

- SUBJECT:** Revising veterinary medical practice regulation
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 4 ayes — Hardcastle, Anderson, B. Brown, Herrero
- 0 nays
- 1 present not voting — Burnam
- 2 absent — Farrar, Olivo
- WITNESSES:** For — Roland Lenarduzzi and Guy Sheppard, Texas Veterinary Medical Association; Amy Murry
- Against — Linda Rampey, TACAT; Terelyn Bair; Susan Beans; Linda Chapman; Jacqueline Doval; William Ellis; Jodie Johnson; Noreen Nestlerode; Sarah Scott Dow
- On — Rona Allen, State Veterinary Board; Kristie Zamrazil, Texas Pharmacy Association; Pam Cantwell
- DIGEST:** CSHB 1767 would make a variety of changes to the statutes governing the practice of veterinary medicine, including:
- permitting individuals who are not veterinarians to artificially inseminate an animal in a non-surgical manner;
 - requiring an in-person veterinarian-client-patient relationship to practice veterinary medicine;
 - authorizing a veterinarian to disclose information on a rabies vaccine to a health authority, veterinarian, or physician if verification of vaccination was needed or if treatment of a life-threatening situation was involved;
 - protecting from liability veterinarians who report suspected animal cruelty; and
 - establishing Travis County as venue for prosecution of offenses involving practicing veterinary medicine without a license, committed on or after the effective date of the bill.

The bill also would permit veterinarians to dispense drugs prescribed by another veterinarian by exempting them from the required existing veterinarian-client-patient relationship. Those prescriptions could not account for more than 5 percent of the dispensing veterinarian's practice, and the dispensing veterinarian would have to maintain records of the dispensing, after September 1, 2006.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

The Texas State Board of Veterinary Medical Examiners underwent review by the Sunset Advisory Commission during the last interim, and a number of issues were raised about the practice of veterinary medicine, as well as about the board's regulatory functions. This bill would address the issues relating to the practice of veterinary medicine.

Texas explicitly should permit individuals who are not veterinarians to artificially inseminate animals in a non-surgical manner, as this is a common practice in animal husbandry, often performed by lay people in the normal course of ranching. It is important to differentiate between non-surgical and surgical methods because surgical methods often involve anesthesia and other techniques that are best performed by a veterinarian.

Explicitly requiring an in-person veterinarian-client-patient relationship to practice veterinary medicine would prevent online or telephone diagnosis of animals when the veterinarian has never seen the animal. This would not affect practitioners of alternative therapies, such as massage therapy or acupuncture. A provision in the filed version of the bill but not in the committee substitute sparked controversy over which alternative therapies should require veterinarian supervision. The proposed veterinarian-client-patient relationship requirement in the committee substitute does not address alternative therapies.

Establishing Travis County as the venue for prosecution of offenses involving practicing veterinary medicine without a license would save the state money in travel expenses for attorneys.

The bill would address a problem some animal owners face when they travel and run out of their animal's medicine. Because state law requires an existing veterinarian-client-patient relationship, they must find a new vet and pay for an office visit, rather than just have their existing vet call in a prescription. This bill would permit a vet to call in a prescription to

another vet's office, which also could be helpful if the vet with the existing relationship did not have in stock a particular medicine. The client could pick up the medicine from another vet's office.

The prescription provision would not have an effect on pharmacists' practices. It would speak only to veterinarians dispensing drugs, so pharmacists, both for people and online pet medication drug stores, would not experience any change.

**OPPONENTS
SAY:**

Texas should not require veterinarian supervision of acupuncture, acupressure, massage therapy, and physical therapy, as in the bill as originally filed. The statute should exclude explicitly those alternative therapies from supervision.

The bill could permit abuse in prescription dispensing because it is silent on important protections against inappropriate dispensing. It should require a prescription and limit dispensing to a 72-hour supply, two protections built in for pharmacists dispensing to humans. Without any qualification to this proposal, people could appear at a vet's office with an empty bottle and have it filled without a prescription or any verification of an existing relationship with a veterinarian. Another approach to solving the problem of people running out of their pet's medication while on vacation would be for them to have the prescription filled by a pharmacy, which they already can do under current law.

NOTES:

The committee substitute removed some provisions in the filed bill, including protecting veterinarians from liability for emergency care for humans, requiring veterinarian supervision of certain alternative therapies, and require veterinarian services for cow or bull sales where breeding soundness was a condition of sale.