RULES PERTAINING TO THE PRACTICE OF VETERINARY MEDICINE

TEXAS ADMINISTRATIVE CODE
TITLE 22, PART 24
CHAPTER 571

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

PROPOSED DRAFT

Chapter 571 – Licensing

Subchapter A – General

Rule §571.1 Definitions

The following words and terms, when used in the Veterinary Licensing Act, "the Act" (Chapter 801, Texas Occupations Code) or the Rules of the Board (Texas Administrative Code, Title 22, Part 24, Chapters 571 - 577) shall have the following meaning, unless the context clearly indicates otherwise:

(1) Board--the Texas Board of Veterinary Medical Examiners or their designee.

(2) EDPE--Equine Dental Provider Jurisprudence Examination.

(3) ~~Locally derived scaled score--the equivalent of the criterion referenced passing point for the national examination or the NAVLE~~ Board-approved school or college of veterinary medicine--a school or college of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association (AVMA). Applicants who are graduates of a school or college of veterinary medicine not accredited by the Council on Education of the AVMA are eligible provided that the applicant presents satisfactory proof to the Board that the applicant is a graduate of a school or college of veterinary medicine and possesses an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) certificate.

~~(4) Name on license--licenses will be issued to successful applicants in the name of the individual as it appears on the birth certificate, court order, marriage license, or documentation of naturalization.~~ ***Make this SOP**

~~(5) National Board of Veterinary Medical Examiners (NBVME)--the organization responsible for producing, administering and scoring the NAVLE.~~

(6) National examination--the examination in existence and effective prior to the inauguration date of the North American Veterinary Licensing Examination (NAVLE) and which consists of the national board examination (NBE) and the clinical competency test (CCT).

(7) North American Veterinary Licensing Examination (NAVLE)--the examination which replaced the national examination in the year 2000.

(8) Passing Score--an examination score of at least 75 percent on the national examination or the ~~and~~ NAVLE, which is based on a locally derived scaled score; an examination score of at least 75 percent on the Veterinary Technician National Examination (VTNE), which is based on a locally derived scaled score; an examination score of at least 85 percent on the State Board Exam (SBE), the Licensed Veterinary Technician Jurisprudence Examination (LVTE), or the Equine Dental Provider Jurisprudence Examination (EDPE). The examination score on the SBE, LVTE, or the EDPE is valid for one year past the date of the examination.

(9) SBE--Veterinarian Jurisprudence Examination (known as "State Board Examination" or "SBE").

(10) AVMA-accredited ~~S~~school or college of veterinary medicine--a school or college of veterinary medicine that ~~is approved by the Board and~~ accredited by the Council on Education of the American Veterinary Medical Association (AVMA). ~~Applicants who are graduates of a school or college of veterinary medicine not accredited by the Council on Education of the AVMA are eligible provided that the applicant presents satisfactory proof to the Board that the applicant is a graduate of a school or college of veterinary medicine and possesses an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) certificate.~~

(11) VTNE--Veterinary Technician National Examination.

(12) LVTE--Licensed Veterinary Technician Jurisprudence Examination.

(13) ~~Veterinary Technician Program - a program of education for veterinary technicians accredited by AVMA.~~ AVMA-accredited veterinary technician program--A program that is accredited by the American Veterinary Medical Association's (AVMA) Committee on Veterinary Technician Education and Activities (CVTEA)

(14) Renewal year--the year between the first day of the month after a licensee's birth month and the last day of the licensee's birth month in the following year. The first regular license is valid from the date of issuance until the last day of the applicant's birth month, with a duration of at least one year.

Rule §571.3 Criminal History Evaluation Letters

(a) ~~Purpose: The purpose of this section is to provide a process by which an individual may request a criminal history evaluation letter regarding the person's eligibility for a license issued by the Texas Board of Veterinary Medical Examiners,~~ P~~p~~ursuant to §53.102 of the Texas Occupations Code~~.~~, a person may request the Board issue a criminal history evaluation letter regarding the person's eligibility for a license issued by the Board.

(b) Prior to applying for licensure, a~~n individual~~ person seeking licensure may request that ~~agency~~ the Board ~~review the person's criminal history to determine if the person is ineligible for licensure based solely on the person's criminal background.~~ issue an evaluation letter regarding whether the person may be eligible for a license if the person has a conviction or deferred adjudication for a felony or misdemeanor offense.

(c) Requestors must submit their requests in writing on a form provided by the Board which includes:

(1) a statement by the petitioner or applicant indicating the reason(s) and basis of potential ineligibility;

(2) if the potential ineligibility is due to criminal conduct and/or conviction, any court documents including, but not limited to, indictments, orders of deferred adjudication, judgments, probation records and evidence of completion of probation, if applicable; and

(3) the required fee as provided in §577.15 of this title (relating to Fee Schedule) which is not refundable.

(d) The ~~agency~~ Board may require additional documentation including fingerprints ~~cards~~ before issuing a criminal history evaluation letter.

(e) The ~~agency~~ Board shall provide criminal history evaluation letters that include the basis for ineligibility if grounds for ineligibility exist to all requestors no later than the 90th day after the ~~agency~~ Board receives all required documentation to allow the ~~agency~~ Board to respond to a request.

(f) If a requestor does not provide all requested documentation within one year of submitting the original request, the requestor must submit a new request along with appropriate fees.

(g) All evaluation letters shall be based on existing law at the time of the request. All requestors remain subject to the requirements for licensure at the time of application and may be determined ineligible under existing law at the time of application. If a requestor fails to provide complete and accurate information to the ~~agency~~Board, the ~~agency~~Board may invalidate the criminal history evaluation letter. Additional criminal history after the submission of the ~~P~~petition for c~~C~~riminal h~~H~~istory e~~E~~valuation l~~L~~etter to the Board may invalidate the c~~C~~riminal h~~H~~istory e~~E~~valuation l~~L~~etter.

(h) A~~n~~ ~~individual~~ person shall be permitted to apply for licensure, regardless of the ~~agency~~Board's determination in a criminal history evaluation letter.

Rule §571.4 Qualifications for Licensed Veterinary Technicians

(a) To be eligible for licensure as a licensed veterinary technician, an applicant must present satisfactory proof to the Board that the applicant:

(1) is at least 18 years ~~old~~ of age;

(2) has obtained at least a passing score on:

(A) the VTNE; and

(B) the LVTE; and

(3) ~~is a graduate of a Veterinary Technician Program.~~ has graduated from an AVMA-accredited veterinary technician program.

~~(4) A person must first take and pass the VTNE in order to apply for the LVTE.~~

(b) The Board may refuse to issue a licensed veterinary technician license to an applicant who meets the qualification criteria but is otherwise subject to denial of license as provided in Texas Occupations Code §801.401 and §801.402.

Rule §571.5 Qualifications for Veterinary License

(a) To be eligible for veterinary licensure, an applicant must present satisfactory proof to the Board that the applicant:

(1) is at least 18 years of age ~~the age of majority~~;

(2) has obtained at least a passing score on:

(A) the NAVLE ~~if an applicant sits for that examination subsequent to its inauguration date~~; or

(B) the national examination, if an applicant sat for that examination prior to the inauguration date of the NAVLE; and

(C) the SBE; and

(3) is a graduate of an AVMA-accredited school or college of veterinary medicine; or

(4) is a graduate of a non AVMA-accredited school or college of veterinary medicine and has obtained certification from one of the following: ~~that is approved by the Board.~~

(A) the Educational Commission for Foreign Veterinary Graduates (ECFVG); or

(B) the Program for the Assessment of Veterinary Education Equivalence (PAVE).

(b) The Board may refuse to issue a veterinary license to an applicant who meets the qualification criteria but is otherwise subject to denial of license as provided in Texas Occupations Code §801.401 and §801.402.

~~(c) An applicant may petition the Board in writing for an exception to subsection (a)(2)(A) or (B) of this section. In deciding whether to grant the petition, the Board may consider:~~

~~(1) the availability of the national examination or NAVLE at the time the petitioner originally applied for licensure;~~

~~(2) the number of years the petitioner has been in active practice;~~

~~(3) petitioner's license status and standing in other jurisdictions;~~

~~(4) petitioner's status as a diplomate in an AVMA recognized veterinary specialty; and~~

~~(5) any other factors that may be related to petitioner's request for an exception.~~

~~(d) As a condition of granting an exception under subsection (c)(2) of this section, the Board may impose additional requirements that are reasonably necessary to assure that the petitioner is competent to practice veterinary medicine in Texas.~~

Rule §571.6 Qualifications for Equine Dental Provider License

(a) To be eligible for licensure as an equine dental provider, an applicant must present satisfactory proof to the Board that the applicant:

(1) has obtained at least a passing score ~~of 85~~ on the EDPE; and

(2) is certified by the International Association of Equine Dentists, Equine Dental Providers of America, or other Board-approved entity.

(b) The Board may refuse to issue an equine dental provider license to an applicant who meets the qualification criteria but is otherwise subject to denial of license as provided in Texas Occupations Code §801.401 and §801.402.

Rule §571.7 ~~Veterinary Licensing Eligibility~~ Eligibility to Apply for the SBE

(a) An applicant for a veterinary license may apply for the SBE provided that:

(1) the applicant is a graduate of an ~~approved and~~ AVMA-accredited school or college of veterinary medicine or has graduated from a non AVMA-accredited school or college of veterinary medicine and obtained certification from either the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE); and

(2) the applicant has obtained a passing score on the NAVLE. ~~veterinary medical school or college, as defined in §571.1(10) of this title (relating to Definitions).~~

~~(b) An applicant for a veterinary license may sit for the NAVLE provided that the applicant is a graduate of:~~

~~(1) an approved and accredited veterinary medical school or college, as defined in §571.1(10) of this title; or~~

~~(2) a veterinary medical school or college not approved and accredited, but who is enrolled in the ECFVG or PAVE certification program, and meets the requirements of subsection (c) of this section, if applicable.~~

(c) ~~When applying for the NAVLE through NBVME, an applicant who is a graduate of a veterinary medical school or college not approved and accredited, and is enrolled in the ECFVG or PAVE certification program, shall submit proof that the applicant passed all English language proficiency tests required by the certification program of choice and must have completed all other requirements of each program to be considered eligible to apply for the NAVLE~~.

~~(d) A person must first take and pass the national examination or the NAVLE in order to apply for the SBE.~~

~~(e) A candidate for the NAVLE must take the examination within the testing window in which the candidate is authorized for testing. A candidate, who fails to take the examination within the appropriate testing window or fails to obtain a passing score on NAVLE, and desires to take the examination during a subsequent testing window must comply with NBVME application requirements.~~

(~~f~~b) Eligibility Prior to Graduation. An applicant for a veterinary license who has not ~~graduated~~ yet received their doctorate of veterinary medicine degree from veterinary medical school may apply for the SBE if ~~provided the following conditions have been met~~:

(1) the ~~An~~ applicant ~~must be~~ is enrolled at an AVMA-accredited school or college of veterinary medicine ~~in an approved and accredited veterinary medical school or college as defined in §571.1(10) of this title~~ and ~~must~~ obtains a document from the dean of the school or college from which the applicant expects to graduate certifying that the applicant is within 120 days of completion of a veterinary college program and is expected to graduate~~.~~; or

(2) the ~~An~~ applicant is enrolled in a joint or combined degree program ~~who~~ and has completed their ~~applicant's~~ veterinary medical education but has not received a diploma or transcript certifying the award of their ~~applicant's DVM~~ doctorate of veterinary medicine degree~~, must~~ and obtains a letter from the dean of the school or college of veterinary medicine stating that the applicant did in fact graduate. ~~before the applicant is eligible to sit for the SBE.~~

~~(3) To apply for the NAVLE through NBVME, a candidate shall, at the time an application is submitted, demonstrate that the candidate is:~~

~~(A) a student enrolled in an approved and accredited school or college of veterinary medicine as defined in §571.1 10) of this title, and who has submitted a document from the dean of the school or college from which the student expects to graduate, certifying that the applicant is within ten months of the student's expected graduation date and is expected to graduate, and has demonstrated compliance with all of the NBVME's testing requirements for the NAVLE; or~~

~~(B) a graduate of a school or college of veterinary medicine not approved and accredited, who is enrolled in the ECFVG or PAVE certification program and shall submit proof that the applicant passed all English language proficiency tests required by the certification program of choice and must have completed all other requirements of each program.~~

Rule §571.9 Special Veterinary Licenses

(a) ~~General requirements for special veterinary licensure; examination scores; issuance and renewal.~~ The Board may issue a special license to practice veterinary medicine to an applicant who:

(1) ~~The Board shall schedule a jurisprudence examination at least once a year for applicants for special veterinary licenses.~~ is a member of the faculty or staff of a Board-approved veterinary program at an institution of higher education;

(2) ~~An applicant for a special veterinary license under §801.256(a)(1) - (3), Texas Occupations Code, must:~~ is a veterinarian employee of the Texas Animal Health Commission;

(3) is a veterinarian employee of the Texas Veterinary Medical Diagnostic Laboratory; or

(4) is a person licensed to practice veterinary medicine in another jurisdiction, if the board determines that the person's specialty practice is unrepresented or underrepresented in this state; and

(5) is not subject to denial of license as provided in Texas Occupations Code §801.401 and §801.402.

(b) To be eligible for a special license to practice veterinary medicine pursuant to §801.256(a)(1) – (4), Texas Occupations Code an applicant must:

(~~A~~1) be at ~~the age of majority~~ least 21 years of age; and

(~~B~~2) be a graduate of a ~~Board approved veterinary program at an institution of higher education~~ an AVMA-accredited school or college of veterinary medicine or be a graduate of an non AVMA-accredited school or college of veterinary medicine and possess an Educational Commission for Foreign Veterinary Graduates (ECFVG) Certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) Certificate; or

(~~C~~3) provide to the Board a written affirmation by the dean of a Board-approved veterinary program at an institution of higher education in this state or the executive director of the Texas Animal Health Commission or the executive director of the Texas Veterinary Medical Diagnostic Laboratory that the applicant:

(~~i~~A) meets a critical need for staffing at the institution of higher education or the Texas Animal Health Commission or the Texas Veterinary Medical Diagnostic Laboratory; and

(~~ii~~B) is certified by a nationally recognized veterinary specialty board or is eligible for that certification; and

(~~D~~4) pass the ~~Board's jurisprudence examination~~ SBE. ~~The applicant must submit a completed application for examination to the Board by no later than forty-five (45) days prior to the examination date. The completed application includes payment of examination fees and certification from the applicant's employer attesting to the applicant's employment position.~~

~~(3) For purposes of this section, a "Board approved veterinary program at an institution of higher education" means any program which is recognized and accredited by an appropriate body of the American Veterinary Medical Association (AVMA).~~

(c) Special license issuance and renewal

(41) ~~The applicant must submit with his application a written statement from his employer describing the applicant's official duties that require the issuance of a special license under §801.256(a)(1) - (3), Texas Occupations Code.~~ Upon completion of the ~~jurisprudence examination~~ SBE, the Board shall notify the applicant by letter of ~~his~~ their score. For ~~candidates~~ applicants who attain a passing score ~~of 85 percent~~, the letter shall constitute the special license ~~for limited~~ to practice veterinary medicine in the State of Texas.

(~~5~~2) A special veterinary license will be issued for the renewal year in which the requirements for licensure have been met.

(~~6~~3) A special veterinary license is subject to the renewal requirements set out in §801.303, Texas Occupations Code.

~~(7) An applicant who fails the jurisprudence examination for a special veterinary license and wishes to be re-examined will be required to resubmit an application and fees for a later scheduled jurisprudence examination.~~

~~(b) Applicant requirements for unrepresented or under represented specialty practice, as further defined in subsection (c) of this section. An applicant for a special license to practice a veterinary medicine specialty in this state must:~~

~~(1) be a graduate of a board approved veterinary program at an institution of higher education as defined in §571.15(a)(3) of this title (relating to Temporary Veterinary License) or possess an ECFVG or PAVE Certificate;~~

~~(2) present proof of a current active license in good standing in another state or jurisdiction of the United States that has licensing requirements substantially equivalent to the requirements of the Veterinary Licensing Act, Texas Occupations Code Chapter 801;~~

~~(3) not currently be holding a special veterinary license under this section; and~~

~~(4) have a certification from an employing sponsor or controlling authority approved by the board that the need for a special veterinary license exists.~~

(~~c~~d) ~~The board may issue a special veterinary license to~~ In order to determine if an applicant's ~~for an unrepresented or under represented~~ specialty practice is unrepresented or underrepresented in this state pursuant to §801.256(a)(4) and subsection (a)(4) of this rule, ~~if~~ the B~~b~~oard ~~finds that~~ may consider:

(1) If there is a need, shortage, or demand for the specialty practice in the State of Texas; and

(2) If the applicant ~~is competent~~ has demonstrated competency to practice veterinary medicine in the particular specialty; and

(3) If the applicant ~~has taken and passed the jurisprudence examination for special veterinary license~~ has presented proof of a current, active veterinary license in good standing in another state or jurisdiction that has licensing requirements substantially equivalent to the Veterinary Licensing Act, Texas Occupations Code, Chapter 801.

(~~d~~e) ~~Change of special veterinary license status. A request by the holder of a special veterinary license to change the license from one category to another must be submitted to the Board for approval~~ A special license is valid only for the performance of duties within the scope of the special license holder's employment or practice.

(f) The Board may suspend or revoke a special license if:

(1) the special license holder's employment is terminated; or

(2) the special license holder practices outside the scope of the license.

~~Rule §571.11 Provisional Veterinary Licensure~~ [REPEAL]

~~(a) The Board may issue a provisional veterinary license to a person seeking regular veterinary licensure in Texas. The Board may not issue a provisional veterinary license to an individual who has previously taken and failed any examination offered by the Board and required to obtain a Texas veterinary license. The Board may not reissue, extend, or renew a provisional veterinary license.~~

~~(b) The Board may grant a provisional veterinary license containing specific practice restrictions to a person who meets the following criteria:~~

~~(1) present proof of a current active license in good standing in another state or jurisdiction of the United States that has licensing requirements substantially equivalent to the requirements of the Veterinary Licensing Act, Texas Occupations Code Chapter 801;~~

~~(2) proof of receipt of a passing score on the national examination or NAVLE, except that the Board may, upon written petition of the applicant, provide an exception to this requirement based on the applicant's satisfaction of the other requirements of this section~~

and consideration of factors set out in §571.5(c) of this title (relating to Qualifications for Veterinary License);

(3) a passing score of 85 percent on the Board's jurisprudence examination;

(4) payment of the required application fee;

(5) proof of graduation from a college of veterinary medicine accredited by the Council on Education of the American Veterinary Medical Association (AVMA) or an Educational Commission for Foreign Veterinary Graduates (ECFVG) Certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) Certificate; and

(6) proof of veterinary experience, which may be satisfied by letter of reference from at least two licensed veterinary employers or licensed veterinary colleagues with direct knowledge of the applicant's veterinary practice and experience.

(c) The Board's Executive Director will issue a provisional veterinary license to an applicant following verification of the requirements set out in subsection (b) of this section and receipt of the documents and fee required in subsection (d) of this section.

(d) An applicant for a provisional veterinary license must submit completed information on an application form designated by the Board, together with the required supporting documentation and an application fee in an amount set by the Board and contained in §577.15 of this title (relating to Fee Schedule).

(e) An applicant for a veterinary license, who is the spouse of an active duty member of the United States armed forces and held a veterinary license in this state within the preceding five years that was cancelled for failure to renew while the applicant lived in another state for at least six months, may apply for a provisional license and is exempt from the requirements of subsection (b) of this section, except that the applicant must attain a passing score of 85 percent on the Board's jurisprudence examination, and pay the required application fee.

(f) A provisional veterinary license is valid until the earlier of:

(1) 14 days after the first available regularly scheduled SBE;

(2) announcement of the results of the first available SBE; or

(3) cancellation, if the provisional licensee fails to appear at the first available regularly scheduled SBE held after the issuance of the provisional license.

(g) The Board shall process any additional requirements necessary to complete a provisional veterinary licensee's application for regular licensure within 180 days after the issuance of a provisional veterinary license. The Board is not required to conduct a licensure examination if a regularly scheduled SBE does not occur within the 180-day period.

Rule §571.13 Temporary Veterinary Licensure During Declared State of Disaster

(a) A~~n individual~~ person who is licensed to practice veterinary medicine in any of the United States may be issued a temporary veterinary license during a state of disaster declared by the Governor of the State of Texas ~~under the following circumstances~~ if:

(1) The applicant ~~must~~ completes an a~~A~~pplication for t~~T~~emporary e~~E~~mergency l~~L~~icense.

(2) The Board ~~will~~ can verify that the veterinarian is licensed and in good standing in the state(s) indicated by the applicant in the a~~A~~pplication ~~and will confirm good standing~~.

~~(3) An application fee and the SBE are waived.~~

(b) A veterinarian granted a temporary emergency license under this ~~section~~ rule shall abide by the Texas Veterinary Licensing Act and the Board's rules. Violations of the Act, Board rules, or the scope of the temporary emergency license will subject the temporary licensee to disciplinary action by the Board.

(c) A temporary veterinary license issued under this rule will be valid for 120 days or until the end of the declaration of disaster, whichever is earlier.

Rule §571.15 Temporary Veterinary License

(a) Eligibility ~~and Application~~ Requirements. ~~An application for a temporary veterinary license shall be submitted to the Board on the form provided by the Board. To be complete, an application must include at least the following items~~ The Board may issue a temporary license to practice veterinary medicine to an applicant who:

(1) ~~a letter of good standing issued within the previous six months from another state or jurisdiction of the United States or foreign country with substantially similar licensing requirements in which the applicant is currently actively licensed~~ is licensed in good standing as a veterinarian in another state or foreign country;

(2) ~~an attestation that the applicant is a graduate of a school or college of veterinary medicine that is approved by the Board and accredited by the Council on Education of the American Veterinary Medical Association (AVMA), or that possesses an Educational Commission for Foreign Veterinary Graduates (ECFVG) Certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) Certificate~~ is at least 18 years of age; and

(3) ~~a copy of the applicant's driver's license, passport, or other government-issued photo identification~~ is a graduate of an AVMA-accredited school or college of veterinary medicine; ~~and~~ or

(4) ~~the license number and signature of the Texas veterinarian who agrees to provide general supervision of the applicant's practice of veterinary medicine for the duration of~~

~~the temporary veterinary license~~ has graduated from a non AVMA-accredited school or college of veterinary medicine and obtained certification from either the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE).

(b) Application Requirements. To be complete, an application for a temporary veterinary license must include at least the following items:

(1) a letter of good standing issued within the previous six months from another state or jurisdiction of the United States or foreign country with substantially similar licensing requirements in which the applicant is currently actively licensed;

(2) proof that the applicant is a graduate of an AVMA-accredited school or college of veterinary medicine or is a graduate of a non AVMA-accredited school or college of veterinary medicine and possesses an Educational Commission for Foreign Veterinary Graduates (ECFVG) Certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) Certificate;

(3) a copy of the applicant's driver's license, passport, or other government-issued photo identification; and

(4) the license number and signature of a licensed Texas veterinarian who agrees to provide general supervision of the applicant's practice of veterinary medicine for the duration of the temporary veterinary license.

(~~b~~c) Scope and Duration.

(1) A temporary veterinary license is valid only for a specific patient, client, continuing education course, or task.

(2) A temporary veterinary license is valid for ~~60~~ 90 consecutive days ~~from issuance~~ starting from the first date of practice. ~~The 60-day period does not have to run consecutively.~~ A temporary veterinary license may not be renewed or reissued. A person may not be issued more than two temporary veterinary licenses in a calendar year.

(~~c~~d) Penalties.

(1) A person who exceeds the scope or duration of a temporary veterinary license, or who violates the Act or Board Rules while practicing under a temporary veterinary license, is subject to:

(A) disciplinary action under Texas Occupations Code §801.401;

(B) a cease and desist order pursuant to Texas Occupations Code §801.508;

(C) future denial of any type of license issued by the Board for which the person may otherwise be eligible;

(D) ~~referral~~ reporting to any jurisdiction in which the person is currently licensed; and

(E) ~~referral~~ reporting to an appropriate law enforcement agency.

(2) A Texas veterinarian who signs an application for a temporary veterinary license agreeing to provide general supervision of the applicant's practice of veterinary medicine for the duration of the temporary veterinary license is subject to discipline if the Texas veterinarian fails to provide such supervision.

~~Rule §571.17 Expedited and Alternative License Procedure for Military~~ [REPEAL]

~~(a) For any military service member, military veteran, or military spouse, as defined under Texas Occupations Code §55.001, the Board shall issue a license if the military service member, military veteran, or military spouse is not subject to denial of license as provided in Texas Occupations Code §801.401 and §801.402 and has not surrendered his or her Texas license in lieu of disciplinary action in the last five years, and held a Texas license within the last five years or holds a current license issued by another jurisdiction that has the following licensure requirements:~~

~~(1) Veterinary licensure:~~

~~(A) at least a passing score on:~~

~~(i) the NAVLE if an applicant sits for that examination subsequent to its inauguration date; or~~

~~(ii) the national examination if an applicant sat for that examination prior to the inauguration date of the NAVLE; and~~

~~(B) is a graduate of a school or college of veterinary medicine.~~

~~(2) Equine Dental Provider licensure:~~

~~(A) certified by International Association of Equine Dentists or other Board-approved entity; and~~

~~(B) equine dental providers work only under supervision by a veterinarian licensed in the jurisdiction.~~

~~(3) Licensed Veterinary Technician licensure:~~

~~(A) at least a passing score on the VTNE; and~~

~~(B) graduate of Veterinary Technician Program.~~

~~(b) A license issued under this section is valid for 12 months from the date the license is issued. When a license issued under this section expires, the licensee must submit information showing that he or she has met all requirements for regular licensure.~~

~~(c) The terms military service member, military veteran, and military spouse are as defined in Chapter 55, §55.001, of the Texas Occupations Code.~~

Subchapter B – Examinations

Rule §571.21 ~~Application for the~~ SBE, LVTE, and EDPE

(a) ~~The applicant~~ To apply for either the SBE, LVTE, or the EDPE ~~shall apply on the appropriate form furnished~~ the applicant must submit all required information, documents, and fees in a form and manner prescribed by the Board. ~~The completed application, including the completion of any terms and conditions as set forth by a Board order and the payment of appropriate fees, must be received at the Board offices no later than 45 days prior to the date of the examination for which the applicant desires to sit.~~

(b) Once the application is approved by the Board, the applicant will receive a candidate ID which the applicant must use to purchase and register for the exam.

(c) The exam must be completed in one sitting and within ten days of purchase.

(d) If an applicant does not receive a passing score on an exam after three attempts, they must pay the application fee again in order to re-register for the exam.

Rule §571.23 National Licensing Examination

(a) Results of National Board Examinations. The Board will accept certified scores issued by the:

(1) American Association of Veterinary State Boards (AAVSB)~~, or its successor,~~ for the national examination or the VTNE; and

(2) the official reporting service for the NAVLE.

~~(b) Score Information. All requests for information on examination scores shall be processed as follows:~~

~~(1) All requests from other state licensing boards for an applicant's raw scores on the VTNE, the national examination or NAVLE will be referred to the official reporting service for those examinations.~~

~~(2) All requests from other state licensing boards for an applicant's locally derived scale scores on the VTNE, the national examination or NAVLE will be based upon national data submitted by the official reporting service for those examinations.~~

~~(3) Upon written request of an applicant, the Board will certify the score of the SBE or LVTE to another state licensing board. Upon written request of an applicant, the Board will make LVTE, national examination or NAVLE scores available for informational purposes only to another state licensing board but will not certify the scores.~~

~~(4) The Board will not disclose any actual examination documents or materials.~~

~~Rule §571.25 Reapplication for SBE, LVTE, and EDPE~~ **[REPEAL]**

~~(a) An applicant for either the SBE, LVTE, or EDPE must submit a new application and the current fees at least 45 days prior to the date of the examination for which the applicant desires to sit, if the applicant:~~

~~(1) does not appear for the scheduled examination; or~~

~~(2) fails to attain a passing score on the scheduled examination.~~

~~(b) The Board shall refund the examination fee for either the SBE, LVTE, or EDPE if the applicant:~~

~~(1) provides notice of not less than fourteen (14) days before the date of the examination, that the applicant is unable to take the examination; or~~

~~(2) is unable to take the examination because of an emergency.~~

~~(c) For purposes of subsection (b)(2) of this section, an "emergency" shall be defined as any immediate, unforeseen event that would render a person unable or unfit to take an examination, and may include a death in the family or an injury or other event that could be reasonably considered to be an emergency. Matters of inconvenience or failure to satisfy an examination prerequisite, shall not be considered an emergency.~~

Rule §571.27 Disability Accommodations

(a) The Board will evaluate all requests for examination protocol modifications to determine whether the applicant:

(1) has a disability, as defined by the Americans with Disabilities Act of 1990 (ADA); and

(2) is qualified for protection under Title II of the ADA. Such modifications must maintain the security of the examination. Exam modifications that fundamentally alter the nature or security of the exam are not permitted. Qualified individuals with disabilities are required to request reasonable accommodations every time they apply to take an examination~~, by~~

~~the deadline for submission of disability accommodation requests as set out in the schedule on the Board website~~.

(b) To request a modification of examination protocol on the basis of a disability, an applicant shall complete the ADA Accommodations Request Form available on the Board website, and submit documentation providing evidence of a substantial current limitation to physical or academic functioning. A prior history of accommodations, without demonstration of a current need, will not necessarily warrant approval of testing modifications.

(1) Documentation for all disabilities shall describe the specific diagnosed disability, the extent of the disability, the criteria for the diagnosis, the type and length of treatment and the recommended accommodation.

(2) The diagnosed disability must be specific. Terms such as "problems," "deficiencies," "weaknesses," "differences," and "learning disabilities" are not the equivalent of a specific diagnosed disability.

(3) Documentation must state the specific requested accommodation. "Extended time" or "unlimited time" is not sufficient. Documentation shall indicate why specific accommodations are needed and how the effects of the specific disability are mediated by the recommended accommodations.

(4) Documentation must state any medication that the applicant is currently taking that is directly linked to the disability and any effect that medication may have relating to the major life activity affected by the disability.

(5) Documentation can include, but is not limited to, clinical evaluations performed by a licensed or qualified professional (e.g., physician or psychologist) who has conducted an examination of the applicant and has diagnosed a physical or mental impairment. Clinical evaluations can include, but are not limited to, a letter or detailed report from an evaluating professional on the evaluating professional's official letterhead. If submitting a clinical evaluation, an applicant shall also submit the examining professional's area of specialization and professional credentials, including any relevant certification and licensure.

(6) Documentation shall not be older than three years from the date of submission.

(7) All medical records provided to the Board are confidential under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(c) ~~The entity giving the examination (i.e., TBVME or NBVME) shall be responsible for reviewing and determining whether to grant disability accommodation requests.~~ Once accommodations have been granted, they may not be altered during the examination unless prior approval of the c~~E~~Executive d~~D~~irector is obtained.

Subchapter C – ~~Reciprocal Licensing Agreements~~ Provisions Related to Military Service Members, Military Veterans, and Military Spouses

Rule §571.31 ~~Reciprocal Licensing Agreements~~ Military Definitions

~~The Board shall not accept applications for licensure under any former reciprocal licensing agreements with any state, nor shall the Board license by endorsement.~~

The following words and terms, when used in this subchapter, have the following meanings as defined in Chapter 55, §55.001, of the Texas Occupations Code:

(1) Active duty--current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) Armed forces of the United States--the army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) Military service member--a person who is on active duty.

(4) Military spouse--a person who is married to a military service member.

(5) Military veteran--a person who has served on active duty and who was discharged or released from active duty.

Rule §571.32 Expedited and Alternative Licensure Procedure for Military--Previously Held Texas License

(a) This section implements Texas Occupations Code §§55.004, 55.005, and 55.006, as they relate to an applicant who previously held a license issued by the Board within the last five years.

(b) This section applies to a military service member, a military veteran, and a military spouse, as defined under §571.31.

(c) An applicant under this section is eligible to obtain a license issued by the Board if the applicant within the five years preceding the application date held the same license in Texas and:

> (1) is not subject to denial of the license as provided in Texas Occupations Code §§801.401 and 801.402; and
>
> (2) has not surrendered a license issued by the Board in lieu of disciplinary action in the last five years.

(d) The following documentation must be submitted to apply for a license under this section:

(1) completed license application and any required supporting documents for the license type; and

(2) supporting documents related to military service including:

(A) copy of the military orders showing proof of active duty status (for service member and spouse);

(B) copy of the military orders or documents showing proof of veteran status (for veteran); and

(C) copy of document showing proof of status as a spouse (for military spouses).

(e) An applicant who qualifies for a license under this section is not required to take any applicable examination required for obtaining that specific license.

(f) An applicant under this section must pass a criminal history background check.

(g) An application under this section shall be expedited in accordance with Texas Occupations Code §55.005.

(h) Pursuant to Texas Occupations Code §55.004(b), the executive director may waive any prerequisite to obtaining a license for an applicant under this section after reviewing the applicant's credentials.

(i) A service member, veteran, or spouse who obtains a license under this section must comply with all license renewal requirements, including fees for the specific license obtained.

(j) A license issued under this section is valid for 12 months from the date the license is issued.

Rule §571.33 Expedited Alternative Licensing Requirements--Substantially Equivalent License

(a) This section implements Texas Occupations Code §§55.004, 55.005, 55.006, and 55.009, as they relate to an applicant who holds a "substantially equivalent" license.

(b) This section applies to a military service member, a military veteran, and a military spouse, as defined under §571.31.

(c) An applicant under this section is eligible to obtain a license issued by the Board if the applicant holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the Texas licensing requirements and:

(1) is not subject to denial of the license as provided in Texas Occupations Code §§801.401 and 801.402; and

(2) has not surrendered a license issued by the Board in lieu of disciplinary action in the last five years.

(d) Licensing requirements of another jurisdiction are substantially equivalent to the Texas requirements if they include the following minimum requirements:

(1) for veterinary licensure:

(A) At least a passing score on either the NAVLE or the national examination if an applicant sat for that examination prior to the inauguration date of the NAVLE; and

(B) graduation from an AVMA-accredited school or college of veterinary medicine; or

(C) graduation from a non AVMA-accredited school or college of veterinary medicine and certification from either the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE).

(2) For equine dental provider licensure:

(i) Certification by the International Association of Equine Dentists, the Association of Equine Dentists, or other Board approved entity; and

(ii) equine dental providers work only under the direct supervision of a veterinarian licensed in the jurisdiction.

(3) For licensed veterinary technician licensure:

(i) Graduation from an AVMA-accredited veterinary technician program; and

(ii) at least a passing score on the VTNE.

(e) The Board retains the exclusive authority to determine whether or not the licensing requirements for a license issued by another jurisdiction are substantially equivalent to the requirements for the Texas license sought.

(f) For purposes of this section, "another jurisdiction" or "other jurisdiction" means a U.S. state, the District of Columbia, or a U.S. territory.

(g) The following documentation must be submitted to apply for a license under this section:

(1) completed license application and any required supporting documents for the license type; and

(2) supporting documents related to military service including:

(A) copy of the military orders or documents showing proof of active duty status (for military service member and spouse);

(B) copy of the military orders or documents showing proof of veteran status (for military veteran); and

(C) copy of document showing proof of status as a spouse (for military spouses); and

(3) copy of the applicant's current occupational license from another jurisdiction.

(h) An applicant who qualifies for a license under this section is not required to take and pass any applicable examination required for obtaining that specific license.

(i) An applicant under this section must pass a criminal history background check.

(j) An application under this section shall be expedited in accordance with Texas Occupations Code §55.005.

(k) Pursuant to Texas Occupations Code §55.004(b), the executive director may waive any prerequisite to obtaining a license for an applicant under this section after reviewing the applicant's credentials.

(l) A service member, veteran, or spouse who obtains a license under this section must comply with all the license renewal requirements including fees for the specific license obtained.

(m) A license issued under this section is valid for 12 months from the date the license is issued.

Rule §571.34 Recognition of Out-of-State License of Military Service Members and Military Spouses

(a) This section implements Texas Occupations Code §55.0041 and the license portability provisions of the federal Servicemembers' Civil Relief Act found at 50 U.S.C. §4025a.

(b) This section applies to a military service member or military spouse, as defined under §571.31, and to a member or the spouse of a member of the commissioned corps of the National Oceanic and Atmospheric Administration or Public Health Service.

(c) A person described in subsection (b) may engage in a business or occupation for which a license is required without obtaining the applicable Texas license if the Board recognizes the out-of-state license.

(d) In order for an out-of-state license to be recognized under this section, a person described in subsection (b) must provide, in a manner determined by the Board:

(1) notice of the person's or spouse's intent to practice in this state;

(2) a copy of the person's military identification card;

(3) a copy of the person's or spouse's military orders showing relocation to Texas;

(4) a copy of the out-of-state license, or if unavailable, other identifying information required by the Board;

(5) proof that the person remains in good standing with any licensing authority that issued to the service member or their spouse a license valid at a similar scope of practice and in the discipline applied in such jurisdiction of the licensing authority, and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license; and

(6) an acknowledgment that the person submits to the Board's authority over the standards of practice regarding the license, discipline, and fulfillment of continuing education requirements.

(e) If the requirements of subsection (d) have been met, the Board will provide written confirmation that the license is recognized by the Board.

(f) A person who is issued the confirmation described in subsection (e):

(1) may engage in the authorized business or occupation for the duration of the person's military orders; and

(2) must immediately notify the Board if the person is no longer in good standing with the licensing authority that issued the license recognized by the Board.

(g) The Board shall withdraw its recognition of a person's out-of-state license if it determines that the person is no longer in good standing with the licensing authority that issued the license.

(h) In the event of a divorce or similar event that affects a person's status as a spouse, a former spouse whose out-of-state license has been recognized pursuant to this section may continue to engage in the business or occupation until the third anniversary of the date the former spouse received the confirmation described by subsection (e).

(i) A person who engages in a business or occupation under the authority or license established by this section is subject to the enforcement authority granted under Texas Occupations Code, Chapter 801, this chapter, and the laws and regulations applicable to the occupation in Texas.

(j) An application under this section shall be expedited in accordance with Texas Occupations Code §55.005.

Rule §571.35 Military Service Fee Waiver

(a) The license fees are waived for an applicant that can prove that they are:

(1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for a license from the Board; or

(2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for a license from the Board.

(b) No late fee is assessed for failing to timely renew a license if the licensee provides the Board with satisfactory documentation that the failure to timely renew was due to the licensee serving as a military service member during the license renewal period.

Rule §571.36 Extension of Certain Deadlines

Pursuant to Texas Occupations Code, §55.003, a military service member whose license expired while on active duty is entitled to two years of additional time from the date of discharge to complete:

(1) any continuing education requirements; and

(2) any other requirement related to the renewal of the service member's license.

Subchapter D – License Applications, Renewals, and Statuses

Rule §571.51 Initial License Applications

~~Application for license renewals shall be on forms furnished by the board. Failure to complete the application in its entirety will be grounds to reject the application which will be returned to the applicant.~~

(a) An applicant for an initial license must submit all required information, documents, and fees in a form and manner prescribed by the Board. The Board may request additional information as part of the application process, if necessary.

(b) Incomplete Initial Application. An applicant who submits an incomplete application has one year from the date the application is received by the department to submit any missing information, documents, and/or fees.

(1) If the applicant contends that the application is complete and meets the legal requirements for licensure, and the Board disagrees, the Board will provide the applicant with an opportunity to request a license determination based on the information and

documents that have been submitted. If the Board denies the application, the Board will send a denial letter under subsection (f), and the applicant may request a hearing.

(2) After one year, an incomplete application shall expire. The applicant must start the license application process over and submit a new application with all required information, documents, and fees as prescribed under subsection (a).

(c) Insufficient or Not Qualified Initial Application. If an applicant provides a complete application that is determined insufficient in meeting the license requirements or if the applicant is determined not qualified to obtain the license, the Board will notify the applicant of their ineligibility for licensure and the applicant may request a hearing pursuant to subsection (f).

(d) Criminal History Background Checks

(1) An applicant is subject to a criminal history background check pursuant to Texas Occupations Code, Chapters 53 and 801. An applicant must submit fingerprints for a background check on a form prescribed by the Board.

(2) Failure to pass a criminal history background check may result in denial and/or revocation of the license.

(e) Applicants with Foreign Transcripts or Foreign Degrees.

(1) An applicant with a transcript in a language other than English (foreign transcript) must submit a transcript and a certified translation when applying for licensure.

(A) The foreign transcript must be translated to English to determine if it meets the requirements for licensure for the particular license sought.

(B) The transcript must be translated by the issuing institution or a translator that is certified by the American Translators Association.

(C) The applicant must bear all expenses incurred during the translation process.

(f) Denial of Initial License Application or Examination. If the Board proposes to deny an initial license application or proposes to deny an applicant the opportunity to take an examination, the denial is considered to be a contested case, and the rules under Chapter 575 shall apply.

Rule §571.52 Renewal License Applications

(a) License Renewal Notices

(1) The Board will send a license renewal notice to the license holder at least 30 days before the license expiration date.

(2) Non-receipt of a license renewal notice does not exempt a person from any requirements of this chapter or the statute or rules governing the specific program. It is the responsibility of the license holder to timely renew the license.

(b) A license holder renewing a license must submit all required information, documentation, and fees in a form and manner prescribed by the Board. The Board may request additional information as part of the renewal process, if necessary.

(c) The window for renewal opens 90 days prior to license expiration. To renew and maintain continuous licensure, the license holder must complete the following requirements prior to license expiration:

(1) complete all the renewal requirements for the particular license, including any continuing education requirements; and

(2) pay the required renewal fee as prescribed by §577.15 for the particular license.

(d) If a license holder completes all the renewal requirements for the particular license and pays the required renewal fee as prescribed under subsection (c), the license will not expire, and there will not be a gap in licensure.

(e) If a license holder does not complete all the renewal requirements for the particular license and pay the required renewal fee as prescribed under subsection (c), the license will expire. A person with an expired license may not perform any act that requires a license pursuant to Chapter 801, Texas Occupations Code.

(f) Late Renewals

(1) A person whose license has expired may late renew the license within the time periods set out in Texas Occupations Code §801.303.

(2) A person who late renews a license, except as provided in §§571.35 and 571.36, must:

(A) complete all the renewal requirements for the particular license, including any required continuing education; and

(B) pay the required late renewal fee as prescribed under §577.15.

(3) A late renewal means the person will be unlicensed from the expiration date of the expired license to the issuance date of the renewed license. During the unlicensed period, a person may not perform any act that requires a license pursuant to Chapter 801, Texas Occupations Code.

(4) A license expiration date does not change when a person late renews a license.

(h) Expired License Beyond Late Renewal Deadlines. Refer to Board Rule §571.59.

~~**Rule §571.53 Exemptions** **[REPEAL]**~~

~~The Registration Exemption Certification is to be completed by all veterinarians claiming active military or retiree status. Upon completion of the certification, the registration fee will be waived for that registration period.~~

Rule §571.54 Retired Veterinary License Status

(a) "Retirement" means the voluntary and permanent conclusion of a veterinary licensee's practice of veterinary medicine.

(b) A veterinarian may not retire ~~his~~ their license if ~~he is~~ they are currently the subject of an open complaint investigation or a contested case.

(c) If a veterinary licensee retiring for the first time requests reinstatement of ~~his~~ their license in the same renewal year in which ~~he~~ they retired, the licensee must:

(1) pay the annual renewal fee ~~plus a $25 administrative processing fee to reinstate the license~~; and

(2) ~~comply with the following continuing education requirements:~~ provide the Board with proof of completion of the annual required hours of approved continuing education for a veterinary license pursuant to Board Rules §§573.64 and 573.65 for the current renewal year.

~~(A) If a retired veterinary licensee has maintained an annual average of 17 hours of approved continuing education, no additional continuing education hours will be required.~~

~~(B) If a retired veterinary licensee has maintained an annual average of less than 17 hours of approved continuing education, the retired licensee must complete 34 hours of continuing education in the twelve months immediately following reinstatement.~~

(d) If a veterinary licensee has been retired for longer than one renewal period, the retired veterinary licensee may reinstate the license by:

(1) petitioning the Board in writing for reinstatement and completing an examination for reinstatement application with supporting documentation and fees; and

(2) submitting to reexamination and complying with all requirements for obtaining an original license. At the discretion of the Board, the petitioner may be required to take and pass the NAVLE prior to applying for and taking the SBE.

(e) By no later than 30 days before the end of the current renewal year in which a licensee's veterinary license is retired for the first time, the Board shall inform the retired veterinary licensee that ~~he or she~~ they may:

(1) apply to reinstate the license in accordance with subsection (~~d~~c) of this section; or

(2) remain in retired status.

~~(f) The retired veterinary licensee shall notify the Board of his or her decision by no later than the end of the current renewal year in which the licensee's veterinary license is retired for the first time.~~

(~~g~~f) If the retired veterinary licensee decides to remain in retired status, ~~he or she~~ they will no longer receive license renewal notices and will not be required to renew ~~his or her~~ their retired veterinary license.

~~Rule §571.55 Delinquent Letters~~ [REPEAL] *make SOP instead of rule

~~The executive director shall prepare monthly delinquency letters addressed to all licensees, who are delinquent for the renewal year ending that month, on the 10th calendar day after the end of each month. A one-year delinquency letter shall be mailed to each delinquent licensee. Once a licensee is delinquent for one year, his/her license is cancelled.~~

~~Rule §571.56 Military Service Fee Waiver~~ [REPEAL]

~~(a) The license and examination fees are waived for a licensee that can prove that he or she is:~~

~~(1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for a license from the Board; or~~

~~(2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for a license from the Board.~~

~~(b) No late fee is assessed for failing to timely renew a licensee if such failure is due to the licensee serving as a military service member.~~

~~(c) The terms military service member, military veteran, and military spouse are as defined in Chapter 55, §55.001, of the Texas Occupations Code.~~

Rule §571.57 Application of Monetary Funds to Outstanding Balances

When a person pays monetary funds to the Board to renew a license, the monetary funds paid shall first be applied to any outstanding unpaid fees, assessed costs owed by that person from a final Board order, as authorized under §575.10 of this title (relating to Costs of Administrative

Hearings), or administrative penalties owed from a final Board order, as authorized under §573.62~~(b)~~ of this title (relating to Violation of Board Orders/Negotiated Settlements).

~~**Rule §571.58 Application Form and Photograph**~~ **[REPEAL]**

~~An applicant for license reinstatement must make application in the form of an affidavit on a form furnished by the board and shall be required to attach to said application a permanent-type, current photograph of the applicant.~~

Rule §571.59 Expired and Cancelled Veterinary Licenses

(a) A veterinarian's license expires on the first day of the month following ~~his/her~~ their birth month ~~and is considered delinquent~~. ~~Within 90 days of the last day of the month of a licensee's birth month, a licensee must renew an unexpired license, in writing, by paying the required fee and furnishing all information required by the Board for renewal~~ A license which has been expired for a period of one year or more shall be cancelled.

(b) A veterinary licensee whose license has been cancelled may not renew the license. The veterinary licensee may obtain a new license by complying with the requirements and procedures for obtaining an original license. A veterinary licensee whose license has been cancelled ~~has failed to renew his or her license for a period of one year or more~~ and wishes to reinstate the license may be required to appear before the Board to explain why the licensee allowed the license to become cancelled ~~expire~~ and the licensee's reasons for wanting it reinstated. Subject to subsections (c) ~~and (d)~~ of this section and subchapter C of this chapter, the licensee must take and pass the SBE ~~and comply with §571.3 of this title (relating to Criminal History Evaluation Letters)~~.

~~(c) A military spouse, military veteran, or military service member, as defined by Chapter 55, §55.001, of the Texas Occupations Code, who has failed to renew his or her Texas license for a period of one year or more may receive a license in accordance with §571.17 of this title (relating to Expedited and Alternative Licensure Procedure for Military) if the military spouse, military veteran, or military service member meets the requirements of §571.17.~~

(~~d~~c) A veterinary licensee whose license has been cancelled ~~has failed to renew his or her license for a period of one year or more~~ may reinstate the ~~licensee's expired~~ license without taking and passing the SBE if the licensee:

(1) previously had a Texas license and lived and/or practiced in Texas;

(2) moved to another state and is licensed and practices in that state;

(3) has been practicing in the other state during the past two years preceding application for reinstatement in Texas; and

(4) ~~intends to return to and practice in Texas;~~

(~~5~~4) furnishes a letter of good standing from all states where the licensee is currently licensed~~; and~~.

(6) ~~submits a complete application for license reinstatement within two years of the date the license expired and could not be renewed.~~

~~(c) A veterinary licensee who has failed to renew his or her license for a period of one year or more, shall have his or her license cancelled.~~

Rule §571.60 Expired and Cancelled Licenses for Licensed Veterinary Technicians and Equine Dental Providers

(a) Licensed veterinary technician and equine dental provider licenses expire on the first day of the month after ~~his/her~~ the licensee's birth month~~ and are considered delinquent~~. ~~Within 90 days of the last day of a licensee's birth month, a licensee must renew an unexpired license, in writing, by paying the required fee and furnishing all information required by the Board for renewal~~ A license which has been expired for a period of one year or more shall be cancelled.
.

(b) A licensed veterinary technician or an equine dental provider licensee whose license has been cancelled may not renew the license. The licensed veterinary technician or an equine dental provider licensee may obtain a new license by complying with the requirements and procedures for obtaining an original license. A licensed veterinary technician or an equine dental provider licensee, whose license has been cancelled~~ failed to renew his or her license for a period of one year or more~~ and wishes to reinstate the license, may be required to appear before the Board to explain why the licensee allowed the license to ~~expire~~ become cancelled and the licensee's reasons for wanting it reinstated. Subject to subchapter C of this chapter, t~~T~~he licensee must take and pass the LVTE or the EDPE, as appropriate for ~~his or her~~ their license.

~~(c) A military spouse, military veteran, or military service member, as defined by Chapter 55, §55.001, of the Texas Occupations Code, who has failed to renew his or her license for a period of one year or more may receive a license in accordance with §571.17 of this title (relating to Expedited and Alternative Licensure Procedure for Military) if the military spouse, military veteran, or military service member meets the requirements of §571.17.~~

~~(d) A licensed veterinary technician or equine dental provider licensee, who had failed to renew his or her license for a period of one year or more, shall have his or her license cancelled.~~

Rule §571.61 Inactive License Status

(a) Application. A licensee may request ~~his/her~~ their license be placed on inactive status, whether or not ~~he/she is~~ they are practicing within the State of Texas, provided:

(1) ~~his or her~~ their current license is active and is in good standing; and

(2) ~~a~~ they submit a request in writing~~,~~ on the form prescribed by the Board, ~~is made~~ for ~~his or her~~ their license to be placed on official inactive status.

(b) Restrictions. The following restrictions shall apply to veterinary licensees whose licenses are ~~o~~in inactive status:

(1) Except as provided in §801.004, Texas Occupations Code, the licensee may not engage in the practice of veterinary medicine or otherwise provide treatment to any animal in the State of Texas.

(2) If the licensee possesses or obtains a federal Drug Enforcement Administration (DEA) controlled substances registration for a Texas location, the licensee must comply with §573.43 and §573.50 of this title (relating to Controlled Substances Registration and Controlled Substances Record~~s~~ Keeping ~~for Drugs on Hand~~, respectively).

(c) Return to Active Status. A licensee on inactive status wishing to practice within the State of Texas must receive written approval from the Board prior to returning to active status. In addition to other information which may be requested or required by the Board, the following conditions apply to licensees applying to return to active status.

(1) A licensee who is licensed and practicing in another state or jurisdiction must prove ~~he or she is~~ they are in good standing in that state or jurisdiction.

(2) A licensee on inactive status must pay the reactivation fee set by the Board in §577.15 of this title (relating to Fee Schedule). The regular annual renewal fee shall not be prorated for applications to return to active status made after the annual renewal period.

(d) Continuing Education Requirements.

(1) ~~If a licensee on inactive status requesting a return to regular license status has maintained an annual average equal to the number of continuing education hours required annually for renewal of the license, not including any portion of the reactivation year, the licensee will be placed on regular license status without any additional requirements. If the average annual continuing education is less than the number of hours required annually for renewal of the license, the licensee will be placed on regular license status but must complete twice as many continuing education hours as is required to renew the license in the twelve months immediately following the licensee's attaining of regular license status.~~ In order to reactivate an inactive licensee, the licensee must provide the Board with proof of completion of the annual required hours of approved continuing education for the license type pursuant to Board Rules §§573.64 and 573.65 for the current renewal year.

~~(2) For the year of reactivation, proof of continuing education shall not be required for an active license renewal in the year following reactivation.~~

~~(3) For purposes of this subsection, the terms "year" and "annual" mean the renewal year.~~

(e) Annual Renewal Fees. The annual fee for a license on inactive status shall be as set by the Board in §577.15 of this title (relating to Fee Schedule).

~~**Rule §571.63 Default on Student Loan**~~ **[REPEAL]**

~~(a) Denial. The Board may deny an application for a license if it receives information from an administering entity that the applicant has defaulted on a student loan or has breached a student loan repayment contract by failing to perform his or her service obligation under the contract. The Board may rescind a denial under this subsection upon receipt of information from an administering entity that the applicant whose application was denied is now in good standing.~~

~~(b) Renewal.~~

> ~~(1) The Board shall not renew a license of a licensee who is in default of a student loan or a repayment agreement except as provided in paragraph (2) of this subsection.~~
>
> ~~(2) For a licensee in default of a loan or repayment agreement, the Board shall renew the license if the licensee presents to the board a certificate certifying that:~~
>
> ~~(A) the licensee has entered into a repayment agreement on the defaulted loan; or~~
>
> ~~(B) the licensee is not in default on the loan or on the repayment agreement.~~

Rule §571.65 Default on Child Support

~~The Board shall suspend and/or deny a renewal of a license upon receipt of a final order suspending a license under Chapter 232 of Texas Family Code for failure to pay child support and/or where the Office of the Attorney General has notified the Board to suspend and/or not renew a license for failure to pay child support.~~

(a) Effect of Child Support Payment Default on Licensure Status

> (1) The licensure status of a licensee is subject to the course of action established by the Texas Family Code, §232.011.
>
> (2) On receipt of a final order suspending a license issued by the Board, the Board shall immediately record the suspension of the licensee in the Board's records.
>
> (3) The Board shall implement the terms of the final order suspending license without additional review or hearing. The Board may provide notice as appropriate to the license holder.
>
> (4) The Board may not modify, remand, reverse, vacate, or stay an order suspending license and may not review, vacate, or reconsider the terms of a final order suspending license.

(5) A person who is the subject of a final order suspending license is not entitled to a refund for any fee or paid to the Board.

(6) A person who continues to engage in the practice of veterinary medicine or any activity that requires licensure pursuant to Chapter 801, Texas Occupations Code after the implementation of the order suspending license by the Board is liable for the same civil and criminal penalties provided for engaging in the licensed activity without a license or while a license is suspended that apply to any other license holder of the Board.

(7) The Board is exempt from liability to a license holder for any act authorized under Family Code, Chapter 232 performed by the Board.

(8) Except as provided by Family Code, Chapter 232, an order suspending license or dismissing a petition for the suspension of a license does not affect the power of the Board to grant, deny, suspend, revoke, terminate, or renew a license otherwise.

(9) An order issued under this chapter to suspend a license applies to each license issued by the licensing authority subject to the order for which the obligor is eligible. The licensing authority may not issue or renew any other license for the obligor until an order vacating or staying an order suspending license is rendered.

(c) Effect of Child Support Payment Default on Licensure Application and Renewal

(1) Initial applications and applications for renewal of licenses issued by the board are subject to the course of action established by the Texas Family Code, §232.0135.

(2) Upon notice from another agency that an obligor has failed to pay child support for six months or more, the Board shall refuse to grant initial licensure or renewal of an existing license to an obligor until the Board is notified by the other agency that the obligor has:

(A) paid all child support arrearages;

(B) made an immediate payment of not less than $200 toward child support arrearages owed and established with the other agency a satisfactory repayment schedule for the remainder or is in compliance with a court order for payment of the arrearages;

(C) been granted an exemption from this subsection as part of a court-supervised plan to improve the obligor's earnings and child support payments; or

(D) successfully contested the denial before the child support agency in accordance with Texas Family Code, §232.0135(d).

(d) The Board may charge a fee to a licensee who is the subject of an order suspending license or of an action of another agency under Texas Family Code, §232.0135 to deny issuance or renewal of license in an amount sufficient to recover the administrative costs incurred by the Board.