

STATE BOARD OF VETERINARY MEDICAL EXAMINERS

S.B. 319 Watson (Raymond) — Sunset Bill

H.B. 2561 S. Thompson (V. Taylor) — Prescription Monitoring Program

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Continue

- Due to serious concerns with the oversight and agency operations, continue the State Board of Veterinary Medical Examiners for only four years, subject to Sunset review in 2021.
- Direct the agency to provide written quarterly reports to the Sunset Commission regarding the implementation of the recommendations adopted by the commission, beginning January 31, 2017. (Management action – nonstatutory)

Governance

- Restructure the nine-member board composition from six veterinarians and three public members to five veterinarians, one veterinary technician, and three public members. One veterinarian must be associated with an animal shelter and one must have at least three years of large animal practice experience.
- Update the standard Sunset across-the-board requirement related to board member training.
- Direct the agency to improve its board member training to include the agency's statute and rules, programs, functions, budget, oversight of the executive director, and involvement in large agency contracts, reports, and strategic plans. (Management action – nonstatutory)
- Direct the veterinary board to develop, adopt, and publish conflict of interest policies regarding board member involvement in the agency's complaint investigation and enforcement processes. (Management action – nonstatutory)
- Direct the agency to solicit and consider input from licensed veterinary technicians and equine dental providers on all rule changes and policy decisions affecting these license types. (Management action – nonstatutory)

Prescription Monitoring Program and Controlled Substances

- Require the veterinary board to provide licensee information to the pharmacy board, and require the pharmacy board to use this information to automatically register practitioners to use the Prescription Monitoring Program. (H.B. 2561)

- Require the veterinary board and pharmacy board to develop guidelines for and determine the conduct that constitutes responsible prescribing and dispensing of certain controlled substances, and allow the agency to open investigations based on information obtained from the Prescription Monitoring Program. (S.B. 319 and H.B. 2561).
- Require the board to periodically check the prescribing and dispensing information to determine whether a veterinarian is engaging in potentially harmful prescribing or dispensing patterns or practices, and allow the board to open a complaint against a veterinarian based on the information. (S.B. 319 and H.B. 2561)
- Authorize the board to conduct a risk-based inspection of a veterinarian's practice based on the use, handling, prescribing, dispensing, or delivery of controlled substances.
- Create and implement inspection guidelines with aggravating and mitigating factors to evaluate controlled substances deficiencies recorded during onsite inspections. (Management action – nonstatutory)
- Direct the veterinary board and the pharmacy board to enter into a memorandum of understanding to develop standard data elements for veterinarians and pharmacists entering dispensing information for animals into the Prescription Monitoring Program database and to develop standard querying practices for requesting animal-specific reports from the Prescription Monitoring Program database. The boards developed and reported the data elements and querying practices in February 2017, and developed additional data elements relating to dispensing for herds in April 2017. (Management action – nonstatutory)
- Require a joint interim study of changes to the Prescription Monitoring Program and the extent of drug diversion by animal owners by January 1, 2019 to understand the impacts of the database on controlled substance abuse and guide potential future changes. (H.B. 2561)
- Direct the agency to develop a robust educational process to regularly educate licensees about controlled substances laws, rules, and inspection standards. (Management action – nonstatutory)
- The Legislature, through H.B. 2561, requires wholesale pharmaceutical distributors to report their sales of certain controlled substances to the pharmacy board. As such, the veterinary board and the pharmacy board must enter into a memorandum of understanding to ensure the veterinary board has access to this information. (Management action – nonstatutory)

Enforcement

- Require the board to develop and adopt a schedule of sanctions in rule, and to use it in determining disciplinary actions.
- Exempt licensed health care professionals who provide treatment or care to zoo and aquarium animals under direct supervision of a veterinarian from the Veterinary Licensing Act in limited circumstances.
- Direct the agency to clearly define and consistently implement its enforcement procedures and to develop and publish policies governing a complainant's access to information regarding his or her complaint. (Management action – nonstatutory)
- Direct the agency to improve enforcement data tracking systems and processes. (Management action – nonstatutory)

- Direct the board to develop and implement a strategic inspection plan to improve and prioritize licensee inspections; the plan should aim to inspect all licensees at least once every eight years. (Management action – nonstatutory)
- Direct the agency to ensure its website accurately reflects the disciplinary status of its licensees and make all approved disciplinary orders easily accessible and readily available on its website. (Management action – nonstatutory)
- Direct the agency to follow the State Office of Administrative Hearing’s current guidance on the scope of the owner and designated caretaker exemptions in its enforcement processes. (Management action – nonstatutory)

Complaints

- Prohibit the board from accepting anonymous complaints and require the board to maintain confidentiality of investigative reports, complaints, and other investigative information.
- Prohibit a board member who reviews a standard of care investigation from participating in any resulting disciplinary proceeding, and allow the board to delegate medical reviews to licensed veterinarians who are not board members.
- Require the agency to provide a clear and easily understood summary of the outcome of a complaint investigation to the complainant.
- Direct the board to modify existing rules to allow a complainant to receive all of the licensee’s responses to the complaint during an investigation. (Management action – nonstatutory)
- Direct the agency to provide sufficient information on the reasons for a complaint dismissal. (Management action – nonstatutory)
- Direct the agency to improve tracking of non-jurisdictional complaints. (Management action – nonstatutory)

Licensing

- Require the agency to conduct fingerprint-based criminal background checks of all licensure applicants and existing licensees.
- Authorize the agency to provide staggered biennial license renewals for all license types.
- Remove the statutory limitation currently restricting the agency’s authority to lower fees.
- Prohibit the agency from limiting the amount of time a licensee can remain on inactive license status.
- Direct the agency to conduct continuing education audits as part of the license renewal process. (Management action – nonstatutory)
- Direct the agency to evaluate jurisprudence exam questions for each license type and create question banks for its jurisprudence exams. (Management action – nonstatutory)
- Direct the agency to remove the notarization requirement for temporary license applications and evaluate other application requirements to streamline temporary license processing. (Management action – nonstatutory)

Agency Management

- Review and update the current job description for the Chief Fiscal Officer position, and direct the executive director to ensure the agency hires a qualified and properly trained applicant. (Management action – nonstatutory)
- Develop and implement a career ladder program as required by statute, and make it available to staff. (Management action – nonstatutory)

Rabies Quarantine

- Require veterinarians and local rabies control authorities to provide certain notifications to owners of animals submitted for quarantine and to uniquely identify any animal under quarantine.