

Veterinary Medical Board

1747 N. Market Blvd., Suite 230, Sacramento, CA 95834

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**MEETING NOTICE and AGENDA
VETERINARY MEDICAL BOARD**

October 19-20, 2016

The Mission Inn
3649 Mission Inn Avenue,
Riverside, California

9:00 a.m. Wednesday, October 19, 2016

1. Call to Order - Establishment of a Quorum
2. Introductions*
3. Review and Approval of July 20-21, 2016 Meeting Minutes
4. Election of Officers
5. Review of Occupational Analysis and Examination Development – Heidi Lincer-Hill, Office of Professional Examination Services
6. Update on Registered Veterinary Technician School Reporting Pursuant to Section 2064 of title 16 of the California Code of Regulations
 - A. Review BPPE Program Approval
7. Proposed Regulations
 - A. Status of Pending Regulations
 - B. Discuss and Consider Potential Amendments to the Registered Veterinary Technician School Approval Regulations - Sections 2064-2066 of Title 16 of the California Code of Regulations
8. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg
 - A. Review and Consideration of Multidisciplinary Advisory Committee Items and Recommendations ([See Attached Agenda](#))
9. 2016 Legislation Report
 - A. SB 1193 (Hill) Veterinary Medical Board: executive officer
 - B. SB 945 (Monning) Pet boarding facilities
 - C. AB 2505 (Quirk) Animals: euthanasia
 - D. SB 1039 (Hill) Professions and vocations
 - E. AB 2269 (Waldron) Animal shelters: research animals: prohibitions
 - F. SB 1348 (Canella) Licensure applications: military experience
 - G. SB 1182 (Galgiani) Controlled substances
 - H. AB 2419 (Jones) Public postsecondary education: The New University of California
 - I. Pet Lover's License Plate Update
10. 2017 Legislative Proposals
 - A. Discuss and Consider Amending Business and Professions Code Section 4887 to Extend the Time Before a Petitioner May Petition for Reinstatement or Modification of Penalty.

- B. Review and Discuss Reciprocity Issues and License Eligibility for Applicants Who are Foreign Trained or Possess Work Experience in Foreign Territory; Potential Revisions to Existing Statute
 - 1. Reciprocity for Veterinarians (BPC section 4848 (b)(1))
 - 2. RVT Graduates of Foreign Institutions
- 11. Board Chair Report – Dr. Mark Nunez
 - A. American Association of Veterinary State Boards 2016 Conference Report
- 12. Discussion and Consideration of Recommendation(s) from Animal Rehabilitation Task Force
- 13. Registered Veterinary Technician Report – Jennifer Loreda
 - A. RVT Exam Validation and Test Plan Discussion
 - B. Future RVT Agenda Items
- 14. Public Comment on Items Not on the Agenda

Note: The board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 11125.7(a)).
- 15. Recess until October 20, 2016, at 9:00 a.m.

9:00 a.m. Thursday, October 20, 2016

- 16. Reconvene - Establishment of a Quorum
- 17. Introductions*
- 18. Executive Officer & Staff Reports
 - A. Administrative/Budget
 - B. Enforcement
 - C. Licensing/Examination - Update on the Veterinary Assistant Controlled Substance Permit Program (VACSP)
 - D. Hospital Inspection
 - E. CURES Report
- 19. Agenda Items and Next Meeting Dates
 - A. Agenda Items for Next Meeting
 - January 18-19, 2017
 - April 19-20, 2017
 - July 26-27, 2017 (dates changed to accommodate the AVMA conference)
 - October 18-19, 2017

CLOSED SESSION

- 20. Pursuant to Government Code Section 11126(c)(3), the Board will meet in closed session to discuss and vote on disciplinary matters including stipulations and proposed decisions.
- 21. Pursuant to Government Code Section 11126(a)(1), the Board will meet in closed session to evaluate the performance of the Executive Officer .

RETURN TO OPEN SESSION

22. Adjournment

Introductions are voluntary. This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Times stated are approximate and subject to change. This meeting will conform to the Open Meeting Act. Agenda discussions and report items are subject to action being taken on them during the meeting by the Board at its discretion. The Board provides the public the opportunity at meetings to address each agenda item during the Board's discussion or consideration of the item. Total time allocated for public comment may be limited. Agenda items may be taken out of order.

The Board plans to webcast items 1-15 at this meeting on its website at www.vmb.ca.gov. Webcast availability cannot, however, be guaranteed due to limitations on resources or technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe and participate, please plan to attend at a physical location.

The meeting locations are accessible to the physically disabled. Other disability-related accommodations or modifications can be provided upon request. Please make your request for disability-related accommodations by contacting the Board at (916) 515-5220 or sending a written request to 1747 N. Market St., Suite 230, Sacramento, CA 95834. Provide at least five (5) business days' notice prior to the meeting to help ensure availability of requested accommodations.

MISSION

The mission of the Veterinary Medical Board is to protect consumers and animals by regulating licensees, promoting professional standards and diligent enforcement of the practice of veterinary medicine.



MEETING MINUTES

July 20-21, 2016

1747 N. Market Blvd. – 1st Floor Hearing Room
Sacramento, California

Wednesday, July 20, 2016

1. Call to Order - Establishment of a Quorum

Dr. Mark Nunez called the Veterinary Medical Board (Board) meeting to order at 10:04 a.m. Executive Officer, Annemarie Del Mugnaio, called roll; eight members of the Board were present and thus a quorum was established.

2. Introductions

Board Members Present

Mark Nunez, DVM, President
Cheryl Waterhouse, DVM, Vice President
Kathy Bowler, Public Member
Lee Heller, J.D., PhD, Public Member
Jennifer Loredo, RVT
Judie Mancuso, Public Member
Jaymie Noland, DVM
Richard Sullivan, DVM

Staff Present

Annemarie Del Mugnaio, Executive Officer
Nina Galang, Administrative Program Coordinator
Kurt Heppler, Legal Counsel
Ethan Mathes, Administrative Program Manager
Bryce Penny, DCA Webcast
Candace Raney, Enforcement Manager
Diann Sokoloff, Supervising Deputy Attorney General

Guests Present

Nancy Ehrlich, RVT, California Registered Veterinary Technician Association
Valerie Fenstermaker, California Veterinary Medical Association
Alex Henderson, RVT, Veterinary Allied Staff Education
Shelly Jones, DCA Board & Bureau Relations
Jon Klingborg, DVM, Multidisciplinary Advisory Committee, Chair
Ken Pawlowski, DVM, California Veterinary Medical Association
Cindy Savely, RVT, Sacramento Valley Veterinary Technician Association
Dan Segna, DVM, California Veterinary Medical Association

3. Review and Approval of April 20-21, 2016 Meeting Minutes

Legal Counsel, Kurt Heppler, made a clarifying amendment to his comment on page 18 of the Minutes.

- Judie Mancuso moved and Dr. Richard Sullivan seconded the motion to approve the April 20-21, 2016 meeting minutes as amended. The motion carried 6-0.

4. Proposed Regulations

A. Status of Pending Regulations

Ms. Del Mugnaio reported that following Office of Administrative Law (OAL) disapproval, the Civil Penalties for Citation proposed regulations were re-submitted to OAL on July 19, 2016. If approved, the regulations should take effect on October 1, 2016.

B. Discuss and Consider Commencement of Rulemaking for Animal Control Officer Training Regulations - Section 2039.5 of Title 16 of the California Code of Regulations

Dr. Nunez noted that Mr. Heppler identified sections of the previously approved Animal Control Office Training Guidelines that do not fall under the purview of the Board, such as the firearms component, no alcohol/drug-related convictions, and various other state and federal laws. Mr. Heppler explained that the proposed regulations now encompass only what is under the purview of the Board.

The Board discussed the intent behind “didactic” training since the definition is unclear. Lee Heller suggested using the language “face to face,” “direct instructor/student contact,” or “in person training” instead of “didactic.”

Mr. Heppler suggested using “which shall be personally attended” and “shall be a minimum of 4 hours.” Amendments to the proposed language in California Code of Regulations (CCR) section 2039.5 (c) are as follows: “The training, which shall be personally attended, which shall be a minimum of four hours, shall be provided by a licensee, and shall include didactic and hands-on training.”

Dr. Jaymie Noland added that CCR section 2039.5 (f) should include the word “years” after “four (4)” regarding the amount of time that the certificate will be valid.

Dr. Cheryl Waterhouse noted that the word “Material” should be removed from the title of the “Material Safety and Data Sheet (MSDS)” document, as it is no longer used in practice.

Dr. Waterhouse suggested adding the following change under the Anticipated Benefit/Rationale section on Page 2 of the Initial Statement of Reasons document: “By having the Board providing specific requirements for training...”

Ms. Heller suggested removing the word “mixtures” from CCR section 2039.5 (4)(A).

Supervising Deputy Attorney General (SDAG), Diann Sokoloff, suggested removing the word “various” from CCR section 2039.5 (d)(2) and correcting the punctuation error found in CCR section 2039.5 (f).

Dr. Dan Segna, California Veterinary Medical Association (CVMA), noted that he was part of the work group that developed the original guidelines and added that the intent was for the veterinarian to conduct the training. Dr. Segna suggested adding subdivision “(e)” and “(g)” to the list of required subdivisions in subdivision (a).

Dr. Segna suggested re-wording subdivision (e) to direct the language toward the person who is required to successfully complete the examination, rather than the requirement of the licensee to administer the examination.

Dr. Segna also clarified that the intent of subdivision (c) was to include a lecture component under “didactic” training, in addition to hands-on training.

Lastly, Dr. Segna suggested clarifying that the training course would need to be re-completed for re-certification.

Dr. Noland suggested leaving out the word “lecture” and replacing with the word “classroom” because there are other modalities of learning offered in a classroom. The Board agreed with using the word “classroom.”

Mr. Heppler requested that subdivision “(e)” be added to the list of required subdivisions in subdivision (a).

Ms. Del Mugnaio clarified that the Board has the opportunity to not hold a public hearing, pending a request for a hearing, on the proposed regulations if they do not anticipate objection.

- Dr. Richard Sullivan moved and Jennifer Loreda seconded the motion to adopt the proposed Animal Control Officer regulatory language as amended and delegate the Executive officer to notice the regulations for a 45-day public comment period and not to hold a public hearing unless one is requested. The motion carried 8-0.

C. Discuss and Consider Amendments to the Registered Veterinary Technician School Approval Regulations - Sections 2064-2066 of Title 16 of the California Code of Regulations

Mr. Heppler noted that the request for legal analysis on the Registered Veterinary Technician (RVT) School Approval Regulations is in response to possible dual reporting between Board requirements and American Veterinary Medical Association (AVMA) accreditation. There has also been concern expressed regarding whether or not the Board can rely on AVMA accreditation in place of Board approval. As a way of the Board approving RVT schools, Mr. Heppler felt that AVMA accreditation can be relied upon without the palpable loss of consumer protection. Dr. Nunez added that the Board still retains the authority to inspect and/or disapprove programs.

Ethan Mathes noted that out of 19 California RVT schools, only one new school has been added to the list of approved schools in the last five years. The AVMA performs the initial inspection if the school seeks accreditation.

Mr. Heppler noted that there is an additional layer of approval for private schools in California through the Bureau of Private Postsecondary Education (BPPE) review and approval process.

Ms. Del Mugnaio noted that AVMA must communicate to the State when a school is at risk or loses their accreditation. AVMA will try to communicate with the State prior to the school's revocation, but no later than 60 days after revocation.

Ms. Del Mugnaio noted that schools are required to report their exam scores on their websites. The regulations may need to be amended to address the new exam requirements. The Board has access to Veterinary Technician National Examination (VTNE) scores and California scores by school; however, only the California scores are currently posted on the Board's website. The Board recently gained access to a portal through the American Association of Veterinary State Boards (AAVSB) which contains the VTNE scores, and Mr. Mathes is working to get them posted to the Board's website.

Nancy Ehrlich argued that the information contained in the comparison chart is incorrect. The Board's regulations require prospective students to be given literature prior to enrollment which contains information on the school's pass rate and transferability of units. In comparison, Ms. Ehrlich noted that AVMA requires this information only to be posted on the school's website. Passage rates do not appear to be on the website of several schools; therefore, AVMA does not appear to be enforcing this requirement. Ms. Ehrlich further noted that AVMA does not have a rule to put schools on probation when they fall below 10 percent of the average rate, which is a rule in California.

Dr. Sullivan reminded that the Board is not abdicating responsibility to revoke accreditation and retains that authority in regulation.

Ms. Ehrlich confirmed that the problematic programs are private institutions. Mr. Heppler clarified that BPPE approval is still required for private institutions, which includes definitive and comprehensive requirements regarding advertising and enrollment requirements in order to receive BPPE approval.

Ms. Del Mugnaio added that the Board has every right to investigate complaints and the missing data should be reported as a complaint to the Board and/or AVMA, the accrediting authority.

Dr. Nunez reminded that the Board is tasked with ensuring the schools meet a certain standard and asked the Board members to consider whether or not it is a good utilization of staff resources.

Alex Henderson, Veterinary Allied Staff Education (VASE), provided a background of his experience on the Registered Veterinary Technician Committee (RVTC). Mr. Henderson shared that it was his opinion that once schools receive AVMA accreditation they feel as though they do not have to report to the Board, which is more stringent than AVMA. He feels as though the Board is still responsible for the approval of all schools.

Mr. Henderson added that the BPPE approval process can take a year, making it difficult for schools to pay their lease and staff during this time without revenue, which is required to be in place to obtain approval.

Mr. Heppler stated that within the Education Code the enrollment agreement is not enforceable unless upon enrollment the student has been given the student performance fact sheet, the student initials the document, and has been provided a copy. The student performance fact sheet includes how many students are enrolled, how many have dropped out, and the catalog, among other details.

Mr. Henderson noted that the Board would not know that these requirements are being met unless AVMA sends an annual report.

Mr. Heppler reviewed three options for the Board to consider:

- Option #0 is to do nothing, meaning the Board would not adopt the regulations.
- Option #1 is to deem an AVMA accredited school to be Board approved (and if the school is a private school, it is approved by BPPE) without requiring schools to fill out an application for California approval.
- Option #2 is to pursue a statutory change that establishes a general framework for the Board to recognize an accrediting institution approval.

Ms. Mancuso expressed support for Option #1, as long as the Board audits the schools to ensure they are in compliance. Dr. Nunez noted that the current mechanism for enforcement is complaints.

Mr. Heppler noted that some Department of Consumer Affairs (DCA) Boards and Bureaus have executed a Memorandum of Understanding (MOU) with the BPPE to share information when something problematic arises with a BPPE approved school.

Dr. Dan Segna shared his experience as a former instructor at an AVMA accredited RVT program. Low passage rates and students dropping out of the program were problems that existed during his time as an instructor and they still exist today for a variety of reasons. Many students do not realize how difficult the program is until after they have enrolled. Another reason is that a number of students who graduated from the program are not able to pass the exam or they avoid taking it altogether.

Dr. Noland noted that the Board has a pattern of being proactive through monitoring and veterinary hospital inspections; therefore, the Board is not entirely complaint driven. The Board should be more proactive with school approvals once the issue of regulations has been resolved.

Dr. Sullivan expressed support for Option #1.

Ms. Ehrlich noted that Option #0 maintains the regulations that the Board has in place, which requires the schools to apply for approval.

Dr. Sullivan suggested amending the motion to include the requirement for schools to send the Board an annual report.

Ms. Heller suggested including a reminder of the Board's requirements in the letter that the Board sends schools once they are approved.

Ms. Del Mugnaio clarified that random audits of RVT schools may be considered as part of the rulemaking process.

Mr. Mathes noted that the regulations include a multi-year approval and the application could be sent every 2-4 years.

Mr. Heppler clarified that sharing complaint information between agencies can be problematic because giving out raw complaint information may violate privacy issue. The annual report, however, is public information.

Ms. Del Mugnaio referenced CCR section 2065.7 regarding the Board's inspection authority that the Board may conduct an inspection or place a program on probation if it believes the school or degree

program has substantially deviated from any standards of approval. Monitoring requirements are separate from approval requirements.

Ms. Ehrlich expressed confusion over the need to amend a regulation that has not yet been enforced and suggested that the Board give it a year or two and amend at such time duplicative work has been identified.

- Dr. Richard Sullivan moved and Lee Heller seconded the motion to pursue Option #1, commence the rulemaking process and delegate to the Executive officer to notice the regulations for a 45-day public comment period and not to hold a public hearing unless one is requested. The motion carried 6-2. Jennifer Loreda and Judie Mancuso opposed.

5. Update on Registered Veterinary Technician School Reporting Pursuant to Section 2064 of Title 16 of the California Code of Regulations

Mr. Mathes updated that he was tasked with creating an application to send to all 19 California RVT schools with a requirement to respond within 60 days. Four applications have been received and several programs have called or otherwise have been responsive to providing information.

Mr. Mathes added that Board staff intends to follow up with schools that have not responded within the 60 day requirement. A comprehensive report will be provided at the Board meeting in October.

Ms. Mancuso felt that staff resources should not be used to duplicate what AVMA is doing, and staff efforts should still be spent on auditing and reviewing websites.

Mr. Mathes noted that Section #15 and #16 discuss the disclosure requirements of pass rates.

Ms. Del Mugnaio clarified that the current path for RVT school enforcement would be to send a site review team out to investigate. For more simple issues such as missing data on the website, the Board would direct questions to the school and if the school is not in compliance, this information would be reported to the AVMA and a corrective action may be issued. If the schools do not respond or do not come into compliance, the Board can move forward with placing the program on probation or revoking California approval.

Ms. Del Mugnaio noted that out of 19 RVT schools in California, six are public institutions and the remainder of the schools are private institutions.

Dr. Sullivan opined that a cursory review of questions regarding informational disclosure to students, within the returned applications, should not take a long time.

Ms. Del Mugnaio noted that the protocol is for BPPE to work with each agency regarding complaints and the Board has not received notification from BPPE regarding any reported complaints.

6. Discuss the Requirement for Veterinarians to Inform Clients Regarding Pharmaceutical Risks

Dr. Nunez reviewed the letter from Senator Jerry Hill directing the Board to discuss, develop recommendations for action, and report back to the Legislature on the issue of veterinarians reporting pharmaceutical information to pet owners.

Public member, Solomon Stupp, thanked the Board for its consideration. Mr. Stupp shared his experience of not being informed that the antibiotic given to his cat, Lizzie, was an extended-release antibiotic and clarified that he is requesting the same courtesy that is given at a pharmacy for human medicine, that offers drug counseling, is given to pet owners. Mr. Stupp requested that the Board to develop a protocol to resolve the issue and include the word “Lizzie” in the title.

Dr. Nunez commended Mr. Stupp for his passion in his pursuit.

- Dr. Richard Sullivan moved and Kathy Bowler seconded the motion to refer the issue to the Multidisciplinary Advisory Committee as a priority issue for further research. The motion carried 8-0.

7. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg

A. Review and Consideration of Multidisciplinary Advisory Committee Items and Recommendations

Dr. Jon Klingborg reviewed the list of existing priorities with the Multidisciplinary Advisory Committee (MDC).

The Complaint Audit Task Force, Dr. Jeff Pollard and Dr. William Grant, provided a number of findings in their report which can be referred to the Expert Witness Training Program. Findings showed a clear improvement in the quality of Expert Witness reports since 2013.

One finding of the Task Force indicated there appeared to be a preferred order in which the complaint cases should be reviewed in order to avoid developing an unfair bias. For example, if the expert witness reviews the complaint prior to reviewing the medical records, it may cause the expert witness to review the case differently than if they had reviewed the medical records first. They also found that in majority of the cases, the respondent provided an ineffectual response or did not submit a response letter at all.

Going forward, the Task Force will continue to review a variety of cases once or twice a year and Dr. Klingborg noted he will rotate the individuals who will serve on the Task Force for 1-2 year terms. The Task Force will also involve an RVT from the MDC to serve on the Task Force in order to review RVT enforcement complaint cases. Ms. Raney noted that there is now a consistent review template for Expert Witnesses.

The Board discussed the challenge Board staff has faced with getting respondents to respond to the Board’s initial letter. The Board agreed that the Board staff has been doing a better job of engaging with respondents and providing guidance regarding next steps once the initial letter has been received.

The Board discussed whether or not to keep the agenda item on future MDC agendas. Dr. Klingborg suggested that the Expert Witness Review Subcommittee be removed from the MDC’s priority list.

Dr. Klingborg reported on the progress on the Minimum Standards for Alternate Premises. The California Veterinary Medical Association (CVMA) Task Force, with representatives from the MDC and Ms. Del Mugnaio, are working on language for RVTs to follow a written protocol to perform specific duties in the absence of a veterinarian within a shelter environment. The language is not fully developed and the MDC will meet with the shelter community to discuss the issue at the MDC meeting in October 2016.

Other issues brought up and to be discussed for consideration include: amend Veterinary-Client-Patient Relationship (VCPR) for shelter setting, develop a definition of “shelter setting,” consider allowing RVTs to be a managing licensee of a shelter setting, and discuss the induction of “anesthesia” vs. “sedation”.

Dr. Klingborg added that the Shelter Medicine Subcommittee hopes to have survey results sent to the shelter community by the next MDC meeting in October.

Regarding the Veterinary Student Exemption discussion, Dr. Klingborg noted that the language in Business and Professions Code (BPC) section 4830 (a)(5) needs to be clarified to allow for an exemption for veterinary students to practice under supervision while at the University of California, Davis (UCD) and Western University of Health Sciences (WesternU). Guidelines and objectives will also need to be created for off-site externship programs.

A workgroup is being formed consisting of members of MDC, UCD, and WesternU to modify language in CCR section 2027 which allows junior and seniors veterinary students, and AVMA school veterinary graduates to function as RVTs. The proposed language will be presented at the October 2016 MDC meeting for vote and to bring to the Board at a future meeting.

Regarding the “Extended Duties” for RVTs, the Subcommittee did not have any recommendations at this time. The California Registered Veterinary Technician Association (CaRVTA) has not yet discussed the issue; therefore, Dr. Klingborg kept the item on the MDC agenda to allow CaRVTA, CVMA, and the MDC to further discuss the issue. The Sacramento Valley Veterinary Technician Association noted that ideas for “extended duty” pertained to shelter settings. The MDC wanted to ensure any discussion on “extended duty” identifies access to care issues, and not enhances the job duties or functions of RVTs.

Dr. Klingborg noted that the MDC is in the process of developing language which authorizes veterinarians and RVTs to compound drugs. Input is being gathered from the Board of Pharmacy and the AVMA to assist with the language.

Ms. Del Mugnaio clarified that the Board completed its task to respond to the Legislature regarding the issue of Rodeos. The Board’s response in the Sunset Report stated that RVTs are lawfully able to attend rodeos and provide care. Dr. Nunez added that it has been added to MDC priority list to conduct more research and it may need to be handled through legislative action.

Dr. Klingborg noted that the development of Minimum Standards for Spay and Neuter Clinics is still on the list of MDC future priorities.

Dr. Klingborg requested to add the following issues to the list of MDC priorities:

- 1) Discussion of induction of “Anesthesia” vs. “Sedation”
 - 2) Discuss Minimum Standards for veterinarian Mobile Specialists
- Dr. Richard Sullivan moved and Kathy Bowler seconded the motion to add Induction of “Anesthesia” vs. “Sedation” and Minimum Standards for Mobile Specialists to the list of MDC priorities. The motion carried 8-0.

8. 2016 Legislation Report; Potential Adoption of Positions on Legislative Items

A. SB 1193 (Hill) Veterinary Medical Board: executive officer

Dr. Nunez noted that there is an error in BPC section 4800(b) which should read that the Board has been extended to the year 2021, not 2018. The Legislature has been contacted and the change will be made.

Ms. Del Mugnaio clarified this legislation includes language requiring university licensure and those applying for the University License must get fingerprinted.

The Board continued to hold a Support position.

B. SB 945 (Monning) Pet boarding facilities

Dr. Waterhouse warned that providing animals with “enrichment” may be problematic. For example, if a dog is given a toy and eats the toy, it is unclear who pays for the surgery.

The Board continued to keep a Watch position.

C. AB 2505 (Quirk) Animals: euthanasia

The Board continued to hold a Support position.

D. SB 1039 (Hill) Professions and vocations

The Board continued to hold a Support position.

E. AB 1951 (Salas) Crimes: animal cruelty

AB 1951 is dead.

F. AB 2269 (Waldron) Animal shelters: research animals: prohibitions

Dr. Nunez noted that the Board’s proposed position is to support the bill once proposed amendments have been incorporated.

Ms. Del Mugnaio clarified that this bill was not included in previous meeting agendas and is a new bill to consider.

Ms. Fenstermaker expressed concern regarding the bill because it limits the ability to access live animals and cadavers for educational enrichment programs. The live dogs and cats are also adopted at the end of the program. CVMA expressed full support of the bill with the expressed amendments.

- Dr. Richard Sullivan moved and Dr. Jaymie Noland seconded the motion to Support AB 2269 as amended. The motion carried 8-0.

G. SB 1348 (Canella) Licensure applications: military experience

The Board continued to hold a Watch position.

H. SB 1230 (Stone) Pharmacies: compounding

SB 1230 has been withdrawn.

I. SB 1182 (Galgiani) Controlled substances

The Board held a Watch position.

J. AB 2419 (Jones) Public postsecondary education: The New University of California

AB 2419 has been withdrawn.

K. Pet Lover's License Plate Update

Ms. Del Mugnaio stated that she spoke with the DCA and the Department of Food and Agriculture regarding the Pet Lover's License Plate Fund. Ms. Del Mugnaio added that she will need to get information from Ms. Mancuso on the history of the program, as they are in the process of working on a transition plan to potentially move the program to the Department of Food and Agriculture. The Pet Lover's Fund contains over \$700,000.

9. Board Chair Report – Dr. Mark Nunez

Dr. Nunez reviewed a list of outreach activities, trainings, and meetings that have occurred since the last Board meeting, as well as upcoming activities.

May 4-5, 2016	Expert Witness Training in Sacramento
June 20, 2016	Animal Rehabilitation Task Force Meeting in Sacramento
June 23, 2016	Dr. Nunez attended the CVMA Joint Board of Governors / House of Delegates Meeting in San Francisco
July 22, 2016	Ms. Del Mugnaio will attend a CaRVTA Conference at UCD
August 2016	Hospital Inspectors Training
September 22-24, 2016	Dr. Nunez, Dr. Waterhouse, Ms. Bowler, and Ms. Del Mugnaio will attend an AAVSB Meeting in Scottsdale, Arizona

A. Update on the Animal Rehabilitation Task Force

Dr. Nunez reviewed the purpose and composition of the Animal Rehabilitation Task Force and updated on the first meeting held on June 20, 2016.

The Task Force reached a consensus regarding the definition for “animal physical rehabilitation,” which is defined as “the treatment of injury or illness to address pain and improve function by means of physical corrective treatment.”

The Task Force also agreed that if animal physical rehabilitation was performed abiding to the established definition, the practice would fall under the scope of practice of veterinary medicine and would require a VCPR to be established, and a diagnosis and prescription for treatment by a California licensed veterinarian. If the purpose of the rehabilitation is for wellness or exercises purposes, it would not be considered animal physical rehabilitation.

The next meeting is scheduled for October 4, 2016 in Sacramento. Topics for the next meeting include: adopt an official title for the practice, education and training requirements, and logistical operational challenges. The Board hopes to bring any discussion or information learned at the AAVSB meeting to the Task Force.

Dr. Nunez added that the Animal Rehabilitation Task Force falls under the Open Meeting Act and Task Force Members should not discuss meeting information with each other outside of the public meeting.

10. Registered Veterinary Technician Report – Jennifer Loredo

Ms. Loredo updated that Ms. Del Mugnaio will be attending the CaRVTA conference to address the following:

- The process for moving the pending RVT regulations toward approval
- How the standing RVT report will enhance keeping RVT issues moving forward
- How the Board intends to enforce CCR section 2064 regarding the approval of RVT schools by the AVMA
- The process for assessing the appropriate fee for the RVT exam
- An update on pending policy and regulatory discussions
- Update on VACSP program roll out
- “Extended Duties” for RVTs
- Drug compounding regulations
- Animal Rehabilitation policy considerations
- Enforcement of RVT schools requirements and researching how other schools enforce those policies.

11. Public Comment on Items Not on the Agenda

Ms. Ehrlich proposed moving up Agenda Item #18 and #19, rather than discussing at the July 21, 2016 meeting. The Board was not prepared to move the discussion items as requested.

Ms. Ehrlich added that foreign graduate RVTs do not have a simple way to become eligible to apply for the California RVT examination. Ms. Ehrlich suggested that this item be discussed at the MDC. Mr. Heppler added that it is permissible to direct the issue to the MDC for future agenda.

Ms. Ehrlich requested a status update regarding a previous Board motion to send a letter to AAVSB regarding the exam fee increase. Ms. Del Mugnaio confirmed that the letter went out to AAVSB and a copy was sent to CaRVTA.

Mr. Henderson requested the Board to look into the AAVSB examination fees, windows to take the examination and AAVSB’s refund policy.

Ms. Ehrlich added that the pass rate on most recent AAVSB exam is only 50 percent, due to the examination containing too many large animal questions or questions on animals that are not common in California and the questions containing the answers “none of the above” or “all of the above.” Ms. Ehrlich agreed to forward the letter to Board staff that she sent to the AAVSB regarding examination questions prior to the AAVSB Conference so that the Board may bring it for discussion.

Ms. Ehrlich also requested that Agenda Item #18 and #19 be discussed before the closed session items on July 21, 2016. Ms. Del Mugnaio noted the Board is unable to fulfill her request because the Board must accommodate the availability of the Administrative Law Judge (ALJ).

12. Recess until July 21, 2016, at 9:00 a.m.

9:00 a.m. Thursday, July 21, 2016

13. Reconvene - Establishment of a Quorum

Dr. Mark Nunez called the Veterinary Medical Board (Board) meeting to order at 9:00 a.m. Executive Officer, Annemarie Del Mugnaio, called roll; seven members of the Board were present and thus a quorum was established. Dr. Jaymie Noland was absent.

14. Introductions

Board Members Present

Mark Nunez, DVM, President
Cheryl Waterhouse, DVM, Vice President
Kathy Bowler, Public Member
Lee Heller, J.D., PhD, Public Member
Jennifer Loredo, RVT
Judie Mancuso, Public Member
Richard Sullivan, DVM

Staff Present

Christy Bell, Associate Enforcement Analyst
Elizabeth Bynum, Associate Enforcement Analyst
Annemarie Del Mugnaio, Executive Officer
Nina Galang, Administrative Program Coordinator
Lou Galiano, DCA Television Specialist
Kurt Heppler, Legal Counsel
Anh-Thu Le, Enforcement Analyst
Ethan Mathes, Administrative Program Manager
Jaspreet Pabla, Probation Monitor Analyst
Candace Raney, Enforcement Manager
Diann Sokoloff, Supervising Deputy Attorney General

Guests Present

Jennifer Harrison
Herbert Ho
Marcie Larson, Administrative Law Judge
Phyllis Mank, Court Reporter

15. Petition for Reduction of Penalty – Jennifer Harrison – 9:00 a.m.

SDAG, Diann Sokoloff, opened the reduction of penalty hearing presenting the case against Jennifer Harrison. Ms. Sokoloff asked for the Investigator's Report to be marked into evidence with the accompanying documents as Exhibit #1. Ms. Sokoloff provided the petitioner a copy of the petition package and Ms. Harrison approved the contents. Ms. Sokoloff reviewed the contents of the petition package. Administrative Law Judge (ALJ), Marcie Larson, accepted the petition package with the accompanying documents into evidence.

Ms. Harrison represented herself and presented her case for reduction of penalty. Ms. Harrison answered questions from the SDAG and members of the Board.

ALJ Larson closed the hearing.

16. Petition for Reinstatement – Herbert Ho – 10:00 a.m.

Ms. Sokoloff opened the reinstatement hearing presenting the case against Herbert Ho.

Ms. Sokoloff provided a copy of the petitioner's packet to Mr. Albert Garcia, counsel for the petitioner. The Petitioner's packet was marked for identification as Exhibit #1 and the Board's packet was marked as Exhibit #2. Mr. Garcia objected to language within the Investigation Report in Exhibit #2. ALJ Larson admitted the section as administrative hearsay and agreed to strike the language to the extent that it does not explain or supplement other evidence. Mr. Garcia submitted a letter of reference as Exhibit A. Mr. Ho's business card as a Veterinary Assistant was admitted into evidence as Exhibit B. Exhibit #1, #2, A, and B were admitted into evidence.

Mr. Garcia presented the case for reduction of penalty. Mr. Ho answered questions from Mr. Garcia, SDAG and members of the Board.

Mr. Garcia presented his closing argument. Ms. Sokoloff presented her closing argument. Mr. Garcia presented a rebuttal.

ALJ Larson closed the hearing and the Board went into closed session.

CLOSED SESSION

17. Closed Session

Petition for Reduction of Penalty – Jennifer Harrison

The Board adopted the penalty modification.

Petition for Reinstatement – Herbert Ho

The Board rejected the petition for reinstatement.

AV 2013 13

The Board adopted the proposed decision with a modification.

D1 2012 8

The Board adopted the proposed decision.

4602016000110

The Board adopted the voluntary surrender.

D1 2010 28

The Board adopted the voluntary surrender.

RETURN TO OPEN SESSION

18. Executive Officer & Staff Reports

A. Administrative/Budget

Mr. Mathes updated on the Board's expenditures. The Hospital Inspection Program and Attorney General (AG) costs were identified as high-expenditures and that staff would be mindful of these areas in future budgets.

Ms. Mancuso inquired about the fund balance in the Pet Lover's Fund. Ms. Del Mugnaio clarified that the fund balance in the Pet Lover's Fund is in a separate account and money has not been withdrawn pursuant to the Budget Change Proposal (BCP), with the exception of funding marketing for the plate.

Mr. Mathes clarified that the examination supplies line item in the budget includes the Office of Professional Examination Services.

B. Enforcement

Ms. Raney updated the Board on the Enforcement Report.

The plan for the Fall training is to focus on expert witness's role in the process and report writing, as well as sharing information between experts. Feedback from the Complaint Audit Task Force and the Expert Witness Subcommittee will be incorporated.

There are currently 90 active probation cases being monitored. Monitoring includes meeting with probationers in person and conducting additional interviews when warranted.

Since the April Board meeting, Enforcement staff members, Ray Delaney and Elizabeth Coronel have moved on to other employment; Kimberly Gorski and Terry Perry were recently hired.

The Board can expect two mail votes before the next meeting and one new petition for reduction of penalty, which has been tentatively scheduled for the October Board meeting.

Ms. Del Mugnaio clarified that you can change the legal waiting period for a reduction in petition from 1 year to 2 years by adding proposed legislative language to an omnibus bill.

Ms. Raney reported on the statistics for FY 15/16. Due to BreEZe complications, Q1 and Q2 statistics were generated from the Consumer Affairs System (CAS) system and only Q3 and Q4

statistics were generated from BreZE. The goal is to create a report that is more consistent and easier to understand.

The biggest change to the report is to count multiple complaint investigation cases involving the same respondent as individual cases instead of one case.

Ms. Raney clarified that “criminal conduct” in the report may include driving under the influence (DUI) and substance abuse-related cases that probably did not result in a conviction; this was the reason they are not categorized as criminal conduct.

C. Licensing/Examination

Mr. Mathes noted that the OAL is expected to make a decision on the Veterinary Assistant Controlled Substances Permit (VACSP) rulemaking file in the next week. The VACSP program is expected to be implemented in late September 2016.

Regarding exam development, Office of Professional Examination Services staff are working on a Veterinary Law Exam (VLE) analysis to develop a new exam form. OPES will prepare a report on the findings of the efficacy of the VLE take home law exam and will be available for review by the Board in October 2016.

Board staff is currently working on an occupational analysis of the veterinary technician exam. The findings of the occupational analysis (OA) on the Veterinary Technician National Examination (VTNE) conducted in 2010 showed around 85 percent of the licensees polled worked in mixed and small animal practices. Mr. Mathes explained that the OA results were used to develop the examination plan.

Ms. Del Mugnaio added that approximately 4 percent of the licensees polled in the OA work in large animal practices, which strengthens the need to perform an occupational analysis and ensure all manner of the professional practice is addressed on the veterinary technician exam. Results of the occupational analysis are available to the public.

Mr. Mathes noted that a BreZE work authorization was sent for the University License and that research is being done on potential costs and workload timeframes associated with establishing the new license. Mr. Mathes added that revenue generated from the initial University License fees may cover the initial implementation.

Mr. Mathes noted that the Board members could expect to complete a mail vote online for enforcement cases in the near future.

BreZE system updates currently occur every nine weeks. Mr. Mathes will be meeting with BreZE staff to address system update requests placed in September 2016 and also to prioritize most urgent system update requests.

Ms. Del Mugnaio added that Mr. Mathes will be attending the CaRVTA conference on July 22, 2016 to provide the administrative/budget report.

D. Hospital Inspection

Patty Rodriguez, updated the Board that the program cost for the Hospital Inspections Program was \$183,500 at the end of FY 15/16 and the program was only appropriated \$148,000. Ms. Del Mugnaio added that the program is underfunded and Board staff are seeking additional funding sources.

Ms. Del Mugnaio clarified that the BCP that was developed in 2013/2014 for the Hospital Inspections Program was based on a one-time population for premises, which has since increased by more than five percent. One of the reasons for the increase in premises is the requirement for all anesthesia-free dental operations and vaccination clinics to register for a premises permit.

Ms. Rodriguez noted that we lost a few Hospital Inspectors this year but we are hoping to add five more, bringing the total to 17 for FY 16/17.

Ms. Rodriguez noted that as soon as the Board receives authority to do so, the Hospital Inspections Program will inspect universities.

Ms. Del Mugnaio added that the Hospital Inspectors will need to be trained on how to inspect different types of premises such as clinics on a race track. The new oversight category will be discussed at the Hospital Inspector Training on August 1-4, 2016.

Ms. Del Mugnaio encouraged Board members to coordinate with Patty Rodriguez to go on a premises inspection ride-along if they have not already done so.

19. Agenda Items and Next Meeting Dates – October 19-20, 2016; Southern California

A. Agenda Items for Next Meeting

- RVT registration for foreign graduates
- Update to RVT school reporting with statistics
- Oversight of private RVT schools reporting data
- Legislative report
- Election of Board Officers
- Executive Officer evaluation
- Controlled Substance Utilization Review and Evaluation System (CURES) Update

Regarding the Controlled Substance Utilization Review and Evaluation System (CURES) Update, Ms. Del Mugnaio clarified that there were some concerns about practitioners being able to speak to one other about a potential drug diversion issues. The DCA is working with the Department of Justice (DOJ) on this issue.

Ms. Del Mugnaio clarified that Board members are not required to attend regulatory hearings and are not able to respond to comments raised at regulatory hearings. Based on feedback from the public, the Board will hold regulatory hearings in conjunction with Board meetings in the future. Ms. Mancuso recommended determining when to hold a hearing on a case-on-case basis.

B. Multidisciplinary Advisory Committee Meetings – October 18, 2016; TBD

Ms. Del Mugnaio noted that the next MDC meeting will be in Southern California, possibly Orange County.

C. Schedule 2017 Meeting Calendar

Next year's Board meeting schedule is as follows:

- January 18-19, 2017
- April 19-20, 2017
- July 26-27, 2017 (dates changed to accommodate AVMA conference)
- October 18-19, 2017.

20. Adjournment

The Board adjourned at 4:14 p.m.



MEMORANDUM

DATE	July 5, 2016
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Registered Veterinary Technician School Reporting Pursuant to Section 2064 of Title 16 of the California Code of Regulations

Background:

The Board discussed at its January 2016 meeting, potential amendments to California Code of Regulations (CCR) Section 2064 that would exempt California veterinary technician schools that are accredited by the American Veterinary Medical Association (AVMA) from making application to the Board for approval. Legal counsel suggested staff further research the accreditation standards of the AVMA for comparison to that of California veterinary technician school approval requirements as specified in CCR Sections 2064-2065.8.

At the April 2016 meeting, the Board continued its discussion regarding Board approval of California AVMA veterinary technician schools including its review and comparison of AVMA accreditation and California veterinary technician school approval requirements. Based on the comparison, the standards appeared equivalent. The Board then requested legal counsel research possible amendments to CCR Section 2064 that would remove duplicative requirements between the two approval bodies. In the meantime, the Board directed staff to draft a school approval application to send to all California AVMA registered veterinary programs in order to meet its regulatory obligation under CCR Section 2064,.

Following the April 2016 meeting, Board staff met with counsel to review and approve the *AVMA Accredited RVT Program Application*. The Application was mailed to all California AVMA accredited veterinary technician programs on May 31, 2016; programs were required to submit their application along with any supplemental material to the Board within 60 days of receipt of the application. [A report regarding the programs' applications is included under a separate cover.]

In July 2016, the Board reviewed legal guidance from counsel which layed out options the Board may pursue to recognize AVMA accreditation as equivalent to Board approval of veterinary technician programs. The Board approved "Option 1" that would update CCR section 2064 and directed staff to initiate the rulemaking file. Legal counsel also guided the Board in the additional requirement for private schools to be approved and monitored by the Bureau of Private Postsecondary Education (BPPE).The Board expressed concern regarding specific program compliance issues:

- The veterinary technician program's responsibility to provide students with a documented student enrollment agreement, including information regarding student refunds and transferability of course credit.
- Performance statistics – Aggregate data regarding student's performance on the Veterinary Technician National Examination.

- Ongoing monitoring of the school's requirements as specified in CCR Sections 2064-2065.8.

Issue/Update:

Following the July 2016 Board meeting, staff met with the BPPE to confirm the institutional and school approval process and to identify if the specific compliance matters of concern are monitored by the BPPE. Staff was informed that the BPPE has approved twelve (12) of the nineteen (19) veterinary technician programs, the remaining of which are public institutions and exempt from BPPE oversight.

The BPPE requires all programs supply students with a student enrollment agreement, that includes fees, refund policies, transferability of credits, among a number of other disclosures. The following is an excerpt from the BPPE's Enrollment Agreement Checklist:

*The enrollment agreement shall include specific required statements and a line for the student to initial.
(CEC §94911(i)(1)(2))*

(1) "Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates, placement rates, license examination passage rates, and salaries or wages, and the most recent three-year cohort default rate, if applicable, prior to signing this agreement."

(2) Immediately following the statement required by paragraph (1), a line for the student to initial, including the following statement:


"I certify that I have received the catalog, School Performance Fact Sheet, and information regarding completion rates, placement rates, license examination passage rates, and salary or wage information, and the most recent three-year cohort default rate, if applicable, included in the School Performance Fact sheet, and have signed, initialed, and dated the information provided in the School Performance Fact Sheet."

BPPE confirmed that the agency conducts announced and unannounced site visits for institutions every five years. In addition, schools are required to submit Annual Reports with Performance Facts Sheets, which are public information and included on BPPE's website (See attached sample). The fact sheets provide statistical information on program completion, job placement, examination passage rates, annual salary and wages, and student loan information. Beginning in 2017, schools will also be required to submit their student enrollment agreements as part of their Annual Report.

Legal counsel is working on developing a Memorandum of Understanding between the VMB and the BPPE to outline the exchange of information regarding program approvals, complaints and investigations, and any formal action taken on the part of either agency. The MOU will also address the coordination of site visits, where the VMB will supply the BPPE with Subject Matter Experts to provide technical assistance in program evaluation.

Attachment(s):

- BPPE Enrollment Agreement Checklist
- Sample School Performance Fact Sheet
- BPPE Compliance Inspection Information

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Compliance Inspection Results

A Notice to Comply is issued for detected minor violations **only**. Violations detected during a compliance inspection that are material in nature are not included on the Notice to Comply, but are referred by the compliance inspector to the Enforcement Division for investigation and possible disciplinary action.

The Bureau for Private Postsecondary Education (Bureau) provides information regarding the results of compliance inspections for immediate access and the convenience of interested parties.

NOTICES TO COMPLY

California Education Code, section 94935 and Title 5, California Code of Regulations, section 75010 provide that the Bureau shall issue a Notice to Comply for minor violations detected during an inspection conducted by the Bureau.

By no later than 30 days from the date of inspection, the institution must either: (1) Remedy the noncompliance(s) and sign and submit the Notice to Comply form to the Bureau, along with documentation describing how compliance was achieved; or (2) File with the Bureau a written notice of disagreement, specifying the minor violations described in the Notice to Comply with which the institution disagrees, and appealing it by requesting an informal office conference. If a written notice of disagreement is not timely filed with the Bureau, the right to appeal is deemed to have been waived.

Failure to timely remedy the noncompliance(s) or file a written request for an informal office conference may result in the Bureau taking administrative enforcement action.

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http://www.bppe.ca.gov/enforcement/inspection_results.shtml

The screenshot shows the website for the Bureau for Private Postsecondary Education (BPPE), part of the Department of Consumer Affairs. The page features a blue header with navigation links: 'About Us', 'Complaints', 'Contact Us', 'Forms', and 'Laws'. The main navigation bar includes 'HOME', 'STUDENTS', 'SCHOOLS', and 'ENFORCEMENT'. A search bar is located in the top right corner. Below the navigation, there are several links: 'Approved Schools', 'Choosing a career and a school', 'Guide for students facing a school closure', 'Student Tuition Recovery Fund Application', 'Transcript Request Form', and 'More'. The main content area is titled 'Unannounced Compliance Inspection' and contains the following text:

After an institution completes its initial announced inspection, the Bureau will conduct an unannounced inspection. The unannounced inspection is conducted on-site, pursuant to The California Private Postsecondary Education Act of 2009 (Ed. Code), and Title 5, Division 7.5 of the California Code of Regulations (5 CCR).

At the conclusion of the unannounced inspection, an exit briefing is conducted with the institution's administrator and, if warranted, a Notice to Comply is issued to the institution.

The footer includes an accessibility icon (a person in a wheelchair) and a list of links: 'Home', 'Help', 'Privacy Policy', 'Contact Us', 'Disclaimer', 'Conditions of Use', and 'Accessibility'.

http://www.bppe.ca.gov/enforcement/unannounced_compliance.shtml



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Annual Reports

An Annual Report must be filed with the Bureau for Private Postsecondary Education (Bureau) by each approved institution pursuant to California Education Code (CEC) section 94934. The Institution reports the required aggregate information for all locations (main and all branches). In addition to the Annual Report, each Institution is required to submit a Performance Fact Sheet and the school catalog.

The Bureau publishes the information provided in the links below as it was submitted by the institution, and does not endorse, recommend, or favor any institution whose information is published or provided.

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Catalog Checklist

Name of Institution:	Application #:
Reviewer Name:	Institution Code:

Pursuant to the California Private Postsecondary Education Act of 2009 (CEC) and Title 5, Division 7.5 of the California Code of Regulations (5, CCR), an institution shall be in compliance with the catalog minimum requirements. The minimum requirements listed in the table below summarize relevant sections of the CEC and 5, CCR, or requests specific documentation in regards to the CEC and 5, CCR. Attached for your reference and convenience is the full text of those laws.

Instructions: For each numbered item listed in the table below:

1. Under "Catalog Page No." write the page number(s) where the minimum requirement is found in the catalog. If the minimum requirement is not applicable to your institution, write "N/A."
2. In your institution's catalog, indicate where each numbered minimum requirement is located, by writing and circling the corresponding "Item No." on the applicable catalog page;
3. Item No. 1 is for your information and does not require a response;
4. Complete and sign the declaration at the end of this document.

		Review Date
Item No.	Catalog Minimum Requirements The Catalog shall contain CEC §94909 (§ references the section of the CEC and 5, CCR)	Catalog Page No.
1	Any information required by the CEC to be included in the catalog shall be printed in at least the same size font as the majority of the text in that document. (CEC §94908)	X
2	Provide a separate statement indicating how often the catalog is updated. (5,CCR §71810(a))	X

3	Provide a separate statement indicating how you provide your institution's school catalog to a prospective student or to the general public when requested. (CEC §94909(a))	X
4	The catalog shall contain the name, address, telephone number, and, if applicable, internet web site address of the institution. (CEC §94909(a)(1))	
5	The catalog shall contain the address or addresses where class sessions will be held. (CEC §94909(a)(4))	
6	The catalog shall contain the specific beginning and ending dates defining the time period covered by the catalog. (5,CCR §71810(b)(1))	
7	The catalog shall contain, except as specified in CEC §94802, a statement that the institution is a private institution and that it is approved to operate by the bureau. An institution may not imply that the Bureau endorses programs, or that Bureau approval means the institution exceeds minimum state standards. (CEC §94909(a)(2) and CEC §94897(l)(1)(2))	
8	The catalog shall contain a statement specifying whether the institution has a pending petition in bankruptcy, is operating as a debtor in possession, has filed a petition within the preceding five years, or has had a petition in bankruptcy filed against it within the preceding five years that resulted in reorganization under Chapter 11 of the United States Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.). (CEC §94909(a)(12))	
9	The catalog shall contain specific required language that encourages students to review the catalog and School Performance Fact Sheet prior to signing an enrollment agreement. (CEC §94909(a)(3)(B)) "As a prospective student, you are encouraged to review this catalog prior to signing an enrollment agreement. You are also encouraged to review the School Performance Fact Sheet, which must be provided to you prior to signing an enrollment	
10	The catalog shall contain a statement of the institution's missions and purposes and the objectives underlying each of its educational programs. (5,CCR §71810(b)(2))	


11	The catalog shall contain a description of the facilities and of the types of equipment and materials that will be used for instruction. (5,CCR §71810(b)(9))	
12	The catalog shall contain a description of library and other learning resources and the procedures for student access to those resources. (5,CCR §71810(b)(10))	
13	<p>The catalog shall contain specific required language that directs students to the Bureau for unanswered questions. (CEC §94909(a)(3)(A))</p> <p>"Any questions a student may have regarding this catalog that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (insert address *), (insert web site address*), (insert telephone and fax numbers*)."</p> <p>*The following may be used for inserts: Address: 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833 P.O. Box 980818, West Sacramento, CA 95798-0818 Web site Address: www.bppe.ca.gov Telephone and Fax #'s: (888) 370-7589 or by fax (916) 263-1897 (916) 431-6959 or by fax (916) 263-1897</p>	
14	<p>The catalog shall contain specific required language that refers individuals wishing to file a complaint about the institution to the Bureau. (CEC §94909(a)(3)(C))</p> <p>"A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (insert toll-free telephone number) or by completing a complaint form, which can be obtained on the bureau's internet Web site (insert internet Web site address)."</p> <p>*The following may be used for inserts: Toll-free telephone #: (888) 370-7589 Web site Address: www.bppe.ca.gov</p>	

15	<p>The catalog shall contain specific required language that addresses transferability of credits and credentials. (CEC §94909(a)(15))</p> <p>"NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS EARNED AT OUR INSTITUTION"</p> <p>"The transferability of credits you earn at <i>(insert name of institution)</i> is at the complete discretion of an institution to which you may seek to transfer. Acceptance of the <i>(insert degree, diploma, or certificate)</i> you earn in <i>(insert name of educational program *)</i> is also at the complete discretion of the institution to which you may seek to transfer. If the <i>(insert credits or degree, diploma, or certificate)</i> that you earn at this institution are not accepted at the institution to which you seek to transfer, you may be required to repeat some or all of your coursework at that institution. For this reason you should make certain that your attendance at this institution will meet your educational goals. This may include contacting an institution to which you may seek to transfer after attending <i>(insert name of institution)</i> to determine if your <i>(insert credits or degree, diploma or certificate)</i> will transfer."</p> <p><i>*If institution offers more than one educational program, "the educational program" may be inserted.</i></p>	
16	<p>The catalog shall contain:</p> <ul style="list-style-type: none"> admission policies, including the policies regarding acceptance of credits earned at other institutions or through challenge examinations and achievement tests, requirements for ability-to-benefit students, and a list describing any transfer or articulation agreements between the institution and any other college or university that provides for the transfer of credits earned in the program of instruction. <i>If the institution has not entered into an articulation or transfer agreement with any other college or university, the institution shall disclose that fact.</i> <p>(CEC §94909(a)(8)(A), and 5,CCR §71770)</p>	
17	<p>The catalog shall contain the institution's policies and procedures for the award of credit for prior experiential learning, including assessment policies and procedures, provisions for appeal, and all charges that a student may be required to pay. (5,CCR §71810(b)(7) and 5,CCR §71770(c))</p>	
18	<p>If the institution admits students from other countries, the catalog shall specify whether visa services are provided or whether the institution will vouch for student status, and any associated charges; (5,CCR §71810(b)(3))</p>	

	<p>The catalog shall contain language proficiency information, including the level of English language proficiency required of students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted; and whether English language services, including instruction such as ESL, are provided and, if so, the nature of the service and its cost;</p> <p>(5,CCR §71810(b)(4))</p>	
	<p>The catalog shall contain whether any instruction will occur in a language other than English and, if so, the level of proficiency required and the kind of documentation of proficiency, such as the United States Foreign Service Language Rating System, that will be accepted;</p> <p>(5,CCR §71810(b)(5))</p>	
19	<p>The catalog shall contain:</p> <p>a description of the programs offered and a description of the instruction provided in each of the courses offered by the the requirements for completion of each program, including required courses, any final tests or examinations, any required internships or externships, and the total number of credit hours, clock hours, or other increments required for completion.</p> <p>(CEC §94909(a)(5))</p>	
20	<p>The catalog shall contain a notice and a list of the requirements for eligibility for licensure, if the educational program is designed to lead to positions in a profession, occupation, trade, or career field requiring licensure in this state.</p> <p>(CEC §94909(a)(6))</p>	
21	<p>The catalog shall contain a statement specifying whether the institution or any of its degree programs are accredited by an accrediting agency recognized by the United States Department of Education.</p> <p>(CEC §94909(a)(16))</p>	
	<p>If the institution is unaccredited and offers a degree program, or is accredited and offers an unaccredited degree program, the statement shall disclose the known limitations of the degree program, including, but not limited to, all of the following:</p> <p>(A) Whether a graduate of the degree program will be eligible to sit for the applicable licensure exam in California and other states.</p> <p>(B) A degree program that is unaccredited or a degree from an unaccredited institution is not recognized for some employment positions, including, but not limited to, positions with the State of California.</p> <p>(C) That a student enrolled in an unaccredited institution is not eligible for federal financial aid programs.</p> <p>(CEC §94909(a)(16) and CEC §94897(p))</p>	<p>A)</p> <p>B)</p> <p>C)</p>

22	The catalog shall contain the schedule of total charges for a period of attendance AND an estimated schedule of total charges for the entire educational program. (CEC §94909(a)(9))	
23	The catalog shall contain a description of the student's rights and responsibilities with respect to the Student Tuition Recovery Fund (STRF). This statement shall specify that it is a state requirement that a student who pays his or her tuition is required to pay a state-imposed assessment for the STRF. This statement shall also describe the purpose and operation of the STRF and the requirements for filing a claim against the STRF. (CEC §94909(a)(14))	
	The catalog shall contain the specific required language related to the Student Tuition Recovery Fund (STRF). <i>See CCR §76215 for the full text of the law for required language.</i> (5,CCR §76215(a) and 5,CCR §76215(b))	
24	The catalog shall contain cancellation, withdrawal, and refund policies, including an explanation that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later. (CEC §94909(a)(8)(B))	
25	The catalog shall contain information regarding the faculty and their qualifications. (CEC §94909(a)(7))	
26	The catalog shall contain a statement reporting whether the institution participates in federal and state financial aid programs, and, if so, all consumer information that is required to be disclosed to the student pursuant to federal and state financial aid programs. (CEC §94909(a)(10))	
27	The catalog shall contain a statement specifying that, if a student obtains a loan to pay for an educational program, the student will have to repay the full amount of the loan plus interest, less the amount of any refund, and that, if the student receives federal student financial aid funds, the student is entitled to a refund of the moneys not paid from federal financial aid funds. (CEC §94909(a)(11))	
28	The catalog shall contain the institution's policies and practices, including required disclosures, regarding any form of financial aid. (5,CCR §71810(b)(6))	

29	The catalog shall contain the institution's standards for student achievement. (5,CCR §71810(b)(8))	
30	The catalog shall contain attendance policies. (CEC §94909(a)(8)(D))	
31	The catalog shall contain probation and dismissal policies. (CEC §94909(a)(8)(C))	
32	The catalog shall contain leave-of-absence policies. (CEC §94909(a)(8)(E))	
33	The catalog shall contain policies on student rights, including the procedure for addressing student grievances. (5,CCR §71810(b)(14))	
34	The catalog shall contain a description of all student services. (5,CCR §71810(b)(12))	
35	The catalog shall contain a description of the nature and extent of the placement services, if provided by the institution. (CEC §94909(a)(13))	
36	The catalog shall contain housing information to include all of the following: (A) Whether the institution has dormitory facilities under its control; (B) The availability of housing located reasonably near the institution's facilities and an estimation of the approximate cost or range of cost of the housing; and (C) If the institution has no responsibility to find or assist a student in finding housing, a clear and conspicuous statement so indicating. A statement that the program is "non- residential" does not satisfy this subparagraph. (5,CCR §71810 (b)(13)(A)(B)(C))	A) B) C)
37	The catalog shall contain policies on the retention of student records. (5,CCR §71810 (b)(15))	

38	If the institution offers distance education, the catalog shall contain the approximate number of days that will elapse between the institution's receipt of student lessons, projects, or dissertations and the institution's mailing of its response or evaluation. (5,CCR §71810 (b)(11))	
39	After an approval to operate has been granted, an institution that maintains an Internet Web site shall provide on that Internet Web site all of the following: (1) The school catalog (2) A School Performance Fact Sheet for each educational program offered by the institution. (3) Student brochures offered by the institution. (4) A link to the bureau's Internet Web Site. (5) The institution's most recent annual report submitted to the bureau. An institution shall include information concerning where students may access the bureau's Internet Web site anywhere the institution identifies itself as being approved by the bureau. (CEC §94913)	Compliant? 1) 2) 3) 4) 5)
	Please submit a copy of your institutions School Performance Fact Sheet (SPFS). (CEC §94910 and 5,CCR §74112)	Please provide your SPFS

To the best of my knowledge, I declare that the information submitted is true and correct.

Signature

Date

Printed Name and Title



Business, Consumer Services and Housing Agency
 Governor Edmund G. Brown Jr.
Bureau for Private Postsecondary Education
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
 P.O. Box 980818, West Sacramento, CA 95798-0818
 P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov



Enrollment Agreement Checklist

Name of Institution:	Application #:
Reviewer Name:	Institution Code:

Pursuant to the California Private Postsecondary Education Act of 2009 (CEC) and Title 5, Division 7.5 of the California Code of Regulations (5, CCR), an institution shall be in compliance with the enrollment agreement minimum requirements. The minimum requirements listed in the table below summarize relevant sections of the CEC and 5, CCR, or requests specific documentation in regards to the CEC and 5, CCR. Attached for your reference and convenience is the full text of those laws.

Instructions: For each numbered item listed in the table below:

1. Under "Enrollment Agreement Page No." write the page number(s) where the minimum requirement can be found in the enrollment agreement. If the minimum requirement is not applicable to your institution, write "N/A."
2. In your institution's enrollment agreement, indicate where each numbered minimum requirement is located, by writing and circling the corresponding "Item No." on the applicable enrollment agreement page;
3. Item Nos. 2, 3, and 22 are for your information and do not require a response; and
4. Complete and sign the declaration at the end of this document.

		Review Date
Item No.	Enrollment Agreement Minimum Requirements The Enrollment Agreement shall include CEC §94911 (§ references the section of the CEC and 5, CCR)	Enrollment Agreement Page No.
1	<p>Provide a separate statement indicating how you provide the enrollment agreement, disclosures and statements to students when they are unable to understand the terms and conditions of the enrollment agreement due to English not being their primary language.</p> <p>If you recruit, or intend to recruit, in a language other than English, please provide a copy of your enrollment agreement, disclosures, and statements in that language. (CEC §94906(a)(b))</p>	<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"> X </div>

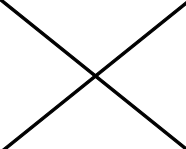
2	The enrollment agreement shall not contain a provision that requires a student to invoke an internal institutional dispute procedure before enforcing any contractual or other legal rights or remedies. (CEC §94907)	X
3	Any information required by the CEC to be included in the enrollment agreement shall be printed in at least the same size font as the majority of the text in that document. (CEC §94908)	X
4	The enrollment agreement shall include: the name of the institution and the name of the educational program, including the total number of credit hours, clock hours, or other increment required to complete the educational program. (CEC §94911(a))	
5	The enrollment agreement shall contain the following: (a) The name and address of the institution and the addresses where instruction will be provided. (b) Period covered by the enrollment agreement. (c) Program start date and scheduled completion date. (d) The date by which the student must exercise his or her right to cancel or withdraw, and the refund policy. (5,CCR §71800(a) through (d))	a) b) c) d)
6	The enrollment agreement shall contain the following: (e) Itemization of all institutional charges and fees including, as applicable: (1) Tuition; (2) registration fee (non-refundable); (3) equipment; (4) lab supplies or kits; (5) textbooks, or other learning media; (6) uniforms or other special protective clothing; (7) in-resident housing; (8) tutoring; (9) assessment fees for transfer of credits; (10) fees to transfer credits; (11) Student Tuition Recovery Fund fee (non-refundable); and	1) 2) 3) 4) 5) 6) 7) 8) 9) 10) 11)

	(12) any other institutional charge or fee. (f) Charges paid to an entity other than an institution that is specifically required for participation in the education program. (5,CCR §71800(e) through (f))	(12) f)
7	The enrollment agreement shall include a schedule of total charges, including a list of nonrefundable charges and the student's obligation to the Student Tuition Recovery Fund, clearly identified as a nonrefundable charge. (CEC §94911(b))	
8	The enrollment agreement shall include in underlined capital letters on the same page as the student's signature: <u>TOTAL CHARGES FOR THE CURRENT PERIOD OF ATTENDANCE;</u> <u>ESTIMATED TOTAL CHARGES FOR THE ENTIRE EDUCATIONAL PROGRAM; and</u> <u>THE TOTAL CHARGES THE STUDENT IS OBLIGATED TO PAY UPON ENROLLMENT.</u> (CEC §94911(c))	
9	The enrollment agreement and schedule of student charges shall include specific required language related to the Student Tuition Recovery Fund (STRF). <i>See CCR §76215 for the full text of the law for required language.</i> (5,CCR §76215(a) and 5,CCR §76215(b))	
10	The enrollment agreement shall include the following disclosures: (1) A clear and conspicuous caption, "STUDENT'S RIGHT TO CANCEL," under which it is explained that the student has the right to cancel and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later. (2) The institution's refund policy and a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds. (3) A description of the procedures that a student is required to follow to cancel the enrollment agreement or withdraw from the institution and obtain a refund. (CEC §94911(e)(1)(2)(3))	1) 2) 3)
11	The enrollment agreement shall include a statement specifying that, if the student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund. (CEC §94911(f))	

12	<p>The enrollment agreement shall include a statement specifying that, if the student defaults on a federal or state loan, both the following may occur:</p> <p>(1) The federal or state government or a loan guarantee agency may take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan.</p> <p>(2) The student may not be eligible for any other federal student financial aid at another institution or other government financial assistance until the loan is repaid.</p> <p>(CEC §94911(g)(1)(2))</p>	<p>1)</p> <p>2)</p>
13	<p>The enrollment agreement shall include the transferability disclosure that is required to be included in the school catalog. (CEC §94911(h) and §94909(a)(15))</p> <p style="text-align: center;">"NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS EARNED AT OUR INSTITUTION"</p> <p>"The transferability of credits you earn at (insert name of institution) is at the complete discretion of an institution to which you may seek to transfer. Acceptance of the (insert degree, diploma, or certificate) you earn in (insert name of educational program *) is also at the complete discretion of the institution to which you may seek to transfer. If the (insert credits or degree, diploma, or certificate) that you earn at this institution are not accepted at the institution to which you seek to transfer, you may be required to repeat some or all of your coursework at that institution. For this reason you should make certain that your attendance at this institution will meet your educational goals. This may include contacting an institution to which you may seek to transfer after attending (insert name of institution) to determine if your (insert credits or degree, diploma or certificate) will transfer."</p> <p>*If institution offers more than one educational program, only the program in which the student is enrolling must be listed.</p>	
14	<p>The enrollment agreement shall include specific required statements directing students to the Bureau for unanswered questions and for filing a complaint with the Bureau. (CEC §94911(j)(1)(2))</p> <p>"Any questions a student may have regarding this enrollment agreement that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (insert address *), www.bppe.ca.gov, (insert telephone number and fax number*)."</p>	

	<p>*The following may be used for inserts: Address: 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833 P.O. Box 980818, West Sacramento, CA 95798-0818 Telephone and Fax #'s: (888) 370-7589 or by fax (916) 263-1897 (916) 431-6959 or by fax (916) 263-1897</p> <p>"A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (888) 370-7589 toll-free or by completing a complaint form, which can be obtained on the bureau's internet web site www.bppe.ca.gov."</p> <p>*The following may be used for inserts: Toll-free telephone #: (888) 370-7589 Web site Address: www.bppe.ca.gov</p>	
15	<p>The enrollment agreement shall include specific required statements and a line for the student to initial. (CEC §94911(i)(1)(2))</p> <p>(1) "Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates, placement rates, license examination passage rates, and salaries or wages, and the most recent three-year cohort default rate, if applicable, prior to signing this agreement."</p> <p>(2) Immediately following the statement required by paragraph (1), a line for the student to initial, including the following statement: "I certify that I have received the catalog, School Performance Fact Sheet, and information regarding completion rates, placement rates, license examination passage rates, and salary or wage information, and the most recent three-year cohort default rate, if applicable, included in the School Performance Fact sheet, and have signed, initialed, and dated the information provided in the School Performance Fact Sheet."</p>	
16	<p>A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution. (CEC §94902(a))</p>	

17	<p>The enrollment agreement shall include a clear and conspicuous statement that the enrollment agreement is legally binding when signed by the student and accepted by the institution. (CEC §94911(d))</p>	
18	<p>The enrollment agreement shall include a specific required statement above the space for the student's signature. (CEC §94911(k))</p> <p>"I understand that this is a legally binding contract. My signature below certifies that I have read, understood, and agreed to my rights and responsibilities, and that the institution's cancellation and refund policies have been clearly explained to me."</p>	
19	<p>An institution extending credit or lending money to an individual for institutional and noninstitutional charges for an educational program shall cause any note, instrument, or other evidence of indebtedness taken in connection with that extension of credit or loan to be conspicuously marked on its face in at least 12-point type with the following notice: (CEC §94916)</p> <p style="text-align: center;">"NOTICE"</p> <p>"YOU MAY ASSERT AGAINST THE HOLDER OF THE PROMISSORY NOTE YOU SIGNED IN ORDER TO FINANCE THE COST OF THE EDUCATIONAL PROGRAM ALL OF THE CLAIMS AND DEFENSES THAT YOU COULD ASSERT AGAINST THIS INSTITUTION, UP TO THE AMOUNT YOU HAVE ALREADY PAID UNDER THE PROMISSORY NOTE."</p>	
	<p>A note, instrument, or other evidence of indebtedness relating to payment for an educational program is not enforceable by an institution unless, at the time of execution of the note, instrument, or other evidence of indebtedness, the institution held an approval to operate. (CEC §94917)</p>	X
	<p>In making consumer loans to students, an institution shall also comply with the requirements of the Federal Truth in Lending Act pursuant to Title 15 of the United States Code. (CEC §94918)</p>	X
20	<p>The enrollment agreement shall disclose that an institution offering a distance educational program where the instruction is not offered in real time shall transmit the first lesson and any materials to any student within seven days after the institution accepts the student for admission. (5,CCR §71716(a))</p>	

21	<p>For institutions offering a distance educational program where the instruction is not offered in real time, the enrollment agreement shall disclose that the student shall have the right to cancel the enrollment agreement and receive a full refund before the first lesson and materials are received. Cancellation is effective on the date written notice of cancellation is sent. The institution shall make the refund pursuant to section 71750 of the Regulations. If the institution sent the first lesson and materials before an effective cancellation notice was received, the institution shall make a refund within 45 days after the student's return of the materials.</p> <p>(5,CCR §71716(b))</p>	
22	<p>For institutions offering a distance educational program where the instruction is not offered in real time, the enrollment agreement shall disclose that (1) An institution shall transmit all lessons and materials to the student if the student has fully paid for the educational program and, after having received the first lesson and initial materials, requests in writing that all of the material be sent. (2) If an institution transmits the balance of the material as the student requests, the institution shall remain obligated to provide the other educational services it agreed to provide, but shall not be obligated to pay any refund after all of the lessons and material are transmitted.</p> <p>(5,CCR §71716(c)(1)(2))</p>	
23	<p>For institutions offering a distance educational program where the instruction is not offered in real time, the enrollment agreement shall disclose the institution's and students' rights and duties under 5, CCR §71716(a)(b)(c).</p> <p>(5,CCR §71716(d))</p>	

To the best of my knowledge, I declare that the information submitted is true and correct.

Signature

Date

Printed Name and Title



Enforcement Frequently Asked Questions

1. Who May File a Complaint Against a Private Postsecondary School?

A complaint may be filed by any person who has good reason to believe that a school is not in compliance with Bureau standards and requirements. This includes, and is not limited to, current and former students of the school, prospective students, other schools, governmental agencies, and members of the public.

2. Must a School have Specific Procedures Established for Responding to Complaints?

The Bureau recommends all applicant and approved schools to establish a complaint policy and process for the purpose of responding to and addressing complaints filed against the school. The policy and process should establish how the school will respond and address complaints filed by a student directly with the Bureau or internally with the school and also how the school will respond and address complaints filed against the school with the Bureau.

3. What Types of Complaints does the Bureau Accept?

All complaints filed with the Bureau are accepted. Each complaint is reviewed to determine if the allegations reasonably suggest that a school may not be in compliance with applicable laws. If the allegations are non-jurisdictional, the Bureau will refer the complaint and/or the complainant to the appropriate entity with jurisdiction over the subject matter.

4. Will the Bureau Inform the School that a Complaint was Filed Against It?

If a complaint sets forth allegations that reasonably suggest that a school may not be in compliance with applicable laws, the Bureau will inform the school that a complaint was filed against it, along with the suggested allegations.

If a complaint sets forth allegations that are non-jurisdictional, the Bureau will not inform the school of the complaint.

5. How Does the Bureau Process a Complaint?

a. The Bureau conducts an initial review of the complaint to determine whether it sets forth information or allegations that reasonably suggest a school may not be in compliance with applicable laws.

i. Where issues of compliance with applicable laws are not central to the complaint, the Bureau will refer the complaint and/or the complainant to the appropriate federal or state agency or private entity with jurisdiction over the subject matter of the complaint.

ii. Complaints that seek a resolution with a school (e.g., lack of job placement, lack of training, untimely refund, etc.) are typically handled through a mediation process. Through a third-party mediator, the allegations in the complaint are addressed with both the complainant and the school, working toward a resolution that is mutually acceptable to both parties.

iii. Complaints that do not set forth information or allegations that reasonably suggest a school may be out of compliance with applicable laws are closed.

b. If additional information or clarification from the complainant is required, the Bureau will send a request to the complainant.

c. If the Bureau determines the allegations and/or information reasonably suggest a school may not be in compliance with applicable laws, the Bureau will conduct an investigation into the validity of the allegations. The various methods of investigation include:

i. **Desk Investigation:** The Bureau will notify the school that a complaint was filed against it. The notice will summarize the allegations, identify the applicable laws that were allegedly violated, and advise the school of the deadline for a response.

ii. **Onsite Investigation:** The Bureau will conduct an onsite investigation to gather relevant information and documentation. The onsite investigation may be announced or unannounced. For announced onsite investigations, the school will be provided prior notice that a complaint was filed, including a summary of the allegations and applicable laws that were allegedly violated. For unannounced onsite investigations, the school will be informed of the allegations and alleged violations at the time of the onsite visit.

iii. **Undercover Investigation:** In some cases, the Bureau may determine the alleged violations of applicable laws warrant unannounced undercover investigation. The school is not notified prior to or during the investigation.

d. The Bureau may, at any time, request additional information from the complainant or the school that is deemed to be necessary for the resolution of the complaint. A reasonable time limit for replying to such requests may be imposed.

6. What Types of Actions does the Bureau Take on a Complaint?

a. If at the conclusion of investigation the Bureau determines the information and evidence do not establish noncompliance with applicable laws, the Bureau will consider the matter of the complaint closed.

b. If at the conclusion of investigation the Bureau determines the information and evidence establish noncompliance with applicable laws, the Bureau can take appropriate administrative enforcement action pursuant to *California Education Code, title 3, Division 10, Part 59, Chapter 8, Article 18*. Enforcement action may include, but is not limited to, citation & fine, citation & fine with order of abatement, suspension, probation, and revocation of an institution's approval to operate.

c. The allegations raised by a complainant that have been closed by the Bureau will not be subject to further review or reconsideration unless subsequent complaints against the school raise new issues or suggest a pattern of significant noncompliance with applicable laws not evident from the consideration of the previously closed complaint.

7. Are Complaints Posted to the Bureau Website?

Complaints are not posted on the Bureau Website. If the Bureau takes administrative enforcement action against a school, the **enforcement action** (e.g., citation & fine order of abatement, accusation) will be posted to the Bureau's website.

8. Where Can I Find Information on the Laws Governing Private Postsecondary Schools?

The California Private Postsecondary Education Act of 2009 and corresponding regulations are posted on the Bureau's website at www.bppe.ca.gov/lawsregs/index.shtml.

Enrollment Agreement Minimum Requirements

Ed. Code §94902(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution.

Ed. Code §94906

(a) An enrollment agreement shall be written in language that is easily understood. If English is not the student's primary language, and the student is unable to understand the terms and conditions of the enrollment agreement, the student shall have the right to obtain a clear explanation of the terms and conditions and all cancellation and refund policies in his or her primary language.

(b) If the recruitment leading to enrollment was conducted in a language other than English, the enrollment agreement, disclosures, and statements shall be in that language.

Ed. Code §94907 An enrollment agreement shall not contain a provision that requires a student to invoke an internal institutional dispute procedure before enforcing any contractual or other legal rights or remedies.

Ed. Code §94908 Any information or statement required by this article to be included in the catalog, School Performance Fact Sheet, or enrollment agreement shall be printed in at least the same size font as the majority of the text in that document.

Ed. Code §94909

(a) Prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:

(15) The following statement:

"NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS EARNED AT OUR INSTITUTION"

"The transferability of credits you earn at (name of institution) is at the complete discretion of an institution to which you may seek to transfer. Acceptance of the (degree, diploma, or certificate) you earn in (name of educational program) is also at the complete discretion of the institution to which you may seek to transfer. If the (credits or degree, diploma, or certificate) that you earn at this institution are not accepted at the institution to which you seek to transfer, you may be required to repeat some or all of your coursework at that institution. For this reason you should make certain that your attendance at this institution will meet your educational goals. This may include contacting an institution to which you may seek to transfer after attending (name of institution) to determine if your (credits or degree, diploma or certificate) will transfer."

Ed. Code §94911 An enrollment agreement shall include, at a minimum, all of the following:

(a) The name of the institution and the name of the educational program, including the total number of credit hours, clock hours, or other increment required to complete the educational program.

Ed. Code §94911 An enrollment agreement shall include, at a minimum, all of the following:

(b) A schedule of total charges, including a list of any charges that are nonrefundable and the student's obligations to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges.

Ed. Code §94911 An enrollment agreement shall include, at a minimum, all of the following:

(c) In underlined capital letters on the same page of the enrollment agreement in which the student's signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment.

Ed. Code §94911 An enrollment agreement shall include, at a minimum, all of the following:

(d) A clear and conspicuous statement that the enrollment agreement is legally binding when signed by the student and accepted by the institution.

Ed. Code §94911 An enrollment agreement shall include, at a minimum, all of the following:

(e)(1) A disclosure with a clear and conspicuous caption, "STUDENT'S RIGHT TO CANCEL," under which it is explained that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later.

(2) The disclosure shall contain the institution's refund policy and a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds.

(3) The text shall also include a description of the procedures that a student is required to follow to cancel the enrollment agreement or withdraw from the institution and obtain a refund.

Ed. Code §94911 An enrollment agreement shall include, at a minimum, all of the following:

(f) A statement specifying that, if the student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund.

Ed. Code §94911 An enrollment agreement shall include, at a minimum, all of the following:

(g) A statement specifying that, if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, both of the following may occur:

(1) The federal or state government or a loan guarantee agency may take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan.

(2) The student may not be eligible for any other federal student financial aid at another institution or other government assistance until the loan is repaid.

Ed. Code §94911 An enrollment agreement shall include, at a minimum, all of the following:

(h) The transferability disclosure that it is required to be included in the school catalog, as specified in paragraph (15) of subdivision (a) of section 94909.

Ed. Code §94911 An enrollment agreement shall include, at a minimum, all of the following:

(i)(1) The following statement: "Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates, placement rates, license examination passage rates, salaries or wages, and the most recent three-year cohort default rate, if applicable, prior to signing this agreement."



Carrington College - Sacramento Campus

8909 Folsom Boulevard
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 Phone: (916) 361-1660
 Fax: (916) 361-6666
 Website: www.carrington.edu

School Performance Fact Sheet

2013 & 2014 Calendar Years
 Veterinary Technology - Associate of Science Degree - (88 Weeks)

On-Time Completion Rates

Calendar Year	Number of Students Who Began Program ¹	Students Available for Graduation ²	Graduates ³	Completion Rate ⁴
2013	61	60	19	31.7%
2014	93	93	14	15.1%

Students Completing After Published Program Length (101-150% Completion Rate)

Calendar Year	Number of Students Who Began Program ¹	Students Available for Graduation ²	150% Graduates ⁵	150% Completion Rate ⁶
2013	61	60	9	15.0%
2014	93	93	37	39.8%

Student's Initials: _____ Date: _____

Placement Rates

Calendar Year	Number of Students Who Began Program ¹	Number of Graduates ³	Graduates Available for Employment ⁷	Graduates Employed in the Field ⁸	Placement Rate Employed in the Field ⁹	Graduates Employed in the Field an average of less than 32 hours per week	Graduates Employed in the Field at least 32 hours per week
2013	61	19	19	17	89.5%	1	16
2014	93	14	14	13	92.9%	1	12

Students are entitled to a list of the job classifications considered to be in the field of this educational program.
 To obtain this list, please ask an institutional representative.

Student's Initials: _____ Date: _____



Examination Passage Rates (for licensure examinations not continuously administered)

Number of Students Taking Exam ¹⁰	Exam Date ¹¹	Number Who Passed Exam	Number Who Failed Exam	Passage Rate ¹²
N/A	N/A	N/A	N/A	N/A

License Examination Passage Rates (continually administered examinations)

Calendar Year	Number of Students Taking Exam ¹⁰	Number Who Passed First Exam Taken ¹³	Number Who Failed First Exam Taken	Passage Rate ¹²
2013	N/A	N/A	N/A	N/A
2014	N/A	N/A	N/A	N/A

The amounts per year represent the combined total of all testing options for this program.

Student's Initials: _____ Date: _____

Salary and Wage Information (includes data for the two calendar years prior to reporting)

Calendar Year	Graduates Available for Employment ⁷	Graduates Employed in Field ⁸
2013	19	17
2014	14	13

Annual Salary and Wages Reported Graduates Employed in the Field ¹⁴							
2013				2014			
Less Than \$20,000	4	\$20,001 - \$25,000	9	Less Than \$20,000	0	\$20,001 - \$25,000	10
\$25,001 - \$30,000	4	\$30,001 - \$35,000	0	\$25,001 - \$30,000	1	\$30,001 - \$35,000	0
\$35,001 - \$40,000	0	\$40,001 - \$45,000	0	\$35,001 - \$40,000	0	\$40,001 - \$45,000	0
\$45,001 - \$50,000	0	\$50,001 - \$55,000	0	\$45,001 - \$50,000	0	\$50,001 - \$55,000	0
\$55,001 - \$60,000	0	\$60,001 - \$65,000	0	\$55,001 - \$60,000	0	\$60,001 - \$65,000	0
\$65,001 - \$70,000	0	\$70,001 - \$75,000	0	\$65,001 - \$70,000	0	\$70,001 - \$75,000	0
\$75,001 or More	0	Salary Not Reported	0	\$75,001 or More	0	Salary Not Reported	2



CARRINGTON COLLEGE®

Students are entitled to a list of the objective sources of information used to substantiate the salary disclosure. To obtain this list, please ask an institutional representative where to view this list.

Student's Initials: _____ Date: _____

Student Loan Information

The Cohort Default Rate (CDR) represents the percentage of this institution's students that failed to make required payments on their federal loans within three years of when they were required to begin repayment of that loan. The most recent three-year cohort default rate reported by the U.S. Department of Education for this institution is 23.2 %.

The percentage of the students who attended this institution in 2013-14, who received federal student loans to help pay their cost of education at the school was 61 %.

Student's Initials: _____ Date: _____

This fact sheet is filed with the Bureau for Private Postsecondary Education. Regardless of any information you may have relating to completion rates, placement rates, starting salaries, or license exam passage rates, this fact sheet contains the information as calculated pursuant to state law.

Any questions a student may have regarding this fact sheet that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at: P.O. Box 980818, West Sacramento, CA 95798-0818, www.bppe.ca.gov, P: 888.370.7589 or 916.431.6959, F: 916.263.1897.

I have read and understand this School Performance Fact Sheet. The School Performance Fact Sheet was reviewed and discussed with a school official prior to signing an enrollment agreement.

Student Name - Print

Student Signature

Date

School Official

Date



Definitions

¹ “Number of Students Who Began Program” means the number of students who began the program who are scheduled to complete the program within 100% of the published program length within the reporting calendar year, and includes all students who remained enrolled after their cancellation period.

² “Students available for graduation” is the number of students who began program minus the number of students who have died, been incarcerated, or been called to active military duty.

³ “Graduates” is the number of students who completed the program within 100% of the program length.

⁴ “Completion Rate” is the number of Graduates divided by the Number of Students Available for Graduation.

⁵ “150% Graduates” is the number of students who completed within 101-150% of the program length.

⁶ “150% Completion Rate” is the number of students who completed the program in the reported calendar year within 101-150% of the published program length divided by the Number of Students Available for Graduation in the published program length period.

⁷ “Graduates available for employment” means the number of graduates minus the number of graduates unavailable for employment. “Graduates unavailable for employment” means the graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education in an accredited or bureau-approved postsecondary institution.

⁸ “Graduates employed in the field” means graduates who are gainfully employed in a single position for which the institution represents the program prepares its graduates within six months after a student completes the applicable educational program. For occupations for which the state requires passing an examination, the period of employment must begin within six months of the announcement of the examination results for the first examination available after a student completes an applicable educational program.

⁹ “Placement Rate Employed in the Field” is calculated by dividing the number of graduates gainfully employed in the field by the number of graduates available for employment.

¹⁰ Number of Students Taking Exam is the number of students who completed the program within 150% of the published program length and who took the exam in the reported calendar year for the first time.

¹¹ Exam Date is the date for the first available exam after the students completed the program.

¹² Passage Rate is calculated by dividing the number of students who passed the exam by the number of graduates who took the reported licensing exam.

¹³ Number Who Passed First Exam Taken is the number of students who took and passed the licensing exam in the reported calendar year on the first attempt.

¹⁴ Salary is as reported by the student. Not all graduates report salary. A list of the employers of the Graduates Employed in the Field can be obtained from Career Services Department.

**SCHOOL PERFORMANCE FACT SHEET
2013 & 2014 CALENDAR YEARS
Veterinary Assistant – 720 clock hours**

On-Time Completion Rates

Calendar Year	Number of Students Who Began Program ¹	Students Available for Graduation ²	Graduates ³	Completion Rate ⁴
2013	181	181	131	72%
2014	172	172	124	72%

Students Completing After Published Program Length (101-150% Completion Rate)

Calendar Year	Number of Students Who Began Program ¹	Students Available for Graduation ²	150% Graduates ⁵	150% Completion Rate ⁶
2013	181	181	14	8%
2014	172	172	19	11%

Initials: _____ Date _____

Placement Rates

Calendar Year	Number of Students Who Began Program ¹	Number of Graduates ³	Graduates Available for Employment ⁷	Graduates Employed in the Field ⁸	Placement Rate % Employed in the Field ⁹	Graduates Employed in the Field an average of less than 32 hours per week	Graduates Employed in the Field at least 32 hours per week
2013	181	131	99	79	80%	2	77
2014	172	124	103	91	88%	0	91

Students are entitled to a list of the job classifications considered to be in the field of this educational program. To obtain this list, please ask an institutional representative or you can review the list of the institution's website at <http://www.pmi.edu/jobclassifications>.

Initials: _____ Date _____



Examination Passage Rates (for licensure examinations not continuously administered)

# Taking Exam ¹⁰	Exam Date ¹¹	# Who Passed Exam	# Who Failed Exam	Passage Rate ¹²
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A

License Examination Passage Rates (continually administered examinations)

Calendar Year	# Taking Exam ¹⁰	# Who Passed First Exam ¹³	# Who Failed First Exam	Passage Rate ¹²
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A

Initials: _____ Date _____ I have read and understand the above license examination rates.

Salary and Wage Information (includes data for the two calendar years prior to reporting)

Calendar Year	Grads Available for Employment ⁷	Grads Employed in Field ⁸	Annual Salary and Wages Reported by Graduates Employed in the Field ¹⁴											Students not Reporting Salary
			\$15,000 to \$20,000	\$20,001 to \$25,000	\$25,001 to \$30,000	\$30,001 to \$35,000	\$35,001 to \$40,000	\$40,001 to \$45,000	\$45,001 to \$50,000	\$50,001 to \$55,000	\$55,001 to \$60,000	\$60,001 to \$65,000		
2013	99	79	36	35	4	1	0	1	0	0	0	0	0	2
2014	103	91	38	41	10	2	0	0	0	0	0	0	0	0

Students are entitled to a list of the objective sources of information used to substantiate the salary disclosure. To obtain this list, please ask an institutional representative where to view this list.

Initials: _____ Date _____

Student Loan Information

The Cohort Default Rate (CDR) represents the percentage of this institution's students that failed to make required payments on their federal loans within three years of when they were required to begin repayment of that loan. The most recent three-year cohort default rate reported by the U.S. Department of Education for this institution is 2012 - 9.5%.

The percentage of the students who attended this institution in 07/01/14 - 06/30/15, who received federal student loans to help pay their cost of education at the school was 82%.

Initials: _____ Date _____



This fact sheet is filed with the Bureau for Private Postsecondary Education. Regardless of any information you may have relating to completing rates, placement rates, starting salaries, or license exam passage rates, this fact sheet contains the information as calculated pursuant to state law.

Any questions a student may have regarding this fact sheet that have not been satisfactorily answered by the institution may be directed to the Bureau for Postsecondary Education at: P.O. Box 980818, West Sacramento, CA 95798-0818, www.bppe.ca.gov, P: 888.370.7589 or 916.431.6959, F: 916.263.1897

I have read and understand this School Performance Fact Sheet. The School Performance Fact Sheet was reviewed and discussed with a school official prior to signing an enrollment agreement.

Student Name - Print

Student Signature

Date

School Official

Date

Definitions

¹ "Number of Students Who Began Program" means the number of students who began the program who are scheduled to complete the program within the reporting calendar year.

² "Students available for graduation" is the number of students who began program minus the number of students who have died, been incarcerated, or been called to active military duty.

³ "Graduates" is the number of students who completed the program within 100% of the program length.

⁴ "Completion Rate" is the number of Graduates divided by the Number of Students Available for Graduation.

⁵ "150% Graduates" is the number of students who completed within 101-150% of the program length.

⁶ "150% Completion Rate" is the number of students who completed the program in the reported calendar year within 101-150% of the published program length divided by the Number of Students Available for Graduation in the published program length period.

⁷ "Graduates Available for Employment" means the number of graduates minus the number of graduates unavailable for employment. "Graduates unavailable for employment" means the graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education in an accredited or bureau-approved postsecondary institution.



Pima Medical Institute

780 Bay Blvd., Suite 101, Chula Vista, CA 91910
P 619-425-3200 - F 619-425-3450 - www.pmi.edu

⁸ "Graduates Employed in the Field" means graduates who are gainfully employed in a single position for which the institution represents the program prepares its graduates within six months after a student completes the applicable education program. For occupations for which the state requires passing an examination, the period of employment must begin within six months of the announcement of the examination results for the first examination available after a student completes an applicable educational program.

⁹ "Placement Rate Employed in the Field" is calculated by dividing the number of graduates gainfully employed in the field by the number of graduates available for employment.

¹⁰ "Number of Students Taking Exam" is the number of students who completed the program within 150% of published program length and who took the exam in the reported calendar year for the first time.

¹¹ "Exam Date" is the date for the first available exam after the students completed the program.

¹² "Passage Rate" is calculated by dividing the number of students who passed the exam by the number of graduates who took the reported licensing exam.

¹³ "Number Who Passed First Exam Taken" is the number of students who took and passed the licensing exam in the reported calendar year on the first attempt.

¹⁴ Salary is as reported by the student. Not all graduates report salary. A list of the employers of the Graduates Employed in the Field can be obtained from the Campus Director or Associate Director.

SCHOOL PERFORMANCE FACT SHEET
2013 & 2014 CALENDAR YEARS
 Veterinary Technician – 1040 clock hours

On-Time Completion Rates

Calendar Year	Number of Students Who Began Program ¹	Students Available for Graduation ²	Graduates ³	Completion Rate ⁴
2013	63	63	40	63%
2014	74	74	44	59%

Students Completing After Published Program Length (101-150% Completion Rate)

Calendar Year	Number of Students Who Began Program ¹	Students Available for Graduation ²	150% Graduates ⁵	150% Completion Rate ⁶
2013	63	63	9	14%
2014	74	74	14	19%

Initials: _____ Date _____

Placement Rates

Calendar Year	Number of Students Who Began Program ¹	Number of Graduates ³	Graduates Available for Employment ⁷	Graduates Employed in the Field ⁸	Placement Rate % Employed in the Field ⁹	Graduates Employed in the Field an average of less than 32 hours per week	Graduates Employed in the Field at least 32 hours per week
2013	63	40	38	34	89%	33	1
2014	74	44	44	42	95%	0	42

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Initials: _____ Date _____



Examination Passage Rates (for licensure examinations not continuously administered)

# Taking Exam ¹⁰	Exam Date ¹¹	# Who Passed Exam	# Who Failed Exam	Passage Rate ¹²
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A

License Examination Passage Rates (continually administered examinations)

Calendar Year	# Taking Exam ¹⁰	# Who Passed First Exam ¹³	# Who Failed First Exam	Passage Rate ¹²
2013	29	21	8	72%
2014	34	22	12	65%

Initials: _____ Date _____

Salary and Wage Information (includes data for the two calendar years prior to reporting)

Calendar Year	Grads Available for Employment ⁷	Grads Employed in Field ⁸	Annual Salary and Wages Reported by Graduates Employed in the Field ¹⁴											Students not Reporting Salary
			\$15,000 to \$20,000	\$20,001 to \$25,000	\$25,001 to \$30,000	\$30,001 to \$35,000	\$35,001 to \$40,000	\$40,001 to \$45,000	\$45,001 to \$50,000	\$50,001 to \$55,000	\$55,001 to \$60,000	\$60,001 to \$65,000		
2013	38	34	2	18	10	3	0	0	0	0	0	0	0	1
2014	44	42	2	17	18	4	1	0	0	0	0	0	0	0

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Initials: _____ Date _____

Student Loan Information

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Initials: _____ Date _____



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I have read and understand this School Performance Fact Sheet. The School Performance Fact Sheet was reviewed and discussed with a school official prior to signing an enrollment agreement.

Student Name - Print

Student Signature

Date

School Official

Date

Definitions

- ¹ "Number of Students Who Began Program" means the number of students who began the program who are scheduled to complete the program within the reporting calendar year.
- ² "Students available for graduation" is the number of students who began program minus the number of students who have died, been incarcerated, or been called to active military duty.
- ³ "Graduates" is the number of students who completed the program within 100% of the program length.
- ⁴ "Completion Rate" is the number of Graduates divided by the Number of Students Available for Graduation.
- ⁵ "150% Graduates" is the number of students who completed within 101-150% of the program length.
- ⁶ "150% Completion Rate" is the number of students who completed the program in the reported calendar year within 101-150% of the published program length divided by the Number of Students Available for Graduation in the published program length period.
- ⁷ "Graduates Available for Employment" means the number of graduates minus the number of graduates unavailable for employment. "Graduates unavailable for employment" means the graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education in an accredited or bureau-approved postsecondary institution.



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¹⁴ Salary is as reported by the student. Not all graduates report salary. A list of the employers of the Graduates Employed in the Field can be obtained from the Campus Director or Associate Director.

STATUS OF PENDING VMB REGULATIONS

Veterinary Assistant Controlled Substances Permit (VACSP)	2034 et. seq.	Effective (August 1, 2016)	<p>June 2015 – Board approved language 9/4/15 – Published 45-day notice 10/19/15 – End of public comment period 11/5/15 – Published 15-day Notice of Extension of Public Comment Period November 2015 – Submitted to DCA Legal for Review/Approval March 2016 – Approved by DCA Budget Office May 2016 – Approved by Agency June 2016 – Approved by Department of Finance June 17, 2016 - Submitted to OAL for approval July 29, 2016 – Approved by OAL August 1, 2016 – Filed with the Secretary of State</p>
Civil Penalties for Citation	2043	Effective (October 1, 2016)	<p>3/20/15 – OAL Publication Date 5/4/15 – End of public comment period May 2015 – Submitted to DCA Legal for Review/Approval November 2015 – Submitted to Agency for Review/Approval February 2016 – Submitted to OAL for Approval March 2016 – Disapproved by OAL, 120 days to resubmit April 2016 – Submit language to Board for review/approval 4/26/16 – Publish 15-day notice of modified text May 19, 2016 –Re-submission package to DCA Director July 12, 2016 – Submitted to OAL for approval August 23, 2016 – Approved by OAL August 23, 2016 – Filed with the Secretary of State</p>
Animal Control Officer Training	2039.5	In Progress	<p>July 2014 – Board approved language July 2016 – Submit proposed language as amended to Board for review/approval 8/26/2016 – Publish 45-day notice 10/10/2016 – End of public comment period October 2016 – Submit to DCA Legal for review/approval</p>

CPEI (SB 1111)	TBD	DCA Leg/Reg Review	October 2014 – Board approved language January 2016 – Submitted to DCA Legal for review/approval October 2016 – Submit to DCA Leg/Reg for review/approval November 2016 – Publish 45-day notice
Disciplinary Guidelines	2006	In Progress	January 2015 – Board approved language May 2015 – Disciplinary Guidelines Committee Meeting July 2015 – Submit language to Board for review/approval October 2015 – Board approved amended language November 2016 – Publish 45-day notice
Minimum Standards / Telemedicine	2032.1	In Progress	February 2015 – MDC approved amendments to Minimum Standards language April 2015 – Board approved language
RVT Alternate Route School Approval	2068.5	In Progress	February 2015 – MDC approved amended language and forwarded to Board for discussion. July 2015 – Board approved language
RVT Student Exemption (BPC 4841.1)	TBD	In Progress	July 2015 – MDC approved amended language and forwarded to Board for discussion. October 2015 – Board approved language
Uniform Standards for Abuse (SB 1441)	2006, 2006.5, and 2076	In Progress	October 2014 – Board approved language April 2015 – On hold per Legal March 2016 – Hold removed per Legal, approved to continue with rulemaking file
RVT AVMA School Approval	2064-2066	In Progress	July 2016 – Board approved language
MDC			
Shelter Medicine	TBD	TBD	September 2015 – CVMA task force meetings begin
Animal Rehabilitation	TBD	TBD	November 2015 – Rulemaking file withdrawn from OAL January 2016 – Discussion on hold per Board pending Sunset Review June 2016 – 1 st Task Force meeting held in Sacramento, CA 10/4/2016 – 2 nd Task Force meeting held in Sacramento, CA

Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board- Proposed Changes

Adopted by the Board on July 20, 2016

§ 2064. Approval of Schools Accredited by the American Veterinary Medical Association

All schools or degree programs ~~fully accredited~~ ~~accredited~~ by the American Veterinary Medical Association (AVMA) shall be deemed approved by the board for the purposes of section 4843 of the Code. ~~to have met the minimum requirements of section 2065(a), (b), (d), and (e).~~ Such schools and degree programs shall also be exempt from the initial inspection requirements of section 2065.7(a). Re-approval inspections shall be at the discretion of the board. All other requirements of section 2065, and all other sections applicable to schools or degree programs seeking board approval, continue to apply and must be demonstrated in the school's or degree program's application for board approval. Nothing in this section shall be construed to prohibit the board from disapproving or withdrawing approval from any school or degree program not complying with the requirements of this division or of any provision of the Veterinary Medicine Practice Act. Approval under this section shall automatically terminate upon loss of accreditation by the AVMA.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065. Minimum Requirements for Approved Schools or Degree Programs.

Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements:

(a) The curriculum shall consist of:

- (1) a minimum of 600 hours of classroom instruction,
- (2) a minimum of 200 hours of clinical instruction, and
- (3) an externship consisting of at least 200 hours.

(b) The curriculum shall cover applicable safety training in all coursework. Coursework shall include the following:

- (1) Principles of anatomy and physiology,
- (2) Biology and chemistry,
- (3) Applied mathematics,
- (4) Orientation to the vocation of veterinary technology,
- (5) Ethics and jurisprudence in veterinary medicine including applicable regulatory requirements,
- (6) Anesthetic nursing and monitoring including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,
- (7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,
- (8) Animal nutrition and feeding,
- (9) Client communication,
- (10) Dental care of companion and laboratory animals including prophylaxis and extractions,
- (11) Diseases and nursing management of companion, food, and laboratory animals including zoonoses,
- (12) Emergency and critical care nursing,

- (13) Laboratory procedures to include clinical biochemistry, cytology, hematology, immunology, basic microbiology, parasitology, and urine analysis testing,
 - (14) Imaging to include radiography, basic endoscopy, ultrasound principles, and radiation safety principles,
 - (15) Medical terminology,
 - (16) Medical office management including medical record keeping and drug control,
 - (17) Basic necropsy techniques including specimen collection and handling,
 - (18) Pharmacology, and
 - (19) Surgical nursing and assisting including instrumentation, suturing, bandaging and splinting.
- (c) Each student shall be supervised during the externship or clinical rotation by a veterinarian or registered veterinary technician who is located at the site of the externship or clinical rotation. The school or degree program shall have a written agreement with the site that specifies the expectations and responsibility of the parties. A staff member of the school or degree program shall visit the site prior to beginning the externship or clinical rotation relationship and at least once annually following the initial inspection.
- (d) The library facilities of the school or degree program must be adequate for the conducting of the educational program.
- (e) The physical plant and equipment used for instruction in the academic teaching shall be adequate for the purposes intended.
- (f)(1) The faculty shall include a California licensed veterinarian employed by the school or degree program as an advisor, administrator, or instructor. Instructors shall include, but need not be limited to a California registered veterinary technician. If there is any change in the faculty, the board must be immediately notified.
- (2) Instructors shall be knowledgeable, current, skillful, and possess at least two years of experience in performing or teaching in the specialized area in which they are teaching. Each instructor shall have or currently be receiving training in current teaching methods. The school or degree program shall effectively evaluate the teaching ability of each instructor.
- (3) The school or degree program shall have a director who meets the requirements of subdivision (f)(2) and who shall hold a current active California license as a veterinarian or registration as an RVT. The director shall have a minimum of three years experience as a veterinarian or RVT. This shall include one year of experience in teaching, administration, or clinical supervision or a combination thereof within the last five years. The director shall have completed or be receiving course work in administration.
- (4) In the absence of a director, the school or degree program may appoint an interim director. The interim director shall meet the requirements of (f)(3), except that the interim director may have applied for, but not yet have received licensure or registration. The school or degree program shall not have an interim director for a period exceeding eighteen months.
- (g) The number of students enrolled shall be at a ratio to the number of faculty and size of the facilities which is not detrimental to the quality of education. When animal patients are used as part of the curriculum the ratio shall be adequate to protect the health and safety of the animal patients and the students, taking into consideration the species of animal being treated.
- (h) All students admitted shall possess a high school diploma or its equivalent.
- (i) The school or degree program shall be part of an institution that is approved by the Department of Consumer Affairs, Bureau for Private Postsecondary Education, or its successor agency, or accredited by a regional or national accrediting agency recognized by the United States Department of Education.
- (j) Every school or degree program shall be in compliance with the laws regulating the practice of veterinary medicine and the regulations adopted pursuant thereto.
- (k) Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of Business and Professions Code section 4853.

(l) The schools or degree programs shall provide each prospective student, prior to enrollment, with literature which discloses the school's or degree program's pass rate for first time candidates and the state average pass rate for first time candidates on the board's registered veterinary technician examination during the two-year period immediately preceding the student's proposed enrollment and a description of the requirements for registration as a registered veterinary technician.

(m) The schools or degree programs shall provide each prospective veterinary technology student prior to enrollment written information regarding transferability of the units they receive in the courses that they take and shall post the information at all times in a conspicuous location at its facility so that there is ample opportunity for the veterinary technology students to read the information.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4830, 4841.5, 4843 and 4853, Business and Professions Code.

§ 2065.5. School or Degree Program Approval.

(a) A school or degree program seeking board approval of its registered veterinary technician curriculum and facilities shall submit an application to the board on a form provided by the board.

(b) When the application for approval or re-approval of a registered veterinary technician curriculum includes an onsite inspection by the board or its designee, the school or degree program shall pay for the board's actual costs associated with conducting the onsite inspection, including, but not limited to, the inspection team's travel, food and lodging expenses.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5, 4842.5 and 4843, Business and Professions Code.

§ 2065.6. School and Degree Program Approval Process

The following procedures shall be applicable to a school or degree program applying to the board for initial approval of its registered veterinary technician curriculum in accordance with section 2065 of these rules:

(a) The board shall conduct a qualitative review and assessment of the school's or degree program's registered veterinary technician curriculum through a comprehensive onsite review process, performed by an inspection team impaneled by the board for that purpose.

(b) After reviewing the inspection team's evaluation report and recommendations, the board shall take one of the following actions:

(1) Grant provisional approval for a period not to exceed two years. An additional two-year provisional approval may be granted by the board for good cause.

(2) Disapprove the application.

(c) For a school or degree program that does not have AVMA accreditation, but offers a registered veterinary technician curriculum in accordance with section 2065, the board shall not grant full approval until the curriculum has been in operation under provisional approval for at least two years and the board has determined that the curriculum is in full compliance with the provisions of section 2065.

(d) For a school or degree program that has AVMA accreditation, if the board grants approval, it shall be full approval.

(e) For a school or degree program that has provisional or probationary AVMA accreditation, the board shall grant provisional approval on the same terms as all other schools or degree programs until such time as the AVMA grants full accreditation, at which time the board may grant the school or degree program full approval subject to compliance with section 2064.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.7. Inspections

(a) Where either provisional or full approval has been granted, the board shall conduct subsequent inspections every 4 years, notwithstanding other provisions of this section.

(b) The board may conduct an on-site inspection of a school or degree program which offers a registered veterinary technician curriculum in accordance with section 2065 where:

(1) It believes the school or degree program has substantially deviated from the standards for approval,

(2) For a period of two years the approved school's or degree program's yearly average pass rate on the registration examination falls below 10 percentage points of the state average pass rate for first time candidates for the registered veterinary technician examination.

(3) There has been change of director in charge of the curriculum for training registered veterinary technicians.

(c) Schools and degree programs ~~accredited~~ accredited by the American Veterinary Medical Association shall be exempt from the initial inspection. Inspections conducted for re-approval of such schools or degree programs shall be at the discretion of the board.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8. Probation

(a) The board may place a school or degree program on probation for a prescribed period of time not to exceed 2 years, in the following circumstances:

(1) The board determines that an approved school or degree program is not maintaining the standards for approval required by the board.

rate for the first time candidates who have taken the California RVT examination and the

(3) The use of false or misleading advertising.

(4) Aiding or abetting in any acts that are in violation of any of the provisions of this division or any provision of the Veterinary Medicine Practice Act.

(b) During the period of probation, the school or degree program shall be subject to special monitoring. The conditions for probation may include the submission of periodic reports as prescribed by the board and special visits by authorized representatives of the board to determine progress toward total compliance.

(c) The board may extend the probationary period for good cause.

(d) The school or degree program shall notify in writing all current and prospective students and employees of the probationary status.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8.1. Withdrawal of Approval

The board may withdraw its approval of any school or degree program in the following circumstances:

(a) The employment of fraud, misrepresentation, or deception in obtaining approval.

(b) If, at the end of a probationary period, the school or degree program has not eliminated the cause or causes for its probation to the satisfaction of the board.

(c) The board determines that the school or degree program has engaged in activities that are a danger to the health and safety of its students, staff, or animals.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8.2. Procedures for Probation or Withdrawal of Approval

Prior to taking any action to place a school or degree program on probation or withdrawing of the board's approval, the board shall provide the school or degree program due notice and an opportunity to be heard.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.8.3. Director Notification

(a) Every approved school or degree program shall be required to notify the board in writing of the departure of the director or interim director within 15 working days, and shall notify the board in writing of the appointment of any director or interim director within 15 working days.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2065.9. Reporting

Every school or degree program shall be required to submit to the board within sixty (60) days after the close of the school's or degree program's fiscal year a current course catalog with a letter outlining the following:

- (1) Any courses added/deleted or significantly changed from the previous year's curriculum;
- (2) Any changes in faculty, administration, or governing body; and
- (3) Any major change in the school's or degree program's facility.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2066. Out of State Schools.

(a) Candidates who have completed a course of study at a school or a degree program located outside of California and accredited by the AVMA shall be deemed to have completed the equivalent of a two-year curriculum in veterinary technology.

(b) Candidates seeking to apply to the board to take the exam in accordance with section 2010 and who have obtained their minimum educational requirements from a school or degree program located outside of California and not approved by the board shall demonstrate to the board, (1) that the education they have received is equivalent to educational requirements of section 2065(a) and (b), and, (2) that the school or degree program has been approved by a licensing body in the U.S. state, Canadian province or U.S. or Canadian territory. The burden to demonstrate educational equivalency is upon the candidate.

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

§ 2066.1 Unapproved In-State Schools

No candidate who has completed his or her course of study at a school or degree program located within the state that has not sought and been granted board approval shall be permitted to take either the national or state Veterinary Technician exams unless that candidate also meets the requirements of section 2068.5

Note: Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4843, Business and Professions Code.

Multidisciplinary Advisory Committee Assignments

October 2016

EXISTING PRIORITIES – Currently being addressed by MDC

- 1) **Evaluate Structure and Audit Enforcement Case Outcomes**
Complaint Process/Audit Taskforce -
~~*a. Expert Witness Subcommittee*~~
- 2) **Develop minimum standards for alternate premises (large animal, equine mobile, public and private shelter medicine, ambulatory, etc.)**
 - a. **Shelter Medicine Subcommittee**
- 3) **Review Business and Professions Code Section 4830(5) regarding veterinary student exemption, duties and supervision at a California veterinary university. (*Off –site surgery programs- should they be limited to 3rd/4th year students?*)**
 - (a) CCR Section 2027 Alternate pathway for Junior/Senior Students to obtain the RVT License
- 4) **Pursue "extended duty" for Registered Veterinary Technicians.**
 - a. **RVT Subcommittee**
- 5) **Develop regulations to implement the authorization for Veterinarians and RVTs under direct supervision to compound drugs.**
- 6) **Develop standards for on-site veterinary care at Rodeos.**
- 7) **Sedation vs Anesthesia – Definitions/Scope of Responsibility**

FUTURE PRIORITIES

- 8) **Develop Minimum Standards for Spay and Neuter Clinics**
- 9) **Minimum Standards for Mobile Specialists - Responsibility for Case Management**
- 10) **Drug Counseling/Risks and Side Effects**

Legislation

A. SB 1193 (HILL) – VETERINARY MEDICAL BOARD: EXECUTIVE OFFICER

CHAPTERED: 9/22/16

STATUS: Chaptered by Secretary of State. Chapter 484, Statutes of 2016.

BOARD POSITION: Support

(3) The Veterinary Medicine Practice Act provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs, and authorizes the board to appoint an executive officer, as specified.

Existing law repeals the provisions establishing the board and authorizing the board to appoint an executive officer as of January 1, 2017.

This bill would extend the operation of the board and the authorization of the board to appoint an executive officer until January 1, 2021. The bill would authorize a veterinarian or registered veterinary technician who is under the direct supervision of a licensed veterinarian to compound a drug for animal use pursuant to federal law and regulations promulgated by the board and would require those regulations to, at a minimum, address the storage of drugs, the level and type of supervision required for compounding drugs by a registered veterinary technician, and the equipment necessary for safe compounding of drugs.

The Veterinary Medicine Practice Act exempts certain persons from the requirements of the act, including a veterinarian employed by the University of California or the Western University of Health Sciences while engaged in the performance of specified duties. That act requires all premises where veterinary medicine, dentistry, and surgery is being practiced to register with the board. The Veterinary Medicine Practice Act makes a violation of any of its provisions punishable as a misdemeanor.

This bill would instead require a veterinarian engaged in the practice of veterinary medicine employed by the University of California or by the Western University of Health Sciences and engaged in the performance of specified duties to be licensed as a veterinarian in the state or be issued a university license, as specified. The bill would authorize an individual to apply for and be issued a university license if he or she meets certain requirements, including paying an application and license fee. The bill would require a university license, among other things, to automatically cease to be valid upon termination or cessation of employment by the University of California or the Western University of Health Sciences. The bill would also prohibit a premise registration that is not renewed within 5 years after its expiration from being renewed, restored, reissued, or reinstated; however, the bill would authorize a new premise registration to be issued to an applicant if no fact, circumstance, or condition exists that would justify the revocation or suspension of the registration if the registration was issued and if specified fees are paid. By requiring additional persons to be licensed under the act that were previously exempt,

the bill would expand the definition of an existing crime and, therefore, would result in a state-mandated local program.

The Veterinary Medicine Practice Act requires all fees collected on behalf of the board to be deposited into the Veterinary Medical Board Contingent Fund, which continuously appropriates fees deposited into the fund.

This bill would provide that the Veterinary Medical Board Contingent Fund is available for expenditure only upon an appropriation by the Legislature.

(4) This bill would incorporate additional changes in Section 4400 of the Business and Professions Code proposed by SB 1039 that would become operative only if SB 1039 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

(5) This bill would incorporate additional changes in Section 4830 of the Business and Professions Code proposed by SB 1039 that would become operative only if SB 1039 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

B. SB 945 (MONNING) – PET BOARDING FACILITIES

CHAPTERED: 9/14/16

STATUS: Chaptered by Secretary of State. Chapter 364, Statutes of 2016.

BOARD POSITION: Watch

Existing law regulates the care and maintenance of animals in the care of a pet store.

This bill would establish procedures for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, sanitation, provision of enrichment for the pet, health of the pet, and safety. The bill would specifically authorize a city, county, or city and county to adopt ordinances that establish additional standards and requirements for a pet boarding facility. The bill would require an animal control officer, a humane officer, or a peace officer who detects a violation of specified provisions by a pet boarding facility operator to issue a notice to correct and would provide that if the operator complies with the notice to correct he or she would not be subject to an infraction, except as provided. The bill would provide that an operator that causes or allows harm or injury to an animal or allows an animal to be subject to an unreasonable risk of harm or injury is guilty of a misdemeanor. The bill, except as provided, would make a violation of these provisions an infraction punishable by a fine not to exceed \$250

for the first violation and not to exceed \$1,000 for each subsequent violation. Because it would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

C. AB 2505 (QUIRK) – ANIMALS; EUTHANASIA

CHAPTERED: 7/25/16

STATUS: Chaptered by Secretary of State – Chapter 105, Statutes of 2016.

BOARD POSITION: Support

Existing law prohibits a person from killing an animal by using carbon monoxide gas or intracardiac injection of a euthanasia agent on a conscious animal, except as specified. With respect to the killing of a dog or cat, existing law prohibits a person from using a high-altitude decompression chamber or nitrogen gas. Under existing law, a violation of these provisions is a misdemeanor.

This bill would, with respect to the killing of a dog or cat, additionally prohibit a person from using carbon dioxide gas. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

D. SB 1039 (HILL) – PROFESSIONS AND VOCATIONS

CHAPTERED: 9/29/16

STATUS: Chaptered by Secretary of State. Chapter 799, Statutes of 2016.

BOARD POSITION: Support

Omnibus Bill

- Veterinary Consultant Language
- Other related provisions

(1) Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation to, among other things, solicit and receive funds for the purpose of providing scholarships, as specified.

The bill would state the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program, as specified, to increase the supply of dentists serving in medically underserved areas.

(2) Existing law, the Dental Practice Act, requires the Dental Hygiene Committee of California to establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. Existing law prohibits the biennial renewal fee from exceeding \$160. Existing law requires these fees to be deposited in the State Dental Hygiene Fund and makes these moneys subject to appropriation by the Legislature.

This bill would instead prohibit the biennial renewal fee from exceeding \$500.

(3) Existing law makes the State Board of Optometry responsible for the regulation of nonresident contact lens sellers, registered dispensing opticians, spectacle lens dispensers, and contact lens dispensers.

Existing law authorizes the State Board of Optometry to issue a citation containing an order of abatement, an order to pay an administrative fine not to exceed \$50,000, or both, as specified, for a violation of a specific section of law governing the permitted relationship of an optometrist with any registered dispensing optician or any optical company.

This bill would make that \$50,000 limit a limit per investigation.

Existing law establishes regulatory fees for the regulation of nonresident contact lens sellers, registered dispensing opticians, spectacle lens dispensers, and contact lens dispensers, including, but not limited to, an initial registration fee, a renewal fee, and a delinquency fee. Existing law requires these fees to be deposited in the Dispensing Opticians Fund and makes these fees available, subject to appropriation, to the State Board of Optometry.

This bill would establish a specified minimum and maximum application fee amount for nonresident contact lens sellers, registered dispensing opticians, and spectacle lens dispensers. The bill would also establish increased minimum and maximum amounts for those already established fees. The bill would authorize the State Board of Optometry to periodically revise and fix these fees, as specified.

Existing law authorizes the State Board of Optometry to inspect any premises at which the business of a registered dispensing optician is colocated with the practice of an optometrist for the purposes of determining compliance with the aforementioned written lease agreement provisions.

This bill would authorize the State Board of Optometry at any time to inspect the premises registered with the board in which optometry is being practiced or in which spectacle or contact lenses are fitted or dispensed.

(4) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to adopt regulations establishing standards for continuing education for licensees, as specified. That act requires providers of continuing education programs approved by the board to make records of continuing education courses given to registered nurses available for board inspection. That act also prescribes various fees to be paid by licensees and applicants for licensure, and requires these fees to be credited to the Board of Registered Nursing Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require that the content of a continuing education course be based on generally accepted scientific principles. The bill would also require the board to audit continuing education providers, at least once every 5 years, to ensure adherence to regulatory requirements, and to withhold or rescind approval from any provider that is in violation of regulatory requirements. The bill would raise specified fees, and would provide for additional fees, to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(5) The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy within the Department of Consumer Affairs. That law prescribes various fees to be paid by licensees and applicants for licensure, and requires all fees collected on behalf of the board to be credited to the Pharmacy Board Contingent Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would, on and after July 1, 2017, modify specified fees to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(6) The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians by the Veterinary Medical Board, which is within the Department of Consumer Affairs. Under the act, it is unlawful and a misdemeanor for any person to practice veterinary medicine in this state unless he or she holds a valid, unexpired, and unrevoked license issued by the board, except under specified circumstances, including regularly licensed veterinarians in actual consultation from other states, regularly licensed veterinarians actually called from other states to attend cases in this state who do not open an office or appoint a place to do business within the state, or veterinarians employed by the University of California or the Western University of Health Sciences while engaged in the performance of specified duties.

This bill would replace those exceptions with an exception for veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California licensed veterinarian and attend on a specific case, subject to specified conditions, and an exception for veterinarians called into the state by a law enforcement agency or animal control agency. By requiring additional persons to be licensed under the act that were previously exempt, the bill would expand the definition of an existing crime and, therefore, would result in a state-mandated local program.

(7) Existing law requires businesses that employ, or contract or subcontract with, the full-time equivalent of 5 or more persons functioning as health care professionals, as defined, whose primary function is to provide telephone medical advice, that provide telephone medical advice

services to a patient at a California address to be registered with the Telephone Medical Advice Services Bureau and further requires telephone medical advice services to comply with the requirements established by the Department of Consumer Affairs, as specified.

This bill would discontinue the requirement that those businesses be registered with the bureau, would instead make the respective healing arts licensing boards responsible for enforcing those requirements and any other laws and regulations affecting those health care professionals licensed in California, and would make conforming and related changes.

(8) The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board within the Department of Consumer Affairs. That law also prescribes various fees to be paid by licensees and applicants for licensure, requires the board to set the fees by regulation, and requires fees and civil penalties received under that law to be deposited in the Contractors' License Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill, on and after July 1, 2017, would raise specified fees, would instead authorize the board to set the fees by regulation, and would require the board to establish criteria for the approval of expedited processing of applications, as specified. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(9) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board, which is within the Department of Consumer Affairs, and requires a licensee to pay a specified license fee. Existing law makes any violation of those provisions punishable as a misdemeanor. Existing law places certain requirements on a registered company or licensee with regards to wood destroying pests or organisms, including that a registered company or licensee is prohibited from commencing work on a contract until an inspection has been made by a licensed Branch 3 field representative or operator, that the address of each property inspected or upon which work was completed is required to be reported to the board, as specified, and that a written inspection report be prepared and delivered to the person requesting the inspection or his or her agent. Existing law requires the original inspection report to be submitted to the board upon demand. Existing law requires that written report to contain certain information, including a foundation diagram or sketch of the structure or portions of the structure inspected, and requires the report, and any contract entered into, to expressly state if a guarantee for the work is made, and if so, the terms and time period of the guarantee. Existing law establishes the Structural Pest Control Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require the operator who is conducting the inspection prior to the commencement of work to be employed by a registered company, except as specified. The bill would not require the address of an inspection report prepared for use by an attorney for litigation to be reported to the board or assessed a filing fee. The bill would require instead that the written inspection report be prepared and delivered to the person requesting it, the property owner, or the property owner's designated agent, as specified. The bill would allow an inspection report to be a complete, limited, supplemental, or reinspection report, as defined. The bill would require all inspection reports to be submitted to the board and maintained with field notes, activity forms, and notices of completion until one year after the guarantee expires if the guarantee extends beyond 3 years. The bill would require the inspection report to clearly list the infested or infected

wood members or parts of the structure identified in the required diagram or sketch. By placing new requirements on a registered company or licensee, this bill would expand an existing crime and would, therefore, impose a state-mandated local program.

Existing law requires a registered company to prepare a notice of work completed to give to the owner of the property when the work is completed.

This bill would make this provision applicable only to work relating to wood destroying pests and organisms.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

E. AB 2269 (WALDRON) – ANIMAL SHELTERS: RESEARCH ANIMALS: PROHIBITIONS

CHAPTERED: 9/24/16

STATUS: Chaptered by Secretary of State – Chapter 568, Statutes of 2016.

BOARD POSITION: Propose Support as Amended?

(1) Existing law requires a pound or animal regulation department of a public or private agency where animals are turned over dead or alive to a biological supply facility or a research facility to post a statement to this effect, as specified, and requires that this statement and other information also be included on owner surrender forms.

This bill would revise these provisions to apply them only to an animal shelter entity, as defined, where dead animals are turned over to a biological supply facility or a research facility for specified purposes. The bill would revise the posted statement and owner surrender forms to refer to euthanized animals. The bill would prohibit an animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility, animal dealer, or other person for the purpose of research, experimentation, or testing. The bill would also prohibit a research facility, animal dealer, or other person from procuring, purchasing, receiving, accepting, or using a living animal for the purpose of research, experimentation, or testing if that animal is transferred from, or received from, an animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals. The bill would prohibit a person or animal shelter entity from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer. A violation of these provisions would be subject to a civil penalty of \$1,000. By creating new conditions affecting the operations of local, public animal service entities, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

F. SB 1348 (CANELLA) – LICENSURE APPLICATIONS: MILITARY EXPERIENCE

CHAPTERED: 8/22/16

STATUS: Chaptered by Secretary of State. Chapter 174, Statutes of 2016.

BOARD POSITION: Watch

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires each board to inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

This bill would require each board, with a governing law authorizing veterans to apply military experience and training towards licensure requirements, to post information on the board's Internet Web site about the ability of veteran applicants to apply their military experience and training towards licensure requirements.

G. SB 1182 (GALGANI) – CONTROLLED SUBSTANCES

CHAPTERED: 10/3/16

STATUS: Chaptered by Secretary of State. Chapter 893, Statutes of 2016.

BOARD POSITION: Watch

(1) Existing law generally provides that the possession of ketamine, gamma hydroxybutyric acid (GHB), and flunitrazepam is a misdemeanor, punishable by imprisonment in a county jail for not more than one year.

This bill would make it a felony, punishable by imprisonment in a county jail for 16 months, or 2 or 3 years, to possess ketamine, flunitrazepam, or GHB, with the intent to commit sexual assault, as defined for these purposes to include, among other acts, rape, sodomy, and oral copulation. By creating a new crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

H. AB 2419 (JONES) – PUBLIC POSTSECONDARY EDUCATION: THE NEW UNIVERSITY OF CALIFORNIA

INTRODUCED: 2/19/16

STATUS: In Assembly Higher Education Committee: Set, first hearing. Failed passage. Reconsideration granted.

BOARD POSITION: Watch

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as the 3 segments of public postsecondary education in this state.

This bill would establish The New University of California as a 4th segment of public postsecondary education in this state. The university would provide no instruction, but rather would issue credit and degrees to persons who pass its examinations. The bill would establish an 11-member Board of Trustees of The New University of California as the governing body of the university, and specify the membership and appointing authority for the board of trustees. The bill would provide for the appointment of a Chancellor of The New University of California as the chief executive officer of the university.

AMENDED IN ASSEMBLY APRIL 30, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1193

Introduced by Assembly Member Eggman

February 27, 2015

An act to amend Sections 5346, 5348, 5349, 5349.1, and 5349.5 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1193, as amended, Eggman. Mental health services: assisted outpatient treatment.

Existing law, the Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura's Law, until January 1, 2017, authorizes each county to ~~elect~~ *elect, through a resolution adopted by the county board of supervisors or through the county budget process and along with a finding that specified mental health programs may not be reduced as a result of participation,* to offer certain assisted outpatient treatment services for their residents. Existing law authorizes participating counties to pay for the services provided from moneys distributed to the counties from various continuously appropriated funds, including the Mental Health Services Fund when included in a county plan, as specified.

This bill would delete the ~~provisions~~ *requirement that authorize a county to elect to participate in the program, and instead would require each county to implement the provisions of Laura's Law unless the board of supervisors of a county that elects not to participate in the program by enacting a resolution passed by the county board of supervisors: make the finding described above. The bill instead would require a county that has not held a specified public hearing by January 1, 2017, to hold a hearing by January 1, 2018, and would require the*

board of supervisors to consider both whether specified programs may be reduced as a result of participation and options for providing services other than court-ordered outpatient treatment, thereby imposing a state-mandated local program. The bill would extend the January 1, 2017, repeal date of those provisions until January 1, 2022.

Existing law authorizes various persons to request the county mental health director to file a petition in the superior court for an order for assisted outpatient treatment for a person who meets specified criteria. Existing law requires the county mental health director to investigate the appropriateness of filing a petition.

This bill would additionally authorize a judge in a superior ~~court~~ *court’s mental health court, reentry court, or other collaborative justice court available for improving the mental health of the defendant, or a probate court, as specified,* to request a petition for that order to be filed for a person who appears before the judge. ~~By imposing additional duties on county mental health directors, this bill would impose a state-mandated local program.~~ The bill would make additional conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5346 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5346. (a) In any county in which services are available as
- 4 provided in Section 5348, a court may order a person who is the
- 5 subject of a petition filed pursuant to this section to obtain assisted
- 6 outpatient treatment if the court finds, by clear and convincing
- 7 evidence, that the facts stated in the verified petition filed in
- 8 accordance with this section are true and establish that all of the
- 9 requisite criteria set forth in this section are met, including, but
- 10 not limited to, each of the following:

1 (1) The person is 18 years of age or older.

2 (2) The person is suffering from a mental illness as defined in
3 paragraphs (2) and (3) of subdivision (b) of Section 5600.3.

4 (3) There has been a clinical determination that the person is
5 unlikely to survive safely in the community without supervision.

6 (4) The person has a history of lack of compliance with
7 treatment for his or her mental illness, in that at least one of the
8 following is true:

9 (A) The person's mental illness has, at least twice within the
10 last 36 months, been a substantial factor in necessitating
11 hospitalization, or receipt of services in a forensic or other mental
12 health unit of a state correctional facility or local correctional
13 facility, not including any period during which the person was
14 hospitalized or incarcerated immediately preceding the filing of
15 the petition.

16 (B) The person's mental illness has resulted in one or more acts
17 of serious and violent behavior toward himself or herself or
18 another, or threats, or attempts to cause serious physical harm to
19 himself or herself or another within the last 48 months, not
20 including any period in which the person was hospitalized or
21 incarcerated immediately preceding the filing of the petition.

22 (5) The person has been offered an opportunity to participate
23 in a treatment plan by the director of the local mental health
24 department, or his or her designee, provided the treatment plan
25 includes all of the services described in Section 5348, and the
26 person continues to fail to engage in treatment.

27 (6) The person's condition is substantially deteriorating.

28 (7) Participation in the assisted outpatient treatment program
29 would be the least restrictive placement necessary to ensure the
30 person's recovery and stability.

31 (8) In view of the person's treatment history and current
32 behavior, the person is in need of assisted outpatient treatment in
33 order to prevent a relapse or deterioration that would be likely to
34 result in grave disability or serious harm to himself or herself, or
35 to others, as defined in Section 5150.

36 (9) It is likely that the person will benefit from assisted
37 outpatient treatment.

38 (b) (1) A petition for an order authorizing assisted outpatient
39 treatment may be filed by the county mental health director, or his
40 or her designee, in the superior court in the county in which the

1 person who is the subject of the petition is present or reasonably
2 believed to be present.

3 (2) A request may be made only by any of the following persons
4 to the county mental health department for the filing of a petition
5 to obtain an order authorizing assisted outpatient treatment:

6 (A) Any person 18 years of age or older with whom the person
7 who is the subject of the petition resides.

8 (B) Any person who is the parent, spouse, or sibling or child
9 18 years of age or older of the person who is the subject of the
10 petition.

11 (C) The director of any public or private agency, treatment
12 facility, charitable organization, or licensed residential care facility
13 providing mental health services to the person who is the subject
14 of the petition in whose institution the subject of the petition
15 resides.

16 (D) The director of a hospital in which the person who is the
17 subject of the petition is hospitalized.

18 (E) A licensed mental health treatment provider who is either
19 supervising the treatment of, or treating for a mental illness, the
20 person who is the subject of the petition.

21 (F) A peace officer, parole officer, or probation officer assigned
22 to supervise the person who is the subject of the petition.

23 (G) A judge of a superior ~~court~~ *court's mental health court,*
24 *reentry court, or other collaborative justice court available for*
25 *improving the mental health of the defendant, or a probate court*
26 *before whom the person who is the subject of the petition appears.*
27 *appears as the subject of a proceeding pursuant to Section 5352.*

28 (3) Upon receiving a request pursuant to paragraph (2), the
29 county mental health director shall conduct an investigation into
30 the appropriateness of filing the petition. The director shall file
31 the petition only if he or she determines that there is a reasonable
32 likelihood that all the necessary elements to sustain the petition
33 can be proven in a court of law by clear and convincing evidence.

34 (4) The petition shall state all of the following:

35 (A) Each of the criteria for assisted outpatient treatment as set
36 forth in subdivision (a).

37 (B) Facts that support the petitioner's belief that the person who
38 is the subject of the petition meets each criterion, provided that
39 the hearing on the petition shall be limited to the stated facts in
40 the verified petition, and the petition contains all the grounds on

1 which the petition is based, in order to ensure adequate notice to
2 the person who is the subject of the petition and his or her counsel.

3 (C) That the person who is the subject of the petition is present,
4 or is reasonably believed to be present, within the county where
5 the petition is filed.

6 (D) That the person who is the subject of the petition has the
7 right to be represented by counsel in all stages of the proceeding
8 under the petition, in accordance with subdivision (c).

9 (5) The petition shall be accompanied by an affidavit of a
10 licensed mental health treatment provider designated by the local
11 mental health director who shall state, if applicable, either of the
12 following:

13 (A) That the licensed mental health treatment provider has
14 personally examined the person who is the subject of the petition
15 no more than 10 days prior to the submission of the petition, the
16 facts and reasons why the person who is the subject of the petition
17 meets the criteria in subdivision (a), that the licensed mental health
18 treatment provider recommends assisted outpatient treatment for
19 the person who is the subject of the petition, and that the licensed
20 mental health treatment provider is willing and able to testify at
21 the hearing on the petition.

22 (B) That no more than 10 days prior to the filing of the petition,
23 the licensed mental health treatment provider, or his or her
24 designee, has made appropriate attempts to elicit the cooperation
25 of the person who is the subject of the petition, but has not been
26 successful in persuading that person to submit to an examination,
27 that the licensed mental health treatment provider has reason to
28 believe that the person who is the subject of the petition meets the
29 criteria for assisted outpatient treatment, and that the licensed
30 mental health treatment provider is willing and able to examine
31 the person who is the subject of the petition and testify at the
32 hearing on the petition.

33 (c) The person who is the subject of the petition shall have the
34 right to be represented by counsel at all stages of a proceeding
35 commenced under this section. If the person so elects, the court
36 shall immediately appoint the public defender or other attorney to
37 assist the person in all stages of the proceedings. The person shall
38 pay the cost of the legal services if he or she is able.

39 (d) (1) Upon receipt by the court of a petition submitted
40 pursuant to subdivision (b), the court shall fix the date for a hearing

1 at a time not later than five days from the date the petition is
2 received by the court, excluding Saturdays, Sundays, and holidays.
3 The petitioner shall promptly cause service of a copy of the
4 petition, together with written notice of the hearing date, to be
5 made personally on the person who is the subject of the petition,
6 and shall send a copy of the petition and notice to the county office
7 of patient rights, and to the current health care provider appointed
8 for the person who is the subject of the petition, if that provider is
9 known to the petitioner. Continuances shall be permitted only for
10 good cause shown. In granting continuances, the court shall
11 consider the need for further examination by a physician or the
12 potential need to provide expeditiously assisted outpatient
13 treatment. Upon the hearing date, or upon any other date or dates
14 to which the proceeding may be continued, the court shall hear
15 testimony. If it is deemed advisable by the court, and if the person
16 who is the subject of the petition is available and has received
17 notice pursuant to this section, the court may examine in or out of
18 court the person who is the subject of the petition who is alleged
19 to be in need of assisted outpatient treatment. If the person who is
20 the subject of the petition does not appear at the hearing, and
21 appropriate attempts to elicit the attendance of the person have
22 failed, the court may conduct the hearing in the person's absence.
23 If the hearing is conducted without the person present, the court
24 shall set forth the factual basis for conducting the hearing without
25 the person's presence.

26 (2) The court shall not order assisted outpatient treatment unless
27 an examining licensed mental health treatment provider, who has
28 personally examined, and has reviewed the available treatment
29 history of, the person who is the subject of the petition within the
30 time period commencing 10 days before the filing of the petition,
31 testifies in person at the hearing.

32 (3) If the person who is the subject of the petition has refused
33 to be examined by a licensed mental health treatment provider,
34 the court may request that the person consent to an examination
35 by a licensed mental health treatment provider appointed by the
36 court. If the person who is the subject of the petition does not
37 consent and the court finds reasonable cause to believe that the
38 allegations in the petition are true, the court may order any person
39 designated under Section 5150 to take into custody the person who
40 is the subject of the petition and transport him or her, or cause him

1 or her to be transported, to a hospital for examination by a licensed
2 mental health treatment provider as soon as is practicable.
3 Detention of the person who is the subject of the petition under
4 the order may not exceed 72 hours. If the examination is performed
5 by another licensed mental health treatment provider, the
6 examining licensed mental health treatment provider may consult
7 with the licensed mental health treatment provider whose
8 affirmation or affidavit accompanied the petition regarding the
9 issues of whether the allegations in the petition are true and whether
10 the person meets the criteria for assisted outpatient treatment.

11 (4) The person who is the subject of the petition shall have all
12 of the following rights:

13 (A) To adequate notice of the hearings to the person who is the
14 subject of the petition, as well as to parties designated by the person
15 who is the subject of the petition.

16 (B) To receive a copy of the court-ordered evaluation.

17 (C) To counsel. If the person has not retained counsel, the court
18 shall appoint a public defender.

19 (D) To be informed of his or her right to judicial review by
20 habeas corpus.

21 (E) To be present at the hearing unless he or she waives the
22 right to be present.

23 (F) To present evidence.

24 (G) To call witnesses on his or her behalf.

25 (H) To cross-examine witnesses.

26 (I) To appeal decisions, and to be informed of his or her right
27 to appeal.

28 (5) (A) If after hearing all relevant evidence, the court finds
29 that the person who is the subject of the petition does not meet the
30 criteria for assisted outpatient treatment, the court shall dismiss
31 the petition.

32 (B) If after hearing all relevant evidence, the court finds that
33 the person who is the subject of the petition meets the criteria for
34 assisted outpatient treatment, and there is no appropriate and
35 feasible less restrictive alternative, the court may order the person
36 who is the subject of the petition to receive assisted outpatient
37 treatment for an initial period not to exceed six months. In
38 fashioning the order, the court shall specify that the proposed
39 treatment is the least restrictive treatment appropriate and feasible
40 for the person who is the subject of the petition. The order shall

1 state the categories of assisted outpatient treatment, as set forth in
2 Section 5348, that the person who is the subject of the petition is
3 to receive, and the court may not order treatment that has not been
4 recommended by the examining licensed mental health treatment
5 provider and included in the written treatment plan for assisted
6 outpatient treatment as required by subdivision (e). If the person
7 has executed an advance health care directive pursuant to Chapter
8 2 (commencing with Section 4650) of Part 1 of Division 4.7 of
9 the Probate Code, any directions included in the advance health
10 care directive shall be considered in formulating the written
11 treatment plan.

12 (6) If the person who is the subject of a petition for an order for
13 assisted outpatient treatment pursuant to subparagraph (B) of
14 paragraph (5) refuses to participate in the assisted outpatient
15 treatment program, the court may order the person to meet with
16 the assisted outpatient treatment team designated by the director
17 of the assisted outpatient treatment program. The treatment team
18 shall attempt to gain the person's cooperation with treatment
19 ordered by the court. The person may be subject to a 72-hour hold
20 pursuant to subdivision (f) only after the treatment team has
21 attempted to gain the person's cooperation with treatment ordered
22 by the court, and has been unable to do so.

23 (e) Assisted outpatient treatment shall not be ordered unless the
24 licensed mental health treatment provider recommending assisted
25 outpatient treatment to the court has submitted to the court a written
26 treatment plan that includes services as set forth in Section 5348,
27 and the court finds, in consultation with the county mental health
28 director, or his or her designee, all of the following:

29 (1) That the services are available from the county, or a provider
30 approved by the county, for the duration of the court order.

31 (2) That the services have been offered to the person by the
32 local director of mental health, or his or her designee, and the
33 person has been given an opportunity to participate on a voluntary
34 basis, and the person has failed to engage in, or has refused,
35 treatment.

36 (3) That all of the elements of the petition required by this article
37 have been met.

38 (4) That the treatment plan will be delivered to the county
39 director of mental health, or to his or her appropriate designee.

1 (f) If, in the clinical judgment of a licensed mental health
2 treatment provider, the person who is the subject of the petition
3 has failed or has refused to comply with the treatment ordered by
4 the court, and, in the clinical judgment of the licensed mental health
5 treatment provider, efforts were made to solicit compliance, and,
6 in the clinical judgment of the licensed mental health treatment
7 provider, the person may be in need of involuntary admission to
8 a hospital for evaluation, the provider may request that persons
9 designated under Section 5150 take into custody the person who
10 is the subject of the petition and transport him or her, or cause him
11 or her to be transported, to a hospital, to be held up to 72 hours for
12 examination by a licensed mental health treatment provider to
13 determine if the person is in need of treatment pursuant to Section
14 5150. Any continued involuntary retention in a hospital beyond
15 the initial 72-hour period shall be pursuant to Section 5150. If at
16 any time during the 72-hour period the person is determined not
17 to meet the criteria of Section 5150, and does not agree to stay in
18 the hospital as a voluntary patient, he or she shall be released and
19 any subsequent involuntary detention in a hospital shall be pursuant
20 to Section 5150. Failure to comply with an order of assisted
21 outpatient treatment alone may not be grounds for involuntary
22 civil commitment or a finding that the person who is the subject
23 of the petition is in contempt of court.

24 (g) If the director of the assisted outpatient treatment program
25 determines that the condition of the patient requires further assisted
26 outpatient treatment, the director shall apply to the court, prior to
27 the expiration of the period of the initial assisted outpatient
28 treatment order, for an order authorizing continued assisted
29 outpatient treatment for a period not to exceed 180 days from the
30 date of the order. The procedures for obtaining an order pursuant
31 to this subdivision shall be in accordance with subdivisions (a) to
32 (f), inclusive. The period for further involuntary outpatient
33 treatment authorized by a subsequent order under this subdivision
34 may not exceed 180 days from the date of the order.

35 (h) At intervals of not less than 60 days during an assisted
36 outpatient treatment order, the director of the outpatient treatment
37 program shall file an affidavit with the court that ordered the
38 outpatient treatment affirming that the person who is the subject
39 of the order continues to meet the criteria for assisted outpatient
40 treatment. At these times, the person who is the subject of the order

1 shall have the right to a hearing on whether or not he or she still
2 meets the criteria for assisted outpatient treatment if he or she
3 disagrees with the director’s affidavit. The burden of proof shall
4 be on the director.

5 (i) During each 60-day period specified in subdivision (h), if
6 the person who is the subject of the order believes that he or she
7 is being wrongfully retained in the assisted outpatient treatment
8 program against his or her wishes, he or she may file a petition for
9 a writ of habeas corpus, thus requiring the director of the assisted
10 outpatient treatment program to prove that the person who is the
11 subject of the order continues to meet the criteria for assisted
12 outpatient treatment.

13 (j) Any person ordered to undergo assisted outpatient treatment
14 pursuant to this article, who was not present at the hearing at which
15 the order was issued, may immediately petition the court for a writ
16 of habeas corpus. Treatment under the order for assisted outpatient
17 treatment may not commence until the resolution of that petition.

18 SEC. 2. Section 5348 of the Welfare and Institutions Code is
19 amended to read:

20 5348. (a) For purposes of subdivision (e) of Section 5346, a
21 county that provides assisted outpatient treatment services pursuant
22 to this article shall offer assisted outpatient treatment services
23 including, but not limited to, all of the following:

24 (1) Community-based, mobile, multidisciplinary, highly trained
25 mental health teams that use high staff-to-client ratios of no more
26 than 10 clients per team member for those subject to court-ordered
27 services pursuant to Section 5346.

28 (2) A service planning and delivery process that includes the
29 following:

30 (A) Determination of the numbers of persons to be served and
31 the programs and services that will be provided to meet their needs.
32 The local director of mental health shall consult with the sheriff,
33 the police chief, the probation officer, the mental health board,
34 contract agencies, and family, client, ethnic, and citizen
35 constituency groups as determined by the director.

36 (B) Plans for services, including outreach to families whose
37 severely mentally ill adult is living with them, design of mental
38 health services, coordination and access to medications, psychiatric
39 and psychological services, substance abuse services, supportive
40 housing or other housing assistance, vocational rehabilitation, and

1 veterans' services. Plans shall also contain evaluation strategies,
2 which shall consider cultural, linguistic, gender, age, and special
3 needs of minorities and those based on any characteristic listed or
4 defined in Section 11135 of the Government Code in the target
5 populations. Provision shall be made for staff with the cultural
6 background and linguistic skills necessary to remove barriers to
7 mental health services as a result of having
8 limited-English-speaking ability and cultural differences.
9 Recipients of outreach services may include families, the public,
10 primary care physicians, and others who are likely to come into
11 contact with individuals who may be suffering from an untreated
12 severe mental illness who would be likely to become homeless if
13 the illness continued to be untreated for a substantial period of
14 time. Outreach to adults may include adults voluntarily or
15 involuntarily hospitalized as a result of a severe mental illness.

16 (C) Provision for services to meet the needs of persons who are
17 physically disabled.

18 (D) Provision for services to meet the special needs of older
19 adults.

20 (E) Provision for family support and consultation services,
21 parenting support and consultation services, and peer support or
22 self-help group support, where appropriate.

23 (F) Provision for services to be client-directed and that employ
24 psychosocial rehabilitation and recovery principles.

25 (G) Provision for psychiatric and psychological services that
26 are integrated with other services and for psychiatric and
27 psychological collaboration in overall service planning.

28 (H) Provision for services specifically directed to seriously
29 mentally ill young adults 25 years of age or younger who are
30 homeless or at significant risk of becoming homeless. These
31 provisions may include continuation of services that still would
32 be received through other funds had eligibility not been terminated
33 as a result of age.

34 (I) Services reflecting special needs of women from diverse
35 cultural backgrounds, including supportive housing that accepts
36 children, personal services coordinator therapeutic treatment, and
37 substance treatment programs that address gender-specific trauma
38 and abuse in the lives of persons with mental illness, and vocational
39 rehabilitation programs that offer job training programs free of
40 gender bias and sensitive to the needs of women.

1 (J) Provision for housing for clients that is immediate,
2 transitional, permanent, or all of these.

3 (K) Provision for clients who have been suffering from an
4 untreated severe mental illness for less than one year, and who do
5 not require the full range of services, but are at risk of becoming
6 homeless unless a comprehensive individual and family support
7 services plan is implemented. These clients shall be served in a
8 manner that is designed to meet their needs.

9 (3) Each client shall have a clearly designated mental health
10 personal services coordinator who may be part of a
11 multidisciplinary treatment team who is responsible for providing
12 or assuring needed services. Responsibilities include complete
13 assessment of the client's needs, development of the client's
14 personal services plan, linkage with all appropriate community
15 services, monitoring of the quality and follow through of services,
16 and necessary advocacy to ensure each client receives those
17 services that are agreed to in the personal services plan. Each client
18 shall participate in the development of his or her personal services
19 plan, and responsible staff shall consult with the designated
20 conservator, if one has been appointed, and, with the consent of
21 the client, shall consult with the family and other significant
22 persons as appropriate.

23 (4) The individual personal services plan shall ensure that
24 persons subject to assisted outpatient treatment programs receive
25 age-appropriate, gender-appropriate, and culturally appropriate
26 services, to the extent feasible, that are designed to enable
27 recipients to:

28 (A) Live in the most independent, least restrictive housing
29 feasible in the local community, and, for clients with children, to
30 live in a supportive housing environment that strives for
31 reunification with their children or assists clients in maintaining
32 custody of their children as is appropriate.

33 (B) Engage in the highest level of work or productive activity
34 appropriate to their abilities and experience.

35 (C) Create and maintain a support system consisting of friends,
36 family, and participation in community activities.

37 (D) Access an appropriate level of academic education or
38 vocational training.

39 (E) Obtain an adequate income.

1 (F) Self-manage their illnesses and exert as much control as
2 possible over both the day-to-day and long-term decisions that
3 affect their lives.

4 (G) Access necessary physical health care and maintain the best
5 possible physical health.

6 (H) Reduce or eliminate serious antisocial or criminal behavior,
7 and thereby reduce or eliminate their contact with the criminal
8 justice system.

9 (I) Reduce or eliminate the distress caused by the symptoms of
10 mental illness.

11 (J) Have freedom from dangerous addictive substances.

12 (5) The individual personal services plan shall describe the
13 service array that meets the requirements of paragraph (4), and to
14 the extent applicable to the individual, the requirements of
15 paragraph (2).

16 (b) A county that provides assisted outpatient treatment services
17 pursuant to this article also shall offer the same services on a
18 voluntary basis.

19 (c) Involuntary medication shall not be allowed absent a separate
20 order by the court pursuant to Sections 5332 to 5336, inclusive.

21 (d) A county that operates an assisted outpatient treatment
22 program pursuant to this article shall provide data to the State
23 Department of Health Care Services and, based on the data, the
24 department shall report to the Legislature on or before May 1 of
25 each year in which the county provides services pursuant to this
26 article. The report shall include, at a minimum, an evaluation of
27 the effectiveness of the strategies employed by each program
28 operated pursuant to this article in reducing homelessness and
29 hospitalization of persons in the program and in reducing
30 involvement with local law enforcement by persons in the program.
31 The evaluation and report shall also include any other measures
32 identified by the department regarding persons in the program and
33 all of the following, based on information that is available:

34 (1) The number of persons served by the program and, of those,
35 the number who are able to maintain housing and the number who
36 maintain contact with the treatment system.

37 (2) The number of persons in the program with contacts with
38 local law enforcement, and the extent to which local and state
39 incarceration of persons in the program has been reduced or
40 avoided.

- 1 (3) The number of persons in the program participating in
- 2 employment services programs, including competitive employment.
- 3 (4) The days of hospitalization of persons in the program that
- 4 have been reduced or avoided.
- 5 (5) Adherence to prescribed treatment by persons in the program.
- 6 (6) Other indicators of successful engagement, if any, by persons
- 7 in the program.
- 8 (7) Victimization of persons in the program.
- 9 (8) Violent behavior of persons in the program.
- 10 (9) Substance abuse by persons in the program.
- 11 (10) Type, intensity, and frequency of treatment of persons in
- 12 the program.
- 13 (11) Extent to which enforcement mechanisms are used by the
- 14 program, when applicable.
- 15 (12) Social functioning of persons in the program.
- 16 (13) Skills in independent living of persons in the program.
- 17 (14) Satisfaction with program services both by those receiving
- 18 them and by their families, when relevant.

19 SEC. 3. Section 5349 of the Welfare and Institutions Code is
 20 amended to read:

21 ~~5349. A county that does not wish to implement this article~~
 22 ~~may opt out of the requirements of this article by a resolution~~
 23 ~~passed by the county board of supervisors that states the reasons~~
 24 ~~for opting out and any facts or circumstances relied on in making~~
 25 ~~that decision. To~~

26 *5349. (a) This article shall be operative in those counties in*
 27 *which the county board of supervisors, by resolution or through*
 28 *the county budget process, authorizes application of this article.*

29 *(b) Any county that has not held a public hearing by January*
 30 *1, 2017, to determine whether this article shall be operative shall*
 31 *hold that hearing by January 1, 2018. At the hearing, the board*
 32 *of supervisors shall consider the options available in the county*
 33 *for providing services to persons whose recent history of*
 34 *hospitalization or violent behavior, and noncompliance with*
 35 *voluntary treatment, indicate that he or she may be likely to become*
 36 *dangerous or gravely disabled, including, but not limited to, both*
 37 *of the following:*

38 *(1) Options for providing services other than court-ordered*
 39 *outpatient treatment.*

1 (2) *Whether any voluntary mental health program serving*
2 *adults, or any children’s mental health program, may be reduced*
3 *as a result of the implementation of this article.*

4 (c) To the extent otherwise permitted under state and federal
5 law, counties that implement this article may pay for the provision
6 of services under Sections 5347 and 5348 using funds distributed
7 to the counties from the Mental Health Subaccount, the Mental
8 Health Equity Subaccount, and the Vehicle License Collection
9 Account of the Local Revenue Fund, funds from the Mental Health
10 Account and the Behavioral Health Subaccount within the Support
11 Services Account of the Local Revenue Fund 2011, funds from
12 the Mental Health Services Fund when included in county plans
13 pursuant to Section 5847, and any other funds from which the
14 Controller makes distributions to the counties for those purposes.
15 Compliance with this section shall be monitored by the State
16 Department of Health Care Services as part of its review and
17 approval of county performance contracts.

18 SEC. 4. Section 5349.1 of the Welfare and Institutions Code
19 is amended to read:

20 5349.1. (a) Counties that implement this article, shall, in
21 consultation with the State Department of Health Care Services,
22 client and family advocacy organizations, and other stakeholders,
23 develop a training and education program for purposes of
24 improving the delivery of services to mentally ill individuals who
25 are, or who are at risk of being, involuntarily committed under this
26 part. This training shall be provided to mental health treatment
27 providers contracting with participating counties and to other
28 individuals, including, but not limited to, mental health
29 professionals, law enforcement officials, and certification hearing
30 officers involved in making treatment and involuntary commitment
31 decisions.

32 (b) The training shall include both of the following:

33 (1) Information relative to legal requirements for detaining a
34 person for involuntary inpatient and outpatient treatment, including
35 criteria to be considered with respect to determining if a person is
36 considered to be gravely disabled.

37 (2) Methods for ensuring that decisions regarding involuntary
38 treatment as provided for in this part direct patients toward the
39 most effective treatment. Training shall include an emphasis on
40 each patient’s right to provide informed consent to assistance.

1 SEC. 5. Section 5349.5 of the Welfare and Institutions Code
2 is amended to read:

3 5349.5. (a) This article shall remain in effect only until January
4 1, 2022, and as of that date is repealed, unless a later enacted statute
5 that is enacted on or before January 1, 2022, deletes or extends
6 that date.

7 (b) The State Department of Health Care Services shall submit
8 a report and evaluation of all counties implementing any
9 component of this article to the Governor and to the Legislature
10 by July 1, 2015. The evaluation shall include data described in
11 subdivision (d) of Section 5348.

12 SEC. 6. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

Senate Bill No. 945

CHAPTER 364

An act to add Chapter 11 (commencing with Section 122380) to Part 6 of Division 105 of the Health and Safety Code, relating to pet boarding facilities.

[Approved by Governor September 14, 2016. Filed with
Secretary of State September 14, 2016.]

legislative counsel's digest

SB 945, Monning. Pet boarding facilities.

Existing law regulates the care and maintenance of animals in the care of a pet store.

This bill would establish procedures for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, sanitation, provision of enrichment for the pet, health of the pet, and safety. The bill would specifically authorize a city, county, or city and county to adopt ordinances that establish additional standards and requirements for a pet boarding facility. The bill would require an animal control officer, a humane officer, or a peace officer who detects a violation of specified provisions by a pet boarding facility operator to issue a notice to correct and would provide that if the operator complies with the notice to correct he or she would not be subject to an infraction, except as provided. The bill would provide that an operator that causes or allows harm or injury to an animal or allows an animal to be subject to an unreasonable risk of harm or injury is guilty of a misdemeanor. The bill, except as provided, would make a violation of these provisions an infraction punishable by a fine not to exceed \$250 for the first violation and not to exceed \$1,000 for each subsequent violation. Because it would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 122380) is added to Part 6 of Division 105 of the Health and Safety Code, to read:

Chapter 11. Pet Boarding Facilities

122380. As used in this chapter, the following definitions apply:

(a) “Enrichment” means providing objects or activities, appropriate to the needs of the species, as well as the age, size, and condition of the pet, that stimulate the pet and promote the pet’s well-being.

(b) “Permanent or fixed enclosure” means a structure, including, but not limited to, an exercise run, kennel, or room, used to restrict a pet, that provides for the effective separation of a pet from the pet’s waste products.

(c) “Person” means an individual, partnership, firm, limited liability company, joint-stock company, corporation, association, trust, estate, or other legal entity.

(d) “Pet” means any nonhuman animal housed in the pet boarding facility, including, but not limited to, mammals, birds, reptiles, and amphibians. However, “pet” does not include a horse.

(e) “Pet boarding facility” means any lot, building, structure, enclosure, or premises, or a portion thereof, whereupon four or more dogs, cats, or other pets in any combination are boarded at the request of, and in exchange for compensation provided by, their owner. However, “pet boarding facility” does not include a city, county, or city and county animal control agency, society for the prevention of cruelty to animals, or humane society that contracts for the care of stray or abandoned animals, or the premises of a veterinary facility that is registered pursuant to Section 4853 of the Business and Professions Code.

(f) “Pet boarding facility operator” or “operator” means a person who owns or operates, or both, a pet boarding facility.

(g) “Temporary enclosure” means a structure used to restrict a pet, including, but not limited to, a crate or cage, that does not provide for the effective separation of a pet from the pet’s waste products.

122381. Each pet boarding facility operator shall be responsible for all of the following:

(a) Ensuring that the entire pet boarding facility, including all equipment therein, is structurally sound and maintained in good repair.

(b) Ensuring that pests do not inhabit any part of the pet boarding facility in a number large enough to be harmful, threatening, or annoying to the pets.

(c) Ensuring the containment of pets within the pet boarding facility, and, in the event that a pet escapes, making reasonable efforts to immediately capture the escaped pet.

(d) If an escaped pet has not been captured despite reasonable efforts, ensuring that all material facts regarding the pet’s escape are reported to the local agency for animal control and to the owner.

(e) Ensuring that the pet boarding facility’s interior building surfaces, including walls and floors, are constructed in a manner that permits them to be readily cleaned and sanitized.

(f) Ensuring that light, by natural or artificial means, is distributed in a manner that permits routine inspection and cleaning, and the proper care and maintenance of the pets.

(g) If pet grooming services are offered by a pet boarding facility, separating the grooming work area from the pet boarding facility's permanent or fixed and temporary enclosures and ensuring that the grooming areas are cleaned and sanitized at least once daily.

(h) Storing food in an area separate from permanent or fixed enclosures or temporary enclosures.

(i) Maintaining an area for isolating sick pets from healthy pets.

122382. (a) Each permanent or fixed and temporary enclosure shall comply with all of the following standards:

(1) Be structurally sound and maintained in good repair to protect the enclosed pet from injury, to contain the pet, to keep other animals out, and to promote the health and well-being of the pet.

(2) Be maintained in a comfortable and sanitary manner. When being cleaned in a manner or with a substance that is or may be harmful to a pet within the enclosure, that pet shall be removed from the enclosure.

(3) Be constructed of material suitable for regular cleaning and sanitizing.

(4) As needed to ensure the comfort and well-being of the pet, provide heating, cooling, lighting, ventilation, shade, and protection from the elements, including, but not limited to, the sun, wind, rain, and snow.

(5) Allow a pet to turn around freely, stand easily, and sit or lie down in a comfortable position.

(b) Each enclosure is either a permanent or fixed enclosure or a temporary enclosure.

(c) In addition to the requirements set forth in subdivision (a), a permanent or fixed enclosure for a cat shall provide an elevated platform appropriate for the size of the cat.

(d) A pet may be contained in a temporary enclosure for a period not to exceed 4 hours during the day and 12 hours at night or the length of time that is humane for that particular pet, whichever is less. However, the pet shall remain outside the temporary enclosure for no less than the amount of time needed for the pet to eliminate its waste.

122383. A pet boarding facility operator shall comply with all of the following animal care requirements:

(a) House only one pet at a time in an enclosure unless otherwise consented to by the owner.

(b) Observe each pet as necessary, but no less than once every 24 hours, in order to recognize the signs of sickness, injury, or distress, and in order to ensure that the pet, food, and waste or debris is removed as necessary to prevent contamination or injury.

(c) Provide each pet with easy and convenient access to potable water at all times, or if the behavior of the pet makes unrestricted access to water impracticable, offer water as often as necessary to ensure the pet's health and well-being. However, water may be restricted as directed by the owner or a licensed veterinarian.

(d) Provide each pet with nutritious food in quantities and at intervals suitable for that pet.

(e) Provide each pet daily with enrichment sufficient to maintain the behavioral health of the pet.

(f) Maintain and abide by written policies and procedures that address animal care, management and safe handling, disease prevention and control, routine care, preventive care, emergency care, veterinary treatment, and disaster planning, evacuation, and recovery that are applicable to the location of the pet boarding facility. These procedures shall be reviewed with each employee who provides animal care and shall be present, in writing, either electronically or physically, in the facility and made available to all employees.

(g) Isolate those pets that have or are suspected of having a contagious condition.

(h) Ensure that each sick or injured pet is immediately provided with appropriate care and, if prudent, veterinary treatment.

(i) Ensure that the owner of a pet is notified immediately that his or her pet is sick or injured unless the owner has indicated in writing that notification of any, or a particular, type of illness or injury is not required.

(j) In the event of a natural disaster, an emergency evacuation, or other similar occurrence, ensure that the humane care and treatment of each animal is provided for, as required by this chapter, to the extent access to the pet is reasonably available.

122384. (a) A pet boarding facility operator shall provide each owner with written information describing all of the following:

(1) Days and times during which the pet boarding facility permits pets to be dropped off and picked up.

(2) Days and times during which personnel are onsite.

(3) The square footage of the permanent or fixed and temporary enclosures in which the species of pet that the owner is boarding is customarily contained.

(4) General observation practices during each 24-hour period for the species of pet that the owner is boarding is customarily observed by personnel.

(5) The pet boarding facility's customary daily activity schedule for the species of pet that the owner is boarding.

(b) If the pet boarding facility will materially deviate from the customary practices described in the written information required by subdivision (a) with respect to an owner's pet, the pet boarding facility operator shall disclose those deviations to the owner or patron, as appropriate.

122385. A pet boarding facility shall maintain either of the following:

(a) A fire alarm system that is connected to a central reporting station that alerts the local fire department in case of fire.

(b) A fire suppression sprinkler system.

122386. (a) An animal control officer, as defined in Section 830.9 of the Penal Code, a humane officer qualified pursuant to Section 14502 or 14503 of the Corporations Code, or a peace officer who detects a violation

of Sections 122380 to 122385, inclusive, if he or she decides the violation warrants formal action, shall issue a single notice to correct that shall contain all of the following information:

- (1) Specify each violation of this chapter found in the inspection.
- (2) Identify the corrective action for each violation.
- (3) Include a specific period of time during which the listed violation or violations are to be corrected.

(b) After issuing a notice to correct pursuant to this section, the officer or another qualified officer of the issuing agency shall verify compliance with this chapter by conducting a subsequent investigation of the pet boarding facility within a reasonable period of time.

(c) An exact, legible copy of the notice to correct shall be delivered to the pet boarding facility operator at the time he or she signs the notice. In the alternative, the issuing agency may personally deliver the notice to the operator within 48 hours of its issuance, excluding holidays and weekends. The signing of the notice is an acknowledgment of receipt and does not constitute an admission of guilt.

(d) A pet boarding facility operator who is verified to have complied with a notice to correct shall not be subject to subdivision (g).

(e) A pet boarding facility operator who violates the same provision of this chapter on more than one occasion within a five-year period is not eligible to receive a notice to correct, and is guilty of an infraction on the second violation, and is guilty of a misdemeanor on the third or subsequent violation.

(f) Notwithstanding subdivision (a), a pet boarding facility operator that causes or allows harm or injury to an animal, or allows an animal to be subject to an unreasonable risk of harm or injury is guilty of a misdemeanor.

(g) Except as provided in subdivisions (e) and (f), a pet boarding facility operator who violates any provision of this chapter is guilty of an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) for the first violation and by a fine not to exceed one thousand dollars (\$1,000) for each subsequent violation. The court shall weigh the gravity of the offense in setting the penalty.

122387. (a) Nothing in this chapter shall be construed to in any way limit or affect the application or enforcement of any other law that protects animals or the rights of consumers, including, but not limited to, Section 597 of the Penal Code.

(b) Nothing in this chapter limits, or authorizes any act or omission that violates, Section 597 of the Penal Code, or any other local, state, or federal law that protects animals or the rights of consumers.

122388. Pursuant to Section 7 of Article XI of the California Constitution, a city, county, or city and county may adopt ordinances that establish additional standards and requirements for a pet boarding facility.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction,

or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

Assembly Bill No. 2505

CHAPTER 105

An act to amend Section 597u of the Penal Code, relating to animals.

[Approved by Governor July 25, 2016. Filed with
Secretary of State July 25, 2016.]

legislative counsel's digest

AB 2505, Quirk. Animals: euthanasia.

Existing law prohibits a person from killing an animal by using carbon monoxide gas or intracardiac injection of a euthanasia agent on a conscious animal, except as specified. With respect to the killing of a dog or cat, existing law prohibits a person from using a high-altitude decompression chamber or nitrogen gas. Under existing law, a violation of these provisions is a misdemeanor.

This bill would, with respect to the killing of a dog or cat, additionally prohibit a person from using carbon dioxide gas. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 597u of the Penal Code is amended to read:

597u. (a) A person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall not kill an animal by using either of the following methods:

- (1) Carbon monoxide gas.
- (2) Intracardiac injection of a euthanasia agent on a conscious animal, unless the animal is heavily sedated or anesthetized in a humane manner, or comatose, or unless, in light of all the relevant circumstances, the procedure is justifiable.

(b) With respect to the killing of a dog or cat, a person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall not use any of the methods specified in subdivision (a) or any of the following methods:

- (1) High-altitude decompression chamber.
- (2) Nitrogen gas.
- (3) Carbon dioxide gas.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

Senate Bill No. 1039

CHAPTER 799

An act to amend Sections 655, 1944, 2733, 2786.5, 2811, 2811.5, 2815, 2815.5, 2816, 2830.7, 2836.3, 2838.2, 4128.2, 4830, 4999, 4999.2, 8516, and 8518 of, to amend, repeal, and add Sections 4400, 7137, and 7153.3 of, to add Sections 2746.53 and 3030 to, to repeal Sections 4999.1, 4999.3, 4999.4, and 4999.6 of, and to repeal and add Sections 2546.9, 2565, 2566, 2566.1, and 4999.5 of, the Business and Professions Code, to amend Section of the Health and Safety Code, and to amend Section 10279 of the Insurance Code, relating to professions and vocations, and making an appropriation therefor.

[Approved by Governor September 29, 2016. Filed with
Secretary of State September 29, 2016.]

legislative counsel's digest

SB 1039, Hill. Professions and vocations.

(1) Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation to, among other things, solicit and receive funds for the purpose of providing scholarships, as specified.

The bill would state the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program, as specified, to increase the supply of dentists serving in medically underserved areas.

(2) Existing law, the Dental Practice Act, requires the Dental Hygiene Committee of California to establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. Existing law prohibits the biennial renewal fee from exceeding \$160. Existing law requires these fees to be deposited in the State Dental Hygiene Fund and makes these moneys subject to appropriation by the Legislature.

This bill would instead prohibit the biennial renewal fee from exceeding \$500.

(3) Existing law makes the State Board of Optometry responsible for the regulation of nonresident contact lens sellers, registered dispensing opticians, spectacle lens dispensers, and contact lens dispensers.

Existing law authorizes the State Board of Optometry to issue a citation containing an order of abatement, an order to pay an administrative fine not to exceed \$50,000, or both, as specified, for a violation of a specific section of law governing the permitted relationship of an optometrist with any registered dispensing optician or any optical company.

This bill would make that \$50,000 limit a limit per investigation.

Existing law establishes regulatory fees for the regulation of nonresident contact lens sellers, registered dispensing opticians, spectacle lens dispensers, and contact lens dispensers, including, but not limited to, an initial registration fee, a renewal fee, and a delinquency fee. Existing law requires these fees to be deposited in the Dispensing Opticians Fund and makes these fees available, subject to appropriation, to the State Board of Optometry.

This bill would establish a specified minimum and maximum application fee amount for nonresident contact lens sellers, registered dispensing opticians, and spectacle lens dispensers. The bill would also establish increased minimum and maximum amounts for those already established fees. The bill would authorize the State Board of Optometry to periodically revise and fix these fees, as specified.

Existing law authorizes the State Board of Optometry to inspect any premises at which the business of a registered dispensing optician is colocated with the practice of an optometrist for the purposes of determining compliance with the aforementioned written lease agreement provisions.

This bill would authorize the State Board of Optometry at any time to inspect the premises registered with the board in which optometry is being practiced or in which spectacle or contact lenses are fitted or dispensed.

(4) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to adopt regulations establishing standards for continuing education for licensees, as specified. That act requires providers of continuing education programs approved by the board to make records of continuing education courses given to registered nurses available for board inspection. That act also prescribes various fees to be paid by licensees and applicants for licensure, and requires these fees to be credited to the Board of Registered Nursing Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require that the content of a continuing education course be based on generally accepted scientific principles. The bill would also require the board to audit continuing education providers, at least once every 5 years, to ensure adherence to regulatory requirements, and to withhold or rescind approval from any provider that is in violation of regulatory requirements. The bill would raise specified fees, and would provide for additional fees, to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(5) The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy within the Department of Consumer Affairs. That law prescribes various fees to be paid by licensees and applicants for licensure, and requires all fees collected on behalf of the board to be credited to the Pharmacy Board Contingent Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would, on and after July 1, 2017, modify specified fees to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(6) The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians by the Veterinary Medical Board, which is within the Department of Consumer Affairs. Under the act, it is unlawful and a misdemeanor for any person to practice veterinary medicine in this state unless he or she holds a valid, unexpired, and unrevoked license issued by the board, except under specified circumstances, including regularly licensed veterinarians in actual consultation from other states, regularly licensed veterinarians actually called from other states to attend cases in this state who do not open an office or appoint a place to do business within the state, or veterinarians employed by the University of California or the Western University of Health Sciences while engaged in the performance of specified duties.

This bill would replace those exceptions with an exception for veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California licensed veterinarian and attend on a specific case, subject to specified conditions, and an exception for veterinarians called into the state by a law enforcement agency or animal control agency. By requiring additional persons to be licensed under the act that were previously exempt, the bill would expand the definition of an existing crime and, therefore, would result in a state-mandated local program.

(7) Existing law requires businesses that employ, or contract or subcontract with, the full-time equivalent of 5 or more persons functioning as health care professionals, as defined, whose primary function is to provide telephone medical advice, that provide telephone medical advice services to a patient at a California address to be registered with the Telephone Medical Advice Services Bureau and further requires telephone medical advice services to comply with the requirements established by the Department of Consumer Affairs, as specified.

This bill would discontinue the requirement that those businesses be registered with the bureau, would instead make the respective healing arts licensing boards responsible for enforcing those requirements and any other laws and regulations affecting those health care professionals licensed in California, and would make conforming and related changes.

(8) The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board within the Department of Consumer Affairs. That law also prescribes various fees to be paid by licensees and applicants for licensure, requires the board to set the fees by regulation, and requires fees and civil penalties received under that law to be deposited in the Contractors' License Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill, on and after July 1, 2017, would raise specified fees, would instead authorize the board to set the fees by regulation, and would require

the board to establish criteria for the approval of expedited processing of applications, as specified. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(9) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board, which is within the Department of Consumer Affairs, and requires a licensee to pay a specified license fee. Existing law makes any violation of those provisions punishable as a misdemeanor. Existing law places certain requirements on a registered company or licensee with regards to wood destroying pests or organisms, including that a registered company or licensee is prohibited from commencing work on a contract until an inspection has been made by a licensed Branch 3 field representative or operator, that the address of each property inspected or upon which work was completed is required to be reported to the board, as specified, and that a written inspection report be prepared and delivered to the person requesting the inspection or his or her agent. Existing law requires the original inspection report to be submitted to the board upon demand. Existing law requires that written report to contain certain information, including a foundation diagram or sketch of the structure or portions of the structure inspected, and requires the report, and any contract entered into, to expressly state if a guarantee for the work is made, and if so, the terms and time period of the guarantee. Existing law establishes the Structural Pest Control Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require the operator who is conducting the inspection prior to the commencement of work to be employed by a registered company, except as specified. The bill would not require the address of an inspection report prepared for use by an attorney for litigation to be reported to the board or assessed a filing fee. The bill would require instead that the written inspection report be prepared and delivered to the person requesting it, the property owner, or the property owner's designated agent, as specified. The bill would allow an inspection report to be a complete, limited, supplemental, or reinspection report, as defined. The bill would require all inspection reports to be submitted to the board and maintained with field notes, activity forms, and notices of completion until one year after the guarantee expires if the guarantee extends beyond 3 years. The bill would require the inspection report to clearly list the infested or infected wood members or parts of the structure identified in the required diagram or sketch. By placing new requirements on a registered company or licensee, this bill would expand an existing crime and would, therefore, impose a state-mandated local program.

Existing law requires a registered company to prepare a notice of work completed to give to the owner of the property when the work is completed.

This bill would make this provision applicable only to work relating to wood destroying pests and organisms.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program within the Health Professions Education Foundation to increase the supply of dentists serving in medically underserved areas.

SEC. 2. Section 655 of the Business and Professions Code is amended to read:

655. (a) For the purposes of this section, the following terms have the following meanings:

(1) “Health plan” means a health care service plan licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code).

(2) “Optical company” means a person or entity that is engaged in the manufacture, sale, or distribution to physicians and surgeons, optometrists, health plans, or dispensing opticians of lenses, frames, optical supplies, or optometric appliances or devices or kindred products.

(3) “Optometrist” means a person licensed pursuant to Chapter 7 (commencing with Section 3000) or an optometric corporation, as described in Section 3160.

(4) “Registered dispensing optician” means a person licensed pursuant to Chapter 5.5 (commencing with Section 2550).

(5) “Therapeutic ophthalmic product” means lenses or other products that provide direct treatment of eye disease or visual rehabilitation for diseased eyes.

(b) No optometrist may have any membership, proprietary interest, coownership, or any profit-sharing arrangement, either by stock ownership, interlocking directors, trusteeship, mortgage, or trust deed, with any registered dispensing optician or any optical company, except as otherwise permitted under this section.

(c) (1) A registered dispensing optician or an optical company may operate, own, or have an ownership interest in a health plan so long as the health plan does not directly employ optometrists to provide optometric services directly to enrollees of the health plan, and may directly or indirectly provide products and services to the health plan or its contracted providers or enrollees or to other optometrists. For purposes of this section, an optometrist may be employed by a health plan as a clinical director for the health plan pursuant to Section 1367.01 of the Health and Safety Code or

to perform services related to utilization management or quality assurance or other similar related services that do not require the optometrist to directly provide health care services to enrollees. In addition, an optometrist serving as a clinical director may not employ optometrists to provide health care services to enrollees of the health plan for which the optometrist is serving as clinical director. For the purposes of this section, the health plan's utilization management and quality assurance programs that are consistent with the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) do not constitute providing health care services to enrollees.

(2) The registered dispensing optician or optical company shall not interfere with the professional judgment of the optometrist.

(3) The Department of Managed Health Care shall forward to the State Board of Optometry any complaints received from consumers that allege that an optometrist violated the Optometry Practice Act (Chapter 7 (commencing with Section 3000)). The Department of Managed Health Care and the State Board of Optometry shall enter into an Inter-Agency Agreement regarding the sharing of information related to the services provided by an optometrist that may be in violation of the Optometry Practice Act that the Department of Managed Health Care encounters in the course of the administration of the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code).

(d) An optometrist, a registered dispensing optician, an optical company, or a health plan may execute a lease or other written agreement giving rise to a direct or indirect landlord-tenant relationship with an optometrist, if all of the following conditions are contained in a written agreement establishing the landlord-tenant relationship:

(1) (A) The practice shall be owned by the optometrist and in every phase be under the optometrist's exclusive control, including the selection and supervision of optometric staff, the scheduling of patients, the amount of time the optometrist spends with patients, fees charged for optometric products and services, the examination procedures and treatment provided to patients and the optometrist's contracting with managed care organizations.

(B) Subparagraph (A) shall not preclude a lease from including commercially reasonable terms that: (i) require the provision of optometric services at the leased space during certain days and hours, (ii) restrict the leased space from being used for the sale or offer for sale of spectacles, frames, lenses, contact lenses, or other ophthalmic products, except that the optometrist shall be permitted to sell therapeutic ophthalmic products if the registered dispensing optician, health plan, or optical company located on or adjacent to the optometrist's leased space does not offer any substantially similar therapeutic ophthalmic products for sale, (iii) require the optometrist to contract with a health plan network, health plan, or health insurer, or (iv) permit the landlord to directly or indirectly provide furnishings and equipment in the leased space.

(2) The optometrist's records shall be the sole property of the optometrist. Only the optometrist and those persons with written authorization from the optometrist shall have access to the patient records and the examination room, except as otherwise provided by law.

(3) The optometrist's leased space shall be definite and distinct from space occupied by other occupants of the premises, have a sign designating that the leased space is occupied by an independent optometrist or optometrists and be accessible to the optometrist after hours or in the case of an emergency, subject to the facility's general accessibility. This paragraph shall not require a separate entrance to the optometrist's leased space.

(4) All signs and displays shall be separate and distinct from that of the other occupants and shall have the optometrist's name and the word "optometrist" prominently displayed in connection therewith. This paragraph shall not prohibit the optometrist from advertising the optometrist's practice location with reference to other occupants or prohibit the optometrist or registered dispensing optician from advertising their participation in any health plan's network or the health plan's products in which the optometrist or registered dispensing optician participates.

(5) There shall be no signs displayed on any part of the premises or in any advertising indicating that the optometrist is employed or controlled by the registered dispensing optician, health plan or optical company.

(6) Except for a statement that an independent doctor of optometry is located in the leased space, in-store pricing signs and as otherwise permitted by this subdivision, the registered dispensing optician or optical company shall not link its advertising with the optometrist's name, practice, or fees.

(7) Notwithstanding paragraphs (4) and (6), this subdivision shall not preclude a health plan from advertising its health plan products and associated premium costs and any copayments, coinsurance, deductibles, or other forms of cost sharing, or the names and locations of the health plan's providers, including any optometrists or registered dispensing opticians that provide professional services, in compliance with the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code).

(8) A health plan that advertises its products and services in accordance with paragraph (7) shall not advertise the optometrist's fees for products and services that are not included in the health plan's contract with the optometrist.

(9) The optometrist shall not be precluded from collecting fees for services that are not included in a health plan's products and services, subject to any patient disclosure requirements contained in the health plan's provider agreement with the optometrist or that are not otherwise prohibited by the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code).

(10) The term of the lease shall be no less than one year and shall not require the optometrist to contract exclusively with a health plan. The optometrist may terminate the lease according to the terms of the lease. The landlord may terminate the lease for the following reasons:

(A) The optometrist's failure to maintain a license to practice optometry or the imposition of restrictions, suspension or revocation of the optometrist's license or if the optometrist or the optometrist's employee is or becomes ineligible to participate in state or federal government-funded programs.

(B) Termination of any underlying lease where the optometrist has subleased space, or the optometrist's failure to comply with the underlying lease provisions that are made applicable to the optometrist.

(C) If the health plan is the landlord, the termination of the provider agreement between the health plan and the optometrist, in accordance with the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code).

(D) Other reasons pursuant to the terms of the lease or permitted under the Civil Code.

(11) The landlord shall act in good faith in terminating the lease and in no case shall the landlord terminate the lease for reasons that constitute interference with the practice of optometry.

(12) Lease or rent terms and payments shall not be based on number of eye exams performed, prescriptions written, patient referrals or the sale or promotion of the products of a registered dispensing optician or an optical company.

(13) The landlord shall not terminate the lease solely because of a report, complaint, or allegation filed by the optometrist against the landlord, a registered dispensing optician or a health plan, to the State Board of Optometry or the Department of Managed Health Care or any law enforcement or regulatory agency.

(14) The landlord shall provide the optometrist with written notice of the scheduled expiration date of a lease at least 60 days prior to the scheduled expiration date. This notice obligation shall not affect the ability of either party to terminate the lease pursuant to this section. The landlord may not interfere with an outgoing optometrist's efforts to inform the optometrist's patients, in accordance with customary practice and professional obligations, of the relocation of the optometrist's practice.

(15) The State Board of Optometry may inspect, upon request, an individual lease agreement pursuant to its investigational authority, and if such a request is made, the landlord or tenant, as applicable, shall promptly comply with the request. Failure or refusal to comply with the request for lease agreements within 30 days of receiving the request constitutes unprofessional conduct and is grounds for disciplinary action by the appropriate regulatory agency. This section shall not affect the Department of Managed Health Care's authority to inspect all books and records of a health plan pursuant to Section 1381 of the Health and Safety Code.

Any financial information contained in the lease submitted to a regulatory entity, pursuant to this paragraph, shall be considered confidential trade secret information that is exempt from disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(16) This subdivision shall not be applicable to the relationship between any optometrist employee and the employer medical group, or the relationship between a medical group exclusively contracted with a health plan regulated by the Department of Managed Health Care and that health plan.

(e) No registered dispensing optician may have any membership, proprietary interest, coownership, or profit-sharing arrangement either by stock ownership, interlocking directors, trusteeship, mortgage, or trust deed, with an optometrist, except as permitted under this section.

(f) Nothing in this section shall prohibit a person licensed under Chapter 5 (commencing with Section 2000) or its professional corporation from contracting with or employing optometrists, ophthalmologists, or optometric assistants and entering into a contract or landlord tenant relationship with a health plan, an optical company, or a registered dispensing optician, in accordance with Sections 650 and 654 of this code.

(g) Any violation of this section constitutes a misdemeanor as to such person licensed under Chapter 7 (commencing with Section 3000) of this division and as to any and all persons, whether or not so licensed under this division, who participate with such licensed person in a violation of any provision of this section.

(h) (1) Notwithstanding any other law and in addition to any action available to the State Board of Optometry, the State Board of Optometry may issue a citation containing an order of abatement, an order to pay an administrative fine, or both, to an optical company, an optometrist, or a registered dispensing optician for a violation of this section. The administrative fine shall not exceed fifty thousand dollars (\$50,000) per investigation. In assessing the amount of the fine, the board shall give due consideration to all of the following:

(A) The gravity of the violation.

(B) The good faith of the cited person or entity.

(C) The history of previous violations of the same or similar nature.

(D) Evidence that the violation was or was not willful.

(E) The extent to which the cited person or entity has cooperated with the board's investigation.

(F) The extent to which the cited person or entity has mitigated or attempted to mitigate any damage or injury caused by the violation.

(G) Any other factors as justice may require.

(2) A citation or fine assessment issued pursuant to a citation shall inform the cited person or entity that if a hearing is desired to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall

not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(3) The board shall adopt regulations to implement a system for the issuance of citations, administrative fines, and orders of abatement authorized by this section. The regulations shall include provisions for both of the following:

(A) The issuance of a citation without an administrative fine.

(B) The opportunity for a cited person or entity to have an informal conference with the executive officer of the board in addition to the hearing described in paragraph (2).

(4) The failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(5) Notwithstanding any other law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(i) Administrative fines collected pursuant to this section shall be deposited in the Dispensing Opticians Fund. It is the intent of the Legislature that moneys collected as fines and deposited in the fund be used by the board primarily for enforcement purposes.

SEC. 3. Section 1944 of the Business and Professions Code is amended to read:

1944. (a) The committee shall establish by resolution the amount of the fees that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions. The fees established by board resolution in effect on June 30, 2009, as they relate to the licensure of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions, shall remain in effect until modified by the committee. The fees are subject to the following limitations:

(1) The application fee for an original license and the fee for issuance of an original license shall not exceed two hundred fifty dollars (\$250).

(2) The fee for examination for licensure as a registered dental hygienist shall not exceed the actual cost of the examination.

(3) The fee for examination for licensure as a registered dental hygienist in extended functions shall not exceed the actual cost of the examination.

(4) The fee for examination for licensure as a registered dental hygienist in alternative practice shall not exceed the actual cost of administering the examination.

(5) The biennial renewal fee shall not exceed five hundred dollars (\$500).

(6) The delinquency fee shall not exceed one-half of the renewal fee. Any delinquent license may be restored only upon payment of all fees,

including the delinquency fee, and compliance with all other applicable requirements of this article.

(7) The fee for issuance of a duplicate license to replace one that is lost or destroyed, or in the event of a name change, shall not exceed twenty-five dollars (\$25) or one-half of the renewal fee, whichever is greater.

(8) The fee for certification of licensure shall not exceed one-half of the renewal fee.

(9) The fee for each curriculum review, feasibility study review, and site evaluation for educational programs for dental hygienists who are not accredited by a committee-approved agency shall not exceed two thousand one hundred dollars (\$2,100).

(10) The fee for each review or approval of course requirements for licensure or procedures that require additional training shall not exceed seven hundred fifty dollars (\$750).

(11) The initial application and biennial fee for a provider of continuing education shall not exceed five hundred dollars (\$500).

(12) The amount of fees payable in connection with permits issued under Section 1962 is as follows:

(A) The initial permit fee is an amount equal to the renewal fee for the applicant's license to practice dental hygiene in effect on the last regular renewal date before the date on which the permit is issued.

(B) If the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued.

(b) The renewal and delinquency fees shall be fixed by the committee by resolution at not more than the current amount of the renewal fee for a license to practice under this article nor less than five dollars (\$5).

(c) Fees fixed by the committee by resolution pursuant to this section shall not be subject to the approval of the Office of Administrative Law.

(d) Fees collected pursuant to this section shall be collected by the committee and deposited into the State Dental Hygiene Fund, which is hereby created. All money in this fund shall, upon appropriation by the Legislature in the annual Budget Act, be used to implement this article.

(e) No fees or charges other than those listed in this section shall be levied by the committee in connection with the licensure of registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.

(f) The fee for registration of an extramural dental facility shall not exceed two hundred fifty dollars (\$250).

(g) The fee for registration of a mobile dental hygiene unit shall not exceed one hundred fifty dollars (\$150).

(h) The biennial renewal fee for a mobile dental hygiene unit shall not exceed two hundred fifty dollars (\$250).

(i) The fee for an additional office permit shall not exceed two hundred fifty dollars (\$250).

(j) The biennial renewal fee for an additional office as described in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

(k) The initial application and biennial special permit fee is an amount equal to the biennial renewal fee specified in paragraph (6) of subdivision (a).

(l)) The fees in this section shall not exceed an amount sufficient to cover the reasonable regulatory cost of carrying out this article.

SEC. 4. Section 2546.9 of the Business and Professions Code is repealed.

SEC. 5. Section 2546.9 is added to the Business and Professions Code, to read:

2546.9. The amount of fees prescribed in connection with the registration of nonresident contact lens sellers is that established by the following schedule:

(a) The application fee for a nonresident contact lens seller shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).

(b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(c) The renewal fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).

(e) The fee for replacement of a lost, stolen, or destroyed registration shall be twenty-five dollars (\$25).

(f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.

(g) The fees collected pursuant to this chapter shall be deposited in the Dispensing Opticians Fund, and shall be available, upon appropriation, to the State Board of Optometry for the purposes of this chapter.

SEC. 6. Section 2565 of the Business and Professions Code is repealed.

SEC. 7. Section 2565 is added to the Business and Professions Code, to read:

2565. The amount of fees prescribed in connection with the registration of dispensing opticians shall be as set forth in this section.

(a) The application fee for registration shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).

(b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(c) The renewal fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).

(e) The fee for replacement of a lost, stolen, or destroyed certificate shall be twenty-five dollars (\$25).

(f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.

SEC. 8. Section 2566 of the Business and Professions Code is repealed.

SEC. 9. Section 2566 is added to the Business and Professions Code, to read:

2566. The amount of fees prescribed in connection with certificates for contact lens dispensers is as follows:

(a) The application fee for a registered contact lens dispenser shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).

(b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(c) The biennial fee for the renewal of certificates shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).

(e) The division may by regulation provide for a refund of a portion of the application fee to applicants who do not meet the requirements for registration.

(f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.

(g) The fee for replacement of a lost, stolen, or destroyed certificate is twenty-five dollars (\$25).

SEC. 10. Section 2566.1 of the Business and Professions Code is repealed.

SEC. 11. Section 2566.1 is added to the Business and Professions Code, to read:

2566.1. The amount of fees prescribed in connection with certificates for spectacle lens dispensers shall be as set forth in this section:

(a) The application for registration fee shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).

(b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(c) The renewal fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).

(e) The fee for replacement of a lost, stolen, or destroyed certificate is twenty-five dollars (\$25).

(f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.

SEC. 12. Section 2733 of the Business and Professions Code is amended to read:

2733. (a) (1) (A) Upon approval of an application filed pursuant to subdivision (b) of Section 2732.1, and upon the payment of the fee prescribed by subdivision (k) of Section 2815, the board may issue a temporary license to practice professional nursing, and a temporary certificate to practice as a certified public health nurse for a period of six months from the date of issuance.

(B) Upon approval of an application filed pursuant to subdivision (b) of Section 2732.1, and upon the payment of the fee prescribed by subdivision (d) of Section 2838.2, the board may issue a temporary certificate to practice as a certified clinical nurse specialist for a period of six months from the date of issuance.

(C) Upon approval of an application filed pursuant to subdivision (b) of Section 2732.1, and upon the payment of the fee prescribed by subdivision (e) of Section 2815.5, the board may issue a temporary certificate to practice as a certified nurse-midwife for a period of six months from the date of issuance.

(D) Upon approval of an application filed pursuant to subdivision (b) of Section 2732.1, and upon the payment of the fee prescribed by subdivision (d) of Section 2830.7, the board may issue a temporary certificate to practice as a certified nurse anesthetist for a period of six months from the date of issuance.

(E) Upon approval of an application filed pursuant to subdivision (b) of Section 2732.1, and upon the payment of the fee prescribed by subdivision (p) of Section 2815, the board may issue a temporary certificate to practice as a certified nurse practitioner for a period of six months from the date of issuance.

(2) A temporary license or temporary certificate shall terminate upon notice thereof by certified mail, return receipt requested, if it is issued by mistake or if the application for permanent licensure is denied.

(b) Upon written application, the board may reissue a temporary license or temporary certificate to any person who has applied for a regular renewable license pursuant to subdivision (b) of Section 2732.1 and who, in the judgment of the board has been excusably delayed in completing his or her application for or the minimum requirements for a regular renewable license, but the board may not reissue a temporary license or temporary certificate more than twice to any one person.

SEC. 13. Section 2746.53 is added to the Business and Professions Code, to read:

2746.53. The board may charge the applicant a fee to cover all necessary costs to implement Section 2746.51, that shall be not less than four hundred dollars (\$400) nor more than one thousand five hundred dollars (\$1,500) for an initial application, nor less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000) for an application for renewal. The board may charge a penalty fee for failure to renew a furnishing number within the prescribed time that shall be not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500).

SEC. 14. Section 2786.5 of the Business and Professions Code is amended to read:

2786.5. (a) An institution of higher education or a private postsecondary school of nursing approved by the board pursuant to subdivision (b) of Section 2786 shall remit to the board for deposit in the Board of Registered Nursing Fund the following fees, in accordance with the following schedule:

(1) The fee for approval of a school of nursing shall be fixed by the board at not less than forty thousand dollars (\$40,000) nor more than eighty thousand dollars (\$80,000).

(2) The fee for continuing approval of a nursing program established after January 1, 2013, shall be fixed by the board at not less than fifteen thousand dollars (\$15,000) nor more than thirty thousand dollars (\$30,000).

(3) The processing fee for authorization of a substantive change to an approval of a school of nursing shall be fixed by the board at not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000).

(b) If the board determines that the annual cost of providing oversight and review of a school of nursing, as required by this article, is less than the amount of any fees required to be paid by that institution pursuant to this article, the board may decrease the fees applicable to that institution to an amount that is proportional to the board's costs associated with that institution.

SEC. 15. Section 2811 of the Business and Professions Code is amended to read:

2811. (a) Each person holding a regular renewable license under this chapter, whether in an active or inactive status, shall apply for a renewal of his or her license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his or her birthday occurs, beginning with the second birthday following the date on which the license was issued, whereupon the board shall renew the license.

(b) Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

(c) A license in an inactive status may be restored to an active status if the licensee meets the continuing education standards of Section 2811.5.

SEC. 16. Section 2811.5 of the Business and Professions Code is amended to read:

2811.5. (a) Each person renewing his or her license under Section 2811 shall submit proof satisfactory to the board that, during the preceding two-year period, he or she has been informed of the developments in the registered nurse field or in any special area of practice engaged in by the licensee, occurring since the last renewal thereof, either by pursuing a course or courses of continuing education in the registered nurse field or relevant to the practice of the licensee, and approved by the board, or by other means deemed equivalent by the board.

(b) For purposes of this section, the board shall, by regulation, establish standards for continuing education. The standards shall be established in a manner to ensure that a variety of alternative forms of continuing education are available to licensees, including, but not limited to, academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension studies, and home study programs. The standards shall take cognizance of specialized areas of practice, and content shall be relevant to the practice of nursing and shall be related to the scientific knowledge or technical skills required for the practice of nursing or be related to direct or indirect patient or client care. The continuing education standards established by the board shall not exceed 30 hours of direct participation in a course or courses approved by the board, or its equivalent in the units of measure adopted by the board.

(c) The board shall audit continuing education providers at least once every five years to ensure adherence to regulatory requirements, and shall withhold or rescind approval from any provider that is in violation of the regulatory requirements.

(d) The board shall encourage continuing education in spousal or partner abuse detection and treatment. In the event the board establishes a requirement for continuing education coursework in spousal or partner abuse detection or treatment, that requirement shall be met by each licensee within no more than four years from the date the requirement is imposed.

(e) In establishing standards for continuing education, the board shall consider including a course in the special care needs of individuals and their families facing end-of-life issues, including, but not limited to, all of the following:

- (1) Pain and symptom management.
- (2) The psycho-social dynamics of death.
- (3) Dying and bereavement.
- (4) Hospice care.

(f) In establishing standards for continuing education, the board may include a course on pain management.

(g) This section shall not apply to licensees during the first two years immediately following their initial licensure in California or any other governmental jurisdiction.

(h) The board may, in accordance with the intent of this section, make exceptions from continuing education requirements for licensees residing in another state or country, or for reasons of health, military service, or other good cause.

SEC. 17. Section 2815 of the Business and Professions Code is amended to read:

2815. Subject to the provisions of Section 128.5, the amount of the fees prescribed by this chapter in connection with the issuance of licenses for registered nurses under its provisions is that fixed by the following schedule:

(a) (1) The fee to be paid upon the filing by a graduate of an approved school of nursing in this state of an application for a licensure by examination shall be fixed by the board at not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000).

(2) The fee to be paid upon the filing by a graduate of a school of nursing in another state, district, or territory of the United States of an application for a licensure by examination shall be fixed by the board at not less than three hundred fifty dollars (\$350) nor more than one thousand dollars (\$1,000).

(3) The fee to be paid upon the filing by a graduate of a school of nursing in another country of an application for a licensure by examination shall be fixed by the board at not less than seven hundred fifty dollars (\$750) nor more than one thousand five hundred dollars (\$1,500).

(4) The fee to be paid upon the filing of an application for licensure by a repeat examination shall be fixed by the board at not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000).

(b) The fee to be paid for taking each examination shall be the actual cost to purchase an examination from a vendor approved by the board.

(c) (1) The fee to be paid for application by a person who is licensed or registered as a nurse in another state, district, or territory of the United States for licensure by endorsement shall be fixed by the board at not less than three hundred fifty dollars (\$350) nor more than one thousand dollars (\$1,000).

(2) The fee to be paid for application by a person who is licensed or registered as a nurse in another country for licensure by endorsement shall be fixed by the board at not less than seven hundred fifty dollars (\$750) nor more than one thousand five hundred dollars (\$1,500).

(d) (1) The biennial fee to be paid upon the filing of an application for renewal of the license shall be not less than one hundred eighty dollars (\$180) nor more than seven hundred fifty dollars (\$750). In addition, an assessment of ten dollars (\$10) shall be collected and credited to the Registered Nurse Education Fund, pursuant to Section 2815.1.

(2) The fee to be paid upon the filing of an application for reinstatement pursuant to subdivision (b) of Section 2811 shall be not less than three hundred fifty dollars (\$350) nor more than one thousand dollars (\$1,000).

(e) The penalty fee for failure to renew a license within the prescribed time shall be fixed by the board at not more than 50 percent of the regular renewal fee, but not less than ninety dollars (\$90) nor more than three hundred seventy-five dollars (\$375).

(f) The fee to be paid for approval of a continuing education provider shall be fixed by the board at not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(g) The biennial fee to be paid upon the filing of an application for renewal of provider approval shall be fixed by the board at not less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000).

(h) The penalty fee for failure to renew provider approval within the prescribed time shall be fixed at not more than 50 percent of the regular renewal fee, but not less than one hundred twenty-five dollars (\$125) nor more than five hundred dollars (\$500).

(i) The penalty for submitting insufficient funds or fictitious check, draft or order on any bank or depository for payment of any fee to the board shall be fixed at not less than fifteen dollars (\$15) nor more than thirty dollars (\$30).

(j) The fee to be paid for an interim permit shall be fixed by the board at not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250).

(k) The fee to be paid for a temporary license shall be fixed by the board at not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250).

(l)) The fee to be paid for processing endorsement papers to other states shall be fixed by the board at not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200).

(m) The fee to be paid for a certified copy of a school transcript shall be fixed by the board at not less than fifty dollars (\$50) nor more than one hundred dollars (\$100).

(n) (1) The fee to be paid for a duplicate pocket license shall be fixed by the board at not less than fifty dollars (\$50) nor more than seventy-five dollars (\$75).

(2) The fee to be paid for a duplicate wall certificate shall be fixed by the board at not less than sixty dollars (\$60) nor more than one hundred dollars (\$100).

(o) (1) The fee to be paid by a registered nurse for an evaluation of his or her qualifications to use the title “nurse practitioner” shall be fixed by the board at not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500).

(2) The fee to be paid by a registered nurse for a temporary certificate to practice as a nurse practitioner shall be fixed by the board at not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500).

(3) The fee to be paid upon the filing of an application for renewal of a certificate to practice as a nurse practitioner shall be not less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000).

(4) The penalty fee for failure to renew a certificate to practice as a nurse practitioner within the prescribed time shall be not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500).

(p) The fee to be paid by a registered nurse for listing as a “psychiatric mental health nurse” shall be fixed by the board at not less than three hundred fifty dollars (\$350) nor more than seven hundred fifty dollars (\$750).

(q) The fee to be paid for duplicate National Council Licensure Examination for registered nurses (NCLEX-RN) examination results shall be not less than sixty dollars (\$60) nor more than one hundred dollars (\$100).

(r) The fee to be paid for a letter certifying a license shall be not less than twenty dollars (\$20) nor more than thirty dollars (\$30).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

SEC. 18. Section 2815.5 of the Business and Professions Code is amended to read:

2815.5. The amount of the fees prescribed by this chapter in connection with the issuance of certificates as nurse-midwives is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for a certificate shall be fixed by the board at not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500).

(b) The biennial fee to be paid upon the application for a renewal of a certificate shall be fixed by the board at not less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000).

(c) The penalty fee for failure to renew a certificate within the prescribed time shall be 50 percent of the renewal fee in effect on the date of the renewal of the license, but not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500).

(d) The fee to be paid upon the filing of an application for the nurse-midwife equivalency examination shall be fixed by the board at not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200).

(e) The fee to be paid for a temporary certificate shall be fixed by the board at not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500).

SEC. 19. Section 2816 of the Business and Professions Code is amended to read:

2816. The nonrefundable fee to be paid by a registered nurse for an evaluation of his or her qualifications to use the title “public health nurse” shall be equal to the fees set out in subdivision (o) of Section 2815. The fee to be paid upon the application for renewal of the certificate to practice as a public health nurse shall be fixed by the board at not less than one hundred twenty-five dollars (\$125) and not more than five hundred dollars (\$500). All fees payable under this section shall be collected by and paid to the Registered Nursing Fund. It is the intention of the Legislature that the costs of carrying out the purposes of this article shall be covered by the revenue collected pursuant to this section.

SEC. 20. Section 2830.7 of the Business and Professions Code is amended to read:

2830.7. The amount of the fees prescribed by this chapter in connection with the issuance of certificates as nurse anesthetists is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for a certificate shall be fixed by the board at not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500).

(b) The biennial fee to be paid upon the application for a renewal of a certificate shall be fixed by the board at not less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000).

(c) The penalty fee for failure to renew a certificate within the prescribed time shall be 50 percent of the renewal fee in effect on the date of the renewal of the license, but not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500).

(d) The fee to be paid for a temporary certificate shall be fixed by the board at not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500).

SEC. 21. Section 2836.3 of the Business and Professions Code is amended to read:

2836.3. (a) The furnishing of drugs or devices by nurse practitioners is conditional on issuance by the board of a number to the nurse applicant who has successfully completed the requirements of subdivision (g) of Section 2836.1. The number shall be included on all transmittals of orders for drugs or devices by the nurse practitioner. The board shall make the list of numbers issued available to the Board of Pharmacy. The board may charge the applicant a fee to cover all necessary costs to implement this section, that shall be not less than four hundred dollars (\$400) nor more than one thousand five hundred dollars (\$1,500) for an initial application, nor less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000) for an application for renewal. The board may charge a penalty fee for failure to renew a furnishing number within the prescribed time that shall be not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500).

(b) The number shall be renewable at the time of the applicant's registered nurse license renewal.

(c) The board may revoke, suspend, or deny issuance of the numbers for incompetence or gross negligence in the performance of functions specified in Sections 2836.1 and 2836.2.

SEC. 22. Section 2838.2 of the Business and Professions Code is amended to read:

2838.2. (a) A clinical nurse specialist is a registered nurse with advanced education, who participates in expert clinical practice, education, research, consultation, and clinical leadership as the major components of his or her role.

(b) The board may establish categories of clinical nurse specialists and the standards required to be met for nurses to hold themselves out as clinical nurse specialists in each category. The standards shall take into account the types of advanced levels of nursing practice that are or may be performed and the clinical and didactic education, experience, or both needed to practice safety at those levels. In setting the standards, the board shall consult with clinical nurse specialists, physicians and surgeons appointed by the Medical

Board of California with expertise with clinical nurse specialists, and health care organizations that utilize clinical nurse specialists.

(c) A registered nurse who meets one of the following requirements may apply to become a clinical nurse specialist:

(1) Possession of a master's degree in a clinical field of nursing.

(2) Possession of a master's degree in a clinical field related to nursing with coursework in the components referred to in subdivision (a).

(3) On or before July 1, 1998, meets the following requirements:

(A) Current licensure as a registered nurse.

(B) Performs the role of a clinical nurse specialist as described in subdivision (a).

(C) Meets any other criteria established by the board.

(d) (1) A nonrefundable fee of not less than five hundred dollars (\$500), but not to exceed one thousand five hundred dollars (\$1,500) shall be paid by a registered nurse applying to be a clinical nurse specialist for the evaluation of his or her qualifications to use the title "clinical nurse specialist."

(2) The fee to be paid for a temporary certificate to practice as a clinical nurse specialist shall be not less than thirty dollars (\$30) nor more than fifty dollars (\$50).

(3) A biennial renewal fee shall be paid upon submission of an application to renew the clinical nurse specialist certificate and shall be established by the board at no less than one hundred fifty dollars (\$150) and no more than one thousand dollars (\$1,000).

(4) The penalty fee for failure to renew a certificate within the prescribed time shall be 50 percent of the renewal fee in effect on the date of the renewal of the license, but not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500).

(5) The fees authorized by this subdivision shall not exceed the amount necessary to cover the costs to the board to administer this section.

SEC. 23. Section 3030 is added to the Business and Professions Code, to read:

3030. The board may at any time inspect the premises in which optometry is being practiced or in which spectacle or contact lenses are fitted or dispensed. The board's inspection authority does not extend to premises that are not registered with the board. Nothing in this section shall be construed to affect the board's ability to investigate alleged unlicensed activity or to inspect premises for which registration has lapsed or is delinquent.

SEC. 24. Section 4128.2 of the Business and Professions Code is amended to read:

4128.2. (a) In addition to the pharmacy license requirement described in Section 4110, a centralized hospital packaging pharmacy shall obtain a specialty license from the board prior to engaging in the functions described in Section 4128.

(b) An applicant seeking a specialty license pursuant to this article shall apply to the board on forms established by the board.

(c) Before issuing the specialty license, the board shall inspect the pharmacy and ensure that the pharmacy is in compliance with this article and regulations established by the board.

(d) A license to perform the functions described in Section 4128 may only be issued to a pharmacy that is licensed by the board as a hospital pharmacy.

(e) A license issued pursuant to this article shall be renewed annually and is not transferrable.

(f) An applicant seeking renewal of a specialty license shall apply to the board on forms established by the board.

(g) A license to perform the functions described in Section 4128 shall not be renewed until the pharmacy has been inspected by the board and found to be in compliance with this article and regulations established by the board.

(h) Until July 1, 2017, the fee for issuance or annual renewal of a centralized hospital packaging pharmacy license shall be six hundred dollars (\$600) and may be increased by the board to eight hundred dollars (\$800).

SEC. 25. Section 4400 of the Business and Professions Code is amended to read:

4400. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the board according to the following schedule:

(a) The fee for a nongovernmental pharmacy license shall be four hundred dollars (\$400) and may be increased to five hundred twenty dollars (\$520). The fee for the issuance of a temporary nongovernmental pharmacy permit shall be two hundred fifty dollars (\$250) and may be increased to three hundred twenty-five dollars (\$325).

(b) The fee for a nongovernmental pharmacy license annual renewal shall be two hundred fifty dollars (\$250) and may be increased to three hundred twenty-five dollars (\$325).

(c) The fee for the pharmacist application and examination shall be two hundred dollars (\$200) and may be increased to two hundred sixty dollars (\$260).

(d) The fee for regrading an examination shall be ninety dollars (\$90) and may be increased to one hundred fifteen dollars (\$115). If an error in grading is found and the applicant passes the examination, the regrading fee shall be refunded.

(e) The fee for a pharmacist license and biennial renewal shall be one hundred fifty dollars (\$150) and may be increased to one hundred ninety-five dollars (\$195).

(f) The fee for a nongovernmental wholesaler or third-party logistics provider license and annual renewal shall be seven hundred eighty dollars (\$780) and may be decreased to no less than six hundred dollars (\$600). The application fee for any additional location after licensure of the first 20 locations shall be three hundred dollars (\$300) and may be decreased to no less than two hundred twenty-five dollars (\$225). A temporary license fee

shall be seven hundred fifteen dollars (\$715) and may be decreased to no less than five hundred fifty dollars (\$550).

(g) The fee for a hypodermic license and renewal shall be one hundred twenty-five dollars (\$125) and may be increased to one hundred sixty-five dollars (\$165).

(h) (1) The fee for application, investigation, and issuance of a license as a designated representative pursuant to Section 4053, or as a designated representative-3PL pursuant to Section 4053.1, shall be three hundred thirty dollars (\$330) and may be decreased to no less than two hundred fifty-five dollars (\$255).

(2) The fee for the annual renewal of a license as a designated representative or designated representative-3PL shall be one hundred ninety-five dollars (\$195) and may be decreased to no less than one hundred fifty dollars (\$150).

(i) (1) The fee for the application, investigation, and issuance of a license as a designated representative for a veterinary food-animal drug retailer pursuant to Section 4053 shall be three hundred thirty dollars (\$330) and may be decreased to no less than two hundred fifty-five dollars (\$255).

(2) The fee for the annual renewal of a license as a designated representative for a veterinary food-animal drug retailer shall be one hundred ninety-five dollars (\$195) and may be decreased to no less than one hundred fifty dollars (\$150).

(j) (1) The application fee for a nonresident wholesaler or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars (\$780) and may be decreased to no less than six hundred dollars (\$600).

(2) For nonresident wholesalers or third-party logistics providers that have 21 or more facilities operating nationwide the application fees for the first 20 locations shall be seven hundred eighty dollars (\$780) and may be decreased to no less than six hundred dollars (\$600). The application fee for any additional location after licensure of the first 20 locations shall be three hundred dollars (\$300) and may be decreased to no less than two hundred twenty-five dollars (\$225). A temporary license fee shall be seven hundred fifteen dollars (\$715) and may be decreased to no less than five hundred fifty dollars (\$550).

(3) The annual renewal fee for a nonresident wholesaler license or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars (\$780) and may be decreased to no less than six hundred dollars (\$600).

(k) The fee for evaluation of continuing education courses for accreditation shall be set by the board at an amount not to exceed forty dollars (\$40) per course hour.

(l)) The fee for an intern pharmacist license shall be ninety dollars (\$90) and may be increased to one hundred fifteen dollars (\$115). The fee for transfer of intern hours or verification of licensure to another state shall be twenty-five dollars (\$25) and may be increased to thirty dollars (\$30).

(m) The board may waive or refund the additional fee for the issuance of a license where the license is issued less than 45 days before the next regular renewal date.

(n) The fee for the reissuance of any license, or renewal thereof, that has been lost or destroyed or reissued due to a name change shall be thirty-five dollars (\$35) and may be increased to forty-five dollars (\$45).

(o) The fee for the reissuance of any license, or renewal thereof, that must be reissued because of a change in the information, shall be one hundred dollars (\$100) and may be increased to one hundred thirty dollars (\$130).

(p) It is the intent of the Legislature that, in setting fees pursuant to this section, the board shall seek to maintain a reserve in the Pharmacy Board Contingent Fund equal to approximately one year's operating expenditures.

(q) The fee for any applicant for a nongovernmental clinic license shall be four hundred dollars (\$400) and may be increased to five hundred twenty dollars (\$520) for each license. The annual fee for renewal of the license shall be two hundred fifty dollars (\$250) and may be increased to three hundred twenty-five dollars (\$325) for each license.

(r) The fee for the issuance of a pharmacy technician license shall be eighty dollars (\$80) and may be increased to one hundred five dollars (\$105). The fee for renewal of a pharmacy technician license shall be one hundred dollars (\$100) and may be increased to one hundred thirty dollars (\$130).

(s) The fee for a veterinary food-animal drug retailer license shall be four hundred five dollars (\$405) and may be increased to four hundred twenty-five dollars (\$425). The annual renewal fee for a veterinary food-animal drug retailer license shall be two hundred fifty dollars (\$250) and may be increased to three hundred twenty-five dollars (\$325).

(t) The fee for issuance of a retired license pursuant to Section 4200.5 shall be thirty-five dollars (\$35) and may be increased to forty-five dollars (\$45).

(u) The fee for issuance or renewal of a nongovernmental sterile compounding pharmacy license shall be six hundred dollars (\$600) and may be increased to seven hundred eighty dollars (\$780). The fee for a temporary license shall be five hundred fifty dollars (\$550) and may be increased to seven hundred fifteen dollars (\$715).

(v) The fee for the issuance or renewal of a nonresident sterile compounding pharmacy license shall be seven hundred eighty dollars (\$780). In addition to paying that application fee, the nonresident sterile compounding pharmacy shall deposit, when submitting the application, a reasonable amount, as determined by the board, necessary to cover the board's estimated cost of performing the inspection required by Section 4127.2. If the required deposit is not submitted with the application, the application shall be deemed to be incomplete. If the actual cost of the inspection exceeds the amount deposited, the board shall provide to the applicant a written invoice for the remaining amount and shall not take action on the application until the full amount has been paid to the board.

If the amount deposited exceeds the amount of actual and necessary costs incurred, the board shall remit the difference to the applicant.

(w) This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed.

SEC. 26. Section 4400 is added to the Business and Professions Code, to read:

4400. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the board according to the following schedule:

(a) The fee for a nongovernmental pharmacy license shall be five hundred twenty dollars (\$520) and may be increased to five hundred seventy dollars (\$570). The fee for the issuance of a temporary nongovernmental pharmacy permit shall be two hundred fifty dollars (\$250) and may be increased to three hundred twenty-five dollars (\$325).

(b) The fee for a nongovernmental pharmacy license annual renewal shall be six hundred sixty-five dollars (\$665) and may be increased to nine hundred thirty dollars (\$930).

(c) The fee for the pharmacist application and examination shall be two hundred sixty dollars (\$260) and may be increased to two hundred eighty-five dollars (\$285).

(d) The fee for regrading an examination shall be ninety dollars (\$90) and may be increased to one hundred fifteen dollars (\$115). If an error in grading is found and the applicant passes the examination, the regrading fee shall be refunded.

(e) The fee for a pharmacist license shall be one hundred ninety-five dollars (\$195) and may be increased to two hundred fifteen dollars (\$215). The fee for a pharmacist biennial renewal shall be three hundred sixty dollars (\$360) and may be increased to five hundred five dollars (\$505).

(f) The fee for a nongovernmental wholesaler or third-party logistics provider license and annual renewal shall be seven hundred eighty dollars (\$780) and may be increased to eight hundred twenty dollars (\$820). The application fee for any additional location after licensure of the first 20 locations shall be three hundred dollars (\$300) and may be decreased to no less than two hundred twenty-five dollars (\$225). A temporary license fee shall be seven hundred fifteen dollars (\$715) and may be decreased to no less than five hundred fifty dollars (\$550).

(g) The fee for a hypodermic license shall be one hundred seventy dollars (\$170) and may be increased to two hundred forty dollars (\$240). The fee for a hypodermic license renewal shall be two hundred dollars (\$200) and may be increased to two hundred eighty dollars (\$280).

(h) (1) The fee for application, investigation, and issuance of a license as a designated representative pursuant to Section 4053, or as a designated representative-3PL pursuant to Section 4053.1, shall be one hundred fifty dollars (\$150) and may be increased to two hundred ten dollars (\$210).

(2) The fee for the annual renewal of a license as a designated representative or designated representative-3PL shall be two hundred fifteen dollars (\$215) and may be increased to three hundred dollars (\$300).

(i) (1) The fee for the application, investigation, and issuance of a license as a designated representative for a veterinary food-animal drug retailer pursuant to Section 4053 shall be one hundred fifty dollars (\$150) and may be increased to two hundred ten dollars (\$210).

(2) The fee for the annual renewal of a license as a designated representative for a veterinary food-animal drug retailer shall be two hundred fifteen dollars (\$215) and may be increased to three hundred dollars (\$300).

(j) (1) The application fee for a nonresident wholesaler or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars (\$780) and may be increased to eight hundred twenty dollars (\$820).

(2) For nonresident wholesalers or third-party logistics providers that have 21 or more facilities operating nationwide the application fees for the first 20 locations shall be seven hundred eighty dollars (\$780) and may be increased to eight hundred twenty dollars (\$820). The application fee for any additional location after licensure of the first 20 locations shall be three hundred dollars (\$300) and may be decreased to no less than two hundred twenty-five dollars (\$225). A temporary license fee shall be seven hundred fifteen dollars (\$715) and may be decreased to no less than five hundred fifty dollars (\$550).

(3) The annual renewal fee for a nonresident wholesaler license or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars (\$780) and may be increased to eight hundred twenty dollars (\$820).

(k) The fee for evaluation of continuing education courses for accreditation shall be set by the board at an amount not to exceed forty dollars (\$40) per course hour.

(l) The fee for an intern pharmacist license shall be one hundred sixty-five dollars (\$165) and may be increased to two hundred thirty dollars (\$230). The fee for transfer of intern hours or verification of licensure to another state shall be twenty-five dollars (\$25) and may be increased to thirty dollars (\$30).

(m) The board may waive or refund the additional fee for the issuance of a license where the license is issued less than 45 days before the next regular renewal date.

(n) The fee for the reissuance of any license, or renewal thereof, that has been lost or destroyed or reissued due to a name change shall be thirty-five dollars (\$35) and may be increased to forty-five dollars (\$45).

(o) The fee for the reissuance of any license, or renewal thereof, that must be reissued because of a change in the information, shall be one hundred dollars (\$100) and may be increased to one hundred thirty dollars (\$130).

(p) It is the intent of the Legislature that, in setting fees pursuant to this section, the board shall seek to maintain a reserve in the Pharmacy Board Contingent Fund equal to approximately one year's operating expenditures.

(q) The fee for any applicant for a nongovernmental clinic license shall be five hundred twenty dollars (\$520) for each license and may be increased

to five hundred seventy dollars (\$570). The annual fee for renewal of the license shall be three hundred twenty-five dollars (\$325) for each license and may be increased to three hundred sixty dollars (\$360).

(r) The fee for the issuance of a pharmacy technician license shall be one hundred forty dollars (\$140) and may be increased to one hundred ninety-five dollars (\$195). The fee for renewal of a pharmacy technician license shall be one hundred forty dollars (\$140) and may be increased to one hundred ninety-five dollars (\$195).

(s) The fee for a veterinary food-animal drug retailer license shall be four hundred thirty-five dollars (\$435) and may be increased to six hundred ten dollars (\$610). The annual renewal fee for a veterinary food-animal drug retailer license shall be three hundred thirty dollars (\$330) and may be increased to four hundred sixty dollars (\$460).

(t) The fee for issuance of a retired license pursuant to Section 4200.5 shall be thirty-five dollars (\$35) and may be increased to forty-five dollars (\$45).

(u) The fee for issuance of a nongovernmental sterile compounding pharmacy license shall be one thousand six hundred forty-five dollars (\$1,645) and may be increased to two thousand three hundred five dollars (\$2,305). The fee for a temporary license shall be five hundred fifty dollars (\$550) and may be increased to seven hundred fifteen dollars (\$715). The annual renewal fee of the license shall be one thousand three hundred twenty-five dollars (\$1,325) and may be increased to one thousand eight hundred fifty-five dollars (\$1,855).

(v) The fee for the issuance of a nonresident sterile compounding pharmacy license shall be two thousand three hundred eighty dollars (\$2,380) and may be increased to three thousand three hundred thirty-five dollars (\$3,335). The annual renewal of the license shall be two thousand two hundred seventy dollars (\$2,270) and may be increased to three thousand one hundred eighty dollars (\$3,180). In addition to paying that application fee, the nonresident sterile compounding pharmacy shall deposit, when submitting the application, a reasonable amount, as determined by the board, necessary to cover the board's estimated cost of performing the inspection required by Section 4127.2. If the required deposit is not submitted with the application, the application shall be deemed to be incomplete. If the actual cost of the inspection exceeds the amount deposited, the board shall provide to the applicant a written invoice for the remaining amount and shall not take action on the application until the full amount has been paid to the board. If the amount deposited exceeds the amount of actual and necessary costs incurred, the board shall remit the difference to the applicant.

(w) The fee for the issuance of an outsourcing facility license shall be two thousand two hundred seventy dollars (\$2,270) and may be increased to up to three thousand one hundred eighty dollars (\$3,180) by the board. The fee for the renewal of an outsourcing facility license shall be one thousand three hundred twenty-five dollars (\$1,325) and may be increased to up to one thousand eight hundred fifty-five dollars (\$1,855) by the board.

The fee for a temporary outsourcing facility license shall be seven hundred fifteen dollars (\$715).

(x) The fee for the issuance of a nonresident outsourcing facility license shall be two thousand three hundred eighty dollars (\$2,380) and may be increased to up to three thousand three hundred thirty-five dollars (\$3,335) by the board. The fee for the renewal of a nonresident outsourcing facility license shall be two thousand two hundred seventy dollars (\$2,270) and may be increased to up to three thousand one hundred eighty dollars (\$3,180) by the board. In addition to paying that application fee, the nonresident outsourcing facility shall deposit, when submitting the application, a reasonable amount, as determined by the board, necessary to cover the board's estimated cost of performing the inspection required by Section 4129.2. If the required deposit is not submitted with the application, the application shall be deemed to be incomplete. If the actual cost of the inspection exceeds the amount deposited, the board shall provide to the applicant a written invoice for the remaining amount and shall not take action on the application until the full amount has been paid to the board. If the amount deposited exceeds the amount of actual and necessary costs incurred, the board shall remit the difference to the applicant.

(y) The fee for the issuance of a centralized hospital packaging license shall be eight hundred twenty dollars (\$820) and may be increased to one thousand one hundred fifty dollars (\$1,150). The annual renewal of the license shall be eight hundred five dollars (\$805) and may be increased to one thousand one hundred twenty-five dollars (\$1,125).

(z) This section shall become operative on July 1, 2017.

SEC. 27. Section 4830 of the Business and Professions Code is amended to read:

4830. (a) This chapter does not apply to:

(1) Veterinarians while serving in any armed branch of the military service of the United States or the United States Department of Agriculture while actually engaged and employed in their official capacity.

(2) Veterinarians holding a current, valid license in good standing in another state or country who provide assistance to a California licensed veterinarian and attend on a specific case. The California licensed veterinarian shall maintain a valid veterinarian-client-patient relationship. The veterinarian providing the assistance shall not establish a veterinarian-client-patient relationship with the client by attending the case or at a future time and shall not practice veterinary medicine, open an office, appoint a place to meet patients, communicate with clients who reside within the limits of this state, give orders, or have ultimate authority over the care or primary diagnosis of a patient that is located within this state.

(3) Veterinarians called into the state by a law enforcement agency or animal control agency pursuant to subdivision (b).

(4) Students in the School of Veterinary Medicine of the University of California or the College of Veterinary Medicine of the Western University of Health Sciences who participate in diagnosis and treatment as part of their educational experience, including those in off-campus educational

programs under the direct supervision of a licensed veterinarian in good standing, as defined in paragraph (1) of subdivision (b) of Section 4848, appointed by the University of California, Davis, or the Western University of Health Sciences.

(5) A veterinarian who is employed by the Meat and Poultry Inspection Branch of the California Department of Food and Agriculture while actually engaged and employed in his or her official capacity. A person exempt under this paragraph shall not otherwise engage in the practice of veterinary medicine unless he or she is issued a license by the board.

(6) Unlicensed personnel employed by the Department of Food and Agriculture or the United States Department of Agriculture when in the course of their duties they are directed by a veterinarian supervisor to conduct an examination, obtain biological specimens, apply biological tests, or administer medications or biological products as part of government disease or condition monitoring, investigation, control, or eradication activities.

(b) (1) For purposes of paragraph (3) of subdivision (a), a regularly licensed veterinarian in good standing who is called from another state by a law enforcement agency or animal control agency, as defined in Section 31606 of the Food and Agricultural Code, to attend to cases that are a part of an investigation of an alleged violation of federal or state animal fighting or animal cruelty laws within a single geographic location shall be exempt from the licensing requirements of this chapter if the law enforcement agency or animal control agency determines that it is necessary to call the veterinarian in order for the agency or officer to conduct the investigation in a timely, efficient, and effective manner. In determining whether it is necessary to call a veterinarian from another state, consideration shall be given to the availability of veterinarians in this state to attend to these cases. An agency, department, or officer that calls a veterinarian pursuant to this subdivision shall notify the board of the investigation.

(2) Notwithstanding any other provision of this chapter, a regularly licensed veterinarian in good standing who is called from another state to attend to cases that are a part of an investigation described in paragraph (1) may provide veterinary medical care for animals that are affected by the investigation with a temporary shelter facility, and the temporary shelter facility shall be exempt from the registration requirement of Section 4853 if all of the following conditions are met:

(A) The temporary shelter facility is established only for the purpose of the investigation.

(B) The temporary shelter facility provides veterinary medical care, shelter, food, and water only to animals that are affected by the investigation.

(C) The temporary shelter facility complies with Section 4854.

(D) The temporary shelter facility exists for not more than 60 days, unless the law enforcement agency or animal control agency determines that a longer period of time is necessary to complete the investigation.

(E) Within 30 calendar days upon completion of the provision of veterinary health care services at a temporary shelter facility established pursuant to this section, the veterinarian called from another state by a law

enforcement agency or animal control agency to attend to a case shall file a report with the board. The report shall contain the date, place, type, and general description of the care provided, along with a listing of the veterinary health care practitioners who participated in providing that care.

(c) For purposes of paragraph (3) of subdivision (a), the board may inspect temporary facilities established pursuant to this section.

SEC. 28. Section 4999 of the Business and Professions Code is amended to read:

4999. “Telephone medical advice service” means any business entity that employs, or contracts or subcontracts, directly or indirectly, with, the full-time equivalent of five or more persons functioning as health care professionals, whose primary function is to provide telephone medical advice, that provides telephone medical advice services to a patient at a California address. “Telephone medical advice service” does not include a medical group that operates in multiple locations in California if no more than five full-time equivalent persons at any one location perform telephone medical advice services and those persons limit the telephone medical advice services to patients being treated at that location.

SEC. 29. Section 4999.1 of the Business and Professions Code is repealed.

SEC. 30. Section 4999.2 of the Business and Professions Code is amended to read:

4999.2. A telephone medical advice service shall be responsible for complying with the following requirements:

(a) (1) Ensuring that all health care professionals who provide medical advice services are appropriately licensed, certified, or registered as a physician and surgeon pursuant to Chapter 5 (commencing with Section 2000) or the Osteopathic Initiative Act, as a dentist, dental hygienist, dental hygienist in alternative practice, or dental hygienist in extended functions pursuant to Chapter 4 (commencing with Section 1600), as an occupational therapist pursuant to Chapter 5.6 (commencing with Section 2570), as a registered nurse pursuant to Chapter 6 (commencing with Section 2700), as a psychologist pursuant to Chapter 6.6 (commencing with Section 2900), as a naturopathic doctor pursuant to Chapter 8.2 (commencing with Section 3610), as a marriage and family therapist pursuant to Chapter 13 (commencing with Section 4980), as a licensed clinical social worker pursuant to Chapter 14 (commencing with Section 4991), as a licensed professional clinical counselor pursuant to Chapter 16 (commencing with Section 4999.10), as an optometrist pursuant to Chapter 7 (commencing with Section 3000), or as a chiropractor pursuant to the Chiropractic Initiative Act, and operating consistent with the laws governing their respective scopes of practice in the state within which they provide telephone medical advice services, except as provided in subdivision (b).

(2) Ensuring that all health care professionals who provide telephone medical advice services from an out-of-state location, as identified in paragraph (1), are licensed, registered, or certified in the state within which

they are providing the telephone medical advice services and are operating consistent with the laws governing their respective scopes of practice.

(b) Ensuring that the telephone medical advice provided is consistent with good professional practice.

(c) Maintaining records of telephone medical advice services, including records of complaints, provided to patients in California for a period of at least five years.

(d) Ensuring that no staff member uses a title or designation when speaking to an enrollee, subscriber, or consumer that may cause a reasonable person to believe that the staff member is a licensed, certified, or registered health care professional described in paragraph (1) of subdivision (a), unless the staff member is a licensed, certified, or registered professional.

(e) Complying with all directions and requests for information made by the department.

(f) Notifying the department within 30 days of any change of name, physical location, mailing address, or telephone number of any business, owner, partner, corporate officer, or agent for service of process in California, together with copies of all resolutions or other written communications that substantiate these changes.

SEC. 31. Section 4999.3 of the Business and Professions Code is repealed.

SEC. 32. Section 4999.4 of the Business and Professions Code is repealed.

SEC. 33. Section 4999.5 of the Business and Professions Code is repealed.

SEC. 34. Section 4999.5 is added to the Business and Professions Code, to read:

4999.5. The respective healing arts licensing boards shall be responsible for enforcing this chapter and any other laws and regulations affecting California licensed health care professionals providing telephone medical advice services.

SEC. 35. Section 4999.6 of the Business and Professions Code is repealed.

SEC. 36. Section 7137 of the Business and Professions Code is amended to read:

7137. The board shall set fees by regulation. These fees shall not exceed the following schedule:

(a) The application fee for an original license in a single classification shall not be more than three hundred dollars (\$300).

The application fee for each additional classification applied for in connection with an original license shall not be more than seventy-five dollars (\$75).

The application fee for each additional classification pursuant to Section 7059 shall not be more than seventy-five dollars (\$75).

The application fee to replace a responsible managing officer, responsible managing manager, responsible managing member, or responsible managing

employee pursuant to Section 7068.2 shall not be more than seventy-five dollars (\$75).

(b) The fee for rescheduling an examination for an applicant who has applied for an original license, additional classification, a change of responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee, or for an asbestos certification or hazardous substance removal certification, shall not be more than sixty dollars (\$60).

(c) The fee for scheduling or rescheduling an examination for a licensee who is required to take the examination as a condition of probation shall not be more than sixty dollars (\$60).

(d) The initial license fee for an active or inactive license shall not be more than one hundred eighty dollars (\$180).

(e) The renewal fee for an active license shall not be more than three hundred sixty dollars (\$360).

The renewal fee for an inactive license shall not be more than one hundred eighty dollars (\$180).

(f) The delinquency fee is an amount equal to 50 percent of the renewal fee, if the license is renewed after its expiration.

(g) The registration fee for a home improvement salesperson shall not be more than seventy-five dollars (\$75).

(h) The renewal fee for a home improvement salesperson registration shall not be more than seventy-five dollars (\$75).

(i) The application fee for an asbestos certification examination shall not be more than seventy-five dollars (\$75).

(j) The application fee for a hazardous substance removal or remedial action certification examination shall not be more than seventy-five dollars (\$75).

(k) In addition to any other fees charged to C-10 and C-7 contractors, the board may charge a fee not to exceed twenty dollars (\$20), which shall be used by the board to enforce provisions of the Labor Code related to electrician certification.

(l)) This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed.

SEC. 37. Section 7137 is added to the Business and Professions Code, to read:

7137. The board may set fees by regulation. These fees shall be set according to the following schedule:

(a) (1) The application fee for an original license in a single classification shall be three hundred thirty dollars (\$330) and may be increased to not more than three hundred seventy-five dollars (\$375).

(2) The application fee for each additional classification applied for in connection with an original license shall not be more than eighty-five dollars (\$85).

(3) The application fee for each additional classification pursuant to Section 7059 shall be one hundred fifty dollars (\$150) and may be increased to not more than one hundred seventy-five dollars (\$175).

(4) The application fee to replace a responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee pursuant to Section 7068.2 shall be one hundred fifty dollars (\$150) and may be increased to not more than one hundred seventy-five dollars (\$175).

(5) The application fee to add personnel, other than a qualifying individual, to an existing license shall be one hundred dollars (\$100) and may be increased to not more than one hundred fifteen dollars (\$115).

(b) The fee for rescheduling an examination for an applicant who has applied for an original license, additional classification, a change of responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee, or for an asbestos certification or hazardous substance removal certification, shall not be more than seventy dollars (\$70).

(c) The fee for scheduling or rescheduling an examination for a licensee who is required to take the examination as a condition of probation shall not be more than seventy dollars (\$70).

(d) The initial license fee for an active or inactive license shall be two hundred dollars (\$200) and may be increased to not more than two hundred twenty-five dollars (\$225).

(e) (1) The renewal fee for an active license shall be four hundred dollars (\$400) and may be increased to not more than four hundred fifty dollars (\$450).

(2) The renewal fee for an inactive license shall be two hundred dollars (\$200) and may be increased to not more than two hundred twenty-five dollars (\$225).

(f) The delinquency fee is an amount equal to 50 percent of the renewal fee, if the license is renewed after its expiration.

(g) The registration fee for a home improvement salesperson shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(h) The renewal fee for a home improvement salesperson registration shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(i) The application fee for an asbestos certification examination shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(j) The application fee for a hazardous substance removal or remedial action certification examination shall be eighty-three dollars (\$83) and may be increased to not more than ninety-five dollars (\$95).

(k) In addition to any other fees charged to C-10 and C-7 contractors, the board may charge a fee not to exceed twenty dollars (\$20), which shall be used by the board to enforce provisions of the Labor Code related to electrician certification.

(l)) The board shall, by regulation, establish criteria for the approval of expedited processing of applications. Approved expedited processing of

applications for licensure or registration, as required by other provisions of law, shall not be subject to this subdivision.

(m) This section shall become operative on July 1, 2017.

SEC. 38. Section 7153.3 of the Business and Professions Code is amended to read:

7153.3. (a) To renew a home improvement salesperson registration, which has not expired, the registrant shall before the time at which the registration would otherwise expire, apply for renewal on a form prescribed by the registrar and pay a renewal fee prescribed by this chapter. Renewal of an unexpired registration shall continue the registration in effect for the two-year period following the expiration date of the registration, when it shall expire if it is not again renewed.

(b) An application for renewal of registration is delinquent if the application is not postmarked or received via electronic transmission as authorized by Section 7156.6 by the date on which the registration would otherwise expire. A registration may, however, still be renewed at anytime within three years after its expiration upon the filing of an application for renewal on a form prescribed by the registrar and the payment of the renewal fee prescribed by this chapter and a delinquent renewal penalty in the amount of twenty-five dollars (\$25). If a registration is not renewed within three years, the person shall make a new application for registration pursuant to Section 7153.1.

(c) The registrar may refuse to renew a registration for failure by the registrant to complete the application for renewal of registration. If a registrant fails to return the application rejected for insufficiency or incompleteness within 90 days from the original date of rejection, the application and fee shall be deemed abandoned. Any application abandoned may not be reinstated. However, the person may file a new application for registration pursuant to Section 7153.1.

The registrar may review and accept the petition of a person who disputes the abandonment of his or her renewal application upon a showing of good cause. This petition shall be received within 90 days of the date the application for renewal is deemed abandoned.

(d) This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed.

SEC. 39. Section 7153.3 is added to the Business and Professions Code, to read:

7153.3. (a) To renew a home improvement salesperson registration, which has not expired, the registrant shall before the time at which the registration would otherwise expire, apply for renewal on a form prescribed by the registrar and pay a renewal fee prescribed by this chapter. Renewal of an unexpired registration shall continue the registration in effect for the two-year period following the expiration date of the registration, when it shall expire if it is not again renewed.

(b) An application for renewal of registration is delinquent if the application is not postmarked or received via electronic transmission as authorized by Section 7156.6 by the date on which the registration would

otherwise expire. A registration may, however, still be renewed at anytime within three years after its expiration upon the filing of an application for renewal on a form prescribed by the registrar and the payment of the renewal fee prescribed by this chapter and a delinquent renewal penalty equal to 50 percent of the renewal fee. If a registration is not renewed within three years, the person shall make a new application for registration pursuant to Section 7153.1.

(c) (1) The registrar may refuse to renew a registration for failure by the registrant to complete the application for renewal of registration. If a registrant fails to return the application rejected for insufficiency or incompleteness within 90 days from the original date of rejection, the application and fee shall be deemed abandoned. Any application abandoned may not be reinstated. However, the person may file a new application for registration pursuant to Section 7153.1.

(2) The registrar may review and accept the petition of a person who disputes the abandonment of his or her renewal application upon a showing of good cause. This petition shall be received within 90 days of the date the application for renewal is deemed abandoned.

(d) This section shall become operative on July 1, 2017.

SEC. 40. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) This section, and Section 8519, apply only to wood destroying pests or organisms.

(b) A registered company or licensee shall not commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator employed by a registered company, except as provided in Section 8519.5. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.

Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.

Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars (\$2,500). The address of an inspection report prepared for use by an attorney for litigation purposes shall not be required to be reported to the board and shall not be assessed a filing fee.

A written inspection report conforming to this section and a form approved by the board shall be prepared and delivered to the person requesting the inspection and the property owner, or to the property owner's designated agent, within 10 business days from the start of the inspection, except that an inspection report prepared for use by an attorney for litigation purposes is not required to be reported to the board or the property owner. An

inspection report may be a complete, limited, supplemental, or reinspection report, as defined by Section 1993 of Title 16 of the California Code of Regulations. The report shall be delivered before work is commenced on any property. The registered company shall retain for three years all inspection reports, field notes, and activity forms.

Reports shall be made available for inspection and reproduction to the executive officer of the board or his or her duly authorized representative during business hours. All inspection reports or copies thereof shall be submitted to the board upon demand within two business days. The following shall be set forth in the report:

(1) The start date of the inspection and the name of the licensed field representative or operator making the inspection.

(2) The name and address of the person or firm ordering the report.

(3) The name and address of the property owner and any person who is a party in interest.

(4) The address or location of the property.

(5) A general description of the building or premises inspected.

(6) A foundation diagram or sketch of the structure or structures or portions of the structure or structures inspected, including the approximate location of any infested or infected areas evident, and the parts of the structure where conditions that would ordinarily subject those parts to attack by wood destroying pests or organisms exist. Reporting of the infested or infected wood members, or parts of the structure identified, shall be listed in the inspection report to clearly identify them, as is typical in standard construction components, including, but not limited to, siding, studs, rafters, floor joists, fascia, subfloor, sheathing, and trim boards.

(7) Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be reported.

(8) One of the following statements, as appropriate, printed in bold type:

(A) **The exterior surface of the roof was not inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractors' State License Board.**

(B) **The exterior surface of the roof was inspected to determine whether or not wood destroying pests or organisms are present.**

(9) Indication or description of any areas that are inaccessible or not inspected with recommendation for further inspection if practicable. If, after the report has been made in compliance with this section, authority is given later to open inaccessible areas, a supplemental report on conditions in these areas shall be made.

(10) Recommendations for corrective measures.

(11) Information regarding the pesticide or pesticides to be used for their control or prevention as set forth in subdivision (a) of Section 8538.

(12) The inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter.

An estimate or bid shall be given separately allocating the costs to perform each and every recommendation for corrective measures as specified in subdivision (c) with the original inspection report if the person who ordered the original inspection report so requests, and if the registered company is regularly in the business of performing each corrective measure.

If no estimate or bid was given with the original inspection report, or thereafter, then the registered company shall not be required to perform a reinspection.

A reinspection shall be an inspection of those items previously listed on an original report to determine if the recommendations have been completed. Each reinspection shall be reported on an original inspection report form and shall be labeled "Reinspection." Each reinspection shall also identify the original report by date.

After four months from an original inspection, all inspections shall be original inspections and not reinspections.

Any reinspection shall be performed for not more than the price of the registered company's original inspection price and shall be completed within 10 business days after a reinspection has been ordered.

(13) The inspection report shall contain the following statement, printed in boldface type:

"NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company."

(c) At the time a report is ordered, the registered company or licensee shall inform the person or entity ordering the report, that a separate report is available pursuant to this subdivision. If a separate report is requested at the time the inspection report is ordered, the registered company or licensee shall separately identify on the report each recommendation for corrective measures as follows:

(1) The infestation or infection that is evident.

(2) The conditions that are present that are deemed likely to lead to infestation or infection.

If a registered company or licensee fails to inform as required by this subdivision and a dispute arises, or if any other dispute arises as to whether this subdivision has been complied with, a separate report shall be provided within 24 hours of the request but, in no event, later than the next business day, and at no additional cost.

(d) When a corrective condition is identified, either as paragraph (1) or (2) of subdivision (c), and the property owner or the property owner's designated agent chooses not to correct those conditions, the registered company or licensee shall not be liable for damages resulting from a failure to correct those conditions or subject to any disciplinary action by the board. Nothing in this subdivision, however, shall relieve a registered company or a licensee of any liability resulting from negligence, fraud, dishonest dealing, other violations pursuant to this chapter, or contractual obligations between the registered company or licensee and the responsible parties.

(e) The inspection report form prescribed by the board shall separately identify the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection. If a separate form is requested, the form shall explain the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection and the difference between those conditions. In no event, however, shall conditions deemed likely to lead to infestation or infection be characterized as actual "defects" or as actual "active" infestations or infections or in need of correction as a precondition to issuing a certification pursuant to Section 8519.

(f) The report and any contract entered into shall also state specifically when any guarantee for the work is made, and if so, the specific terms of the guarantee and the period of time for which the guarantee shall be in effect. If a guarantee extends beyond three years, the registered company shall maintain all original inspection reports, field notes, activity forms, and notices of completion for the duration of the guarantee period and for one year after the guarantee expires.

(g) For purposes of this section, "control service agreement" means an agreement, including extended warranties, to have a licensee conduct over a period of time regular inspections and other activities related to the control or eradication of wood destroying pests and organisms. Under a control service agreement a registered company shall refer to the original report and contract in a manner as to identify them clearly, and the report shall be assumed to be a true report of conditions as originally issued, except it may be modified after a control service inspection. A registered company is not required to issue a report as outlined in paragraphs (1) to (11), inclusive, of subdivision (b) after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall state specifically the particular wood destroying pests or organisms and the portions of the buildings or structures covered by the contract.

(h) A registered company or licensee may enter into and maintain a control service agreement provided the following requirements are met:

(1) The control service agreement shall be in writing, signed by both parties, and shall specifically include the following:

(A) The wood destroying pests and organisms covered by the control service agreement.

(B) Any wood destroying pest or organism that is not covered must be specifically listed.

(C) The type and manner of treatment to be used to correct the infestations or infections.

(D) The structures or buildings, or portions thereof, covered by the agreement, including a statement specifying whether the coverage for purposes of periodic inspections is limited or full. Any exclusions from those described in the original report must be specifically listed.

(E) A reference to the original inspection report.

(F) The frequency of the inspections to be provided, the fee to be charged for each renewal, and the duration of the agreement.

(G) Whether the fee includes structural repairs.

(H) If the services provided are guaranteed, and, if so, the terms of the guarantee.

(I) A statement that all corrections of infestations or infections covered by the control service agreement shall be completed within six months of discovery, unless otherwise agreed to in writing by both parties.

(2) The original inspection report, the control service agreement, and completion report shall be maintained for three years after the cancellation of the control service agreement.

(3) Inspections made pursuant to a control service agreement shall be conducted by a Branch 3 licensee. Section 8506.1 does not modify this provision.

(4) A full inspection of the property covered by the control service agreement shall be conducted and a report filed pursuant to subdivision (b) at least once every three years from the date that the agreement was entered into, unless the consumer cancels the contract within three years from the date the agreement was entered into.

(5) Under a control service agreement, a written report shall be required for the correction of any infestation or infection unless all of the following conditions are met:

(A) The infestation or infection has been previously reported.

(B) The infestation or infection is covered by the control service agreement.

(C) There is no additional charge for correcting the infestation or infection.

(D) Correction of the infestation or infection takes place within 45 days of its discovery.

(E) Correction of the infestation or infection does not include fumigation.

(6) All notice requirements pursuant to Section 8538 shall apply to all pesticide treatments conducted under control service agreements.

(i) All work recommended by a registered company, where an estimate or bid for making repairs was given with the original inspection report, or thereafter, shall be recorded on this report or a separate work agreement and shall specify a price for each recommendation. This information shall be provided to the person requesting the inspection, and shall be retained by the registered company with the inspection report copy for three years.

SEC. 41. Section 8518 of the Business and Professions Code is amended to read:

8518. (a) When a registered company completes work under a contract, it shall prepare, on a form prescribed by the board, a notice of work completed and not completed, and shall furnish that notice to the owner of the property or the owner's agent within 10 business days after completing the work. The notice shall include a statement of the cost of the completed work and estimated cost of work not completed.

(b) The address of each property inspected or upon which work was completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after completed work.

(c) A filing fee shall be assessed pursuant to Section 8674 for every property upon which work is completed.

(d) Failure of a registered company to report and file with the board the address of any property upon which work was completed pursuant to subdivision (b) of Section 8516 or this section is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars (\$2,500).

(e) The registered company shall retain for three years all original notices of work completed, work not completed, and activity forms.

(f) Notices of work completed and not completed shall be made available for inspection and reproduction to the executive officer of the board or his or her duly authorized representative during business hours. Original notices of work completed or not completed or copies thereof shall be submitted to the board upon request within two business days.

(g) This section shall only apply to work relating to wood destroying pests or organisms.

SEC. 42. Section 1348.8 of the Health and Safety Code is amended to read:

1348.8. (a) A health care service plan that provides, operates, or contracts for telephone medical advice services to its enrollees and subscribers shall do all of the following:

(1) Ensure that the in-state or out-of-state telephone medical advice service complies with the requirements of Chapter 15 (commencing with Section 4999) of Division 2 of the Business and Professions Code.

(2) Ensure that the staff providing telephone medical advice services for the in-state or out-of-state telephone medical advice service are licensed as follows:

(A) For full service health care service plans, the staff hold a valid California license as a registered nurse or a valid license in the state within which they provide telephone medical advice services as a physician and surgeon or physician assistant, and are operating in compliance with the laws governing their respective scopes of practice.

(B) (i) For specialized health care service plans providing, operating, or contracting with a telephone medical advice service in California, the staff shall be appropriately licensed, registered, or certified as a dentist pursuant to Chapter 4 (commencing with Section 1600) of Division 2 of the Business

and Professions Code, as a dental hygienist pursuant to Article 7 (commencing with Section 1740) of Chapter 4 of Division 2 of the Business and Professions Code, as a physician and surgeon pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code or the Osteopathic Initiative Act, as a registered nurse pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, as a psychologist pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code, as an optometrist pursuant to Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions Code, as a marriage and family therapist pursuant to Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code, as a licensed clinical social worker pursuant to Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code, as a professional clinical counselor pursuant to Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code, or as a chiropractor pursuant to the Chiropractic Initiative Act, and operating in compliance with the laws governing their respective scopes of practice.

(ii) For specialized health care service plans providing, operating, or contracting with an out-of-state telephone medical advice service, the staff shall be health care professionals, as identified in clause (i), who are licensed, registered, or certified in the state within which they are providing the telephone medical advice services and are operating in compliance with the laws governing their respective scopes of practice. All registered nurses providing telephone medical advice services to both in-state and out-of-state business entities registered pursuant to this chapter shall be licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code.

(3) Ensure that every full service health care service plan provides for a physician and surgeon who is available on an on-call basis at all times the service is advertised to be available to enrollees and subscribers.

(4) Ensure that staff members handling enrollee or subscriber calls, who are not licensed, certified, or registered as required by paragraph (2), do not provide telephone medical advice. Those staff members may ask questions on behalf of a staff member who is licensed, certified, or registered as required by paragraph (2), in order to help ascertain the condition of an enrollee or subscriber so that the enrollee or subscriber can be referred to licensed staff. However, under no circumstances shall those staff members use the answers to those questions in an attempt to assess, evaluate, advise, or make any decision regarding the condition of an enrollee or subscriber or determine when an enrollee or subscriber needs to be seen by a licensed medical professional.

(5) Ensure that no staff member uses a title or designation when speaking to an enrollee or subscriber that may cause a reasonable person to believe that the staff member is a licensed, certified, or registered professional described in Section 4999.2 of the Business and Professions Code unless the staff member is a licensed, certified, or registered professional.

(6) Ensure that the in-state or out-of-state telephone medical advice service designates an agent for service of process in California and files this designation with the director.

(7) Require that the in-state or out-of-state telephone medical advice service makes and maintains records for a period of five years after the telephone medical advice services are provided, including, but not limited to, oral or written transcripts of all medical advice conversations with the health care service plan's enrollees or subscribers in California and copies of all complaints. If the records of telephone medical advice services are kept out of state, the health care service plan shall, upon the request of the director, provide the records to the director within 10 days of the request.

(8) Ensure that the telephone medical advice services are provided consistent with good professional practice.

(b) The director shall forward to the Department of Consumer Affairs, within 30 days of the end of each calendar quarter, data regarding complaints filed with the department concerning telephone medical advice services.

(c) For purposes of this section, "telephone medical advice" means a telephonic communication between a patient and a health care professional in which the health care professional's primary function is to provide to the patient a telephonic response to the patient's questions regarding his or her or a family member's medical care or treatment. "Telephone medical advice" includes assessment, evaluation, or advice provided to patients or their family members.

SEC. 43. Section 10279 of the Insurance Code is amended to read:

10279. (a) Every disability insurer that provides group or individual policies of disability, or both, that provides, operates, or contracts for, telephone medical advice services to its insureds shall do all of the following:

(1) Ensure that the in-state or out-of-state telephone medical advice service complies with the requirements of Chapter 15 (commencing with Section 4999) of Division 2 of the Business and Professions Code.

(2) Ensure that the staff providing telephone medical advice services for the in-state or out-of-state telephone medical advice service hold a valid California license as a registered nurse or a valid license in the state within which they provide telephone medical advice services as a physician and surgeon or physician assistant and are operating consistent with the laws governing their respective scopes of practice.

(3) Ensure that a physician and surgeon is available on an on-call basis at all times the service is advertised to be available to enrollees and subscribers.

(4) Ensure that the in-state or out-of-state telephone medical advice service designates an agent for service of process in California and files this designation with the commissioner.

(5) Require that the in-state or out-of-state telephone medical advice service makes and maintains records for a period of five years after the telephone medical advice services are provided, including, but not limited to, oral or written transcripts of all medical advice conversations with the disability insurer's insureds in California and copies of all complaints. If

the records of telephone medical advice services are kept out of state, the insurer shall, upon the request of the director, provide the records to the director within 10 days of the request.

(6) Ensure that the telephone medical advice services are provided consistent with good professional practice.

(b) The commissioner shall forward to the Department of Consumer Affairs, within 30 days of the end of each calendar quarter, data regarding complaints filed with the department concerning telephone medical advice services.

SEC. 44. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Assembly Bill No. 2269

CHAPTER 568

An act to repeal and add Section 1834.7 of the Civil Code, relating to animal shelters.

[Approved by Governor September 24, 2016. Filed with
Secretary of State September 24, 2016.]

legislative counsel's digest

AB 2269, Waldron. Animal shelters: research animals: prohibitions.

(1) Existing law requires a pound or animal regulation department of a public or private agency where animals are turned over dead or alive to a biological supply facility or a research facility to post a statement to this effect, as specified, and requires that this statement and other information also be included on owner surrender forms.

This bill would revise these provisions to apply them only to an animal shelter entity, as defined, where dead animals are turned over to a biological supply facility or a research facility for specified purposes. The bill would revise the posted statement and owner surrender forms to refer to euthanized animals. The bill would prohibit an animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility, animal dealer, or other person for the purpose of research, experimentation, or testing. The bill would also prohibit a research facility, animal dealer, or other person from procuring, purchasing, receiving, accepting, or using a living animal for the purpose of research, experimentation, or testing if that animal is transferred from, or received from, an animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals. The bill would prohibit a person or animal shelter entity from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer. A violation of these provisions would be subject to a civil penalty of \$1,000. By creating new conditions affecting the operations of local, public animal service entities, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 1834.7 of the Civil Code is repealed.

SEC. 2. Section 1834.7 is added to the Civil Code, to read:

1834.7. (a) For purposes of this section:

(1) “Animal dealer” means a person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, or who buys, sells, or negotiates the purchase or sale of any animal, whether alive or dead, for research, teaching, exhibition, or biological supply.

(2) “Animal shelter entity” includes, but is not limited to, an animal regulation agency, humane society, society for the prevention of cruelty to animals, or other private or public animal shelter.

(3) “Person” means an individual, partnership, firm, limited liability company, joint-stock company, corporation, association, trust, estate, governmental agency, or other legal entity.

(4) “Research facility” means a research facility as defined by Section 2132 of Title 7 of the United States Code, effective February 7, 2014.

(b) (1) An animal shelter entity where dead animals are turned over to a biological supply facility or a research facility for research purposes or to supply blood, tissue, or other biological products shall post a sign as described by this paragraph in a place where it will be clearly visible to a majority of persons when turning animals over to the shelter. The sign shall measure a minimum of 28 x 21 cm— 11 x 8 ½ inches —with lettering of a minimum of 3.2 cm high and 1.2 cm wide— 1 ¼ x ½ inch —(91 point) and shall state:

“Animals Euthanized at This Shelter May Be Used for Research Purposes or to Supply Blood, Tissue, or Other Biological Products”

(2) The statement in paragraph (1) shall also be included on owner surrender forms.

(3) An animal shelter or other person shall not euthanize an animal for the purpose of transferring the carcass to a research facility or animal dealer.

(c) (1) An animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals shall not sell, give, or otherwise transfer a living animal to a research facility, an animal dealer, or other person for the purpose of research, experimentation, or testing.

(2) A research facility, animal dealer, or other person shall not procure, purchase, receive, accept, or use a living animal for the purpose of research, experimentation, or testing if that animal is transferred from, or received from, an animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals.

(d) Nothing in this section shall prohibit a research facility from working in collaboration with an animal shelter to investigate problems and provide services to shelter animals.

(e) A violation of this section is subject to a civil penalty of one thousand dollars (\$1,000) in an action to be brought by the district attorney or city attorney of the county or city where the violation occurred. When collected,

the civil penalty shall be payable to the general fund of the governmental entity that brought the action to assess the penalty.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O

Senate Bill No. 1348

CHAPTER 174

An act to amend Section 114.5 of the Business and Professions Code, relating to professions and vocations.

[Approved by Governor August 22, 2016. Filed with
Secretary of State August 22, 2016.]

legislative counsel's digest

SB 1348, Cannella. Licensure applications: military experience.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires each board to inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

This bill would require each board, with a governing law authorizing veterans to apply military experience and training towards licensure requirements, to post information on the board's Internet Web site about the ability of veteran applicants to apply their military experience and training towards licensure requirements.

The people of the State of California do enact as follows:

SECTION 1. Section 114.5 of the Business and Professions Code is amended to read:

114.5. (a) Each board shall inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

(b) If a board's governing law authorizes veterans to apply military experience and training towards licensure requirements, that board shall post information on the board's Internet Web site about the ability of veteran applicants to apply military experience and training towards licensure requirements.

O

Senate Bill No. 1182

CHAPTER 893

An act to add Sections 11350.5 and 11377.5 to the Health and Safety Code, relating to controlled substances.

[Became law without Governor's signature October 3, 2016. Filed with Secretary of State October 3, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1182, Galgiani. Controlled substances.

(1) Existing law generally provides that the possession of ketamine, gamma hydroxybutyric acid (GHB), and flunitrazepam is a misdemeanor, punishable by imprisonment in a county jail for not more than one year.

This bill would make it a felony, punishable by imprisonment in a county jail for 16 months, or 2 or 3 years, to possess ketamine, flunitrazepam, or GHB, with the intent to commit sexual assault, as defined for these purposes to include, among other acts, rape, sodomy, and oral copulation. By creating a new crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Ketamine, gamma hydroxybutyric acid (GHB), and Rohypnol are drugs often characterized as "date rape" drugs.

(b) GHB is a central nervous system depressant that was approved for the treatment of narcolepsy. GHB has no color or taste, and is frequently combined with alcohol to commit sexual assault.

(c) Ketamine causes unconsciousness, hallucinations, loss of body control, and numbing. Ketamine works very quickly, so victims drugged with ketamine only have a few seconds to react before losing consciousness.

(d) Rohypnol, commonly known as flunitrazepam, and sometimes referred to as "roofies," impairs judgment and leaves victims drugged with Rohypnol physically incapacitated. Memory loss and confusion under the influence of this drug makes victims more vulnerable to rape.

(e) In order to deter the possession of ketamine, GHB, and Rohypnol by sexual predators and to take steps to prevent the use of these drugs to incapacitate victims for purposes of sexual exploitation, it is necessary and

appropriate that an individual who possesses one of these substances for predatory purposes be subject to felony penalties.

SEC. 2. Section 11350.5 is added to the Health and Safety Code, to read:

11350.5. (a) Except as otherwise provided in this division, every person who possesses a controlled substance specified in paragraph (3) of subdivision (e) of Section 11054 of this code with the intent to commit sexual assault shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) For purposes of this section, “sexual assault” means conduct in violation of Section 243.4, 261, 262, 286, 288a, or 289 of the Penal Code.

SEC. 3. Section 11377.5 is added to the Health and Safety Code, to read:

11377.5. (a) Except as otherwise provided in this division, every person who possesses any controlled substance specified in paragraph (11) of subdivision (c) of, or subdivision (g) of, Section 11056 of this code, or paragraph (13) of subdivision (d) of Section 11057 of this code, with the intent to commit sexual assault, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) For purposes of this section, “sexual assault” means conduct in violation of Section 243.4, 261, 262, 286, 288a, or 289 of the Penal Code.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

ASSEMBLY BILL

No. 2419

Introduced by Assembly Member Jones

February 19, 2016

An act to amend Sections 66010 and 66010.4 of, and to add Division 9.3 (commencing with Section 92990) to Title 3 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2419, as introduced, Jones. Public postsecondary education: The New University of California.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as the 3 segments of public postsecondary education in this state.

This bill would establish The New University of California as a 4th segment of public postsecondary education in this state. The university would provide no instruction, but rather would issue credit and degrees to persons who pass its examinations. The bill would establish an 11-member Board of Trustees of The New University of California as the governing body of the university, and specify the membership and appointing authority for the board of trustees. The bill would provide for the appointment of a Chancellor of The New University of California as the chief executive officer of the university.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66010 of the Education Code is amended
2 to read:

3 66010. (a) Public higher education consists of (1) the
4 California Community Colleges, (2) the California State University,
5 and each campus, branch, and function thereof, ~~and~~ (3) each
6 campus, branch, and function of the University of ~~California~~
7 *California, and (4) The New University of California.*

8 (b) As used in this part, “independent institutions of higher
9 education” are those nonpublic higher education institutions that
10 grant undergraduate degrees, graduate degrees, or both, and that
11 are formed as nonprofit corporations in this state and are accredited
12 by an agency recognized by the United States Department of
13 Education.

14 (c) No provision of this part is intended to regulate, subsidize,
15 or intrude upon private education, including, but not limited to,
16 independent educational institutions and religious schools, nor to
17 vary existing state law or state constitutional provisions relating
18 to private education.

19 SEC. 2. Section 66010.4 of the Education Code is amended to
20 read:

21 66010.4. The missions and functions of California’s public
22 and independent segments, and their respective institutions of
23 higher education shall be differentiated as follows:

24 (a) (1) The California Community Colleges shall, as a primary
25 mission, offer academic and vocational instruction at the lower
26 division level for both younger and older students, including those
27 persons returning to school. Public community colleges shall offer
28 instruction through but not beyond the second year of college.
29 These institutions may grant the associate in arts and the associate
30 in science degree.

31 (2) In addition to the primary mission of academic and
32 vocational instruction, the community colleges shall offer
33 instruction and courses to achieve all of the following:

34 (A) The provision of remedial instruction for those in need of
35 it and, in conjunction with the school districts, instruction in
36 English as a second language, adult noncredit instruction, and
37 support services which help students succeed at the postsecondary

1 level are reaffirmed and supported as essential and important
2 functions of the community colleges.

3 (B) The provision of adult noncredit education curricula in areas
4 defined as being in the state's interest is an essential and important
5 function of the community colleges.

6 (C) The provision of community services courses and programs
7 is an authorized function of the community colleges so long as
8 their provision is compatible with an institution's ability to meet
9 its obligations in its primary missions.

10 (3) A primary mission of the California Community Colleges
11 is to advance California's economic growth and global
12 competitiveness through education, training, and services that
13 contribute to continuous work force improvement.

14 (4) The community colleges may conduct to the extent that state
15 funding is provided, institutional research concerning student
16 learning and retention as is needed to facilitate their educational
17 missions.

18 (b) The California State University shall offer undergraduate
19 and graduate instruction through the master's degree in the liberal
20 arts and sciences and professional education, including teacher
21 education. Presently established two-year programs in agriculture
22 are authorized, but other two-year programs shall be permitted
23 only when mutually agreed upon by the Trustees of the California
24 State University and the Board of Governors of the California
25 Community Colleges. The doctoral degree may be awarded jointly
26 with the University of California, as provided in subdivision (c)
27 and pursuant to Section 66904. The doctoral degree may also be
28 awarded jointly with one or more independent institutions of higher
29 education, provided that the proposed doctoral program is approved
30 by the California Postsecondary Education Commission. Research,
31 scholarship, and creative activity in support of its undergraduate
32 and graduate instructional mission is authorized in the California
33 State University and shall be supported by the state. The primary
34 mission of the California State University is undergraduate and
35 graduate instruction through the master's degree.

36 (c) The University of California may provide undergraduate
37 and graduate instruction in the liberal arts and sciences and in the
38 professions, including the teaching professions. It shall have
39 exclusive jurisdiction in public higher education over instruction
40 in the profession of law and over graduate instruction in the

1 professions of medicine, dentistry, and veterinary medicine. It has
2 the sole authority in public higher education to award the doctoral
3 degree in all fields of learning, except that it may agree with the
4 California State University to award joint doctoral degrees in
5 selected fields. The University of California shall be the primary
6 state-supported academic agency for research.

7 *(d) (1) The New University of California shall provide no*
8 *instruction, but shall issue college credit and baccalaureate and*
9 *associate degrees to any person capable of passing appropriate*
10 *examinations.*

11 *(2) The New University of California may contract with*
12 *qualified entities for the formulation of peer-reviewed course*
13 *examinations the passage of which would demonstrate that the*
14 *student has the knowledge and skill necessary to receive college*
15 *credit for that course.*

16 ~~(d)~~

17 *(e) The independent institutions of higher education shall*
18 *provide undergraduate and graduate instruction and research in*
19 *accordance with their respective missions.*

20 SEC. 3. Division 9.3 (commencing with Section 92990) is
21 added to Title 3 of the Education Code, to read:

22

23 DIVISION 9.3. THE NEW UNIVERSITY OF CALIFORNIA

24

25 92990. (a) The New University of California is hereby
26 established under the administration of the Board of Trustees of
27 The New University of California. The New University of
28 California shall provide no instruction, and the mission of the
29 university shall be limited to issuing college credit and
30 baccalaureate and associate degrees to any person capable of
31 passing the examinations administered by the university. The goal
32 of the university is for its students to obtain the requisite knowledge
33 and skills to pass the examinations administered by the university
34 from any source, such as massive open online courses, the student
35 deems appropriate. When the student feels that he or she is ready
36 to take an examination, the student shall pay the examination fee,
37 present acceptable identification at the examination, and, upon
38 passage of the examination, receive academic credit. When a
39 student receives sufficient academic credit in prescribed courses,
40 the university shall issue an appropriate degree to that student.

1 (b) The university may contract with qualified entities for the
2 formulation of peer-reviewed course examinations the passage of
3 which would demonstrate that the student has the knowledge and
4 skill necessary to receive college credit for that course.

5 (c) The university may charge students a fee for the taking of
6 examinations administered by the university. Fees charged under
7 this subdivision shall not exceed the amount that is necessary for
8 the university to recover the costs of administering the examination.

9 (d) The university may apply for accreditation to the Western
10 Association of Schools and Colleges, or a successor body, or any
11 other appropriate accrediting entity.

12 (e) The board of trustees shall authorize the Chancellor of The
13 New University of California to grant baccalaureate and associate
14 degrees in fields of study they deem appropriate. In selecting the
15 fields in which degrees are to be awarded by the university, the
16 board of trustees shall consult the labor needs forecasts issued by
17 the Employment Development Department.

18 92991. (a) The New University of California shall be
19 administered by the Board of Trustees of The New University of
20 California, which is hereby established. The board of trustees shall
21 include 11 voting members, as follows:

22 (1) Five ex officio members: the Governor, the Lieutenant
23 Governor, the Superintendent of Public Instruction, and the Speaker
24 of the Assembly, or their designees; and the person named by the
25 board of trustees to serve as the Chancellor of The New University
26 of California.

27 (2) (A) Six members of the public appointed by the Governor
28 and subject to confirmation by a majority of the membership of
29 the Senate.

30 (B) The terms of two of the members of the public appointed
31 under this paragraph shall commence on July 1, 2017, and
32 terminate on July 1, 2019. The terms of two of the members of the
33 public appointed under this paragraph shall commence on July 1,
34 2017, and terminate on July 1, 2021. The terms of two of the
35 members appointed under this paragraph shall commence on July
36 1, 2017, and terminate on July 1, 2023. Thereafter, the terms of
37 all of the members of the public appointed under this paragraph
38 shall be six years.

1 (b) Members of the board of trustees shall receive no salary for
2 their service, but shall be reimbursed for the expenses they incur
3 while carrying out their duties.

4 (c) All meetings of the board of trustees shall be subject to the
5 Bagley-Keene Open Meeting Act (Article 9 (commencing with
6 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
7 the Government Code).

8 92992. The Chancellor of The New University of California
9 shall be the chief executive officer of the university. The chancellor
10 shall be appointed by, and serve at the pleasure of, the board of
11 trustees. The chancellor shall be authorized to employ and fix the
12 salaries of, employees to assist him or her in carrying out the
13 functions of the university.



MEMORANDUM

DATE	September 29, 2016
TO	BOARD MEMBERS
FROM	Candace Raney, Enforcement Program Manager DCA/Veterinary Medical Board
SUBJECT	Petition for Reinstatement / Petition for Modification of Penalty

Background:

In accordance with Business and Professions Code Section 4887, a person whose license or registration has been revoked or who has been placed on probation may petition the board for reinstatement or modification of penalty including modification or termination of probation after a period of not less than one year has elapsed from the effective date of the decision ordering the disciplinary action.

Currently, petition hearings are held in conjunction with regularly scheduled board meetings. Each petition is heard by the full board and is presided over by an Administrative Law Judge. Typically, the hearing(s) are scheduled for the morning of the second day and precede closed session.

Issues:

In more egregious cases, the hearing of a petition for reinstatement and/or modification of penalty one year after the effective date of the decision is problematic. This is because a period of one year is often insufficient to establish evidence of rehabilitative efforts and compliance with the terms and conditions of the decision and order in the matter to an extent sufficient to ensure public protection.

Additionally, due to a continued increase in the volume of formal discipline cases being resolved, as well as an increased number of petitions being submitted for hearing, the number of matters that require consideration by the Board during closed session has increased to a level that cannot be accommodated by the current process.

The feasibility of scheduling petition hearings is becoming increasingly difficult and the board is forced to delay petition hearings.

These issues are not likely to resolve without action by the board. There are three options provided below for consideration and discussion:

Option 1:

Pursue statutory amendment to provide for a staggering of eligibility to file a petition such that a person whose license has been voluntarily surrendered, revoked, or who has been placed on probation may petition the board for reinstatement or modification of penalty, including modification or termination of probation, after not less than the following minimum period have elapsed from the effective date of the decision ordering disciplinary action:

- (1) At least three years for reinstatement of a voluntarily surrendered or revoked license.
- (2) At least two years for early termination of probation of three years or more.
- (3) At least one year for modification of a condition or termination of probation of less than three years.

Option 2:

Assign all petitions for reinstatement and/or modification of penalty to an administrative law judge. After a hearing on the petition, the administrative law judge shall provide a proposed decision to the board. The proposed decision may be considered by the board by electronic mail vote or in closed session of the next regularly scheduled board meeting.

Option 3:

Addition of a third day to all quarterly board meetings which shall be used for the purpose of holding petition hearings and conducting closed session.

RECOMMENDATION:

Pursue options 1 & 2 by seeking statutory amendment of B&P 4887 to allow a change to board policy thereby providing for more timely consideration of petitions for reinstatement and/or modification of penalty.

Options 1 & 2 are desirable because they will eliminate the hearing before the board while still providing the petitioner with all rights afforded in accordance with Business and Professions Code Section 4887.

Worthy of note is that the expense currently associated with hearing of the matter before the board would be substantially similar to the cost of submission of the matter to the Office of Administrative Hearings for a hearing before an administrative law judge. This would also allow the petitioner to have their petition heard in a forum more suitable to their location.

For your information, I have attached a copy of the current relevant statutory language of the Veterinary Medical Board as well as relevant statutory language of a number of other Department of Consumer Affairs regulatory boards.

Attachments –

Business and Professions Code Section 4887 – Veterinary Medical Board
Business and Professions Code Sections 2221 & 2307 – Medical Board
Business and Professions Code Section 4309 – Pharmacy Board
Business and Professions Code Section 1686 – Dental Board
California Code of Regulations Section 1020 – Dental Board

Veterinary Medical Board

Business and Professions Code Section 4887.

(a) A person whose license or registration has been revoked or who has been placed on probation may petition the board for reinstatement or modification of penalty including modification or termination of probation after a period of not less than one year has elapsed from the effective date of the decision ordering the disciplinary action. The petition shall state such facts as may be required by the board.

(b) The petition shall be accompanied by at least two verified recommendations from veterinarians licensed by the board who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard by the board. The board may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities since the license or registration was in good standing, and the petitioner's rehabilitation efforts, general reputation for truth, and professional ability. The hearing may be continued from time to time as the board finds necessary.

(c) The board reinstating the license or registration or modifying a penalty may impose terms and conditions as it determines necessary. To reinstate a revoked license or registration or to otherwise reduce a penalty or modify probation shall require a vote of five of the members of the board.

(d) The petition shall not be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

Medical Board

Business and Professions Code Section 2221.

(a) The board may deny a physician's and surgeon's certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license; or, the board in its sole discretion, may issue a probationary physician's and surgeon's certificate to an applicant subject to terms and conditions, including, but not limited to, any of the following conditions of probation:

(1) Practice limited to a supervised, structured environment where the licensee's activities shall be supervised by another physician and surgeon.

(2) Total or partial restrictions on drug prescribing privileges for controlled substances.

(3) Continuing medical or psychiatric treatment.

(4) Ongoing participation in a specified rehabilitation program.

(5) Enrollment and successful completion of a clinical training program.

(6) Abstention from the use of alcohol or drugs.

(7) Restrictions against engaging in certain types of medical practice.

(8) Compliance with all provisions of this chapter.

(9) Payment of the cost of probation monitoring.

(b) The board may modify or terminate the terms and conditions imposed on the probationary certificate upon receipt of a petition from the licensee. The board may assign the petition to an administrative law judge designated in Section 11371 of the Government Code. After a hearing on the petition, the administrative law judge shall provide a proposed decision to the board.

(c) The board shall deny a physician's and surgeon's certificate to an applicant who is required to register pursuant to Section 290 of the Penal Code. This subdivision does not apply to an applicant who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code.

(d) An applicant shall not be eligible to reapply for a physician's and surgeon's certificate for a minimum of three years from the effective date of the denial of his or her application, except that the board may, in its discretion and for good cause demonstrated, permit reapplication after not less than one year has elapsed from the effective date of the denial.

Medical Board, cont'd

Business and Professions Code Section 2307.

(a) A person whose certificate has been surrendered while under investigation or while charges are pending or whose certificate has been revoked or suspended or placed on probation, may petition the board for reinstatement or modification of penalty, including modification or termination of probation.

(b) The person may file the petition after a period of not less than the following minimum periods have elapsed from the effective date of the surrender of the certificate or the decision ordering that disciplinary action:

(1) At least three years for reinstatement of a license surrendered or revoked for unprofessional conduct, except that the board may, for good cause shown, specify in a revocation order that a petition for reinstatement may be filed after two years.

(2) At least two years for early termination of probation of three years or more.

(3) At least one year for modification of a condition, or reinstatement of a license surrendered or revoked for mental or physical illness, or termination of probation of less than three years.

(c) The petition shall state any facts as may be required by the board. The petition shall be accompanied by at least two verified recommendations from physicians and surgeons licensed in any state who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed.

(d) The petition may be heard by a panel of the board. The board may assign the petition to an administrative law judge designated in Section 11371 of the Government Code. After a hearing on the petition, the administrative law judge shall provide a proposed decision to the board or the California Board of Podiatric Medicine, as applicable, which shall be acted upon in accordance with Section 2335.

(e) The panel of the board or the administrative law judge hearing the petition may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the certificate was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability. The hearing may be continued from time to time as the administrative law judge designated in Section 11371 of the Government Code finds necessary.

(f) The administrative law judge designated in Section 11371 of the Government Code reinstating a certificate or modifying a penalty may recommend the imposition of any terms and conditions deemed necessary.

(g) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the person. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

(h) This section is applicable to and may be carried out with regard to licensees of the California Board of Podiatric Medicine. In lieu of two verified recommendations from physicians and surgeons, the petition shall be accompanied by at least two verified recommendations from doctors of podiatric medicine licensed in any state who have

personal knowledge of the activities of the petitioner since the date the disciplinary penalty was imposed.

(i) Nothing in this section shall be deemed to alter Sections 822 and 823.

Pharmacy Board

Business and Professions Code Section 4309.

(a) A person whose license has been revoked or suspended or who has been placed on probation may petition the board for reinstatement or modification of penalty, including modification or termination of probation, after not less than the following minimum periods have elapsed from the effective date of the decision ordering disciplinary action:

(1) At least three years for reinstatement of a revoked license.

(2) At least two years for early termination of probation of three years or more.

(3) At least one year for modification of a condition, or reinstatement of a license revoked for mental or physical illness, or termination of probation of less than three years.

(b) The petition shall state any facts required by the board, and the petition shall be accompanied by two or more verified recommendations from holders of licenses issued by the board to which the petition is addressed, and two or more recommendations from citizens, each having personal knowledge of the disciplinary penalty imposed by the board and the activities of the petitioner since the disciplinary penalty was imposed.

(c) The petition may be heard by the board sitting with an administrative law judge, or a committee of the board sitting with an administrative law judge, or the board may assign the petition to an administrative law judge. Where the petition is heard by a committee of the board sitting with an administrative law judge or by an administrative law judge sitting alone, the decision shall be subject to review by the board pursuant to Section 11517 of the Government Code.

(d) In considering reinstatement or modification of penalty, the board, committee of the board, or the administrative law judge hearing the petition may consider factors including, but not limited to, all of the following:

(1) All the activities of the petitioner since the disciplinary action was taken.

(2) The offense for which the petitioner was disciplined.

(3) The petitioner's activities during the time the license was in good standing.

(4) The petitioner's documented rehabilitative efforts.

(5) The petitioner's general reputation for truth and professional ability.

(e) The hearing may be continued from time to time as the board, committee of the board, or the administrative law judge designated in Section 11371 of the Government Code finds necessary.

(f) The board, committee of the board, or administrative law judge may impose necessary terms and conditions on the licensee in reinstating the license.

(g) No petition under this section shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the person. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

(h) Nothing in this section shall be deemed to amend or otherwise change the effect or application of Sections 822 and 823.

(i) The board may investigate any and all matters pertaining to the petition and documents submitted with or in connection with the application.

Dental Board

Business and Professions Code Section 1686.

A person whose license, certificate, or permit has been revoked or suspended or who has been placed on probation may petition the board for reinstatement or modification of penalty, including modification or termination of probation, after a period of not less than the following minimum periods have elapsed from the effective date of the decision ordering disciplinary action:

(a) At least three years for reinstatement of a license revoked for unprofessional conduct.

(b) At least two years for early termination of probation, or modification of a condition of probation of three years or more.

(c) At least one year for modification of a condition, or reinstatement of a license revoked for mental or physical illness, or termination of probation of less than three years.

The petition shall state any fact required by the board.

The petition may be heard by the board, or the board may assign the petition to an administrative law judge designated in Section 11371 of the Government Code.

In considering reinstatement or modification or penalty, the board or the administrative law judge hearing the petition may consider (1) all the activities of the petitioner since the disciplinary action was taken, (2) the offense for which the petitioner was disciplined, (3) the petitioner's activities during the time the license, certificate, or permit was in good standing, and (4) the petitioner's rehabilitative efforts, general reputation for truth, and professional ability. The hearing may be continued from time to time as the board or the administrative law judge as designated in Section 11371 of the Government Code finds necessary.

The board or the administrative law judge may impose necessary terms and conditions on the licensee in reinstating a license, certificate, or permit or modifying a penalty.

No petition under this section shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the person. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

Nothing in this section shall be deemed to alter Sections 822 and 823.

California Code of Regulations Code Section 1020.

(b) When considering the suspension or revocation of a license on the grounds of conviction of a crime, the Board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or offense(s);

(2) Total criminal record;

(3) The time that has elapsed since commission of the act(s) or offense(s);

- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee;
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code:
- (6) Evidence, if any of rehabilitation submitted by the licensee.
- (c) When considering a petition for reinstatement of license, the Board shall evaluate evidence of rehabilitation, considering those criteria of rehabilitation listed in subsection (b) of Section 1020.

Veterinary Medical Board

1747 N. Market Boulevard, Suite 230, Sacramento, CA 95834

Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov



MEMORANDUM

DATE	October 5, 2016
TO	Veterinary Medical Board
FROM	Board Staff
SUBJECT	Review and Discuss Reciprocity Issues and License Eligibility for Applicants Who are Foreign Trained or Possess Work Experience in Foreign Territory; Potential Revisions to Existing Statute

Background:

Board staff has seen an increase in veterinary and veterinary technician applicants whose experience and/or education was earned in a foreign country/institution.

Specifically, and in accordance with Business and Professions Code Section (BPC) 4848(b)(1), a **veterinary applicant** who "...holds a current valid license in good standing in another state, Canadian province, or United States territory and within three years immediately preceding filing an application for licensure in this state, has practiced clinical veterinary medicine for a minimum of two years and completed a minimum of 2,944 hours of clinical practice."

Staff has received several applications from **veterinary applicants** who have gained clinical veterinary practice experience in a foreign jurisdiction. That is, foreign experience **not** in another state, Canadian province, or United States territory. BPC 4848(b)(1) is ambiguous with regard to whether veterinary foreign experience is counted as valid experience for purpose of qualifying the applicant for examination eligibility.

Per existing policy, **veterinary applicants** with foreign experience are deemed to be not qualified for exam eligibility as a reciprocity applicant due to experience earned outside jurisdictions prescribed in BPC 4848(b)(1).

Additionally, and in accordance with BPC 4841.5(b)(1), **veterinary technician applicants** are required to, "Furnish satisfactory evidence of graduation from, at minimum, a two-year curriculum in veterinary technology, in a college or other postsecondary institution approved by the board, or the equivalent thereof as determined by the board." Essentially, veterinary technician applicants who graduate from an American Veterinary Medical Association (AVMA) accredited institution or those applicants who can prove "equivalency" via the alternate route application process may be eligible for examination eligibility.

Staff has received applications and inquiries from **veterinary technician applicants** who have graduated from foreign veterinary technology programs that are not AVMA accredited. Those foreign graduate applicants have the option to apply for examination eligibility through the alternate route pathway; however, foreign institution transcripts may require an outside

institution to translate the degree conferred and/or determine educational equivalency to AMVA curriculum – a review process that Board staff currently does not offer. Further, as the Board begins its transition away from the pure alternate route pathway (as a collection of education and experience) and begins its approval of alternate route “programs” those foreign graduate applicants may not have a pathway to examination eligibility if they graduated from a foreign non-AVMA accredited program.

Action Requested

- Determine if a legislative revision is necessary to approve ***veterinary applicants*** who have gained clinical veterinary practice experience in a foreign jurisdiction are subject to approval of that experience for purposes of examination eligibility
- Determine if a legislative revision is necessary to approve ***veterinary technician applicants*** who have graduated from non-AVMA accredited veterinary technology programs are subject to evaluation by an accreditation equivalency organization with consideration that the traditional alternate route pathway to examination eligibility will be sunset

§ 4848. Examination requirements; Waiver; Temporary license; Extension of temporary license

(b) For purposes of reciprocity, the board shall waive the examination requirements of subdivision (a), and issue a license to an applicant to practice veterinary medicine if the applicant meets all of the following requirements and would not be denied issuance of a license by any other provision of this code:

(1) The applicant holds a current valid license in good standing in another state, Canadian province, or United States territory and within three years immediately preceding filing an application for licensure in this state, has practiced clinical veterinary medicine for a minimum of two years and completed a minimum of 2,944 hours of clinical practice. Experience obtained while participating in an American Veterinary Medical Association (AVMA) accredited institution's internship, residency, or specialty board training program shall be valid for meeting the minimum experience requirement.

Mathes, Ethan@DCA

From: Nancy Grittman [REDACTED]
Sent: Thursday, September 15, 2016 12:18 PM
To: Mathes, Ethan@DCA
Subject: RE: VTNE and Foreign Graduates

Hi Ethan,

Here's some information to help guide some of the discussion at the VTNE committee meeting and may also be used in the E.D. session

Can an education accreditation organization such as (National Association of Credential Evaluation Services) NACES be used to evaluate if education is equivalent to CVTEA-accredited veterinary technology education requirement?

Different path if answer is No vs Yes

If no: CVTEA Education is required – or – apply to OJT jurisdiction
Take the VTNE
Transmitted to Jurisdiction for Licensure Consideration

If yes: Applicant takes a Veterinary Technician Foreign Education Equivalence Examination
Certificate is granted
Transmitted to Jurisdiction for Licensure Consideration

Is there any specific input CA has in some of the Board's discussions that would be helpful to include?

Thanks,
Nancy

Nancy B. Grittman
Director of Examinations
American Association of Veterinary State Boards
380 W. 22nd Street, Suite 101
Kansas City, MO 64108

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 4841.5. Eligibility for examination

To be eligible to take the written and practical examination for registration as a registered veterinary technician, the applicant shall:

(b) (1) Furnish satisfactory evidence of graduation from, at minimum, a two-year curriculum in veterinary technology, in a college or other postsecondary institution approved by the board, or the equivalent thereof as determined by the board. In the case of a private postsecondary institution, the institution shall also be approved by the Bureau for Private Postsecondary Education.

AAVSB ANNUAL MEETING & CONFERENCE

Scottsdale, AZ Sept. 22-24, 2016

I. Executive Director's Forum

- A. Foreign veterinary technician education equivalence & reciprocity (*California and Saskatchewan*)
- B. Veterinary technicians: On-the-Job training versus education requirements and duties of licensed/certified techs versus veterinary assistants (*District of Columbia, New Brunswick, North Dakota, Oregon, Prince Edward Island, and New Mexico*)
- C. Veterinary technician name change to "veterinary nurse" and the impact on Boards if it occurs (*Minnesota*)
- D. Regulation of shelter veterinarians, shelter medicine and protocols (who may provide services and under what types of supervision) (*New Jersey and California*)
- E. Animal physical rehabilitation and hospice care; who may provide services and under what type of supervision (*California and Minnesota*)
- F. Prescription monitoring programs and vet compliance with federal and state drug laws and proper control of controlled substances (*Alaska, Oklahoma, Virginia, Saskatchewan, Texas*)
- G. Drug compounding by veterinarians and registered veterinary technicians (*California, Minnesota, New York, Washington*)
- H. Legislative reforms: One Health (*Ontario*)
- I. Board member issues (declining interest in serving), Board consolidations & changing Board composition (*Arizona, Virginia, West Virginia*)
- J. Regulation of alternative medicine activities and cosmetic surgery procedures (*British Columbia, Kansas, New Brunswick, Washington*)
- K. Changing business practice models (corporations expanding) and pet stores and non-clinic locations (*Indiana, Nevada, New Jersey*)
- L. Credential verification from other states. Most licensee information is available online to the general public; are license verification letters and forms still necessary? (*Wisconsin*)

II. Telemedicine Presentations & Workshop

- A. The American Telemedicine Association
- B. Veterinary Innovation Council from the North American Veterinary Community
- C. AVMA Practice Advisory Panel
- D. Vet24Seven Telemedicine
- E. Workshop
 1. What are the legal implications of telemedicine?
 2. For regulatory boards, what is the definition of telemedicine?
 3. How can regulatory boards ensure telemedicine is safe?

4. When is telemedicine permitted?
5. How should regulate telemedicine - in the practice act or in administrative rules?

III. Drug Enforcement Agency – DEA Registrations

Hospital Setting Registration vs. Practitioner DEA Registration - others who operate as agents of the Registrant

IV. Unlicensed Practice – Many states do not have authority to enforce

V. Drug Compounding – FDA Rules

VI. Licensee Wellness Presentation

VII. Top Legal Cases – Impact of North Carolina Decision



July 27, 2016

AnneMarie DelMugnaio
Executive Officer
Veterinary Medical Board
17147 N Market Blvd Ste 230
Sacramento CA 95834

Dear Ms. Del Mugnaio:

re: VTNE Test Plan Construction

As you know, the pass rate on the most recent administration of the VTNE was 50%. CaRVTA has heard from several candidates that, in their opinion, there were too many large animal questions on the exam. We have also heard that the exam uses “None of the Above” and “All of the Above” as potential answers. CaRVTA has concerns about both issues.

In response to similar complaints about large animal questions from candidates for the California exam, our RVT Committee decided to determine the percentage of RVTs employed in the various practice settings – small animal, large animal, laboratory, etc. as part of our Practice Analysis. The percentages developed by the analysis were then used to weight the questions on the exam. We also developed a list of species that could be on the exam and made that information public. The complaints stopped.

I contacted the AAVSB to ask if they are doing the same, or if not, would they consider doing so. I have not had a response from the AAVSB. CaRVTA is asking that the representatives from our VMB who will be meeting with the AAVSB in September pose these questions and encourage the AAVSB to consider using similar information for the construction of the VTNE.

CaRVTA is also concerned with the “None of the Above” and “All of the Above” answers on the exam. Many of our Board members have served as Subject Matter Experts for the construction of the California exam. As such, we were told repeatedly by the OPES that those types of answers were not acceptable and we were not allowed to use them when constructing questions. We are asking the VMB to ask the AAVSB about these types of answers and if their psychometricians consider them acceptable, unlike our OPES.

Thank you in advance for bringing our concerns to the attention of the AAVSB. WE look forward to hearing their reply.

Regards,
Nancy Ehrlich, RVT
Regulatory/Legislative Advocate, CaRVTA



August 3, 2016

Annemarie Del Mugnaio
Executive Officer
California Veterinary Medical Board
1747 N. Market Boulevard
Suite 230
Sacramento, CA 95834

RE: Email Correspondence of August 1, 2016

Dear Annemarie,

Thank you for reaching out to me concerning the VTNE and relaying the concerns that have been expressed by the California Registered Veterinary Technicians Association (CaRVTA). In your email of August 1, you inquired about the topic of Animal Physical Rehabilitation and whether the current exam blueprint for the VTNE specifically calls out the topic of animal rehabilitation. 22% of the content of the VTNE is in the category of Animal Care and Nursing. One of the seven (7) tasks under this category is “Perform animal nursing procedures (including but not limited to restraint, post-operative care, catheterization, wound management, bandaging, and rehabilitation therapy) in the implementation of prescribed treatments”. Under this category, the item writing committee has the flexibility to create questions addressing animal rehabilitation therapies. We have been able to verify that there is, at least, one operational item with the specific rehabilitation code on the exams from Jul/Aug 2015 through Mar/Apr 2017. We can ensure in the future that items specific to animal rehabilitation therapies will be coded in this manner and that the subject matter experts will be encouraged to submit new items in this specific code for formal review in the September exam development workshop to include as pretest items in future forms. We will also be initiating a new job analysis survey in 2017 and can isolate the task of animal rehabilitation in the survey to determine if it is a specific task that requires more focus in future versions of the VTNE.

I also wanted to respond to the concerns expressed by the CaRVTA in their letter to you dated July 27, 2016. First, I wanted to clarify that the National Passing Rate for the control group of the VTNE for the March/April administration was 64.09%. The control group consists of 1st time test takers including



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AVMA/CVMA-accredited graduates, on the job training and alternate route candidates. The passing rate for the control group for California candidates on the March/April VTNE was 55.94%. The California control group includes 1st time test taker candidates who are AVMA/CVMA-accredited graduates, on-the-job training and alternate route candidates including those graduating from programs that are not accredited by the AVMA/CVMA. The VTNE Committee in consultation with the exam vendor ensures the VTNE exam forms demonstrate reliability and are valid in evaluating entry-level veterinary technicians' competency to practice and to be credentialed. The VTNE is a criterion-referenced exam meaning that the passing point is set based on the minimum skills necessary to demonstrate competency to practice while protecting consumers and animals. The passing rate is simply a measure of those candidates able to demonstrate that competency and is not shared with the committee when setting the number of items necessary to pass.

The CaRVTA expressed concern that there may be too many large animal questions on the exam. When constructing the Veterinary Technician National Examination (VTNE), the VTNE Committee is very conscious of the number and types of questions for each species. After reviewing the test forms being used for the 2016 exam administration period we found the number of questions for each species, and large animals in particular, are consistent with both the current job task analysis and the American Veterinary Medical Association guidelines regarding the curriculum for accredited veterinary technology programs. The VTNE Committee will continue to be cognizant of the mixture of questions on all future exams with respect to species. Species coding was recently added to the rubric to easily identify items and the subject matter experts will continue to add species coding during all phases of exam development.

CaRVTA also expressed concern that items on the VTNE used "None of the above" and/or "All of the above" as a potential answer choice. The VTNE item writing committee is specifically instructed not to use "None of the above" or "All of the above" as an answer choice for an item in the item writing instruction guide and at every exam development workshop. We also reviewed the March/April and July/August 2016 examinations and found that there were no such answer choices in any of the items on the exam. Our exam vendor also searched the entire bank which includes all exams and did not find "All of the above" or "None of the above" in the search.

Thank you for inquiring about the VTNE and sharing the concerns of the CaRVTA. I would be happy to visit one of the Board meetings of the California Veterinary Medical Board should the Board have further questions about the VTNE or desire to learn more about the services that the AAVSB offers to the Board. I would also be happy to schedule a meeting with the CaRVTA during the same visit to understand any additional concerns that they may have concerning the VTNE in order to ensure that the AAVSB is producing a fair, reliable, and defensible exam that supports the California Veterinary Medical Board's goal of protecting consumers and animals.

Sincerely,

A handwritten signature in black ink that reads "James T. Penrod". The signature is written in a cursive, flowing style with a large initial "J".

James T. Penrod, CAE, FASLA
AAVSB Executive Director

**LIST OF PRACTICE DOMAINS AND TASKS FOR THE
VETERINARY TECHNICIAN NATIONAL EXAMINATION (VTNE)**

VTNE PRACTICE DOMAINS	
Domains	% of Items
Domain 1. Pharmacy & Pharmacology	12
Domain 2. Surgical Nursing	11
Domain 3. Dentistry	7
Domain 4. Laboratory Procedures	12
Domain 5. Animal Care and Nursing	22
Domain 6. Diagnostic Imaging	7
Domain 7. Anesthesia	16
Domain 8. Emergency Medicine/Critical Care	6
Domain 9. Pain Management/Analgesia	7

(Task area statements appear on the pages that follow)

PRACTICE DOMAINS AND TASK STATEMENTS FOR THE VETERINARY TECHNICIAN NATIONAL EXAMINATION (VTNE)

DOMAIN 10.00 Pharmacy and Pharmacology (12%)

- TASK 10.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to the use of pharmacological and biological agents.
- TASK 10.02 Prepare, administer, and/or dispense pharmacological and biological agents (excluding anesthetics and analgesics) to comply with veterinary orders.
- TASK 10.03 Educate the client regarding pharmacological and biological agents (excluding anesthetics and analgesics) administered or dispensed to ensure the safety of the patient/client and efficacy of the products.

DOMAIN 20.00 Surgical Nursing (11%)

- TASK 20.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to surgical nursing.
- TASK 20.02 Prepare and maintain the surgical environment, equipment, instruments, and supplies to meet the needs of the surgical team and patient.
- TASK 20.03 Prepare patient for procedure (including but not limited to surgical site preparation and patient positioning).
- TASK 20.04 Function as a sterile surgical technician (including but not limited to tissue handling, suturing, instrument handling) to ensure patient safety and procedural efficiency.
- TASK 20.05 Function as a circulating (non-sterile) surgical technician to ensure patient safety and procedural efficiency.

DOMAIN 30.00 Dentistry (7%)

- TASK 30.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to dentistry.
- TASK 30.02 Prepare and maintain the environment, equipment, instruments, and supplies for dental procedures to meet the needs of the dental team and patient.
- TASK 30.03 Perform or assist with dental procedures (including but not limited to prophylactic, radiographic, therapeutic, and charting) to maintain the dental health of the patient and aid in the treatment of dental disease.
- TASK 30.04 Educate the client regarding dental health, including prophylactic and post-treatment care.

**PRACTICE DOMAINS AND TASK STATEMENTS FOR THE
VETERINARY TECHNICIAN NATIONAL EXAMINATION (VTNE) - continued**

DOMAIN 40.00 Laboratory Procedures (12%)

- TASK 40.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to laboratory procedures.
- TASK 40.02 Collect, prepare, and maintain specimens for in-house or outside laboratory evaluation.
- TASK 40.03 Perform laboratory tests and procedures (including but not limited to microbiology, serology, cytology, hematology, urinalysis, and parasitology).
- TASK 40.04 Maintain laboratory equipment and related supplies to ensure quality of test results and safety of operation.

DOMAIN 50.00 Animal Care and Nursing (22%)

- TASK 50.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to animal care and nursing.
- TASK 50.02 Perform and document initial and ongoing evaluations of physical, behavioral, nutritional, and environmental status of animals to provide for optimal animal/client safety and health.
- TASK 50.03 Perform animal nursing procedures (including but not limited to restraint, post-operative care, catheterization, wound management, bandaging, and rehabilitation therapy) in the implementation of prescribed treatments.
- TASK 50.04 Perform clinical diagnostic procedures (including but not limited to blood pressure measurement, electrocardiography, and oximetry) to aid in diagnosis and prognosis.
- TASK 50.05 Educate clients and the public about animal care (including but not limited to behavior, nutrition, pre- and post-operative care, preventative care, zoonosis) to promote and maintain the health of animals and the safety of clients/public.
- TASK 50.06 Provide a safe, sanitary, and comfortable environment for animals to ensure optimal healthcare and client/personnel safety.
- TASK 50.07 Maintain diagnostic and related supplies to ensure quality of test results and safety of operation.

DOMAIN 60.00 Diagnostic Imaging (7%)

- TASK 60.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to diagnostic images.
- TASK 60.02 Produce diagnostic images (excluding dental) following protocols for quality and operator/patient safety.
- TASK 60.03 Maintain imaging equipment and related materials to ensure quality to ensure quality of results and safety of operation.

DOMAIN 70.00 Anesthesia (16%)

- TASK 70.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to anesthesia.
- TASK 70.02 Assist in development of the anesthetic plan to ensure patient safety and procedural efficacy.
- TASK 70.03 Implement the anesthetic plan (including but not limited to administration of medication, monitoring, and maintenance) to facilitate diagnostic, therapeutic, or surgical procedures.
- TASK 70.04 Prepare and maintain anesthetic equipment and related materials to ensure safe and reliable operation.
- TASK 70.05 Educate the client about anesthetics and anesthesia to ensure the safety of the patient/client and efficacy of the product(s) or procedure(s).

DOMAIN 80.00 Emergency Medicine/Critical Care (6%)

- TASK 80.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to emergency medicine and critical care.
- TASK 80.02 Perform triage and document initial and ongoing evaluations of physical, behavioral, nutritional, and environmental status of animals presented for critical conditions (including but not limited to shock, acute illness, acute trauma, and toxicity).
- TASK 80.03 Perform emergency nursing procedures (including but not limited to cardiopulmonary cerebral resuscitation (CPCR), stemming acute blood loss, and fracture stabilization) in the implementation of prescribed treatments.
- TASK 80.04 Perform critical care nursing procedures (including but not limited to blood transfusions, fluid resuscitation, and ongoing oxygen therapy) in the implementation of prescribed treatments.

DOMAIN 90.00 Pain Management/Analgesia (7%)

- TASK 90.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to pain management and analgesia.
- TASK 90.02 Assess need for analgesia and assist in the development and implementation of the pain management plan to optimize patient comfort and/or healing.
- TASK 90.03 Educate the client with regard to analgesics and administration of pain management protocols and the side effects to ensure the safety of the patient/client and efficacy of the product(s) or procedure(s).

**LIST OF KNOWLEDGE STATEMENTS FOR THE
VETERINARY TECHNICIAN NATIONAL EXAMINATION (VTNE)**

KNOWLEDGE

- 01 Anatomy
- 02 Normal physiology
- 03 Pathophysiology
- 04 Common animal diseases
- 05 Medical terminology
- 06 Toxicology
- 07 Applied mathematics (including but not limited to metric system/weights, measures/ percentage solutions, dosage calculations)
- 08 Drug classification
- 09 Routes of administration of pharmacological and biological agents
- 10 Legal requirements and procedures for acquiring, preparing, storing, dispensing, documenting and disposing of pharmacological and biological agents
- 11 Safe handling practices for pharmacological and biological agents
- 12 Pharmacokinetics (drug absorption, metabolism, excretion), normal and abnormal drug reactions, indications, contraindications, side effects, and interactions
- 13 Fluid balance and therapy, including calculation
- 14 Aseptic techniques

- 15 Patient preparation and positioning techniques(including but not limited to diagnostic imaging, surgery, medical procedures)
- 16 Surgical procedures
- 17 Surgical equipment, instruments, and supplies
- 18 Sterilization techniques and quality assurance for equipment, instruments, and supplies
- 19 Safety considerations related to surgical equipment, instruments, and supplies
- 20 Wound closure (including suture materials and patterns, staples, and tissue adhesives)
- 21 Dental procedures (including but not limited to cleaning, floating, charting, preventive procedures, dental imaging)
- 22 Dental equipment, instruments, and supplies
- 23 Safety considerations related to dental procedures
- 24 Sample collection, preparation, analysis, storing, and shipping techniques
- 25 Laboratory diagnostic principles, procedures, and methodologies (including but not limited to microbiology, serology, cytology, hematology, urinalysis, and parasitology)
- 26 Quality assurance in the laboratory (including but not limited to maintenance of equipment, verification of test results, calibration, and controls)
- 27 Normal and abnormal laboratory and diagnostic test results
- 28 Animal assessment and monitoring techniques, excluding anesthetic monitoring

- 29 Principles of animal behavior
- 30 Clinical diagnostic procedures
- 31 Nutrition
- 32 Safe animal handling and restraint techniques
- 33 Animal husbandry
- 34 Animal nursing procedures and rehabilitation therapies
- 35 Animal first aid, triage, and emergency/critical care techniques
- 36 Public health (including but not limited to infection control, zoonosis and epidemiology)
- 37 Environmental health and safety procedures(including but not limited to handling and disposing of hazardous material, personal safety, evacuation procedures, safety plans, equipment, and instrumentation)
- 38 Disease control and prevention techniques(including but not limited to quarantine, isolation, vaccination, wellness care, and herd health)
- 39 Facility cleaning and disinfection techniques
- 40 Diagnostic imaging equipment and procedures(including but not limited to radiography, ultrasonography, and contrast studies)
- 41 Quality assurance and safety for diagnostic imaging
- 42 Pre- and post-anesthetic assessment and care
- 43 Anesthetic induction, maintenance, monitoring, and recovery including stages of anesthesia and troubleshooting
- 44 Pre-anesthetic and anesthetic medications reactions, indications, contraindications, side effects, and interactions
- 45 Pain assessment and analgesic administration techniques

- 46 Procedures for care, maintenance, and use of diagnostic, therapeutic, surgical, dental, monitoring, and anesthetic equipment and supplies
- 47 Professional ethics (including but not limited to the Veterinary Technician Code of Ethics)
- 48 Techniques for communicating with the veterinary medical team and client
- 49 Inventory control and management
- 50 Record keeping

REPORT OF THE JOB ANALYSIS OF VETERINARY TECHNICIANS

Conducted by Professional Examination Service

On behalf of

The American Association of Veterinary State Boards



P · E · S

**Patricia M. Muenzen, MA
Carla M. Caro, MA
Professional Examination Service
475 Riverside Drive
New York, NY 10115**

August 2012

Acknowledgements

On behalf of Professional Examination Service (PES), we are pleased to have conducted this research study for the American Association of Veterinary State Boards (AAVSB). This report describes the entry-level practice of veterinary technicians in the United States and Canada and provides a framework for updating examination construction initiatives for the Veterinary Technician National Examination (VTNE).

A project of this magnitude depends on the hard work and commitment of many professionals, and we are pleased to acknowledge their contributions to the final product. We are indebted to Anne Duffy, AAVSB Board of Directors President-Elect, who served in an oversight capacity throughout the course of this study.

The 10 members of the Job Analysis Task Force worked tirelessly through the conduct of this study. They approached each task with wisdom and wit, always willing to provide their own perspectives and listen to the views of others in order to articulate a clear, concise, and contemporary description of practice. We thank Melissa Andrasik, RVT, Dana Champion, CVT, Trish Gorham, LVT, Laurel MacIntosh, RVT, Michele Moroz, RAHT, Patrick Navarre, RVT, Amy Nunnally, LVT, Teri Raffel, CVT, Christie Williams, LVT and Kim Williams, RVT for making our work so easy.

We are grateful to the members of the VTNE Committee: Marilyn Cute, CVT, Richard Flora, DVM, Geoffrey Gardner, DVM, Laura Lien, CVT, Linda Merrill, LVT, Dennis (Jamie) Moore, DVM, Irene Moore, DVM, Mark Olson, DVM, Teri Raffel, CVT, Noriko (Niki) Riggelman, LVT, Laurence Santerre-Belec, AHT, Susan Thiessen, RVT, and Kim Williams, RVT. These individuals engaged in a thoughtful review of the findings from the study and developed a set of recommendations to the AAVSB Board of Directors regarding updates to the VTNE content outline.

We are also indebted to the following AAVSB staff members who supported us throughout this entire process: Robyn Kendrick, Executive Director, Daphne Tabbytite, Assistant Director, and Nancy Grittman, VTNE & PAVE Program Manager. A special thank you goes to Christine Foster, Program Assistant who worked tirelessly with state and provincial regulatory agencies to assemble the survey sample.

We conclude by stating the views expressed in this report are those of PES and do not necessarily reflect the view of AAVSB or of those experts who provided advice on the conduct of this investigation.

Patricia M. Muenzen, MA, Director of Research Programs
Carla M. Caro, MA, Research Director

New York, NY
August 2012

Introduction

The American Association of Veterinary State Boards (AAVSB) owns and administers the Veterinary Technician National Examination (VTNE). The VTNE is designed to assess the competencies required of entry-level veterinary technicians. Most states and provinces require a passing score on the VTNE as one criterion for credentialing.

Job analysis is the foundation for the VTNE. The conduct of a job analysis is a widely recognized and legally defensible strategy for establishing the content validity of a credentialing program. The VTNE job analysis is consistent with current testing and measurement requirements for the validation of certification examinations as found in the Standards for Educational and Psychological Testing (1999); Uniform Guidelines on Employee Selection Procedures (1978); and PES Guidelines for the Development, Use, and Evaluation of Licensure and Certification Programs (1995). Through the job analysis process, the job and the knowledge required for safe and effective work in the job is identified and validated. The content outline of an examination is then linked to this empirical description of the job, creating a framework for an examination that is work related and content valid.

AAVSB conducts period job analysis studies to identify and verify the job tasks and knowledge bases that describe entry-level practice. The current examination blueprint for the VTNE is derived from a job analysis conducted in 2006-2007. The blueprint specifies the domains, tasks, and knowledge bases that comprise entry-level practice of veterinary technicians and the percentage of test questions focusing on each domain.

In 2011, AAVSB contracted with Professional Examination Service (PES) to conduct an update job analysis of veterinary technicians. The study reported herein began in September 2011 and concluded in August 2012. The purpose of the study was to gather evidence to support the ongoing development of the VTNE program.

Public protection was central to the organizing framework of the study. The job analysis and validation study used a process-based approach (tasks within domains) as the primary organizing framework, and supplemented that approach with the delineation of knowledge required to perform the tasks.

The project involved two phases of work. In the first phase, subject-matter experts updated and streamlined the description of the profession (a.k.a. examination blueprint) that is currently used to construct forms of the VTNE. In the second phase, a survey was conducted to identify the absolute and relative salience of each domain, task, and knowledge area to the overall work of the entry-level veterinary technician. The results were used to develop recommendations for updating the test specifications for the VTNE.

Executive Summary

The American Association of Veterinary State Boards (AAVSB) sponsored a job analysis of veterinary technicians in support of its Veterinary Technician National Examination (VTNE) program. The job analysis was performed by Professional Examination Service (PES), a not-for-profit organization with a long history of collaboration with the AAVSB.

Job analysis is the means by which credentialing organizations identify the content to be assessed on their examinations. Typically a job analysis involves the delineation of broad domains of practice, tasks performed within those domains, and the knowledge bases required in order to perform the job tasks. According to best practices, job analysis should be undertaken every 5 to 7 years to ensure that the credentialing examination remains an up to date assessment of required job knowledge

At the outset of the study, PES collected feedback from members of the VTNE Committee regarding strengths and weaknesses of the current test specifications for the VTNE examination. The current test specifications originated in a 2006 job analysis that was also conducted by PES.

AAVSB appointed a Job Analysis Task Force (JATF) to update the domains, tasks, and knowledge bases that describe the work of the entry-level veterinary technician. The JATF was selected to be broadly representative of the profession, and included practitioners, educators, current and former members of the VTNE exam committee, and item writers. PES facilitated a 2-day meeting of the JATF to begin the update process. The JATF revised the 2006 the delineation of practice on the basis of: (1) their own subject-matter expertise, (2) feedback from the VTNE Committee, and (3) feedback from 15 independent reviewers who commented on an interim draft of the JATF's work product.

The structure of the new delineation of practice departs from the current structure. There are nine domains in the new delineation versus the seven domains in the current VTNE test specifications. The domain of *Anesthesia and Analgesia* was split into two domains: *Anesthesia* and *Pain Management/Analgesia*. Also, a new domain was created: *Emergency Medicine/Critical Care*. All other domains remained the same.

A web-based validation survey was conducted to verify the revised domains, tasks, and knowledge bases. Rating scales were designed to collect specific feedback regarding each element of the delineation. After pilot testing, the survey was disseminated to a sample of 5,264 veterinary technicians.

Survey participants were asked to make two ratings for each domain, task, and knowledge base. One rating scale focused on time spent or frequency with respect the respondent's own work. The other focused on the potential harm that could result if a veterinary technician was not competent with respect to the domain, task, or knowledge base.

Veterinary technicians close to the entry level of practice from all 50 states and from 6 Canadian provinces were invited to participate. To assemble the survey sample, AAVSB contacted each of the 40 AAVSB member boards and requested a list of individuals licensed by the jurisdiction in the past 3 years. Individuals from jurisdictions not supplying data directly were sampled from AAVSB's Veterinary Information Verifying Agency (VIVA) database. The completion rate for the survey was 28% which is within the normal range for a job analysis survey.

Key findings from the survey follow:

- On average, respondents spent no less than 7% and no more than 21% of their time in any one domain. Respondents spent no more than 2% of their time in any "other" domain, indicating that the new domain structure is a complete description of the major areas of veterinary technician practice.
- All 38 delineated tasks are performed at least monthly on average; 28 of them are performed at least weekly.
- 42 of the 50 knowledge areas are used at least weekly and the remaining 8 are used at least monthly.
- Qualitative data collected regarding completeness of the delineation indicate that the tasks and knowledge represent a complete description of the specific elements of the job of the entry -level veterinary technician.
- All the tasks and knowledge areas were rated above PES' recommended threshold for inclusion in the new version of the VTNE content outline.

The VTNE Committee reviewed the survey results, including examination weights for each domain that PES calculated directly from the survey data. The domain weights were based on ratings of the time survey respondents spent in each domain and the potential for harm if tasks in the domain were performed incorrectly.

The VTNE committee recommended, and the AAVSB Board of Director approved, the test specifications that follow. The new VTNE test specifications are derived directly from the job analysis in keeping with credentialing best practices.

TEST SPECIFICATIONS
VETERINARY TECHNICIAN NATIONAL EXAMINATION (VTNE)

DOMAIN 10.00 Pharmacy and Pharmacology (12%, 24 items)

- TASK 10.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to the use of pharmacological and biological agents.
- TASK 10.02 Prepare, administer, and/or dispense pharmacological and biological agents (excluding anesthetics and analgesics) to comply with veterinary orders.
- TASK 10.03 Educate the client regarding pharmacological and biological agents (excluding anesthetics and analgesics) administered or dispensed to ensure the safety of the patient/client and efficacy of the products.

DOMAIN 20.00 Surgical Nursing (11%, 22 items)

- TASK 20.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to surgical nursing.
- TASK 20.02 Prepare and maintain the surgical environment, equipment, instruments, and supplies to meet the needs of the surgical team and patient.
- TASK 20.03 Prepare patient for procedure (including but not limited to surgical site preparation and patient positioning).
- TASK 20.04 Function as a sterile surgical technician (including but not limited to tissue handling, suturing, instrument handling) to ensure patient safety and procedural efficiency.
- TASK 20.05 Function as a circulating (non-sterile) surgical technician to ensure patient safety and procedural efficiency.

DOMAIN 30.00 Dentistry (7%, 14 items)

- TASK 30.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to dentistry.
- TASK 30.02 Prepare and maintain the environment, equipment, instruments, and supplies for dental procedures to meet the needs of the dental team and patient.

TASK 30.03 Perform or assist with dental procedures (including but not limited to prophylactic, radiographic, therapeutic, and charting) to maintain the dental health of the patient and aid in the treatment of dental disease.

TASK 30.04 Educate the client regarding dental health, including prophylactic and post-treatment care.

DOMAIN 40.00 Laboratory Procedures (12%, 24 items)

TASK 40.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to laboratory procedures.

TASK 40.02 Collect, prepare, and maintain specimens for in-house or outside laboratory evaluation.

TASK 40.03 Perform laboratory tests and procedures (including but not limited to microbiology, serology, cytology, hematology, urinalysis, and parasitology).

TASK 40.04 Maintain laboratory equipment and related supplies to ensure quality of test results and safety of operation.

DOMAIN 50.00 Animal Care and Nursing (22%, 44 items)

TASK 50.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to animal care and nursing.

TASK 50.02 Perform and document initial and ongoing evaluations of physical, behavioral, nutritional, and environmental status of animals to provide for optimal animal/client safety and health.

TASK 50.03 Perform animal nursing procedures (including but not limited to restraint, post-operative care, catheterization, wound management, bandaging, and rehabilitation therapy) in the implementation of prescribed treatments.

TASK 50.04 Perform clinical diagnostic procedures (including but not limited to blood pressure measurement, electrocardiography, and oximetry) to aid in diagnosis and prognosis.

TASK 50.05 Educate clients and the public about animal care (including but not limited to behavior, nutrition, pre- and post-operative care, preventative care, zoonosis) to promote and maintain the health of animals and the safety of clients/public.

TASK 50.06 Provide a safe, sanitary, and comfortable environment for animals to ensure optimal healthcare and client/personnel safety.

TASK 50.07 Maintain diagnostic and related supplies to ensure quality of test results and safety of operation.

DOMAIN 60.00 Diagnostic Imaging (7%, 14 items)

TASK 60.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to diagnostic images.

TASK 60.02 Produce diagnostic images (excluding dental) following protocols for quality and operator/patient safety.

TASK 60.03 Maintain imaging equipment and related materials to ensure quality to ensure quality of results and safety of operation.

DOMAIN 70.00 Anesthesia (16%, 32 items)

TASK 70.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to anesthesia.

TASK 70.02 Assist in development of the anesthetic plan to ensure patient safety and procedural efficacy.

TASK 70.03 Implement the anesthetic plan (including but not limited to administration of medication, monitoring, and maintenance) to facilitate diagnostic, therapeutic, or surgical procedures.

TASK 70.04 Prepare and maintain anesthetic equipment and related materials to ensure safe and reliable operation.

TASK 70.05 Educate the client about anesthetics and anesthesia to ensure the safety of the patient/client and efficacy of the product(s) or procedure(s).

DOMAIN 80.00 Emergency Medicine/Critical Care (6%, 12 items)

TASK 80.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to emergency medicine and critical care.

TASK 80.02 Perform triage and document initial and ongoing evaluations of physical, behavioral, nutritional, and environmental status of animals presented for

critical conditions (including but not limited to shock, acute illness, acute trauma, and toxicity).

TASK 80.03 Perform emergency nursing procedures (including but not limited to cardiopulmonary cerebral resuscitation (CPCR), stemming acute blood loss, and fracture stabilization) in the implementation of prescribed treatments.

TASK 80.04 Perform critical care nursing procedures (including but not limited to blood transfusions, fluid resuscitation, and ongoing oxygen therapy) in the implementation of prescribed treatments.

DOMAIN 90.00 Pain Management/Analgesia (7%, 14 items)

TASK 90.01 Utilize knowledge of anatomy, physiology and pathophysiology as it applies to pain management and analgesia.

TASK 90.02 Assess need for analgesia and assist in the development and implementation of the pain management plan to optimize patient comfort and/or healing.

TASK 90.03 Educate the client with regard to analgesics and administration of pain management protocols and the side effects to ensure the safety of the patient/client and efficacy of the product(s) or procedure(s).

VTNE Examination - Knowledge Statements

- 01 Anatomy
- 02 Normal physiology
- 03 Pathophysiology
- 04 Common animal diseases
- 05 Medical terminology
- 06 Toxicology
- 07 Applied mathematics (including but not limited to metric system/weights, measures/ percentage solutions, dosage calculations)
- 08 Drug classification
- 09 Routes of administration of pharmacological and biological agents
- 10 Legal requirements and procedures for acquiring, preparing, storing, dispensing, documenting and disposing of pharmacological and biological agents
- 11 Safe handling practices for pharmacological and biological agents
- 12 Pharmacokinetics (drug absorption, metabolism, excretion), normal and abnormal drug reactions, indications, contraindications, side effects, and interactions
- 13 Fluid balance and therapy, including calculation
- 14 Aseptic techniques
- 15 Patient preparation and positioning techniques(including but not limited to diagnostic imaging, surgery, medical procedures)
- 16 Surgical procedures
- 17 Surgical equipment, instruments, and supplies
- 18 Sterilization techniques and quality assurance for equipment, instruments, and supplies
- 19 Safety considerations related to surgical equipment, instruments, and supplies
- 20 Wound closure (including suture materials and patterns, staples, and tissue adhesives)

- 21 Dental procedures (including but not limited to cleaning, floating, charting, preventive procedures, dental imaging)
- 22 Dental equipment, instruments, and supplies
- 23 Safety considerations related to dental procedures
- 24 Sample collection, preparation, analysis, storing, and shipping techniques
- 25 Laboratory diagnostic principles, procedures, and methodologies (including but not limited to microbiology, serology, cytology, hematology, urinalysis, and parasitology)
- 26 Quality assurance in the laboratory (including but not limited to maintenance of equipment, verification of test results, calibration, and controls)
- 27 Normal and abnormal laboratory and diagnostic test results
- 28 Animal assessment and monitoring techniques, excluding anesthetic monitoring
- 29 Principles of animal behavior
- 30 Clinical diagnostic procedures
- 31 Nutrition
- 32 Safe animal handling and restraint techniques
- 33 Animal husbandry
- 34 Animal nursing procedures and rehabilitation therapies
- 35 Animal first aid, triage, and emergency/critical care techniques
- 36 Public health (including but not limited to infection control, zoonosis and epidemiology)
- 37 Environmental health and safety procedures(including but not limited to handling and disposing of hazardous material, personal safety, evacuation procedures, safety plans, equipment, and instrumentation)
- 38 Disease control and prevention techniques(including but not limited to quarantine, isolation, vaccination, wellness care, and herd health)
- 39 Facility cleaning and disinfection techniques
- 40 Diagnostic imaging equipment and procedures(including but not limited to radiography, ultrasonography, and contrast studies)

- 41 Quality assurance and safety for diagnostic imaging
- 42 Pre- and post-anesthetic assessment and care
- 43 Anesthetic induction, maintenance, monitoring, and recovery including stages of anesthesia and troubleshooting
- 44 Pre-anesthetic and anesthetic medications reactions, indications, contraindications, side effects, and interactions
- 45 Pain assessment and analgesic administration techniques
- 46 Procedures for care, maintenance, and use of diagnostic, therapeutic, surgical, dental, monitoring, and anesthetic equipment and supplies
- 47 Professional ethics (including but not limited to the Veterinary Technician Code of Ethics)
- 48 Techniques for communicating with the veterinary medical team and client
- 49 Inventory control and management
- 50 Record keeping

VETERINARY MEDICAL BOARD - 0777
BUDGET REPORT
FY 2016-17 EXPENDITURE PROJECTION
Aug-2016

OBJECT DESCRIPTION	FY 2015-16		FY 2016-17				UNENCUMBERED BALANCE
	ACTUAL EXPENDITURES	PRIOR YEAR EXPENDITURES	BUDGET STONE	CURRENT YEAR EXPENDITURES	PERCENT SPENT	PROJECTIONS TO YEAR END	
	(MONTH 13)	8/31/2015	2016-17	8/31/2016			
PERSONNEL SERVICES							
Salary & Wages (Staff)	993,433	176,854	1,138,000	158,043	14%	948,258	189,742
Statutory Exempt (EO)	90,636	15,106	82,000	15,304	19%	91,824	(9,824)
Temp Help Reg (Seasonals)			33,000	7,648	23%	45,888	(12,888)
BL 12-03 Blanket							
Temp Help (Exam Proctors)							
Board Member Per Diem	6,900		14,000				14,000
Committee Members (DEC)	5,700		11,000				11,000
Overtime	1,995						
Staff Benefits	610,044	102,877	664,000	107,790	16%	646,740	17,260
TOTALS, PERSONNEL SVC	1,708,708	294,837	1,942,000	288,785	15%	1,732,710	209,290
OPERATING EXPENSE AND EQUIPMENT							
General Expense	39,907	7,687	31,000	1,124	4%	6,744	24,256
Fingerprint Reports	520		6,000				
Minor Equipment	6,919						
Printing	19,795	3,217	20,000	1,392	7%	8,352	11,648
Communication	5,416	279	21,000	187	1%	1,122	19,878
Postage	28,278	2,555	28,000	2,447	9%	14,682	13,318
Insurance							
Travel In State	70,768	8,812	148,000	11,167	8%	67,002	80,998
Travel, Out-of-State							
Training	6,244		20,000				20,000
Facilities Operations	114,242	110,512	102,000	113,498	111%	113,498	(11,498)
Utilities							
C & P Services - Interdept.	2						
C & P Services - External	227,251	53,712	106,000	84,453	80%	106,000	0
DEPARTMENTAL SERVICES:							
Departmental Pro Rata	453,708	113,000	458,000	210,376	46%	458,000	0
Admin/Exec	286,698	70,000	287,000			287,000	0
Interagency Services			50,000			50,000	0
IA w/ OPES	72,166	21,832		42,484		42,484	(42,484)
DOI-ProRata Internal	6,882	1,750	7,000			7,000	0
Communications	19,000	2,250	9,000			9,000	0
PPRD Pro Rata		2,500	10,000			10,000	0
INTERAGENCY SERVICES:							
Consolidated Data Center	2,230	235	10,000	1	0%	6	9,994
DP Maintenance & Supply	10,884	2,629	5,000				5,000
Central Admin Svc-ProRata	157,399	39,350	157,000				157,000
EXAM EXPENSES:							
Exam Supplies			1,000				1,000
Exam Freight							
Exam Site Rental			5,000				5,000
C/P Svcs-External Expert Administrative	26,988			58,020		348,120	(348,120)
C/P Svcs-External Expert Examiners			31,000	8,047		48,282	(17,282)
C/P Svcs-External Subject Matter	55,341	11,052					
ENFORCEMENT:							
Attorney General	510,785	30,930	460,000			460,000	0
Office Admin. Hearings	105,233		59,000			59,000	0
Court Reporters	6,043			1,516		9,096	
Evidence/Witness Fees	173,628	9,545	163,000	10,382	6%	62,292	100,708
DOI - Investigations	617,594	152,500	628,000	136,166	22%	628,000	0
Major Equipment							
Special Items of Expense							
Other (Vehicle Operations)			3,000				3,000
TOTALS, OE&E	3,023,921	644,347	2,825,000	681,260	24%	2,795,680	32,416
TOTAL EXPENSE	4,732,629	939,184	4,767,000	970,045	20%	4,528,390	241,706
Sched. Reimb. - External/Private							
Sched. Reimb. - Fingerprints		(956)	(11,000)			(11,000)	
Sched. Reimb. - Other	(3,525)		(15,000)	(470)		(15,000)	
Unsched. Reimb. - Other	(158,407)			(32,237)		(193,422)	
NET APPROPRIATION	4,570,697	938,228	4,741,000	937,338	20%	4,308,968	241,706
SURPLUS/(DEFICIT):							5.1%

**Veterinary Medical Board
Summary of Expenditures - 2016/2017**

Line Item	Appropriation	Summary of Expenses
Personal Services:		
Salary & Wages (Staff)	1,138,000	Board staff salaries
Statutory Exempt (EO)	82,000	Executive Officer salary
Temp Help Reg (Seasonals)	33,000	Wages for temporary help such as a permanent-intermittent employees, students, seasonal employees, etc.
Temp Help Reg (Exam Proctors)		Examination Proctors
Board Member Per Diem	14,000	Board members' per-diem
Committee Members (DEC)	11,000	Committee members' per-diem
Overtime		Staff Overtime
Staff Benefits	664,000	OASDI, Dental, health, retirement, life, vision, Medicare
Total Personal Services	1,942,000	
Operating Expenses & Equipment:		
General Expense	31,000	Office supplies, freight
Fingerprint Reports	6,000	Fingerprint expenses – reimbursed by candidate
Minor Equipment		Equipment less than \$5K per unit
Printing	20,000	Printed forms, office copier, copying service
Communications	21,000	Phones, cellular phones
Postage	28,000	Stamps, DCA and EDD facility mailed postage
Insurance	0	Insurance coverage for department owned vehicles.
Travel In-State	148,000	Board, Committee, and Staff Air, car, bus, taxi, incidentals, service fees
Travel Out-of-State		Same as above - out-of-State
Training	20,000	Registration fees, subscriptions
Facilities Operations	102,000	Rent, storage, security
Utilities		Electricity, Natural Gas (P.G.& E.), water, sewer, and regular waste removal service.
C&P Services Interdept.		Services provided by other state agencies or Interagency Agreement within the Department of Consumer Affairs.
C&P Services External	106,000	Outside DCA contracts - includes MAXIMUS
Departmental Services		
Departmental Prorata	458,000	DCA Svcs: Info systems, Administrative Svcs (HR, Accounting, Budgets, etc.), Legal, Publications, Public Affairs
Admin/Exec	287,000	Pro-rata assessments to support DCA Administrative Services
Interagency Services	50,000	Services provided to one board by another board within the Department
IA w/OPES		Services provided by OPES to Board
DOI-Pro Rata Internal	7,000	Services provided by Division of Investigation Pro Rata
Public Affairs Office	9,000	Services provided by DCA Public Affairs
CCED	10,000	Pro-rata Consumer and Community Empowerment Division
Interagency Services		
Consolidated Data Centers	10,000	CAS/Teale Data Center
DP Maintenance & Supply	5,000	Data processing supplies and maintenance
Central Admin Svcs-Pro Rata	157,000	State services pro-rata (DGS, DOF, etc)
Exam Expenses		
Exam supplies	1,000	Examination materials, supplies not covered by contract
Exam freight		Freight, shipping and storage of examination material
Exam site rental	5,000	Facility rental charge for vet exams administration
Expert Examiners (SME)		Subject matter experts for item writing, review and Angoff workshops VET and RVT
C/P Svcs-External Expert Administrative		National exam contracts - includes PSI contract
C/P Svcs-External Expert Examiners	31,000	Wages for services provided by expert examiners in the oral/written examination process
C/P Svcs-External Subject Matter		Services provided by subject matter experts in the oral/written examination process
Enforcement		
Attorney General	460,000	Office of the Attorney General/DAG legal services
Office of Admin Hearings	59,000	Office of Administrative Hearings, Admin. Law Judge and court reporter services
Court Reporters		
Evidence/Witness Fees	163,000	Expert Witness and In-house Consultants enforcement case review
Div of Investigation	628,000	DCA Division of Investigation services
Major Equipment		Equipment more than \$5k per unit
Special Items of Expense		
Vehicle Operations	3,000	Leasing & maintenance of State vehicle (CPEI BCP)
Total OE&E	2,825,000	
Total Personal Services (above)	1,942,000	
Totals, Expenditures	4,767,000	
Sched. Reimb. - External		Reimbursements for OIS Public Sales
Sched. Reimb. - Fingerprints	(11,000)	Reimbursements for assessment of fingerprint processing fees
Sched. Reimb. - Other	(15,000)	Reimbursements from private individuals, firms, institutions or corporations
Net Appropriation	4,741,000	

ENFORCEMENT REPORT

Prepared by Candace Raney, Enforcement Program Manager

October 2016

Expert Witness

The Board will hold an Expert Witness Roundtable Meeting on November 3, 2016 in San Diego. As reported at the July 2016 Board meeting, the plan for this meeting is to focus on the expert's role in the process and preparation of the expert witness report itself.

The purpose of the meeting is to build upon prior trainings and experience with the goal of further strengthening the Expert Witness Program.

We have invited a select group of current Board Experts that have been determined to be more seasoned and, considering their past experience and expertise, are uniquely qualified to participate in the roundtable discussion. Attendees have also been invited to contribute to the agenda content for the meeting. Additionally, incorporated into the meeting agenda will be recommendations from both the Complaint Process/Audit Taskforce and the Expert Witness Subcommittee.

Complaint Investigation

There were 866 complaints received in fiscal year 2015/16. There were 890 cases closed with an overall average number of days to complete being 169 days.

Formal Discipline

There were 61 cases forwarded to the Office of the Attorney General for formal disciplinary action in fiscal year 2015/16. There were 50 cases closed with an overall average number of days to complete being 1324 days. This number is a direct result of the fact that, of the 50 cases closed, 14 had been pending for over 4 years.

In August, the Board implemented an online voting process via the BreZE system for Board consideration of formal discipline cases. This process was not without minor hiccups that were addressed and resolved. A subsequent mail vote conducted electronically in October showed marked improvement.

Probation

The probation program currently monitors 94 probationers.

ENFORCEMENT REPORT

Prepared by Candace Raney, Enforcement Program Manager

October 2016

Statistical Report

The Board's Enforcement Statistical Report for fiscal year 2016/17 - Quarter 1 will be provided at the meeting.

Enforcement Forecast (FY 16/17 Q2)

Board members can anticipate 2 mail votes between the October and January Board meetings. At this time, there are approximately 8 cases pending consideration by the Board.

There are 2 petitions for reduction of penalty being held over from the October 2016 meeting to January 2017 due to a greater than usual number of matters to be considered by the Board during closed session.

Hospital Inspection Program Update – October 2016

Annual Training

The annual training session was held August 1-4 for all Inspectors, new and returning. We had 12 returning Inspectors and hired an additional 5 Inspectors giving us a total of 17 Inspectors for this fiscal year. This year's training highlights included a strategic planning session with SOLID and a DoI presentation. Inspectors were also updated on the VACSP requirement and instructed on how to educate MGLs on this new standard. Drug compounding issues were also discussed.

Staffing

The staff vacancy was filled September 19 however, our Breeze expert, Kristina Kennedy, has accepted a position in the private sector. As such, recruitment efforts continue. Kristina provided outstanding customer service and made great contributions to the Inspection Program, especially with the premises permit program. We appreciate Kristina's hard work, she will be greatly missed.

Outreach

Staff has participated in various association chapter meetings including the Central California and Peninsula chapter meetings. Among several issues discussed were the most common inspection deficiencies.

Ride-alongs

Candace Raney recently participated in an inspection ride-along and Annemarie's ride-along is scheduled later this month. We will be scheduling more ride-alongs for interested board members prior to the January 2017 board meeting.

Statistics

Initial Inspection Reports for the fiscal year are due in the office the week of October 3, 2016; as such Inspection statistics are currently unavailable.

With 3,526 veterinary premises registered with the board as of July 1, 2016, are we slated to complete 700 inspections this fiscal year.

Registration & Usage Stats

Registered Users: **As of 9/15/2016** 164,653

■ **Role**

➤ Prescribers	_____	↓	123,753
➤ Dispensers	_____	↓	38,525
➤ LEAs	_____	↓	1,128
➤ Delegates	_____	↓	1,127
➤ DOJ Admins	_____	↓	10
➤ DOJ Analysts	_____	↓	65
➤ Regulatory Board	_____	↓	45

■ **License Type**

➤ Doctor of Podiatric Medicine	_____	↓	812
➤ Registered Nurse Practitioner/Nurse Midwife	_____	↓	8,203
➤ Medical Doctor	_____	↓	73,455
➤ Naturopathic Doctor	_____	↓	119
➤ Osteopathic Doctor	_____	↓	4,073
➤ Physician Assistant	_____	↓	5,069
➤ Doctor of Optometry	_____	↓	480
➤ Pharmacist	_____	↓	30,783
➤ Doctor of Dental Surgery/Dental Medicine	_____	↓	6,874
➤ Doctor of Veterinary Medicine	_____	↓	1,832

■ **Other**

➤ Users without a license type	_____	↓	32,953
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Registration & Usage Stats, Cont'd.

<ul style="list-style-type: none"> • Number of PARs Run: 8/15/2016 - 9/15/2016 → 	852,250
<ul style="list-style-type: none"> ▪ Role 	
➤ Prescribers _____	319,677
➤ Dispensers _____	530,713
➤ LEAs _____	132
➤ Delegates _____	879
➤ DOJ Admins _____	165
➤ DOJ Analysts _____	80
➤ Regulatory Board _____	604
<ul style="list-style-type: none"> ▪ License Type 	
➤ Doctor of Podiatric Medicine _____	249
➤ Registered Nurse Practitioner/Nurse Midwife _____	41,963
➤ Medical Doctor _____	198,176
➤ Naturopathic Doctor _____	1
➤ Osteopathic Doctor _____	23,615
➤ Physician Assistant _____	45,131
➤ Doctor of Optometry _____	0
➤ Pharmacist _____	427,133
➤ Doctor of Dental Surgery/Dental Medicine _____	1,141
➤ Doctor of Veterinary Medicine _____	45



Registration & Usage Stats, Cont'd.

• Times System was accessed: **8/15/2016 - 9/15/2016** → **425,152**

▪ **Role**

➤ Prescribers	_____	→	158,759
➤ Dispensers	_____	→	264,232
➤ LEAs	_____	→	467
➤ Delegates	_____	→	470
➤ DOJ Admins	_____	→	256
➤ DOJ Analysts	_____	→	702
➤ Regulatory Board	_____	→	266

▪ **License Type**

➤ Doctor of Podiatric Medicine	_____	→	136
➤ Registered Nurse Practitioner/Nurse Midwife	_____	→	20,215
➤ Medical Doctor	_____	→	98,162
➤ Naturopathic Doctor	_____	→	5
➤ Osteopathic Doctor	_____	→	11,670
➤ Physician Assistant	_____	→	23,925
➤ Doctor of Optometry	_____	→	8
➤ Pharmacist	_____	→	262,270
➤ Doctor of Dental Surgery/Dental Medicine	_____	→	842
➤ Doctor of Veterinary Medicine	_____	→	149
➤ Users Without a License Type	_____	→	7,770



Help Desk Stats

- Number of CURES Help Desk Requests for August 2016

- Emails [—————>](#) 2,440

[Note: Email requests are not included in the breakdown below]

- Phone Calls – 2,641

- Role

➤ Prescribers	—————>	1,663
➤ Dispensers	—————>	946
➤ LEAS	—————>	25
➤ Delegates	—————>	6
➤ DOJ Admins	—————>	0
➤ DOJ Analysts	—————>	0
➤ Regulatory Board	—————>	1



Help Desk Stats Cont'd

- License Type
 - Doctor of Podiatric Medicine → 7
 - Registered Nurse Practitioner/Nurse Midwife → 108
 - Medical Doctor → 1,312
 - Naturopathic Doctor → 11
 - Osteopathic Doctor → 53
 - Physician Assistant → 86
 - Doctor of Optometry → 3
 - Pharmacist → 946
 - Doctor of Dental Surgery/Dental Medicine → 56
 - Doctor of Veterinary Medicine → 27
 - Other
 - Users without a license type → 32
- Average amount of time spent per Help Desk Request For August 2016
 - 5-10 minutes

