

SUBJECT: Disclosure of veterinarian records relating to rabies

COMMITTEE: Public Health — committee substitute recommended

VOTE: 7 ayes — Berlanga, Hirschi, Glaze, Janek, Maxey, McDonald, Rodriguez
0 nays
2 absent — Coleman, Delisi

WITNESSES: *(On original bill)*

For — William E. Lammers, D.V.M., San Antonio Metropolitan Health District, City of San Antonio, and Bexar County; Pam Burney, Texas Animal Control Association, City of Richland Hills; Becky Haskin, City of Fort Worth; Letha Lynne Aycock; Coy Willis, City of Midland, Texas Animal Control Association, National Animal Control Association

Against — Donald M. Ward, Texas Veterinary Medical Association; Tom Miessler, D.V.M.

On — Jane Mahlow, Texas Department of Health

BACKGROUND: Rabies, an acute viral disease affecting the central nervous system and usually transmitted by an animal bite, is a zoonotic disease — capable of transmission from animals to humans.

The 73rd Legislature amended the Veterinary Licensing Act to prohibit a veterinarian from violating the confidential relationship between the veterinarian and a client and from disclosing information concerning the veterinarian's care for an animal, except on written authorization by the client or by an appropriate court order or subpoena.

DIGEST: HB 1084 would amend the Veterinary Licensing Act (VACS art. 8890) to allow the Texas Board of Health or local governments to require veterinarians to disclose to the Texas Department of Health (TDH) or to local health authorities information relating to rabies vaccinations and rabies vaccine records, records and information on the quarantine and

treatment of animals that have inflicted bites or scratches on humans or that are suspected of being rabid, and records relating to cases or suspected cases of zoonotic diseases in animals.

Reports, records and information furnished by a veterinarian to the TDH or a local health authority would not be public information and could only be released to an individual (or the parent or guardian of a minor) bitten or scratched by an animal capable of transmitting rabies, to medical personnel treating the individual, to any local health authority with jurisdiction over the animal, to appropriate state or federal authorities such as the Centers for Disease Control, to a court pending prosecution of violation of the Rabies Control Act, for statistical purposes without identifying the animal's owner or the veterinarian or with written consent of the animal's owner.

The bill would take effect September 1, 1995.

**SUPPORTERS
SAY:**

CSHB 1084 would facilitate greater communication between veterinarians, TDH and municipal and county health departments in meeting rabies epidemics. The changes in the licensing act made by the 73rd Legislature effectively prohibit a veterinarian from volunteering information about rabies vaccination and treatment to other concerned entities. This information is vital to rabies control and animal licensing programs as well as to the TDH and municipal and county health departments.

In July 1994 Gov. Ann Richards declared a state health emergency to combat rabies, and in January 1995 the Texas Board of Health declared a rabies quarantine throughout the state in response to an outbreak of canine rabies in South Texas. The Hidalgo County Health department reported eight confirmed cases from November 1994 to January 1995. The rabies epidemic in Texas creates an urgent demand for as much information as possible about animal care relating to rabies.

The concerns of veterinarians about releasing information about care of an animal have been largely met by the committee substitute's clarification that rabies records and reports submitted by veterinarians are not subject to release except under tightly controlled circumstances.

OPPONENTS
SAY:

The bill should be clarified to prohibit municipalities from using records submitted by veterinarians to collect delinquent fees levied against pet owners.

NOTES:

The substitute revised the provisions in the original bill concerning disclosure by veterinarians of rabies information and added a provision prohibiting veterinarians who function as local health authorities from using the information in their private practices.

The following bills relating to rabies were passed by the House earlier this session:

- HB 669 by Gutierrez, which would require veterinarians to submit for quarantine an animal the veterinarian knows or suspects is rabid or that has exposed an individual to rabies.
- HB 721 by De La Garza, which would require veterinarians to quarantine animals suspected of having rabies, set new penalties for owners who fail to vaccinate animals and for persons who transport high risk animals and impose other rabies control measures.