

## **BILL ANALYSIS**

Senate Research Center

S.B. 1312  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, veterinary technicians are not licensed by the state but are instead registered through the Texas Veterinary Medical Association (TVMA) as registered veterinary technicians. As a nonprofit organization, TVMA lacks the ability to investigate complaints and to prevent misrepresentation of education and credentialing by veterinary technicians. In most states, veterinarian technicians are recognized by the state as licensed professionals. Licensure will increase the incentive for individuals to take advantage of the many educational opportunities in the state for veterinary technicians while bettering the veterinary profession and increasing the pool of educated employees.

S.B. 1312 defines types of technicians, qualifications for licensure, and delineates scope of practice by providing a path to professional licensure for veterinary technicians who choose to become licensed through the Texas State Board of Veterinary Medical Examiners.

As proposed, S.B. 1312 amends current law relating to the regulation and practice of veterinary medicine and authorizes a fee.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the State Board of Veterinary Medical Examiners is modified in SECTION 2 (Section 801.151, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the State Board of Veterinary Medical Examiners in SECTION 2 (Section 801.151, Occupations Code), SECTION 3 (Section 801.163, Occupations Code), SECTION 6 (Section 801.307, Occupations Code), SECTION 8 (Section 801.402, Occupations Code), and SECTION 10 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 801.002, Occupations Code, by adding Subdivisions (1-a), (4-b), (4-c), and (6-a) and amending Subdivision (4-a), to define "certified veterinary assistant," "immediate supervision," "licensed veterinary technician," and "veterinary assistant," and to make a nonsubstantive change.

SECTION 2. Amends Sections 801.151(c), (d), and (e), Occupations Code, as follows:

(c) Requires the State Board of Veterinary Medical Examiners (SBVME) to adopt rules to provide for the licensing and regulation of licensed veterinary technicians.

(d) Authorizes SBVME to adopt rules regarding the work of a person who works under the supervision of a veterinarian. Deletes existing text authorizing SBVME to adopt rules regarding the work of a person who fulfills the requirements established by a board-approved organization for registered veterinary technicians.

(e) Requires SBVME to adopt rules to implement a jurisprudence examination for licensed equine dental providers and licensed veterinary technicians, including rules relating to the development and administration of the examination, examination fees,

guidelines for reexamination, examination grading, and provision of notice of examination results.

SECTION 3. Amends Subchapter D, Chapter 801, Occupations Code, by adding Section 801.163, as follows:

Sec. 801.163. **ADVISORY COMMITTEES.** (a) Authorizes SBVME to appoint advisory committees to perform advisory functions as assigned by SBVME.

(b) Requires an advisory committee to provide independent expertise on SBVME functions and policies, but is prohibited from being involved in setting SBVME policy.

(c) Requires SBVME to adopt rules regarding the purpose, structure, and use of an advisory committee, including rules on:

(1) the purpose, role, responsibility, and goal of an advisory committee;

(2) the size and quorum requirements for an advisory committee;

(3) the composition and representation of an advisory committee;

(4) the qualifications of advisory committee members, including any experience requirements or requirements that members represent specific geographic regions of the state;

(5) the appointment procedures for an advisory committee;

(6) the terms of service for advisory committee members;

(7) the training requirements for advisory committee members, if necessary;

(8) the method SBVME will use to receive public input on issues addressed by an advisory committee; and

(9) the development of SBVME policies and procedures to ensure that an advisory committee meets the requirements for open meetings under Chapter 551 (Open Meetings), Government Code, including notice requirements.

(d) Provides that, to the extent of any conflict with Chapter 2110 (State Agency Advisory Committees), Government Code, this section and board rules adopted under this section control.

SECTION 4. Amends Section 801.264, Occupations Code, as follows:

Sec. 801.264. **JURISPRUDENCE EXAMINATION.** (a) Creates this subsection from existing text. Requires SBVME to develop and administer a jurisprudence examination for licensed equine dental providers to determine an applicant's knowledge of this chapter, SBVME rules, and any other applicable laws of this state affecting the applicant's practice, rather than the applicant's equine dentistry practice.

(b) Requires SBVME to develop and administer a jurisprudence examination for licensed veterinary technicians to determine an applicant's knowledge of this chapter, SBVME rules, and any other applicable laws of this state affecting the applicant's employment as a licensed veterinary technician.

SECTION 5. Amends Subchapter F, Chapter 801, Occupations Code, by adding Sections 801.265 and 801.266, as follows:

Sec. 801.265. LICENSED VETERINARY TECHNICIAN: APPLICATION, QUALIFICATIONS, AND ISSUANCE. (a) Requires SBVME to issue a veterinary technician license to a person who is qualified under this section. Provides that a person is qualified to be licensed as a licensed veterinary technician if the person:

- (1) passes a jurisprudence examination conducted by SBVME in accordance with Section 801.264 (Jurisprudence Examination);
- (2) is at least 18 years old;
- (3) has graduated from a program accredited by the American Veterinary Medical Association;
- (4) has passed the Veterinary Technician National Examination; and
- (5) is not disqualified under this chapter or board rule.

(b) Requires an applicant for a veterinary technician license to submit to SBVME an application on the form prescribed by SBVME, information to enable SBVME to conduct a criminal background check if required by SBVME, and any other information required by SBVME.

Sec. 801.266. LICENSED VETERINARY TECHNICIAN LICENSE REQUIRED; DISPLAY OF LICENSE. (a) Prohibits a person from using the title "Licensed Veterinary Technician" or "LVT" or advertise or offer services in a manner to lead other people to believe that the person is licensed as a licensed veterinary technician unless the person holds a license under Section 801.265.

(b) Requires a licensed veterinary technician, if employed by a veterinary hospital, to display at that facility the person's license issued by SBVME or a legible photocopy of the license.

SECTION 6. Amends Section 801.307(a), Occupations Code, as follows:

(a) Requires SBVME by rule to establish a minimum number of hours of continuing education required to renew a license to practice veterinary medicine or work as a licensed veterinary technician. Requires SBVME to require six hours of continuing education annually to renew an equine dental provider license.

SECTION 7. Amends Subchapter H, Chapter 801, Occupations Code, by adding Sections 801.363 and 801.364, as follows:

Sec. 801.363. DELEGATION AND SUPERVISION OF ANIMAL CARE TASKS. (a) Requires that decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient be made by a supervising veterinarian.

(b) Requires a supervising veterinarian to determine the appropriate level of supervision and protocol for a task that is delegated to a licensed veterinary technician, certified veterinary assistant, or veterinary assistant. Requires the veterinarian, in determining the appropriate level of supervision, to consider the level of training and experience of the person to whom the task is delegated.

(c) Authorizes a veterinarian, according to the judgment of the supervising veterinarian, to delegate greater responsibility to a licensed veterinary technician than to a certified veterinary assistant or a veterinary assistant. Authorizes a veterinarian to provide greater supervision for a task performed by a certified veterinary assistant or a veterinary assistant than for the same task performed by a licensed veterinary technician.

(d) Prohibits a satellite office or mobile facility from being operated without a supervising veterinarian.

Sec. 801.364. SCOPE OF PRACTICE OF LICENSED VETERINARY TECHNICIANS, CERTIFIED VETERINARY ASSISTANTS, AND VETERINARY ASSISTANTS. (a) Authorizes a licensed veterinary technician to:

(1) under the direct or immediate supervision of a veterinarian suture to close existing surgical skin incisions and skin lacerations; induce anesthesia; and extract loose teeth or dental fragments of companion animals with minimal periodontal attachments by hand and without the use of an elevator;

(2) under the direct, immediate, or general supervision of a veterinarian draw blood; and take samples for the purpose of testing and diagnosis;

(3) perform a task assigned by the supervising veterinarian under a level of supervision determined by the supervising veterinarian; and

(4) immediately supervise a certified veterinary assistant or veterinary assistant who is performing a task described by Subdivision (1)(A) or (B) or (2) or other tasks related to animal care as assigned by the supervising veterinarian according to the protocol established by the supervising veterinarian.

(b) Provides that a licensed veterinary technician who is immediately supervising a task performed by a certified veterinary assistant or a veterinary assistant is responsible for conduct that violates laws, including SBVME rules, related to the practice of veterinary medicine.

(c) Authorizes a certified veterinary assistant or veterinary assistant, in addition to tasks described by Subsection (a)(4), to, under the direct or immediate supervision of a veterinarian suture to close existing surgical skin incisions and skin lacerations and induce anesthesia, and perform other tasks assigned by the supervising veterinarian under a level of supervision determined by the supervising veterinarian.

(d) Prohibits a licensed veterinary technician, certified veterinary assistant, or veterinary assistant from:

(1) performing surgery;

(2) performing an invasive dental procedure, except as provided by Subsection (a)(1)(C) (relating to extracting loose teeth or dental fragments);

(3) diagnosing or determining a prognosis for an animal disease or condition;

(4) prescribing a drug or appliance; or

(5) initiating treatment without prior instruction by a veterinarian, except in the case of an emergency.

SECTION 8. Amends Section 801.402, Occupations Code, as follows:

Sec. 801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. Provides that a person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(1)-(15) Makes no changes to these subdivisions;

(16)-(17) Makes nonsubstantive changes;

(18) is convicted for an offense under Section 42.09 (Cruelty to Livestock Animals), 42.091 (Attack on Assistance Animal), or 42.092 (Cruelty to Nonlivestock Animals), Penal Code;

(19) represents the person as a veterinarian without a license issued under this chapter;

(20) practices veterinary medicine or assists in the practice of veterinary medicine without a license issued under this chapter; or

(21) violates Section 801.353 (Confidentiality; Waiver) or a rule adopted by the board related to confidentiality.

SECTION 9. (a) Requires SBVME, before September 1, 2014, to issue a veterinary technician license described by Section 801.265, Occupations Code, as added by this Act, to a person who presents proof of registration in good standing as a registered veterinary technician with the Texas Veterinary Medical Association and submits an application and required fee.

(b) Authorizes a license issued under this section to be renewed in the same manner as a license issued to a person under Section 801.265, Occupations Code, as added by this Act.

SECTION 10. Requires SBVME, not later than June 1, 2014, to adopt the rules, procedures, fees, and jurisprudence examination necessary to administer Chapter 801, Occupations Code, as amended by this Act.

SECTION 11. Provides that, notwithstanding Chapter 801, Occupations Code, as amended by this Act, a person employed as a licensed veterinary technician is not required to hold a license under that chapter to practice as a licensed veterinary technician in this state before September 1, 2014.

SECTION 12. Effective date: September 1, 2013.