

By: Anderson of McLennan

H.B. No. 3998

A BILL TO BE ENTITLED

AN ACT

relating to the practice of veterinary medicine and the medical treatment and care of animals in animal shelters and releasing agencies; expanding the applicability of an occupational license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 801.002, Occupations Code, is amended by amending Subdivisions (1) and (1-a) and adding Subdivisions (1-b), (5-a), and (5-b) to read as follows:

(1) "Animal shelter" has the meaning assigned by Section 823.001, Health and Safety Code.

(1-a) "Board" means the State Board of Veterinary Medical Examiners.

(1-b) [~~(1-a)~~] "Certified veterinary assistant" means a person who has been certified as a certified veterinary assistant by the Texas Veterinary Medical Association and is employed by a licensed veterinarian.

(5-a) "Releasing agency" has the meaning assigned by Section 828.001, Health and Safety Code.

(5-b) "Shelter veterinarian" means a veterinarian who works for or in an animal shelter or a releasing agency, regardless of whether the veterinarian receives compensation.

SECTION 2. Section 801.004, Occupations Code, is amended to read as follows:

Sec. 801.004. APPLICATION OF CHAPTER. (a) Except as

provided by Subsection (b) and Section 801.005, this ~~[This]~~ chapter does not apply to:

(1) the treatment or care of an animal in any manner by the owner of the animal, an employee of the owner, or a designated caretaker of the animal, unless the ownership, employment, or designation is established with the intent to violate this chapter;

(2) a person who performs an act prescribed by the board as an accepted livestock management practice, including:

(A) castrating a male animal raised for human consumption;

(B) docking or earmarking an animal raised for human consumption;

(C) dehorning cattle;

(D) aiding in the nonsurgical birth process of a large animal, as defined by board rule;

(E) treating an animal for disease prevention with a nonprescription medicine or vaccine;

(F) branding or identifying an animal in any manner;

(G) artificially inseminating an animal, including training, inseminating, and compensating for services related to artificial insemination; and

(H) shoeing a horse;

(3) the performance of a cosmetic or production technique to reduce injury in poultry intended for human consumption;

(4) the performance of a duty by a veterinarian's

1 employee if:

2 (A) the duty involves food production animals;

3 (B) the duty does not involve diagnosis,
4 prescription, or surgery;

5 (C) the employee is under the direction and
6 general supervision of the veterinarian; and

7 (D) the veterinarian is responsible for the
8 employee's performance;

9 (5) the performance of an act by a person who is a
10 full-time student of an accredited college of veterinary medicine
11 if the act is performed under the direct supervision of a
12 veterinarian;

13 (6) ~~[an animal shelter employee who performs~~
14 ~~euthanasia in the course and scope of the person's employment if the~~
15 ~~person has successfully completed training in accordance with~~
16 ~~Chapter 829, Health and Safety Code,~~

17 ~~[(7)]~~ a person who is engaged in a recognized
18 state-federal cooperative disease eradication or control program
19 or an external parasite control program while the person is
20 performing official duties required by the program;

21 (7) ~~[(8)]~~ a person who, without expectation of
22 compensation, provides emergency care in an emergency or disaster;
23 or

24 (8) ~~[(9)]~~ a consultation given to a veterinarian in
25 this state by a person who:

26 (A) resides in another state; and

27 (B) is lawfully qualified to practice veterinary

1 medicine under the laws of that state.

2 (b) This chapter applies to an activity described by
3 Subsection (a) when performed by a person who holds a license issued
4 under this chapter.

5 SECTION 3. Subchapter A, Chapter 801, Occupations Code, is
6 amended by adding Section 801.005 to read as follows:

7 Sec. 801.005. APPLICATION OF CHAPTER TO ANIMAL SHELTERS AND
8 RELEASING AGENCIES. (a) Except as otherwise provided by this
9 section, this chapter applies to the practice of veterinary
10 medicine, including an activity described by Section 801.004, when
11 performed:

12 (1) in an animal shelter or releasing agency; or

13 (2) on an animal for which an animal shelter,
14 releasing agency, or shelter veterinarian:

15 (A) is the owner or designated caretaker; or

16 (B) has possession, custody, or control.

17 (b) After an animal shelter or releasing agency takes
18 possession and has custody or control of an animal, an agent,
19 employee, or volunteer of the shelter or agency may administer:

20 (1) a nonprescription drug to the animal; or

21 (2) a prescription vaccine or drug, other than rabies
22 vaccine or a controlled substance, to the animal if the vaccine or
23 drug is:

24 (A) necessary to prevent the animal's death or
25 alleviate the animal's pain or suffering;

26 (B) necessary to prevent or control a
27 communicable disease or internal or external parasite; or

1 (C) administered at the direction of a
2 veterinarian or under the guidance of a protocol developed in
3 accordance with Section 801.365(b).

4 (c) A nonsurgical sterilization or any surgery performed in
5 or on behalf of an animal shelter or releasing agency must be
6 performed by:

7 (1) a veterinarian; or

8 (2) a full-time student of an accredited college of
9 veterinary medicine under the direct supervision of a veterinarian.

10 (d) This chapter does not apply to an animal shelter
11 employee who euthanizes an animal in the course and scope of the
12 person's employment if the person has successfully completed
13 training in accordance with Section 821.055, Health and Safety
14 Code.

15 (e) This chapter may not be construed to prevent an agent,
16 employee, or volunteer of an animal shelter or releasing agency
17 from providing emergency care to an animal or preventing an
18 animal's pain or suffering.

19 SECTION 4. Subchapter H, Chapter 801, Occupations Code, is
20 amended by adding Section 801.365 to read as follows:

21 Sec. 801.365. PRACTICE BY SHELTER VETERINARIAN. (a)
22 Notwithstanding any other law, after an animal shelter or releasing
23 agency takes possession of an animal, a veterinarian may:

24 (1) perform a surgical or nonsurgical sterilization of
25 a dog or cat:

26 (A) that shows no evidence of ownership;

27 (B) whose owner surrendered the animal; or

1 (C) whose owner has not claimed the animal from
2 the animal shelter or releasing agency if the hold period
3 prescribed by local law has expired;

4 (2) administer or prescribe a vaccine or drug to the
5 animal; or

6 (3) provide any other treatment that the veterinarian
7 reasonably believes will promote the animal's health and welfare or
8 alleviate the animal's pain, suffering, or discomfort.

9 (b) A shelter veterinarian who complies with Section
10 801.351 by making medically appropriate and timely visits to the
11 premises of an animal shelter or releasing agency may, in
12 consultation with the animal shelter or releasing agency, develop a
13 written animal care and treatment protocol for use by agents,
14 employees, and volunteers of the animal shelter or releasing agency
15 who do not hold a license under this chapter. A protocol under this
16 section:

17 (1) may provide guidance on the administration of
18 vaccines or drugs, other than rabies vaccine and controlled
19 substances, necessary to:

20 (A) prevent or control a communicable disease;

21 (B) prevent or control an internal or external
22 parasite;

23 (C) prevent an animal's death; or

24 (D) alleviate an animal's pain, suffering, or
25 discomfort; and

26 (2) may not provide guidance on the administration of
27 rabies vaccine or a controlled substance.

1 (c) A shelter veterinarian shall develop and maintain a
2 paper or electronic recordkeeping system to keep complete and
3 accurate medical records regarding the treatment provided to each
4 animal under the veterinarian's care in an animal shelter or
5 releasing agency. The records may be maintained in a daily log or
6 in billing records, provided the information entered is adequate to
7 substantiate the identification of the animal treated and the
8 medical care provided. An employee or volunteer at an animal
9 shelter or a releasing agency who does not hold a license under this
10 chapter, acting under the supervision or protocol of a
11 veterinarian, may contribute to the records under this subsection.

12 (d) A shelter veterinarian is only responsible for:

13 (1) the veterinarian's direct actions; or
14 (2) actions taken by a person acting at the
15 veterinarian's specific direction or under the veterinarian's
16 direct and immediate supervision.

17 SECTION 5. Chapter 801, Occupations Code, is amended by
18 adding Subchapter M to read as follows:

19 SUBCHAPTER M. SHELTER VETERINARIAN ADVISORY COMMITTEE

20 Sec. 801.601. SHELTER VETERINARIAN ADVISORY COMMITTEE. (a)
21 The shelter veterinarian advisory committee is an informal advisory
22 committee to the board and is not subject to Chapter 2110,
23 Government Code.

24 (b) The board shall consult the advisory committee
25 regarding matters relating to a disciplinary action that involves a
26 shelter veterinarian.

27 Sec. 801.602. APPOINTMENT OF ADVISORY COMMITTEE. The

shelter veterinarian advisory committee is composed of three members appointed by the presiding officer of the board as follows:

(1) two members who are shelter veterinarians licensed by the board, have practiced animal shelter veterinary medicine for the five years preceding the date of appointment, and are of good repute; and

(2) one member, who is not required to be a veterinarian, who currently serves as a director or is involved in the management of an animal shelter.

Sec. 801.603. TERMS; VACANCY. (a) Members of the shelter veterinarian advisory committee are appointed for staggered six-year terms. The term of one member expires on February 1 of each odd-numbered year.

(b) If a vacancy occurs during a member's term, the presiding officer of the board shall appoint a new member to fill the unexpired term.

(c) An advisory committee member may not serve more than two consecutive full terms.

Sec. 801.604. GROUNDS FOR REMOVAL. It is a ground for removal from the shelter veterinarian advisory committee that a member:

(1) does not have at the time of appointment the qualifications required by Section 801.602;

(2) does not maintain during service on the advisory committee the qualifications required by Section 801.602; or

(3) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's

1 term.

2 Sec. 801.605. OFFICERS. The presiding officer of the board
3 shall designate biennially a shelter veterinarian advisory
4 committee member as the presiding officer of the advisory committee
5 to serve in that capacity at the will of the presiding officer of
6 the board.

7 Sec. 801.606. REIMBURSEMENT; COMPENSATION. A shelter
8 veterinarian advisory committee member is not entitled to
9 reimbursement for travel expenses or compensation.

10 Sec. 801.607. MEETINGS. (a) The shelter veterinarian
11 advisory committee shall meet at the call of the presiding officer
12 of the board.

13 (b) A meeting may be held by telephone conference call.

14 SECTION 6. Section 801.004, Occupations Code, as amended by
15 this Act, and Sections 801.005 and 801.365, Occupations Code, as
16 added by this Act, apply only to conduct that occurs on or after the
17 effective date of this Act. Conduct that occurs before the
18 effective date of this Act is governed by the law in effect when the
19 conduct occurs, and the former law is continued in effect for that
20 purpose.

21 SECTION 7. As soon as practicable after the effective date
22 of this Act, the presiding officer of the State Board of Veterinary
23 Medical Examiners shall appoint the members of the shelter
24 veterinarian advisory committee.

25 SECTION 8. This Act takes effect September 1, 2017.