

BILL ANALYSIS

Senate Research Center

S.B. 1523
By: Blanco
Water, Agriculture & Rural Affairs
6/1/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Sunset Advisory Commission has found that the Texas Board of Veterinary Medical Examiners (TBVME) has a significant and persistent backlog of complaints against licensees. Meritless complaints stretch resources that are already spread too thin, and the backlog contributes to unacceptably long resolution times, which is frustrating to both licensees and complainants.

The agency's enabling statute contributes to this problem because it lacks a mechanism for the agency to summarily dispose of cases that are meritless on their face or present issues beyond its jurisdictional authority. In contrast, the Texas Board of Dental Examiners (TBDE) is permitted to establish criteria for determining that a complaint is baseless and unfounded and requires it to dismiss complaints that meet those criteria. Under its rules TBDE can remove cases from its queue of complaints if they fail to specify a violation of the standard of care, fail to describe a sanitation violation, fail to describe dishonorable conduct, fail to identify an administrative violation, fail to describe a business promotion violation, fail to establish an instance of unlicensed practice, and fail to identify a person subject to TBDE jurisdiction.

S.B. 1523 models the complaint review process of TBDE for TBVME to quickly dismiss cases that are baseless or unfounded, so that the agency's resources can be more efficiently utilized and focused on legitimate complaints. The bill amends Occupations Code Chapter 801 to include a provision on dismissal of baseless or unfounded complaints similar to the provision in Section 263.0074, Occupations Code.

S.B. 1523 amends current law relating to the dismissal of a baseless or unfounded complaint filed with the State Board of Veterinary Medical Examiners.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Veterinary Medical Examiners in SECTION 1 (Section 801.2052, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 801, Occupations Code, by adding Section 801.2052, as follows:

Sec. 801.2052. DISMISSAL OF BASELESS OR UNFOUNDED COMPLAINT. (a) Requires the Texas Board of Veterinary Medical Examiners (TBVME), if TBVME determines in accordance with the rules adopted under this section that a complaint filed with TBVME is baseless or unfounded before the 180th day after the date TBVME's official investigation of a complaint is commenced, to:

(1) dismiss the complaint; and

(2) include a statement in the record of the complaint that the complaint was dismissed because the complaint was baseless and unfounded.

(b) Requires TBVME to adopt rules to implement this section and establish criteria for determining that a complaint is baseless or unfounded.

SECTION 2. Prohibits rules adopted under Section 801.2052, Occupations Code, as added by this Act, from taking effect until September 1, 2025.

SECTION 3. Effective date: September 1, 2023.