



Texas State Board of Veterinary Medical Examiners

Staff Contact: Meredith Whitten

S.B. 407 Jackson (B. Cook)

Summary

The Texas State Board of Veterinary Medical Examiners (the Board) was created in 1911 to ensure that safe and quality veterinary services are provided to the citizens of Texas and their animals. The Board has three primary functions: license qualified individuals to practice veterinary medicine in Texas; set standards relating to the practice of veterinary medicine; and enforce the Veterinary Licensing Act, including investigating and resolving complaints. The Board currently licenses more than 6,800 veterinarians, with a staff of 11 employees and an annual budget of \$613,145.

Senate Bill 407 continues the Veterinary Board for 12 years and contains the Sunset Commission's recommendations to strengthen the Board's continuing education program, and to make the Board's licensing and enforcement processes more efficient and fairer to both licensees and the public. The list below summarizes the major provisions of S.B. 407, and a more detailed discussion follows.

Sunset Provisions

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

Provision Added by the Legislature

4. Clarify That the Board's General Counsel May Be Present During Informal Proceedings.

Sunset Provisions

1. Strengthen the Board's Continuing Education Program to Better Ensure Licensees Keep Current With Industry Standards and Practices.

Senate Bill 407 requires the Veterinary Board to conduct random audits of license renewals to ensure that veterinarians comply with continuing education (CE) requirements. Focusing its CE-monitoring efforts through its licensing functions instead of inspections, as is current Board practice, will provide a more equitable system of checking for CE compliance, and free investigators to focus on more imminent threats, such as controlled substance and sanitation violations.

The bill also authorizes the Board to require a veterinarian to make up any missed hours of continuing education in following years, ensuring that they receive the required continuing education. In addition, the bill allows the Board to order a veterinarian to take additional continuing education hours as part of a disciplinary action, giving the Board an avenue to see that veterinarians address identified concerns.

2. Conform Key Elements of the Board's Licensing and Regulatory Functions to Commonly Applied Licensing Practices.

Senate Bill 407 includes 11 provisions that bring the Board in line with standard licensing agency practices, including the following.

- Eliminates obsolete language in the Veterinary Licensing Act that gives the Board authority to conduct oral exams.
- Requires the Board to establish a policy for refunding examination fees.
- Provides an exemption from the provisional license supervision requirement for applicants who are already licensed to practice independently in other states.
- Changes the basis for the Board's late renewal penalties.
- Requires at least two veterinarian Board members to review complaints and attend informal proceedings that require professional expertise, and authorizes staff to settle administrative complaints.
- Requires the Board to include one of its public members in the informal settlement process.
- Authorizes the Board to set penalties at a level that matches the egregiousness of each drug-related felony conviction.
- Clarifies the Board's administrative penalty authority, and increases the amount of an administrative penalty that the Board can impose.
- Authorizes the Board to provide for refunds by licensees to the consumer as part of the settlement process.
- Authorizes the Board to issue cease-and-desist orders.
- Requires the Board to adopt formal policies that focus the Board on resolving complaints and prioritize complaints according to risk.

3. Continue the Texas State Board of Veterinary Medical Examiners for 12 Years.

This provision continues the Board as a separate, stand-alone agency for the standard 12-year period.

Provision Added by the Legislature _____

4. Clarify That the Board’s General Counsel May Be Present During Informal Proceedings.

The Veterinary Licensing Act currently requires a representative from the Attorney General’s Office at the Board’s informal proceedings to advise the Board and agency employees even though the Veterinary Board has its own general counsel. The Legislature added a provision to S.B. 407 that authorizes the Board’s general counsel or the Attorney General’s representative to be present during informal proceedings.

Fiscal Implication Summary _____

Senate Bill 407 contains provisions that will have a negative fiscal impact to the Board. However, the Board will adjust licensing fees to cover costs of implementing the bill and, as a result, the bill will have only a slight impact to the State. These provisions are summarized in the table below.

Requiring two additional Board members – an additional veterinarian and a public member – to attend informal hearings for complaints that require medical expertise will result in an estimated annual cost to the Board of \$9,200 for travel-related expenses. Because the Board did not receive additional funding for this provision, the Board must cover these costs with its current resources, at no additional cost to the State. In addition, changing the basis of the late renewal penalties will result in a loss in revenue of \$7,493 per year.

<i>Fiscal Year</i>	<i>Loss to the General Revenue Fund</i>
2006	\$7,493
2007	\$7,493
2008	\$7,493
2009	\$7,493
2010	\$7,493

