Board the authority to hire an Executive Secretary and other staff as it deemed advisable to carry out the purposes of the Act. The amendment also gave the Board the ability to adopt rules of professional conduct and outlined the qualifications of a person seeking licensure. The Board was also given the ability to impose civil penalties and other sanctions to enforce the rules set by the Board.
- 1957 The 55th Legislature amended the Act, fixing a venue for appeals from orders of the Board. The Act established the Veterinary Fund where all fees collected by the Board were deposited. The Veterinary Fund was to be utilized to pay compensation and expenses of Board members, salaries and expenses of employees and all other costs of the Board in the administration of the Act. No funds were to be paid out of the General Fund of the State for the administration of the Act.
- 1959 The 56th Legislature amended the Act, removing limitations to the Board's ability to adopt, alter or amend rules of professional conduct and gave the Board the ability to adopt rules that were "appropriate to establish and maintain a high standard of integrity, skills and practice in the profession" as well as adding the violation of the rules of professional conduct and allowing another individual to use their license or certificate to practice veterinary medicine to the list of grounds for the suspension or revocation of a license as well as grounds to refuse to examine an applicant, issue or renew a license. The Act was also amended to allow licensees who were full time members of colleges and provided services for the sole benefit of the school or college and who did not engage in private practice to pay only half of the annual renewal fee.
- 1965 The 59th Legislature added county attorneys to the list of those who may institute an injunction against the unlawful practice of veterinary medicine.

- 1967 The 60th Legislature removed the term “moral turpitude” from the list of reasons that a license may be revoked or suspended or when the Board could refuse to examine an applicant or issue/renew a license and listed the offense as “convicted of a felony”. The Act was also amended to prohibit the Board from spending beyond what was appropriated and raised the amount after which funds would revert from the Veterinary Fund to the General Fund from \$20,000 to \$40,000.
- 1969 The 61st Legislature raised fees paid by licensees.
- 1973 The 63rd Legislature added language that would allow the Board to, by rule, allow licenses to expire on various dates through out a year, while prorating the fees during the year when the dates where changed.
- 1977 The 65th Legislature added a Sunset provision for September 1, 1981, lowered exam fees, and raised renewal fees. The amount after which funds would revert from the Veterinary Fund to the General Fund was raised to \$100,000. This Legislature also added the “Responsibility of Veterinarian Toward Animals In His Care” section of the Act.
- 1981 The 67th Legislature completed a major revision of the Act, adding language that required the Board to follow the State’s Open Meetings law and Administrative Procedures and Texas Register Act. The changes added 3 members to the Board (2 public and 1 veterinarian), revised the rules regarding Board member qualifications to allow for public members, and removed the set per diem and travel reimbursement for members. Also included in this revision were such items as instructions concerning ethics for members and staff, grounds for removal from the Board, development of a career ladder and annual performance system as well as the removal of the requirement for the Attorney General’s office to approve all rules and language that set in place avenues for legislative input into rule making. Veterinarians were required to maintain a record keeping system for controlled substances and the Board was prohibited from restricting advertising. New requirements for the Board’s interaction with its licensees and the public were put in place, including a requirement that the Board advise examinees of their scores within specific timeframes, provide failing examinees with an analysis of their performance on the exam and a requirement for the Board to prepare and make available consumer information on the regulatory functions of the Board, including the complaint process. For the first time, the Board was permitted to set the fees they would collect although limits were set on the amounts of those fees and the State Auditors Office would be required to perform financial audits of the Veterinary Fund at least once each fiscal biennium. The Board would submit written reports to the Governor and Legislature detailing funds received and dispersed. Other items added to the Act allowed the Board to establish a voluntary continuing education program, required that the Board suspend the license of those convicted of a controlled substance felony and placed restrictions on the reinstatement of those licenses. Failure to report a disease to the Texas Animal Health Commission was added to the list of offenses that could cause the revocation or suspension of a license.
- 1987 The 70th Legislature added provisions for a Special License. The ability to take disciplinary actions, including civil penalties, was added as well as language classifying fraud as a class B misdemeanor for Board members and staff. The amount after which funds would revert from the Veterinary Fund to the General Fund was raised to \$150,000. A \$110 temporary fee was added to exam and renewal fees and the Board member composition was changed to reflect 6 veterinarians and 3 public members.

- 1991 The 72nd Legislature added a \$200 Professional Tax to be collected with annual renewal fees.
- 1993 The 73rd Legislature created the Health Professions Council (HPC) to help identify model licensing techniques. The TSBVME, along with other health care licensing boards under review, was designated as a member of the HPC. The legislature also standardized the complaint and enforcement processes for licensing boards, required training for new board members, established a standard approach for licensing out-of-state practitioners and required mandatory continuing education as a condition of license renewal. Actions taken specific to TSBVME included authorizing the board to temporarily suspend a veterinarian's license without a hearing when the public is in danger and directing the Board to adopt rules relating to alternate therapies that would protect the public. Alternate therapies include animal chiropractic and other forms of musculoskeletal manipulation, acupuncture, holistic medicine, and homeopathy. The \$200 Professional Tax on each license renewal was removed.
- 1995 The 74th Legislature restored the \$200 Professional Tax
- 1997 The 75th Legislature added the Peer Assistance program and provided for funding of the program. It also required that civil penalties assessed by the Board would be used to further support the program.
- 1999 The 76th Legislature added language that prohibited corporations, organizations, business trusts, estates, and other legal entities from practicing veterinary medicine and imposed a civil penalty for a violation.
- 2003 The 78th Legislature, Regular Session, added a provision allowing a veterinarian in a rural county to dispose of an animal by burial or burning under certain conditions.

III. Policymaking Structure

A. Please complete the following chart:

Texas State Board of Veterinary Medical Examiners Exhibit 3: Policymaking Body					
Member Name	Term/ Appointment Dates/ Appointed by ___ (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	Address	Telephone & Fax Numbers	E-mail Address
J. Lynn Lawhon, DVM	09/15/97 – 08/26/03 Gov. George Bush	Veterinarian	333 Guadalupe, Ste. 3-810, Austin, TX 78701-3942	512/305-7555 305-7556 (f)	vet.board@tbvm e.state.tx.us
Martin E. Garcia, DVM	09/15/97 – 08/26/03 Gov. George Bush	Veterinarian	333 Guadalupe, Ste. 3-810, Austin, TX 78701-3942	512/305-7555 305-7556 (f)	vet.board@tbvm e.state.tx.us
Dee A. Pederson, DVM	05/25/00 – 08/26/05 Gov. George Bush	Veterinarian	333 Guadalupe, Ste. 3-810, Austin, TX 78701-3942	512/305-7555 305-7556 (f)	vet.board@tbvm e.state.tx.us
Gary C. Brantley, DVM	05/25/00 – 08/26/05 Gov. George Bush	Veterinarian	333 Guadalupe, Ste. 3-810, Austin, TX 78701-3942	512/305-7555 305-7556 (f)	vet.board@tbvm e.state.tx.us
Guy W. Johnsen, DVM	12/18/01 – 08/26/07 Gov. Rick Perry	Veterinarian	333 Guadalupe, Ste. 3-810, Austin, TX 78701-3942	512/305-7555 305-7556 (f)	vet.board@tbvm e.state.tx.us
Robert L. Lastovica, DVM	12/18/01 – 08/26/07 Gov. Rick Perry	Veterinarian	333 Guadalupe, Ste. 3-810, Austin, TX 78701-3942	512/305-7555 305-7556 (f)	vet.board@tbvm e.state.tx.us
Mario A. Escobar	08/21/00 – 08/26/05 Gov. George Bush	Public Member	333 Guadalupe, Ste. 3-810, Austin, TX 78701-3942	512/305-7555 305-7556 (f)	vet.board@tbvm e.state.tx.us
Dawn E. Reveley	12/18/01 – 08/26/07 Gov. Rick Perry	Public Member	333 Guadalupe, Ste. 3-810, Austin, TX 78701-3942	512/305-7555 305-7556 (f)	vet.board@tbvm e.state.tx.us
M. Becky Terry	09/15/97 – 08/26/03 Gov. George Bush	Public Member	333 Guadalupe, Ste. 3-810, Austin, TX 78701-3942	512/305-7555 305-7556 (f)	vet.board@tbvm e.state.tx.us

B. How is the chair of the policymaking body appointed?

Each October, the Board members vote to elect the President, Vice-president and Secretary.

C. Describe the primary role and responsibilities of the policymaking body.

To set policy and rules to ensure the best possible quality of veterinary services for the people of Texas. It also employs the Executive Director, who is responsible for implementing rules and enforcing the Act.

D. List any special circumstances or unique features about the policymaking body or its responsibilities.

The Secretary of the Board reviews disciplinary cases and determines if violations are present in cases. The Secretary also participates in informal conferences. Informal conferences are a part of the Board's complaint resolution procedure between the public and the Board.

E. In general, how often does the policymaking body meet? How many times did it meet in FY 2002? in FY 2003?

The Board regularly meets three times each year, February, June, and October. The Board met in each of these months for both FY02 and 03

F. What type of training do the agency's policymaking body members receive?

Prior to the first meeting after the member has been appointed, the Executive Director gives an overview that includes the following topics:

The Role of the Board: Roles of the Board and agency, organizational set up of the Board and agency, staff names and basic responsibilities, the Strategic Plan with Objectives and Agency Audits.

The Role of the Board members: Board member accountabilities, Board Self Assessment Checklist, Ethical Principles and values for Public Servants, Ethics Laws and Pertinent Opinions and Travel, Per Diem, and Benefits. Also presented are an overview of the Open Meetings Act, Open Records Act and rules of the Ethics Commission.

The Texas Budget Process: the State Budget Process, Legislative Appropriations Request, Current FY Internal Operating Budget, Board Appropriations for current biennium and the Board's current Annual Financial Report

The Statutory Framework: Licensing laws, the Veterinary Licensing Act, the Rules of Professional Conduct, the Health Professions Council – Article 4512p and Administrative Rule Making – Statutory Requirements.

The Functions of Licensing Boards: Licenses Issued by the Board, Outline of Examination Process, Summary of Complaint Investigation and Resolution Process, The Enforcement Process (generic in nature), The Board's Continuing Education Rule and an Overview of Continuing Education.

Resource Material Provided: Minutes of previous meetings, Glossary of Terms (generic), Common Acronyms.

In addition, each member is encouraged to attend the Governor's Board Member Orientation and/or, when available, the Attorney General's Law and Liability Conference.

G. Does the agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, please describe these policies.

The description of respective roles of the policymaking body and agency staff are located in agency rule, §577.16. The rule states that the role of the policymaking body is to establish policies and promulgate rules to establish and maintain a high standard of integrity, skills, and practice in the profession of veterinary medicine in accordance with the Veterinary Licensing Act

It is the responsibility of the Executive Director and board staff to administer the policies, rules, and directives as set by the board.

H. If the policymaking body uses subcommittees or advisory committees to carry out its duties, please fill in the following chart.

**Texas State Board of Veterinary Medical Examiners
Exhibit 4: Subcommittees and Advisory Committees**

Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
Executive Disciplinary Committee	4 members. Members are appointed by the President of the Board.	To determine if a license should be temporarily suspended where there is an imminent threat to public welfare.	801.205
Enforcement Committee	Board Secretary, Executive Director, Director of Enforcement, General Counsel, Investigator assigned to case and a public member of the Board (Rule 575.27(d)).	To review complaints filed by the public as well as violations found by Board staff during inspections.	801.151
Rules Committee	3 members, plus one ex-officio, usually the Board President. Members are appointed by the President of the Board	Review and make recommendations to the full Board on proposed rules.	801.151

I. How does the policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of the agency?

The Board calls for public comments during each Board meeting and seeks comments from the public when posting rules for consideration in the *Texas Register*.

During Board meetings, members of the public are invited to speak regarding any issues before the Board. Their comments are discussed with them during the meeting and taken into consideration when the Board makes a final decision.

Comments relating to rules are directed to the Executive Assistant and General Counsel. Any comments received are included in the preamble for each rule and shared with Board members during the next Board meeting for their consideration.

IV. Funding

A. Describe the agency's process for determining budgetary needs and priorities.

In consultation with general directives of the Board, and the Board's Executive Director and staff, the Director of Finance prepares the Legislative Appropriations Request (LAR) in compliance with instructions provided by the Legislative Budget Board and the Governor's Office of Budgeting and Planning. The LAR is reviewed and approved by the Executive Director and the full Board. Once approved, the request is submitted to the budget offices of the Legislature and the Governor.

B. Show the agency's sources of revenue. Please include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency.

Texas State Board of Veterinary Medical Examiners Exhibit 5: Sources of Revenue — Fiscal Year 2002 (Actual)	
Source	Amount
GR – Legislative Appropriations	569,082
GR – Legislative Appropriations (PRC*)	124,192
Licenses and Permits	42,836
Other Revenues	120
**TOTAL	736,230

* PRC = Payroll Related Cost (including state matching for retirement, insurance and OASI contributions)

**Exhibit II, FY 02 AFR

Texas State Board of Veterinary Medical Examiners Exhibit 5: Other Funds Collected— Fiscal Year 2002 (Actual)	
Source	Amount
Peer Assistance	333
Exam Administrative Fees	16,550
State Board Exams	31,750
Special License Exams	2,400
License Renewals	696,337
License Renewal Penalties	31,008
Provisional Licenses	7,258
Duplicate Licenses	480
Professional Tax (75% GR, 25% Foundation School Fund)	968,400
***TOTAL	1,754,516

***Table III, FY02 AFR

C. If you receive funds from multiple federal programs, show the types of federal funding sources.

Texas State Board of Veterinary Medical Examiners Exhibit 6: Federal Funds — Fiscal Year 2002 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
TSBVME does not receive any federal funding				

D. If applicable, please provide detailed information on fees collected by the agency.

Texas State Board of Veterinary Medical Examiners Exhibit 7: Fee Revenue and Statutory Fee Levels — Fiscal Year 2002				
Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Occupational Code, Title 4, Chapter 801.154				
State Board Examinations	150	212	31,750	General Revenue Fund
Application Fees	50	330	16,500	General Revenue Fund
Special Licenses Examinations	150	160	2,400	General Revenue Fund
Duplicate Licenses	40	12	480	General Revenue Fund
Provisional Licenses	250	29	7,250	General Revenue Fund
Annual Renewal Fees (Does not include \$3 Peer Assistance Fee)	121	5754	696,337	General Revenue Fund
Renewal Late Penalties	75/150	413	31,008	General Revenue Fund
Professional Fees \$200	200	4842	968,400	General Revenue Fund
Health and Safety Code, Chapter 467.004 Occupational Code, Title 4, Chapter 801.452-.453 Peer Assistance				
Veterinarians	3/10	5770	17,310	Peer Assistance Appropriation
Disciplinary Fines	Varies	N/A	22,522	Peer Assistance Appropriation

E. Show the agency's expenditures by strategy.	
Texas State Board of Veterinary Medical Examiners Exhibit 8: Expenditures by Strategy — Fiscal Year 2002 (Actual)	
Goal/Strategy	Amount
Goal A: Licensing A.1.1. Strategy Licensing	147,563
Goal B: Enforcement B.1.1. Strategy Enforcement B.1.2. Strategy Peer Assistance	428,072 39,832
GRAND TOTAL:	615,467

F. Show the agency's expenditures and FTEs by program.					
Texas State Board of Veterinary Medical Examiners Exhibit 9: Expenditures and FTEs by Program — Fiscal Year 2002 (Actual)					
Program	Budgeted FTEs, FY 2002	Actual FTEs as of August 31, 2002	Federal Funds Expended	State Funds Expended	Total Actual Expenditures
Licensing	2.1	1.8	0.00	147,563.06	147,563
Enforcement	8.7	8	0.00	428,072.25	428,072
TOTAL	10.8	9.8	0.00	575,635.31	575,635

G. Show the agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2004-2005.

**Texas State Board of Veterinary Medical Examiners
Exhibit 10: Objects of Expense by Program or Function -- Fiscal Year 2004**

Object-of-Expense Informational Listing	Strategy, Program, Division, or Function Licensing	Strategy, Program, Division, or Function Enforcement	Strategy, Program, Division, or Function Peer Assistance
Salaries and Wages	88,617	358,624	0
Other Personnel Costs	3,056	19,004	0
Professional Fees and Services	42,186	8,700	15,000
Consumable Supplies	646	2,754	0
Utilities	167	2,213	0
Travel	4,475	13,425	0
Rent	485	555	0
Other Operating Expenses	24,172	17,853	0
Total, FY 2004 Object-of-Expense Informational Listing	163,804	423,128	15,000

Objects of Expense by Program or Function -- Fiscal Year 2005

Object-of-Expense Informational Listing	Strategy, Program, Division, or Function Licensing	Strategy, Program, Division, or Function Enforcement	Strategy, Program, Division, or Function Peer Assistance
Salaries and Wages	88,617	358,624	0
Other Personnel Costs	3,056	19,004	0
Professional Fees and Services	42,186	8,700	15,000
Consumable Supplies	646	2,754	0
Utilities	167	2,213	0
Travel	4,475	13,425	0
Rent	485	555	0
Other Operating Expenses	24,172	17,853	0
Total, FY 2005 Object-of-Expense Informational Listing	163,804	423,128	15,000

H. Please fill in the following chart.

**Texas State Board of Veterinary Medical Examiners
Exhibit 11: Purchases from HUBs**

FISCAL YEAR 2000

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	605	0	0%	20.0%
Other Services	43,128	3,619	8.39%	33.0%
Commodities	72,424	5,834	8.05%	12.6%
TOTAL	116,157	9,453	8.13%	

FISCAL YEAR 2001

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	5,443	0	0%	20.0%
Other Services	40,376	2,805	6.94%	33.0%
Commodities	16,541	3,110	18.80%	12.6%
TOTAL	62,360	5,915	9.48%	

FISCAL YEAR 2002

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	5,273	0	0%	20.0%
Other Services	64,595	2,808	4.43%	33.0%
Commodities	26,984	11,918	44.10%	12.6%
TOTAL	96,852	14,726	15.20%	

I. Does the agency have a HUB policy? How does the agency address performance shortfalls related to the policy?

The agency has a HUB policy that is set out in Board Rule 577.18, HISTORICALLY UNDERUTILIZED BUSINESSES. The Director of Finance monitors purchases and, if performance shortfalls occur, the agency increases its efforts to include more HUBS in the purchasing process whenever business opportunities exist. With a limited budget, it is a challenge to attain the statewide HUB goals.

J. For agency with contracts valued at \$100,000 or more:	
	Response / Agency Contact
Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available under contracts of \$100,000 or more? (Tex. Government Code, Sec. 2161.252; TAC 111.14)	The Texas State Board of Veterinary Medical Examiners does not have any contracts that are valued at \$100,000 or more.

K. For agencies with biennial appropriations exceeding \$10 million:	
	Response / Agency Contact
Do you have a HUB coordinator? (Tex. Government Code, Sec. 2161.062; TAC 111.126)	The Texas State Board of Veterinary Medical Examiners biennial appropriations do not exceed \$10 million.
Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Tex. Government Code, Sec. 2161.066; TAC 111.127)	
Has you agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Tex. Government Code, Sec. 2161.065; TAC 111.128)	

V. Organization

A. Please fill in the chart below. If applicable, list field or regional offices.			
Texas State Board of Veterinary Medical Examiners Exhibit 12: FTEs by Location — Fiscal Year 2002			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2002	Number of Actual FTEs as of August 31, 2002
Headquarters	333 Guadalupe, Ste. 3-810, Austin, TX	10.8	9.8
TOTAL		10.8	9.8

B. What was the agency's FTE cap for fiscal years 2002 - 2005?

10.8

C. How many temporary or contract employees did the agency have as of August 31, 2002?

As of August 31, 2002, the Texas State Board of Veterinary Medical Examiners employed no temporary or contract workers.

D. Please fill in the chart below.							
Texas State Board of Veterinary Medical Examiners Exhibit 13: Equal Employment Opportunity Statistics							
FISCAL YEAR 2000							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	3		5%		8%	9%	26%
Professional	7		7%		7%	18%	44%
Technical			13%		14%		41%
Protective Services			13%		18%		15%
Para-Professionals			25%		30%		55%
Administrative Support	1		16%		17%	9%	84%
Skilled Craft			11%		20%		8%
Service/Maintenance			19%		32%		27%

FISCAL YEAR 2001							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	3		5%		8%	9%	26%
Professional	6.8		7%		7%	9%	44%
Technical			13%		14%		41%
Protective Services			13%		18%		15%
Para-Professionals			25%		30%		55%
Administrative Support	2		16%	9%	17%	18%	84%
Skilled Craft			11%		20%		8%
Service/Maintenance			19%		32%		27%
FISCAL YEAR 2002							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	3		5%		8%	9%	26%
Professional	6.8		7%		7%	9%	44%
Technical			13%		14%		41%
Protective Services			13%		18%		15%
Para-Professionals			25%		30%		55%
Administrative Support	2		16%	9%	17%	18%	84%
Skilled Craft			11%		20%		8%
Service/Maintenance			19%		32%		27%

E. Does the agency have an equal employment opportunity policy? How does the agency address performance shortfalls related to the policy?

The TSBVME is committed to the principles of the Equal Employment Opportunity law and the spirit of Affirmative Action as well as the Americans with Disabilities Act (ADA). As a result, the Board maintains a written plan to ensure that the Board's Affirmative Action and ADA policies are properly implemented and that no artificial barriers are intentionally or otherwise created to deny applicants employment or employees of the Board equal employment opportunities.

The following EEO policy is included in the TSBVME Human Resources manual, on all employment opportunity postings and is shared with each new employee:

“The State Board of Veterinary Medical Examiners does not discriminate on the basis of race, color, religion, sex, national origin, age, disability, or veteran status.”

Since 1993, the TSBVME has posted and filled 10 employment opportunities (seven replacement vacancies and three new positions). It is the policy of the Board to fill vacancies, where possible, with current staff. When interagency hiring is not possible, the Board seeks outside applicants by advertising vacancies with the Governor’s Job Bank (GJB) and, when budget allows, with periodicals that will reach the most diverse group of potential applicants. With the availability of the GJB at local Workforce Centers, the Board has found it to be a very effective and cost efficient manner of reaching a diverse applicant pool.

To further assure a diverse workforce, the Board periodically reviews its screening and selection procedures to ensure that all phases of the hiring process are fair and impartial and provide the best opportunities for under represented groups to attain employment with the Board. The Board also seeks to provide training opportunities to current staff that will allow for career advancement whenever funds are available to do so.

While the Executive Director and the Executive Assistant are primarily responsible for ensuring the implementation of the Board’s equal employment policies, all members of the staff share the responsibility of assuring that by their personal actions the policies are effective and apply uniformly to everyone. Any Board employee involved in discriminatory practices will be subject to disciplinary action, including termination.

VI. Guide to Agency Programs

A. Please complete the following chart.	
Texas State Board of Veterinary Medical Examiners Exhibit 14: Program or Function Information — Fiscal Year 2002	
Name of Program or Function	Enforcement
Location/Division	333 Guadalupe, Ste. 3-810, Austin, TX/Enforcement
Contact Name	Peter Hartline
Number of Budgeted FTEs, FY 2002	4
Number of Actual FTEs as of August 31, 2002	4

B. What are the key services of this function or program? Describe the major activities involved in providing all services.

The enforcement program is designed to protect consumers of veterinary services and ensure veterinarians comply with the Veterinary Licensing Act through the investigation of complaints and onsite compliance inspections as well as investigate the unlicensed practice of veterinary medicine.

C. When and for what purpose was the program or function created? Describe any statutory or other requirements for this program or function.

The Board's enforcement capability has been an evolving process. With the passage of House Bill 62 in 1911 that created the Texas State Board of Veterinary Medical Examiners and the Veterinary Licensing Act, the Board was given the charge to regulate the practice of veterinary medicine. The Board's primary function at that time was to examine and license veterinarians. In 1953, the Board was given the ability to impose civil penalties and other sanctions to enforce the rules set by the Board. With each legislative session, the Board's ability to enforce its laws and rules has expanded, making the Board more effective in protecting the rights of the citizens of Texas.

In the early years of the Board, investigators were hired as contractors on an as needed basis. Records indicate that the Board employed its first full time investigator in 1955. To date, the Board employs three full time investigators and one Director of Enforcement.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program or function will no longer be needed?

There is no specific important history that is not already listed in the general agency history section. Like most laws, the Veterinary Licensing Act is modified periodically to fit the changing environments.

When the Legislature originally enacted the Veterinary Licensing Act and established the Texas State Board of Veterinary Medical Examiners, the original intent was that the TSBVME would license

veterinarians in Texas and have the capability to suspend or revoke a license as well as refuse to examine a license applicant. As time has progressed, the Legislature has added many enforcement aspects that allow the Board to sanction veterinarians for violating rules established by the agency, which are based on the Act.

With the constantly growing and changing veterinary population, the need for the services the agency provides to the general public will continue to exist. The need for enforcement will also continue. Over the years, the agency has seen a rise in the number of complaints that have been filed by members of the public. Therefore, the need to investigate and enforce has grown, not diminished.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The protection of Texas consumers who are animal owners is the primary focus of the enforcement program. There are estimated to be as many as 30 million companion animals in Texas. In addition, there are hundreds of thousands of food and consumer animal products in the state. Approximately, 4,700 licensed Texas veterinarians routinely practice in the state.

F. Describe how the program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

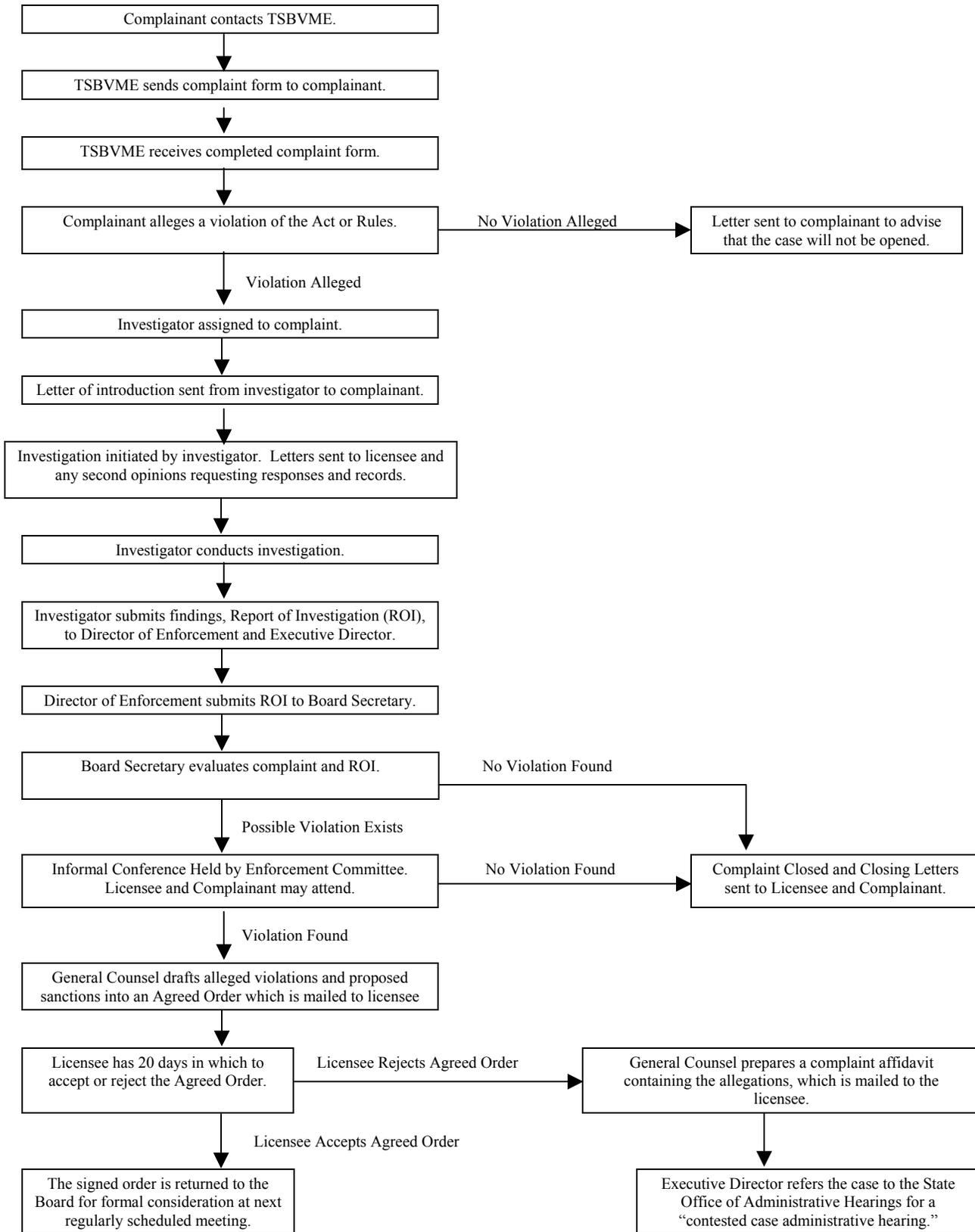
Investigation of Complaints:

The Texas State Board of Veterinary Medical Examiners investigates complaints against its licensees as one of its primary activities to protect the public. These complaints are normally initiated by the public, however, complaints can also be initiated by board staff. In fiscal year 2001, the Board received a record 253 complaints and resolved 235 complaints. In fiscal year 2002, the board set another record by receiving 324 complaints. The Board resolved 305 complaints during the fiscal year. Although, it is not completely clear why complaints have increased, some possibilities are:

- the board's compliance inspection program helps ensure that the public is aware that there is a licensing board that they can make their complaint to.
- animals have gained "family member status," therefore consumers are more likely to pursue legal/punitive action against someone who has harmed their family.
- society in general seems more litigious in its approach to solving problems.

Once a complaint is received, an investigator is assigned to the case. The investigator conducts the investigation generally by correspondence and document review. Once completed, the investigator issues a "Report of Investigation" (ROI). The ROI is sent to the Director of Enforcement and Executive Director for review. After review by the Executive Director and the Director of Enforcement, the ROI and associated documents are forwarded to the Board Secretary, a veterinarian, for review and evaluation. The Board Secretary will either direct the closing of the case to "no violation," or scheduling for an Informal Conference.

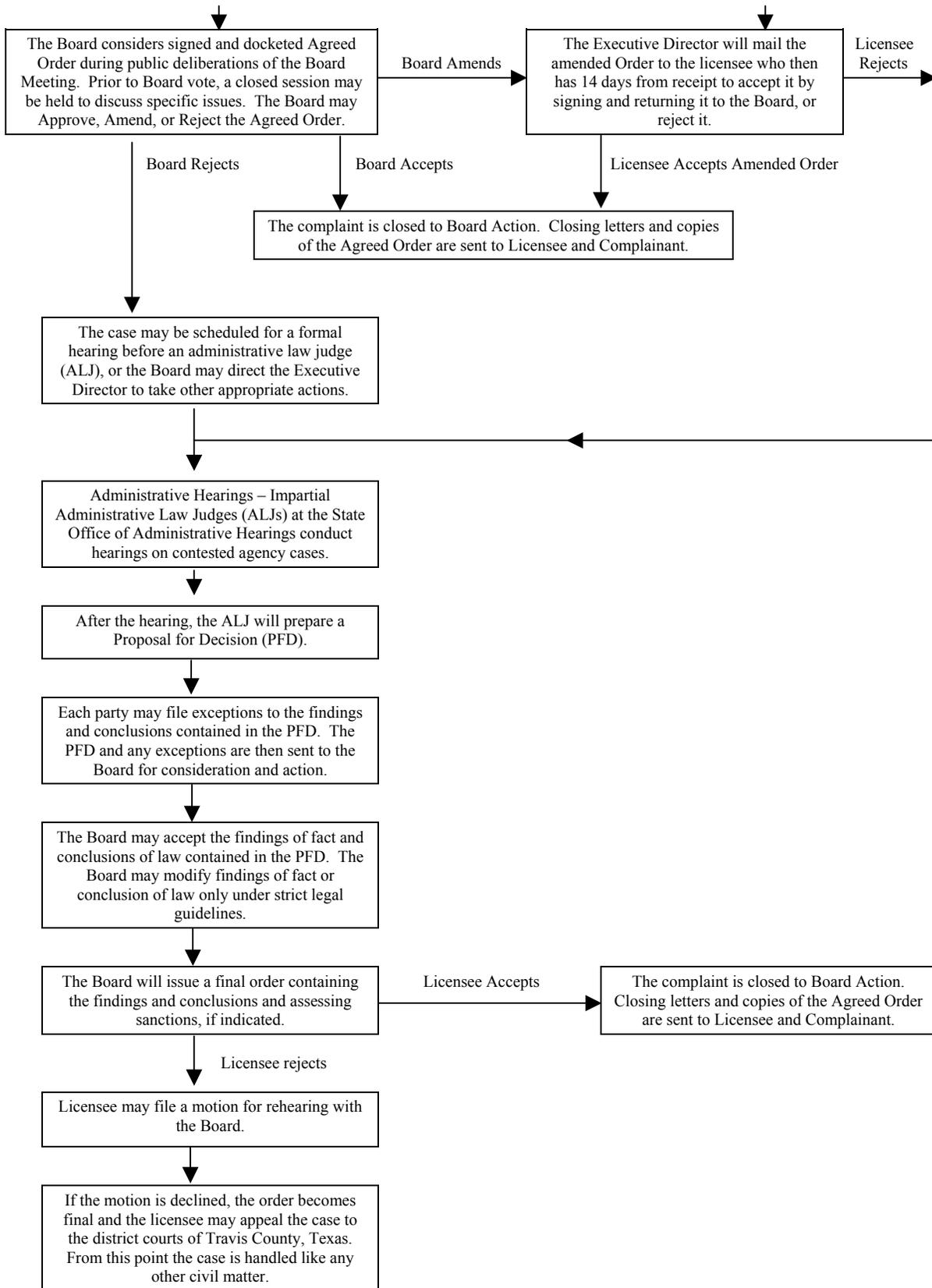
INVESTIGATION PROCESS



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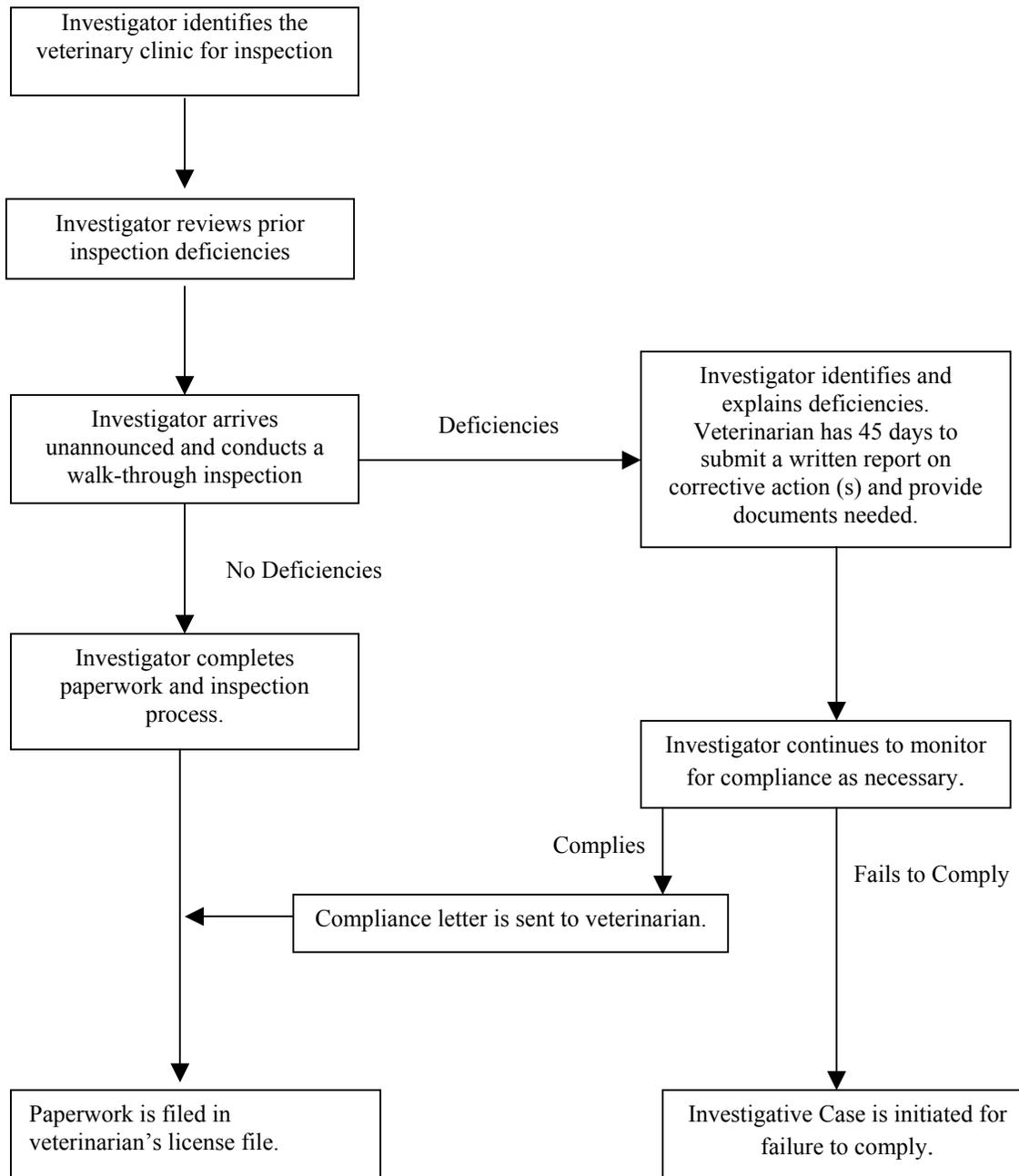
Investigation Process (Continued)



Please Note: This chart is a general overview of the investigation process and does not depict all possibilities that could exist in the process.

Compliance Inspections: Compliance inspections are the Board's best tool to educate licensees on the requirement of the Veterinary Licensing Act, and reduce violations and subsequent complaints. In fiscal year 2001, the agency completed 623 inspections. In fiscal year 2002, the agency completed 613 inspections. In fiscal year 2001, the Board increased its goal for the number of inspections from 400 to 600 a year. These inspections include a review of the veterinarian's drug accountability, security, and compliance with the Texas Department of Public Safety and the Drug Enforcement Administration requirements regarding controlled substances. Compliance with requirements for sanitation, patient record keeping, and display of the veterinarian's license, the Board's complaint information and *Notice To Clients* are also reviewed. These inspections are unannounced.

INSPECTION PROCESS



Please Note: This chart is a general overview of the inspection process and does not depict all possibilities that could exist in the process.

G. If the program or function works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency.

There is little direct involvement. Once or twice a year, the TBVME may involve a local law enforcement officer in a case. However, telephone contact may be received several times a month from law enforcement officials requesting statutory and/or rule clarification. Most would involve controlled substances.

H. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Appropriations from the General Revenue Fund. The agency is self-supporting. The Texas State Board of Veterinary Medical Examiners generates sufficient revenues from licensing and examination fees to support its operations. All revenues are deposited into the General Revenue Fund.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

At this time the agency needs additional funding in the travel budget to adequately perform compliance inspections. The lack of funds for travel significantly reduced the compliance program during fiscal year 2003.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

None

K. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

L. Please provide any additional information needed to gain a preliminary understanding of the program or function.

The preceding describes the program thoroughly.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Because animals are a very important part of the daily lives of Texans, either as companions or as food/food products, it is imperative that those entrusted with their care be held to standards that protect the public in general, patients and consumers of veterinary services. The Board's first responsibility is to ensure only qualified, competent persons are granted licenses. The Act and Board rules ensure a thorough applicant screening system. The competency of new graduates to enter practice is determined by validation of graduation and successful performance on both national and state examinations.

Through regulation, the public is assured that those who are entrusted with the care of their animals follow guidelines that protect the patient and protect the health and welfare of the public. Regulation also provides consumers with an avenue that allows their concerns to be addressed. The Board, through its Enforcement Division, provides these services to the public.

Inspections to determine if record-keeping and other functions required of veterinarians are in compliance with state law and Board rule are completed periodically at the licensee's place of business. The Veterinary Licensing Act does not provide for facility licensing, so inspections are not done of facilities *per se*, however section 801.402 of the Occupations Code does allow the Board to sanction a veterinarian for keeping the premises in an unsanitary condition.

In accordance with Board rules, non-compliance items noted during an inspection may lead to the opening of a complaint by Board staff. Minor non-compliance issues may be addressed by giving the offending veterinarian 45 days to provide documentation showing compliance. For more serious violations, and for those veterinarians who do not bring minor issues into compliance, the Board may take additional steps. These steps are listed in the Veterinary Licensing Act in sections 801.401, .406, .409, .451, .502, .504, and .506.

Section 575.27 of the Board rules addresses the handling of consumer/public complaints against veterinarians. Those individuals wishing to file a complaint with the Board are provided with a complaint form, instructions on completing the form and information on the complaint process itself. Once a complaint is received, the process outlined on pages 23 and 24 is followed.

N. Please fill in the following chart for each regulatory program.

**Texas State Board of Veterinary Medical Examiners
Enforcement
Exhibit 15: Complaints Against Regulated Persons – Fiscal Years 2001 and 2002**

	FY 2001	FY 2002
Number of complaints received	253	324
Number of complaints resolved	235	305
Number of complaints dropped/found to be without merit	210	253
Number of sanctions	22	50
Number of complaints pending from prior years	109	126
Average time period for resolution of a complaint	157	162
Number of entities inspected or audited by the agency	623	613
Total number of entities or persons regulated by the agency	6378	6489

A. Please complete the following chart.

**Texas State Board of Veterinary Medical Examiners
Exhibit 14: Program or Function Information — Fiscal Year 2002**

Name of Program or Function	Licensing and Examination
Location/Division	333 Guadalupe, Ste. 3-810, Austin, TX
Contact Name	Ina Franz
Number of Budgeted FTEs, FY 2002	1.5
Number of Actual FTEs as of August 31, 2002	1.5

B. What are the key services of this function or program? Describe the major activities involved in providing all services.

The Licensing and Examination division is charged with ensuring that only those persons who have demonstrated the ability to meet or exceed the minimum qualifications required to be a licensed veterinarian in the state of Texas enter the practice and provide veterinary services to Texas' citizens.

In order to receive a license to practice in this state, a person must demonstrate that they are at least 18 years of age, have obtained at least a passing score on the North American Veterinary Licensing Examination (NAVLE), or its predecessors (the National Board Exam and the Clinical Competency Test), and the State Board Exam (SBE) and have graduated from a school or college of veterinary medicine that is approved by the Board and accredited by the Council on Education of the American Veterinary Medical Association. The Licensing and Examination division is responsible for reviewing and verifying that these requirements are met, for assisting prospective licensees with the application process to take the NAVLE, and for administering exams necessary for the various types of veterinary licenses.

The Licensing and Examination division is also responsible for the annual renewal of veterinary licenses. Staff of this division review each application for renewal or on-line renewal reports to ensure that continued education requirements are met, licensees are in compliance with applicable laws, and that fees are submitted prior to issuing a renewal certificate.

C. When and for what purpose was the program or function created? Describe any statutory or other requirements for this program or function.

In 1911, during the 32nd legislative session, HB 62 was passed which created the Veterinary Licensing Act and the Texas State Board of Veterinary Medical Examiners. The Board was charged with regulating the practice of veterinary medicine. The initial step was, and still is, to allow only those who can demonstrate knowledge and competency to have a license. Throughout the years, the original licensing act was revised to accommodate needs the evolving regulation of veterinarians required. The intent then and now is to protect the public and assure that Texas veterinarians provide the citizens of Texas with competent and professional care of their animals.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program or function will no longer be needed?

The original intent has not changed. Over the years, the style and type of examinations administered have changed to accommodate new technology, methodology, medicines, techniques, etc. The prerequisite national examination(s) required and set out in both laws and rules, as well as the examinations administered on a State level, continue to be a vital part of the regulatory responsibility with which this agency has been charged.

It is not anticipated that this mission will ever be considered accomplished, as the profession will have to continue to be regulated and monitored to continue a reasonable assurance of adequate services rendered to the citizens of Texas by a qualified professional whose basic, entry-level medical knowledge has been tested, and their understanding of all current laws and rules governing the profession on many levels is up-to-date.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

This agency affects Texas consumers, specifically animal owners, veterinarians, facility staff, and veterinary facility operations. The Board must license veterinarians, according to the laws of the State of Texas. Veterinary staff and facilities, although not licensed by the Board, must adhere to guidelines and limitations of duties set out in the Veterinary Licensing Act and Rules of Professional Conduct.

A veterinarian must meet strict academic requirements and successfully complete both national and state exams. Because veterinarians have a direct impact on food animal production, one of the major economic segments of the Texas economy, all Texans are affected by the practice of veterinary medicine. Veterinarians assist producers in disease prevention, nutrition programs, and general herd/flock management. Veterinarians also have a key role in protecting the public from zoonotic diseases, those transferable from animals to humans. More specifically, all animal owners are affected, whether they own food production animals (cattle, swine, chickens, etc.) or companion animals. Virtually all will need veterinary services at some point.

F. Describe how the program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The program is administered by the Director of Licensing and Examinations, who reports to the Executive Director. An Administrative Technician II is assigned half time. The TSBVME issues three licenses. Each license has its own requirements that must be met by applicants.

Applicants may apply for:

Regular License

A regular license is issued to any applicant who has met basic application prerequisites and requirements and has passed the Texas State Licensing Examination. These licenses have no restrictions or limitations.

Procedure

Upon receipt of a completed application with supporting documentation, as applicable, by the deadline set by Board Rule, the applicant is assigned to the next regularly scheduled examination and advised in writing. A detailed time schedule with location map and study material is forwarded to the applicant. Board Rule requires a completed application at least 45 days prior to the exam date. The Measurement, Evaluation and Research Divisions at Texas A & M University and University of Texas, Austin, respectively, score the answer sheets. An item analysis of the exam is also provided to ensure that proper questions are posed and accurate answers are keyed. Upon passing the licensing examination, a regular license is issued within 10 to 14 days after administration of the exam. The license must be renewed the year following original issuance. Late fees apply if not timely renewed, and, after one year of non-renewal, the license is cancelled for failure to renew, as required by law.

Special License

A special license is a limited license issued to applicants who meet basic licensing requirements and prerequisites as set out by law and rule. They must be a member of the faculty or staff of a board-approved veterinary program at an institution of higher education, or employed at the Texas Animal Health Commission, and the Texas Veterinary Medical Diagnostic Laboratory. Special licenses may also be issued to those persons whose specialty has been determined by the Board to be un-represented or under-represented in the State of Texas. Examples of the latter are zoo veterinarians, poultry specialists who are employed by large poultry operations, and research organizations.

Procedure

A special license examination is given on an as-needed basis by appointment only, and the applicant, upon passing the examination, is issued a special license within 24 hours. The license must be renewed the year following issuance. A late fee applies if it is not renewed by March 1st. After one year of non-renewal, the license is cancelled. If the individual terminates employment with the entity for which such special license was issued, the license automatically becomes null and void.

Provisional License

The provisional license opportunity was created in order to bridge the gap between examinations and to allow qualified veterinarians licensed in another state to practice while waiting to take the regular license examination. A provisional license is a temporary, limited license issued to applicants who meet basic requirements and prerequisites as set out by law and rule, and who have a Texas licensed sponsor under whose direct supervision the provisional licensee practices for a limited time period. Once a provisional license has been obtained, the individual is scheduled and must take and pass the regular license exam. Failure to do so renders the provisional license null and void, it is not renewable nor can a second provisional license be issued. The individual will have to apply for regular license at that point.

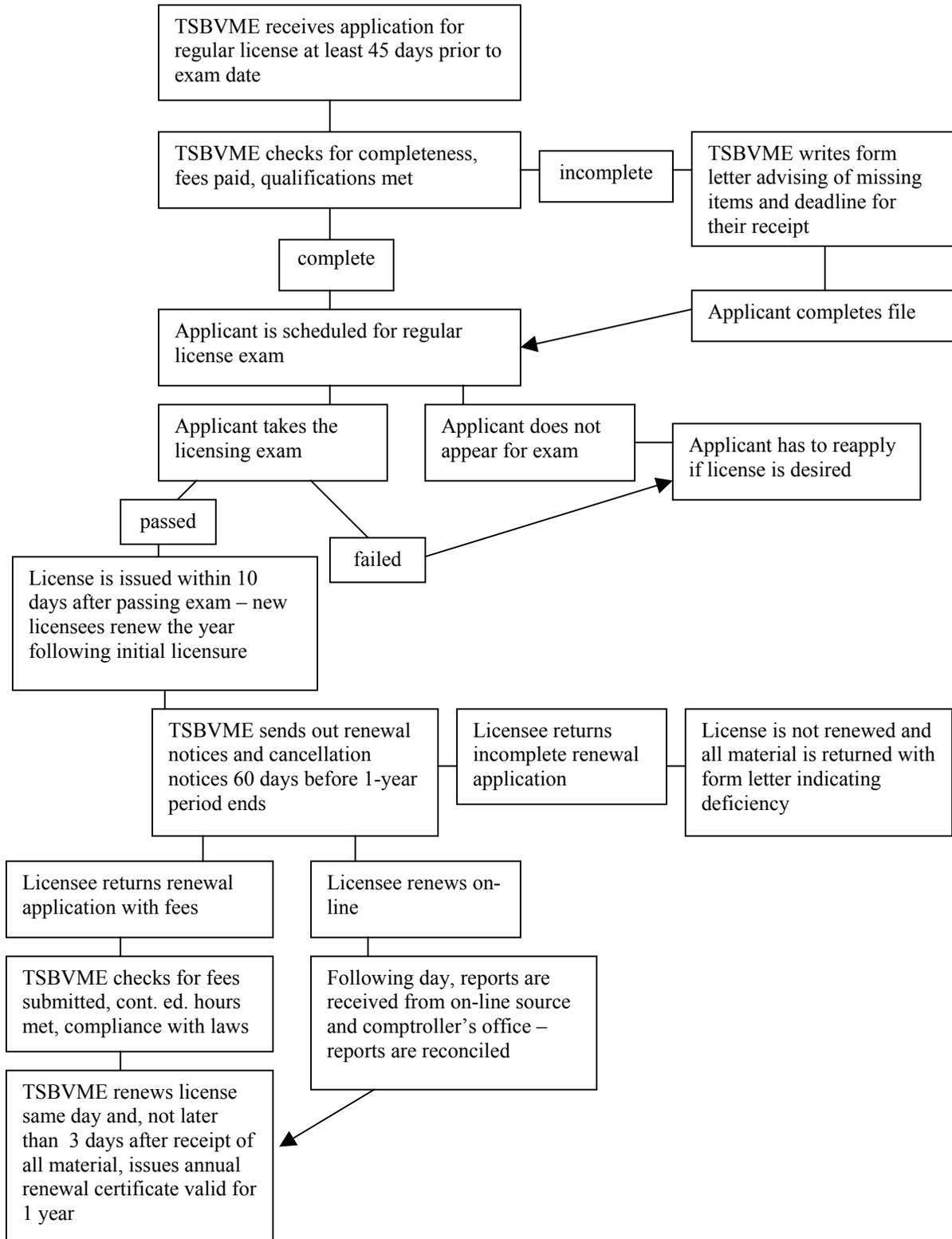
Procedure

Upon receipt of a provisional license application with supporting documentation, the information and material submitted is reviewed and processed. Study material is provided to the applicant along with a choice of examination dates and times. The provisional license exam is given on an as-needed basis by appointment only.

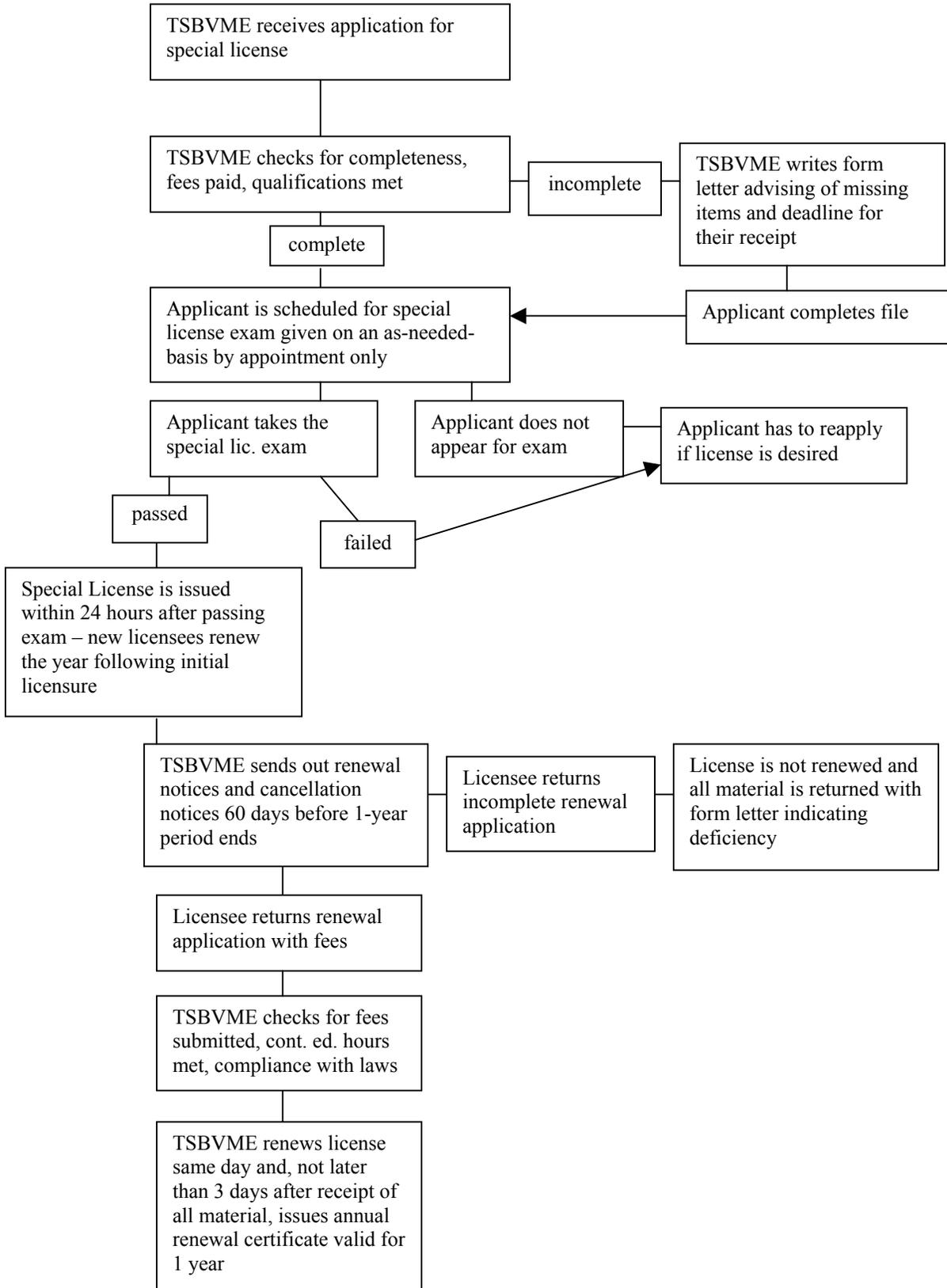
After the applicant has completed the examination, the answers are hand-graded. If the applicant passes, a provisional license number is issued. At that time, the applicant is also scheduled for the next available regular examination. The individual walks out of the office with a provisional license in hand. This license is not renewable nor can it be re-issued. Upon passing the regular license examination, the regular license becomes the permanent license. Should the applicant decide to abort the pursuit of a regular license, the provisional license is cancelled and the individual is no longer considered licensed in the State of Texas.

Following are charts that provide a high-level overview of each process, they do not depict all possibilities that could exist or arise.

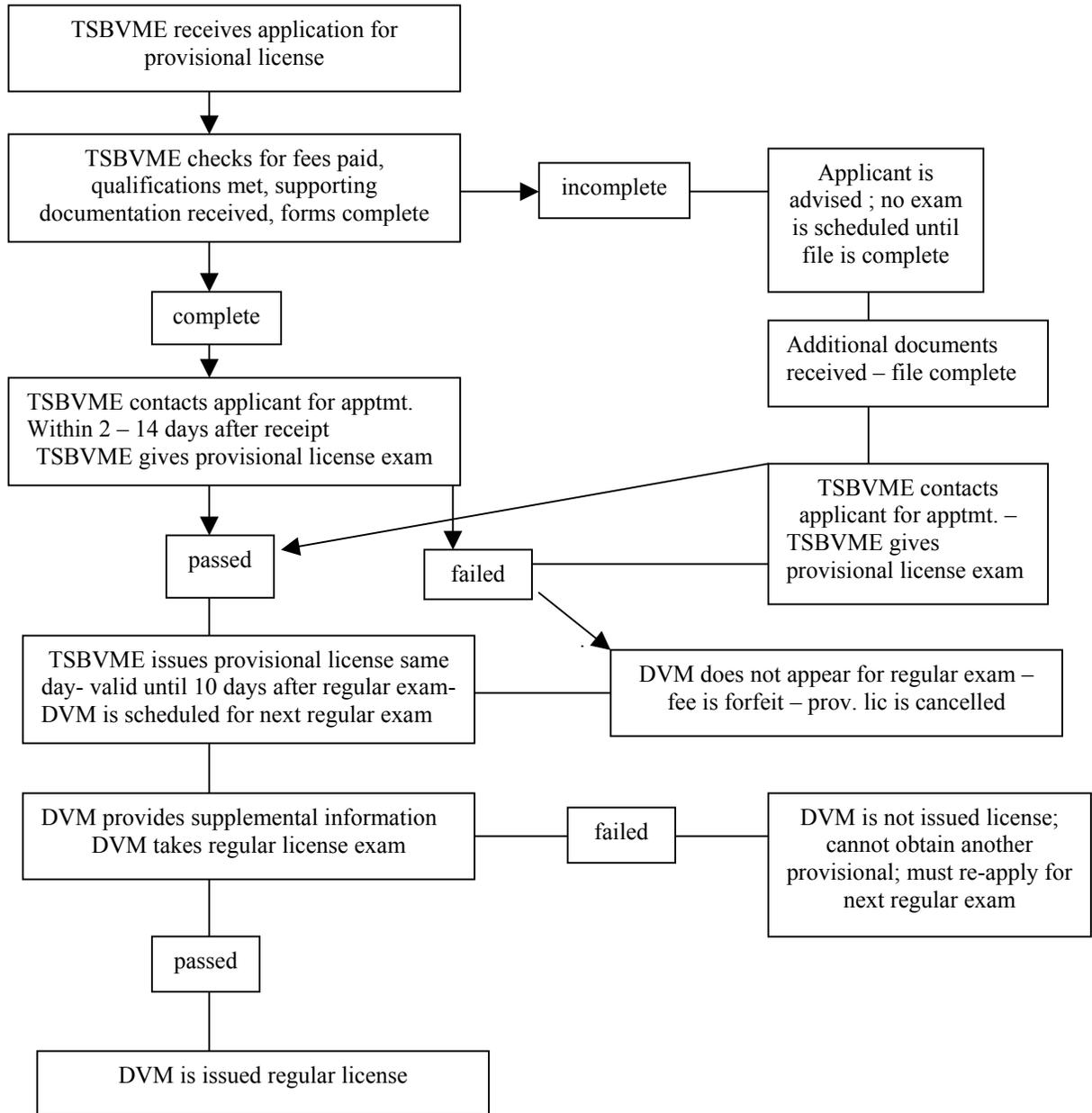
REGULAR LICENSE ISSUE AND RENEWAL PROCESS



Special License Issue and Renewal Process



Provisional License Process



G. If the program or function works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency.

N/A

H. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Appropriations from the General Revenue Fund. The agency is self-supporting. The Texas State Board of Veterinary Medical Examiners generates sufficient revenues from licensing and examination fees to support its operations. All revenues are deposited into the General Revenue Fund.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Yes, at this time the agency is adequately funded to achieve this program mission. However, the compliance inspection program is curtailed because of our reduced travel budget. The reduction is directly related to the recent cutbacks.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

N/A

K. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

L. Please provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Licensing of veterinarians is one of the main programs of the agency. Licensing is required to assure a uniform and stringent standard of veterinary medical practice in the state. A person practicing veterinary medicine in Texas is required to be licensed by sections 801.251 - .258, Texas Occupations Code. Licensing rules are contained in Rules 571.3-18 of the Board.

N. Please fill in the following chart for each regulatory program.

Texas State Board of Veterinary Medical Examiners Licensing and Examination Exhibit 15: Complaints <u>Against</u> Regulated Entities or Persons – Fiscal Years 2001 and 2002		
	FY 2001	FY 2002
Number of complaints received	N/A	N/A
Number of complaints resolved	N/A	N/A
Number of complaints dropped/found to be without merit	N/A	N/A
Number of sanctions	N/A	N/A
Number of complaints pending from prior years	N/A	N/A
Average time period for resolution of a complaint	N/A	N/A
Number of entities inspected or audited by the agency	N/A	N/A
Total number of entities or persons regulated by the agency	N/A	N/A

VII. Agency Performance Evaluation

A. What are the agency's most significant accomplishments?

- The passage of Board Rule 573.73 defining the roles of veterinarians and management services organizations in July 2000 resolved many contentious and long-standing questions before the Board.
- In fiscal year 1997, the agency's average time for complaint resolution was 239 days. A goal was set to reduce this time by essentially 100 days, to a resolution time of 140 days. In fiscal year 2000, the agency reached the goal with a resolution time of 138 days. Unfortunately, during the following years this time has increased. This increase is primarily due to the record number of complaints received during fiscal years 2001 and 2002.
- In the Audit of Performance measures conducted by the Office of the State Auditor in 1997, all measures audited were certified. Of the 26 agencies in the audit, only 69% had all measures certified.
- Since fiscal year 1995, the agency has met all requirements for the reconciliation process in the Uniform Statewide Accounting System for Annual Financial Reports. Based on that, the agency's Annual Financial Reports are extracted from USAS for the Consolidated Annual Financial Report. The agency received recognition from the Office of the Comptroller of Public Accounts for having achieved this level of accuracy.

B. Describe the internal process used to evaluate agency performance, including how often performance is formally evaluated and how the resulting information is used by the policymaking body, management, the public, and customers.

The Board's key measures for Performance are directly linked to licensing, complaint resolution, and compliance inspections. Most of the elements are linked to the defined Performance Measures set out in the appropriations bill and are reported quarterly. Agency management sees the key measures for licensing as accuracy and timeliness of license application processing and deposits related to application and renewal fees. Key performance measures for enforcement are average resolution time for complaints and the number of compliance inspections conducted annually. Both are directly related to staff levels. Compliance inspections are dependent on adequate travel funds.

Each of the key measures are reported and reviewed at each Board meeting. Policy decisions are discussed and opinions are presented to the Board. An example would be setting the target number of compliance inspections in light of limited travel funds. Clearly, time spent on compliance inspections takes away from time spent on assessing complaints. Therefore, even with adequate travel funds, compliance inspections may be reduced so added resources can be given to investigating complaints. Since both the complainant and the responding veterinarian want timely resolution of a complaint, both benefit. Overall success seems to be confirmed by the positive rating we get in our customer satisfaction surveys.

C. What are the agency's biggest opportunities for improvement?

Reduce time to resolve complaints. Increase compliance inspections.

D. How does the agency ensure its functions do not duplicate those of other entities?

Given the nature of the Board's scope of responsibilities, there is little tendency to duplicate efforts. The Board and staff work to maintain effective links to allied organizations such as the Texas Animal Health Commission, the College of Veterinary Medicine, and the U.S. Drug Enforcement Agency.

E. Are there any other entities that could perform any of the agency's functions?

The Board is a member of the Health Professions Council. We share resources and collaborate on numerous activities and projects. We are currently examining opportunities for sharing and consolidation of human resources, information technology and business/financial operations.

F. What process does the agency use to determine customer satisfaction and how does the agency use this information?

As required by SB1563 (76th Legislature), the TSBVME conducts a customer satisfaction survey in each of the agency's strategies listed in the appropriations act. The results of the survey are reviewed by agency staff and utilized to improve agency services. The results are then filed with the Governor's office of Budget and Planning and the Legislative Budget board.

The last customer satisfaction survey was completed in March 2002. Surveys were distributed to 6,383 licensees and 172 complainants. The survey included questions related to the licensure system, complaints and actions and Peer Assistance. More than 3,000 surveys were returned. Of those surveys returned, 650 surveys were randomly selected for review. Ninety-five percent (95%) of those surveys rated the overall performance of the Board and its staff as Excellent and Good. This was an increase of 5% from the FY2000 survey. Increases in ratings were seen in all of the areas contained in the survey.

G. Describe the agency's process for handling complaints against the agency, including the maintenance of complaint files and procedures for keeping parties informed about the process. If the agency has a division or office, such as an ombudsman, for tracking and resolving complaints from the public or other entities, please provide a description.

The Board does not have a formal process for receiving and acting upon complaints against the agency. Such complaints usually arise after the resolution of a complaint against a veterinarian where one of the parties is not happy with the result. The complaint may then be: "The agency favors the veterinarians," "The complaint took too much time," etc. Several persons complain regularly about the agency. Their e-mails and other communications are filed and responded to when appropriate.

The Health Professions Council (HPC) was instructed to begin establishing the Office of Patient Protection as stipulated by HB2985 (78th Legislature). The office will serve as the ombudsman for consumer complaints at the request of an individual consumer for all HPC agencies. The 78th Legislature charged licensing agencies to collect fees in support of the Office of Patient Protection, however the authority to spend those funds toward the OPP was not given. The issue may be addressed during the latest special session.

H. Please fill in the following chart. The chart headings may be changed if needed to better reflect the agency's practices.

Texas State Board of Veterinary Medical Examiners Exhibit 16: Complaints <u>Against the Agency</u> – Fiscal Years 2001 and 2002		
	FY 2001	FY 2002
Number of complaints received	None	None
Number of complaints resolved	N/A	N/A
Number of complaints dropped/found to be without merit	N/A	N/A
Number of complaints pending from prior years	N/A	N/A
Average time period for resolution of a complaint	N/A	N/A

I. What process does the agency use to respond to requests under the Public Information (Open Records) Act?

Requests for Public Information are processed by the Executive Assistant. Requests may be submitted verbally, by email or regular mail. Most requests are filled the same day they are received. Those requiring manipulation of data are processed according to TBPC rules.

Section 801.207, Occupations Code provides that the records of the board are public records and are available for public inspection during normal business hours. As per section Sec. 801.207 of the Veterinary Licensing Act, investigation records of the board, including a record relating to a complaint that is found to be groundless, are confidential. In addition, the Public Information Act, Chapter 552, Government Code provides exceptions to disclosure that protect certain categories of information. Section 552.230, Government Code, states that an agency may adopt rules by which public information may be inspected and copied efficiently, safely and without delay. Rule 577.13 provides:

- (1) Requests must be in writing and reasonably identify the records requested.
- (2) Records access will be by appointment only.
- (3) Records access is available only during the regular business hours of the agency.
- (4) Unless confidential information is involved, review may be by physical access or by duplication at the requestor's option. Any person, however, whose request would be unduly disruptive to the ongoing business of the office may be denied physical access and will be provided the option of receiving copies. Costs of duplication shall be the responsibility of the requesting party in accordance with the established board fee policy, payable at the time of receipt of records, if in person; or in advance if by mail. The board may, in its discretion, waive fees if it is in the public interest to do so.
- (5) When the safety of any public records is at issue physical access may be denied and the records will be provided by duplication as previously described.
- (6) Confidential files will not be made available for inspection or for duplication except under certain circumstances, e.g., court order.
- (7) All open records request appointments will be referred to the executive director or designee before complying with a request.
- (8) Telephone requests for routine information may be filled over the phone if the information is easily retrievable. If hard copy is requested by the caller, a written request and a cashier's check for postage and copying expenses must be submitted before the request is filled.

(9) The open records coordinator for the agency is the executive director and the alternate is the administrative assistant.

J. Please fill in the following chart with updated information and be sure to include the most recent e-mail address if possible.			
Texas State Board of Veterinary Medical Examiners Exhibit 17: Contacts			
INTEREST GROUPS (groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
Texas Farm Bureau Vernie Glasson, Executive Director	P.O. Box 2689 Waco, Texas 76702-2689	254-772-3030	vglasson@txfb.org
Texas and Southwestern Cattle Raisers Association Matt Brockman	1301 W. Seventh St. Fort Worth, Texas 76102	817/332-7064 Ext. 101	mbrockman@texascattleraisers.org
Texas State Bar – Animal Law Section James W. Collins, Chair	1414 Colorado Austin, TX 78701-1627	512/463-1463 512/463-1475 (f)	chair@animallawsection.org
INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS (that serve as an information clearinghouse or regularly interact with the agency)			
Group or Association Name/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
American Veterinary Medical Assoc	1931 North Meacham Rd., Ste. 100 Schaumburg, IL 60173-4360	800/248-2862 847/925-1329 (f)	avmainfo@avma.org
American Association of State Veterinary Boards (AAVSB) James R. Corley, DVM	3100 Main, Ste. 208 Kansas City, MO 64111	877/698-8482 816/931-1604 (f)	info@aavsb.org
Program for the Assessment of Veterinary Education Equivalence (PAVE)	3100 Main, Ste. 208 Kansas City, MO 64111	877/698-8482 816/931-1604 (f)	info@aavsb.org
Texas Veterinary Medical Assoc. Elbert Hutchins, Ed. D., Executive Director	6633 Highway 290 East, Ste. 201 Austin, TX 78723	512/452-4224	ehutchins@tvma.org

LIAISONS AT OTHER STATE AGENCIES (with which the agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)			
Agency Name/Relationship/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
Attorney General's Office Dewey Helmcamp	Administrative Law Section, 209 W. 14 th Street Austin, TX 78701	512/475-4200 512/320-0167 (f)	Dewey.helmcamp@oag.state.tx.us
State Office of Classification Stacey McClure	P.O. Box 12067 Austin, TX 78711-2067	(512) 936-9632 512/936-9400 (f)	smcclure@sao.state.tx.us
DPS Texas Prescription Drug Program Patrick Knue	P.O. Box 4087 Austin, TX 78773	512/424-2189 512/424-5799 (f)	Patrick.knue@txdps.state.tx.us
College of Veterinary Medicine Texas A & M University H. Richard Adams, DVM, PhD, Dean	College Station, TX 77843-4461	979/845-5051 979/845-5088 (f)	radams@cvm.tamu.edu
Texas Animal Health Commission Max E. Coats, D.V.M., M.S., Deputy Director	2105 Kramer Lane Austin, Texas 78758	512/719-0700 512/719-0719 (f)	mcoats@tahc.state.tx.us
Texas Department of Health – Zoonosis Division Dr. Jane Mahlow, Director	1100 West 49th Street Austin, Texas 78756	512/458-7255 512/458-7454 (f)	The.Vet@TDHS.TATE.TX.US
Texas Racing Commission Paula C. Flowerday, Executive Secretary	8505 Cross Park Dr. Suite #110 Austin, TX 78754	512/833-6699 512/833-6907 (f)	paula.flowerday@txrc.state.tx.us
FEDERAL AGENCIES			
Agency Name/Relationship/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
Drug Enforcement Agency Michael Lewis	10160 Technology Blvd., East Dallas, TX 75220	214/366-6935 214/366-6902 (f)	Mlewis_Diversion.DEA@yahoo.com
Food and Drug Administration Ed Edmiston	10100 Reunion Place San Antonio, TX 78216	210/541-9450, Ext. 109	eedmisto@ora.fda.gov

VIII. 78th Legislative Session Chart

Texas State Board of Veterinary Medical Examiners Exhibit 18: 78th Legislative Session Chart		
Legislation Enacted - 78th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent
HB2985	Capelo	<p>Establishes an Office of Patient Protection within the Health Professions Council.</p> <p>The Office would:</p> <ul style="list-style-type: none"> • Provide the public information about the complaint process; • Conduct a public awareness campaign to increase awareness of the telephone complaint system; • Utilize the Internet and other media to provide the public with information about the complaint procedures and sanction processes; • Adopt a standard complaint form; • Serves as the ombudsman for consumer complaints at the request of an individual consumer; • Assist consumers with obtaining information about the status of a complaint; • Review the internet websites of licensing agencies and make recommendations on public information, including disciplinary actions; • May appear at or present information or testimony to a licensing agency on behalf of consumers as a class. A class is defined as 5 or more consumers; • May also appeal decisions to the Board on behalf of consumers as a class, but not individual complaints. Will have access to complaints received (unless it would jeopardize the investigation), public records and records that are filed with the SOAH. Confidentiality standards will apply; • May review and evaluate rules proposed for adoption; • Propose changes to statutes; • Report to the legislature and recommend to licensing agencies changes in agency rules that would positively affect the interests of consumers; • Recommend changes to statutes to the Sunset Advisory Commission; and • Funded through fees collected from licensees. Five dollars (\$5) will be added to the application fee and one dollar (\$1) to the renewal fee.
HB1119	Goodman	<ul style="list-style-type: none"> • Allows the court to order the humane destruction of a cruelly treated animal; and • Holds the owner of the animal liable for the cost of destroying the animal
SB216	Zaffirini	<ul style="list-style-type: none"> • Allows a veterinarian to dispose of the remains of an animal and medical waste on property owned by the veterinarian if the veterinarian has a veterinarian-client-patient relationship with the owner/caretaker of the animal and the animal prior to the animal's death.
SB572	Harris	<ul style="list-style-type: none"> • Requires that euthanasia in animal shelters be performed using

		<p>sodium pentobarbital or commercially compressed carbon monoxide;</p> <ul style="list-style-type: none"> • Requires specified training for Euthanasia Technicians.
HB660	Allen	<ul style="list-style-type: none"> • Allows TSBVME to request access to DPS criminal history records for applicants seeking licensure; • Includes NCIC at \$35 each access; • Ten finger prints required.
SB1152	Shapleigh	<p>Authorizes the TSBVME to:</p> <ul style="list-style-type: none"> • Utilize electronic payment methods for licensee fees • Charge a fee to recover the actual costs incurred for use of electronic payment methods or interfacing with other information technology systems. • Utilize the DPS or another state agency's database to authenticate an individual's identity on TexasOnline as an alternative to requiring a notarized document, or an original signature. <p>Requires TSBVME to:</p> <ul style="list-style-type: none"> • Maintain a link to TexasOnline on the front page of the website;
SB775	Averitt	<p>Requires agencies using Texas Online to:</p> <ul style="list-style-type: none"> • Assist with marketing efforts; • Include a link to TexasOnline on the front page of their website.
HB1166	Solomons	<ul style="list-style-type: none"> • Licensees will be able to submit address changes on-line to the Department of Information Resources (DIR) and DIR will forward the information to the licensing agency; • Licensing agencies will electronically share information on licensees, especially disciplinary actions with other licensing agencies.
HB 2485	Hochberg	<p>Excludes the TSBVME from:</p> <ul style="list-style-type: none"> • Completing internal audits <p>Requires the TSBVME to:</p> <ul style="list-style-type: none"> • Conduct an annual formal Risk Assessment • Submit the results of the assessment to the State Auditor's Office <p>The State Auditor will:</p> <ul style="list-style-type: none"> • Evaluate assessments • Recommend to the Governor that an audit be completed to address any significant risks <p>The Governor may order the agency to:</p> <ul style="list-style-type: none"> • Obtain an audit • Submit reports and corrective action plans • Report to the auditor the status of implementations of audit recommendations <p>The Governor may provide funds to agencies as necessary to pay for the costs of audits ordered.</p>
SB1694	Shapiro	<ul style="list-style-type: none"> • Requires periodic review of resources dedicated to the internal audit program.

Legislation Not Passed - 78th Legislative Session

Bill Number	Author	Summary of Key Provisions/Intent/Reason the Bill did not Pass
HB 2	Swinford	<p>General Government Organization. The bill, as introduced, would have given the Health Professions Council the authority to set rules governing the management of the agencies that make up the Council in areas such as Human Resources, Information Technology and Fiscal Management.</p> <p>The bill would have charged the HPC to:</p> <ul style="list-style-type: none"> • exercise the administrative responsibilities of information technology, human resources, and financial operations of an agency; and • develop and implement policies that clearly separate the policy-making responsibilities and the management responsibilities of the council and the agencies that compose the council. <p>The bill would have also prevented agencies making up the HPC from:</p> <ul style="list-style-type: none"> • adopting a rule related to the organization, operating procedures, or management of the agency that is determined by council rule to be within the council's responsibility. <p>This section of the bill was removed during early committee meetings of the House Government Reform Committee. No direct knowledge of why the provision was removed.</p>
SB622 Companion Bill: HB 1386	Armbrister Hamric	<p>Central customer service center for licensing agencies.</p> <p>The bill, as introduced, would have required the Texas Department of Licensing and Regulation to create and oversee a central customer service center to administer occupational license transactions for the State.</p> <p>These bills died in Committee. The Executive Director attempted several times to determine what this center would actually do and how it would affect this agency's operations. The only information indicated "They could not make the numbers work."</p>
HB3006	Swinford	<p>The bill, as introduced, would have given the Health Professions Council the authority to set rules governing the management of the agencies that make up the Council in areas such as Human Resources, Information Technology and Fiscal Management.</p> <p>The bill would have charged the HPC to:</p> <ul style="list-style-type: none"> • exercise the administrative responsibilities of information technology, human resources, and financial operations of an agency; and • develop and implement policies that clearly separate the policy-making responsibilities and the management responsibilities of the council and the agencies that compose the council.

		<p>The bill would have also prevented agencies making up the HPC from:</p> <ul style="list-style-type: none"> adopting a rule related to the organization, operating procedures, or management of the agency that is determined by council rule to be within the council's responsibility. <p>This bill died in the House Government Reform Committee. No direct knowledge of why the bill did not pass.</p>
<p>SB1353</p> <p>Companion Bill: HB3231</p>	<p>Ellis</p> <p>Smith</p>	<p>The bill, as introduced, would have given the Health Professions Council the authority to set rules governing the management of the agencies that make up the Council in areas such as Human Resources, Information Technology and Fiscal Management.</p> <p>The bill would have charged the HPC to:</p> <ul style="list-style-type: none"> exercise the administrative responsibilities of information technology, human resources, and financial operations of an agency; and develop and implement policies that clearly separate the policy-making responsibilities and the management responsibilities of the council and the agencies that compose the council. <p>The bill would have also prevented agencies making up the HPC from:</p> <ul style="list-style-type: none"> adopting a rule related to the organization, operating procedures, or management of the agency that is determined by council rule to be within the council's responsibility. <p>These bills died Committee. No direct knowledge of why the bill did not pass.</p>
<p>SB183</p>	<p>Janek</p>	<p>Relating to the liability of certain health care practitioners and veterinarians for prescribing approved drugs or devices.</p> <p>This bill, as introduced, would have removed liability from veterinarians for damages caused by prescription drugs or devices that had been approved by the USDA.</p> <p>This bill died in committee. No knowledge of the background of this issue nor why the bill did not pass.</p>
<p>SB147</p>	<p>Barrientos</p>	<p>Requires TSBVME to:</p> <ul style="list-style-type: none"> Adopt a Risk Management Plan (RMP) for the succeeding strategic planning period and include it in the strategic plan; Submit a copy of the RMP to the State Office of Risk Management by July 15th of even-numbered years; Provide a progress report to the Board at least twice each year on the implementation of the RMP and notify the Board of any identified significant risks.

IX. Policy Issues

A. Brief Description of Issue

Should The Board License Registered Veterinary Technicians?

B. Discussion

Registered Veterinary Technicians (RVTs) are an allied paraprofessional group. They have associate degrees that are typically from community colleges. Most states have some form of regulatory recognition of RVTs. Some states have the equivalent of full licensure; others perhaps some form of recognition that does let them perform some services and procedures beyond a 'regular' technician. The latter are typically those who provide a variety of assistant roles for veterinarians and have been trained on the job. Probably all veterinary boards in all states have rules that define procedures that are and are not permitted for both groups.

Currently, the RVTs in Texas are not regulated under state authority. The Texas Veterinary Medical Association (TVMA) administers the RVT program. TVMA maintains the RVT database, coordinates the administration of exams to qualified persons, provides continuing education programs, and monitors registrants to ensure they meet minimum annual requirements. TVMA does not have any disciplinary component as would be in a full licensure scheme.

The RVT association will most likely seek some form of licensure in the 2005 legislative session. They were very active during the 1993 session when this agency's act was under Sunset review. No regulatory scheme was added at that time, although a definition of RVTs was added to the act.

However, the Board did develop rules that, within some limits, allow veterinarians to extend greater responsibility to RVTs compared to non-RVTs. In 1995 the Board revised Rule 573.10, Supervision of Non-Licensed Employees, to provide guidance in this area and allow veterinarian direction on what they are allowed to delegate. Rule 573.10 states, in part:

(g) Level of Supervision of Non-Licensed Employees.

(1) A licensee shall determine when general, direct or immediate supervision of a non-licensee's actions is appropriate, except where such actions of the non-licensee may otherwise be prohibited by law. A licensee should consider both the level of training and experience when determining level of supervision and duties of non-licensed employees.

(2) When feasible, a licensee should delegate greater responsibility to a registered veterinary technician (RVT) than to a non-RVT. An RVT is a person who performs the duties specified by the American Veterinary Medical Association's Committee on Veterinary Technician Education and Activities and is qualified and registered by the Texas Veterinary Medical Association. Under the direct or immediate supervision of a licensee, an RVT may:

(A) suture existing surgical skin incisions; and

(B) induce anesthesia.

(3) The procedures authorized to be performed by an RVT in paragraph (2) of this subsection may be performed by a non-registered veterinary technician only under the immediate supervision of a veterinarian.

(4) Euthanasia may be performed by a veterinary technician only under the immediate supervision of a veterinarian.

C. Possible Solutions and Impact

The Board does not support state regulatory licensing of RVTs. Its position is based on these principles:

1. Will the public be better protected or benefit from state regulation? The Board believes that the current processes in place are adequate. It further believes that Rule 573.10 is very practical by allowing the supervising veterinarian to determine those procedures that can best be delegated if the RVT has been so prepared to perform them.
2. Does licensing bear the burden of regulation? The Board cannot see enough benefits from licensure that would justify the added cost of an additional regulatory program. The Board believes the current process in place with the TVMA is sound, simple, and cost effective. TVMA administers the examination and certification process without the extended responsibility of enforcement and formal state regulation.

A. Brief Description of Issue

Section 801.355, Occupations Code, LEASING SPACE FROM MERCANTILE ESTABLISHMENT. – Should Section 801.355, Occupations Code be repealed or amended?

B. Discussion

This section, adopted by the Legislature in 1993, provides that a veterinary practice that leases space from a mercantile establishment must be under the exclusive control of the veterinarian. The apparent goal of the section - to require that a veterinary practice be separate, apart from and uninfluenced by a mercantile establishment from which the veterinarian leases space, appears to be consistent with the general theme of the Veterinary Licensing Act that non-veterinarians should not interfere with or engage in the practice of veterinary medicine. (See 801.352, .354, .3541, .356, .506). However, several subsections of .355 contain detailed, and perhaps unnecessarily restrictive, provisions requiring that leased veterinary space must be separated from other space by “solid and opaque partitions or walls that extend from the floor to the ceiling...” and that a patient’s entrance open “to a public street, hall, lobby, corridor, or other public thoroughfare other than the aisle of a mercantile establishment...” One can question why such detailed requirements must be met in order for a practice to be located in a mercantile establishment. It also invites unnecessary arguments as to what is a lobby, corridor or aisle, and how much light must an opaque partition let in to be opaque. At least one large veterinary practice in Texas leases space from a pet supply establishment and is run efficiently although the detailed requirements mentioned above are not met in every location.

C. Possible Solutions and Impact

The section should be retained to the extent that it requires that veterinary practices utilizing leased space from mercantile establishments be separate. Changes should be made that eliminate the detailed items mentioned above that apparently have no sound policy basis, and provide that the Board may adopt rules to implement the section.

These changes would allow affected veterinary practices to meet the goal of establishing veterinary practices while maintaining identities separate from the mercantile lessor. The veterinarian would have flexibility to configure his practice to the existing layout of the mercantile establishment without compromising the practice. The Board would have the ability to adopt rules to implement the section if such rules appeared to be needed. In addition, the Board would spend less time enforcing a provision that does not seem to have significant policy justification.

A. Brief Description of Issue

Continuing Education (CE) Requirements – (a) Should the Board be allowed to require veterinarians who do not acquire the necessary CE hours in a year to “make up” all or part of the hours in the following year; (b) should the Board, as part of disciplinary proceedings against a veterinarian, be allowed to require disciplinary CE hours **in addition** to the 17 hours required of all veterinarians.

B. Discussion

The Veterinary Licensing Act (Sec. 801.307) authorizes the Board to establish by rule a minimum number of hours of CE required to renew a license. The Board by rule has established 17 hours as the minimum required. Often a veterinarian who does not acquire the 17 hours is disciplined by fines ranging from \$250 to \$1000, depending on the egregiousness of the offense (for example, acquiring 12 hours in one year versus acquiring no hours for several years). The current law does not allow the Board to require veterinarians to “make up” missed hours.

Section 801.401 (d) of the Act authorizes the Board to specify a number of CE hours that a veterinarian must complete as part of a disciplinary action against the veterinarian. The Act says that the hours required by the Board under this section are “not in addition to the hours required to renew a license...” Thus, if the Board disciplines a veterinarian and as part of the discipline requires the veterinarian to acquire five hours in surgery related CE, the CE must be included in the 17 hours, and not in addition to the 17 hours. Some persons have urged that the discipline would be more effective if the Board were able to **add** disciplinary CE hours in given cases. Thus, the disciplined veterinarian could be required to obtain five additional hours of CE in surgery, for a total of 22 hours required for the year. For this to occur, the Act would have to be amended.

C. Possible Solutions and Impact

The Veterinary Licensing Act should be amended to allow the Board to require veterinarians to “make-up” any missed CE hours required for renewal of a license. Implementation of the “make up” provision would obviously require more time and financial commitment from an affected veterinarian, but it might have the effect of encouraging more compliance with the 17 hour CE rule. It is felt that veterinarians often are not serious about acquiring the CE hours every year because the penalty is rather mild in most cases. The requirement to obtain the full amount of CE would enhance the public's confidence in the veterinary profession by the knowledge that veterinarians will not be allowed to miss some or all CE hours in a given year.

The Veterinary Licensing act should be amended to allow the Board to add additional CE hours to those required for renewal of a license. The impacts on the veterinarian who has disciplinary hours added to the 17-hour requirement are similar to requiring a veterinarian to “make-up” missed hours: more time is required and increased financial impacts are evident. For these reasons, the veterinarian interest groups may oppose such requirements. The Board's ability to add hours to the 17 hours required to renew a license would encourage veterinarian compliance with the Act and Board rules. The public's confidence in the veterinary profession would also be increased by the knowledge that veterinarians are acquiring education in areas where problems have been noted in addition to the minimum continuing education requirements.

A. Brief Description of Issue

Veterinarians Responding to Disaster – Should the Veterinary Licensing Act be amended to permit veterinarians licensed in other states to respond to disasters in Texas without having to obtain a Texas license?

B. Discussion

Today, homeland security and the threat of natural and man-made disasters are legitimate public concerns. If a large-scale disaster or emergency occurred that could require the expertise of out-of-state veterinarians, what requirements should they meet in order to practice veterinary medicine in Texas on a temporary basis? The Act exempts from coverage of the Act “a person who, without expectation of compensation, provided emergency care in an emergency or disaster,” (801.004 (8)), Occupations Code) but that provision likely refers to a layperson who confronts an emergency situation. The Act also allows consultations given to a Texas veterinarian by a veterinarian licensed in another state, (801.004 (9)) but these consultations are limited to specific cases and clients, and the non-resident veterinarian must consult under the direct supervision of a Texas licensed veterinarian. There are no provisions in the Act that allow non-resident veterinarians to practice in the state on an emergency basis.

C. Possible Solutions and Impact

The Veterinary Licensing Act should be amended to authorized non-resident veterinarians to practice in Texas on a limited, emergency basis. Limitations could include the requirement that the emergency or disaster must be declared by a national authority or the state governor. A non-resident veterinarian responding to the disaster could be required to give notice to the Board with documentation that he is licensed in another state and is in good standing. A time limitation could be placed on his services, perhaps 30 consecutive days. If a veterinarian wished to stay longer, they would be required to apply for a Texas license. By practicing in Texas, the veterinarian would be deemed to have submitted to the jurisdiction and rules of the Board. Other safeguards could be considered.

Sec. 801.004(7) of the Act states that the Act does not apply to a person who is engaged in a recognized state-federal cooperative disease eradication or control program or an external parasite control program. This section could possibly be expanded to include the concept of veterinarians responding to an emergency situation.

In a true emergency, the Board and the state would benefit from the expertise of non-resident veterinarians. Because the non-resident veterinarians would practice only for a specified period, long-term impacts on the veterinary profession in Texas would be minimal.

A. Brief Description of Issue

Requiring a representative of the Attorney General to be present during informal proceedings – Should the Veterinary Licensing Act be amended to change the provision in the Veterinary Licensing Act requiring the presence of a representative of the Attorney General to be present during informal proceedings?

B. Discussion

The Veterinary Licensing Act, in Sec. 801.408, Occupations Code, authorizes the Board to adopt rules governing informal proceedings in cases involving complaints against veterinarians. The Board has adopted such rules in 22 TAC §575.27. Section 801.408 also says that the complainant and license holder must be given an opportunity to be heard and that a representative of the Attorney General must be present to advise the Board's participants in the informal proceeding.

This section was adopted at a time when the Board did not employ legal counsel, and the Attorney General represented the Board in all informal conferences. Presently the Board employs legal counsel to assist in the informal proceedings, and thus the Attorney General representative is not necessary.

C. Possible Solutions and Impact

Section 801.408 of the Occupations Code should be amended to require the presence of "legal counsel" for the Board during informal conferences. This will allow the necessary legal representation that the statute requires and would remove the restriction that the legal representation be a "representative of the Attorney General." If in the future the Board decided to again rely on the Attorney General to provide representation at the conferences, the words "legal counsel" would suffice. This amendment gives the Board flexibility in determining who will provide legal representation in the informal proceedings. There are no anticipated impacts on other entities or on the performance of the Board.

A. Brief Description of Issue

Should rectal palpation of cows to determine pregnancy be defined as the practice of veterinary medicine or as an accepted livestock management practice that is exempt from the Veterinary Licensing Act?

B. Discussion

This was a controversial issue in the 1993 sunset process. The arguments for being the practice of veterinary medicine (PVM) are that veterinarians are more skilled at knowing and determining abnormal pathology than lay people. Therefore, they can make more accurate determinations. This is a major issue when expensive breeding stock is being examined or when disease may be present. Further, they can be held accountable if misdiagnosis is made. Lay people, by contrast, cannot be expected to know all the signs of potential reproductive tract diseases or abnormal conditions.

By contrast, those supporting this procedure as an accepted livestock management practice believe that the risks are relatively insignificant. Typically, many ranch hands are seen as skillful and efficient at the procedure. Most often they are hired at less cost than that which a veterinarian could afford to charge. Owners of large herds may be willing to accept some misdiagnosis to get the herd's cows' assessed at a lower cost.

The issue is presented because this is an important procedure in the cattle industry. The absence of a clear state policy has left both the profession and the public uncertain about where responsibilities begin and end.

C. Possible Solutions and Impact

The Occupations Code, Chapter 801.002 (5) should be amended to clearly state that palpation of cows to determine pregnancy is the practice of veterinary medicine, or amend Chapter 801.004 (2) to include it as one of those procedures that is specifically excluded from the practice of veterinary medicine as an accepted livestock management practice.

X. Comments

Please provide any additional information needed to gain a preliminary understanding of the agency.

None

ATTACHMENTS

Please submit the following supplemental data or documents with the hard copy of the Self-Evaluation Report. Please label each attachment with its number (e.g., Attachment 1).

Attachments Relating to Key Functions, Powers, and Duties

1. Veterinary Licensing Act
2. *Board Notes* – Publications: November 2000, March 2001, September 2001, November 2001, March 2002
3. Brochures Describing The Agency.

Attachments Relating to Policymaking Structure

4. Texas State Board of Veterinary Medical Examiners Rules, 22 Texas Administrative Code, Sections 571-577.
5. Biographical Information For Policymaking Board Members.

Attachments Relating to Funding

6. Legislative Appropriations Request for FY 2004-2005.
7. FY 2003 7% Reduction Plan.
8. Annual Financial Reports for: FY2000, FY2001 and FY2002.
9. Operating Budgets for: FY2000, FY2001 and FY2002

Attachments Relating to Organization

10. Organizational Chart.

Attachments Relating to Agency Performance Evaluation

11. Quarterly Performance Reports for: FY2000, FY2001 and FY2002
12. Internal Audit Reports for FY2001 and FY2002.