

BILL ANALYSIS

Senate Research Center
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H.B. 3442
By: Anderson et al. (Powell)
Water, Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not require that a veterinarian against whom an applicable complaint has been filed receive a copy of the complaint. H.B. 3442 seeks to address this issue by generally requiring the State Board of Veterinary Medical Examiners to provide a copy of each complaint to the license holder who is the complaint's subject.

H.B. 3442 amends current law relating to complaints filed with the State Board of Veterinary Medical Examiners.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 801.207, Occupations Code, by amending Subsections (b) and (c) and adding Subsections (b-1), (b-2), and (b-3), as follows:

(b) Creates exceptions under Subsections (b-1) and (b-2) to Subsection (a) (relating to making certain investigative information in the possession of or received or gathered by the Texas State Board of Veterinary Medical Examiners (TSBVME) confidential and not subject to legal compulsion) and makes a nonsubstantive change.

(b-1) Requires TSBVME to provide a copy of each complaint to the license holder who is the subject of the complaint not later than the 14th day before the date any response is due, unless providing a copy of the complaint would jeopardize an investigation. Prohibits TSBVME from requiring the license holder to request a copy of the complaint.

(b-2) Requires TSBVME to provide to the complainant a copy of any response to the complaint the license holder provides not later than the 14th day after the date TSBVME receives the response, unless providing the copy would jeopardize an investigation or the act alleged in the complaint is not under TSBVME's jurisdiction. Requires TSBVME, if TSBVME provides a copy of a response to a complainant, to include with the copy notice of the complainant's opportunity to rebut the license holder's response.

(b-3) Provides that TSBVME is not required to provide a copy of the complaint under Subsection (b-1) or a license holder's response under Subsection (b-2) for a complaint initiated by TSBVME.

(c) Creates an exception under Subsection (b-1) to TSBVME's requirement to protect the identity of a complainant to the extent possible and makes a nonsubstantive change.

SECTION 2. Makes application of Section 801.207, Occupations Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2021.