



MEMORANDUM

DATE	October 5, 2021
TO	Veterinary Medical Board (Board)
FROM	Jessica Sieferman, Executive Officer
SUBJECT	Agenda Item 10. Update, Discussion, and Possible Action on 2021 Legislation

Legislation is amended, statuses are updated, and analyses are added frequently; thus, hyperlinks, identified in [blue, underlined text](#), are provided throughout this document to ensure members and the public have access to the most up-to-date information. The information below was based on legislation, statuses, and analyses (if any) publicly available on October 4, 2021.

A. Assembly Bill (AB) [1282](#) (Bloom, 2021) Veterinary medicine: blood banks for animals

- Status:** Enrolled
Analyses: [09/01/21- Assembly Floor Analysis](#)
[08/31/21- Senate Floor Analyses](#)
[08/26/21- Senate Appropriations](#)
[08/13/21- Senate Appropriations](#)
[07/13/21- Senate Business, Professions and Economic Development](#)
[06/28/21- Senate Agriculture](#)
[05/25/21- Assembly Floor Analysis](#)
[05/11/21- Assembly Appropriations](#)
[04/27/21- Assembly Agriculture](#)
[04/20/21- Assembly Business and Professions](#)

Summary: This bill allows community-based animal blood banks to commercially sell animal blood from community donors. This bill expands the scope of actions constituting veterinary medicine to include the collection of blood from an animal for the purpose of transferring or selling that blood and blood component products, as defined, to a licensed veterinarian for use at a registered premises, except in certain circumstances. It authorizes the Board to establish a community-based animal blood bank registration, to be renewed annually, to cover the costs associated with oversight and inspection of community-based animal blood banks. It establishes specified safety procedures, such as veterinarian supervision and testing of the blood. This bill also requires both closed colony and community-based animal blood

banks to submit quarterly reports to the California Department of Food and Agriculture (CDFA), who would subsequently be required to phase out licensing of closed colony blood banks within 18 months once the reports show that community-based blood banks are collecting an annual amount equal to the amount sold by closed colony blood banks in four consecutive quarters.

Senate Amendments

The following amendments were made in the Senate, and the Assembly concurred:

1. Changed the phase-out conditions by requiring CDFA to discontinue the licensing of captive closed-colony canine blood banks within 18 months of determining that community blood banks sold an annual amount of canine blood in California that equals or exceeds the annual amount closed-colony blood banks sold in four consecutive quarters.
2. Authorized closed-colony blood banks to transition to community-sourced models in accordance with the bill's provisions.
3. Set the CDFA registration application fee and annual renewal fee to \$500 for each blood or blood component product, and authorized CDFA to increase or decrease fees if the amount does not exceed the reasonable regulatory costs of administering and enforcing product safety standards.
4. Clarified that the Board-issued community blood bank registration renewal period is annual.
5. Clarified that importation and sale of canine blood is only permitted if the products come from community blood banks and required out-of-state community blood banks selling in California to submit quarterly reports to CDFA every three months.
6. Eliminated the Board's requirement to hire a consultant to develop blood banking guidelines, and instead directed CDFA, in collaboration with the Board, technical experts in animal blood banking, and other relevant stakeholders, to develop and publish by March 1, 2023, a "Community Animal Blood Banking Guidance Resource" that provide veterinarians information regarding best management practices for operating community blood banks.

Staff Comments: During the July 2021 Board meeting, the Board expressed two main concerns:

1. Securing General Fund money to cover the initial implementation costs of creating the new blood bank program.
2. Clarifying what regulatory agency would regulate the third-party blood banks. In other words, those blood banks where no veterinary medicine is being practiced.

In addition, the Board's legal counsel raised a concern with the lack of a specified renewal period for the Board-issued community blood bank registration. Please see the Board's attached position letter for reference.

After multiple meetings with the Governor's Office, the Business, Consumer Services and Housing Agency (Agency), Department of Finance (DOF), CDFA, and DCA's Executive Team, the Board's remaining concerns were adequately addressed. The Governor's Office and CDFA agreed that CDFA will have regulatory authority over third-party blood banks where no veterinary medicine is being practiced. In addition, the Governor's Office, DOF, and DCA's Budget Office agreed the Board will submit a budget change proposal (BCP) to secure funding from the General Fund without legislative changes.

The bill also was amended to specify the community blood bank registration renewal period is annual, mirroring the annual renewal period for CDFA's blood bank registration.

The bill passed the Assembly on concurrence (Ayes 75, Noes 1) on September 2, 2021, and was enrolled and presented to the Governor on September 10, 2021.

Once the bill is signed by the Governor and is chaptered, the Board will have 10 calendar days to complete and push a legislative BCP through the review process. Since this is such a quick turnaround time, the Board's policy analyst has already begun working with DCA's Budget Office to ensure the Board meets this deadline.

B. [AB 1535](#) (Committee on Business and Professions, 2021) Veterinary Medical Board: application and examination: discipline and citation

Status: Enrolled

Analyses: [09/10/21- Assembly Business and Professions](#)

[09/10/21- Assembly Floor Analysis](#)

[09/07/21- Assembly Floor Analysis](#)

[08/31/21- Senate Floor Analyses](#)

[08/26/21- Senate Appropriations](#)

[08/13/21- Senate Appropriations](#)

[07/09/21- Senate Business, Professions and Economic Development](#)

[05/24/21- Assembly Floor Analysis](#)

[05/17/21- Assembly Appropriations](#)

[04/27/21- Assembly Business and Professions](#)

Summary: This bill enacts various changes to the regulation of veterinarians, Registered Veterinary Technicians (RVTs), Veterinary Assistant Controlled Substances Permit (VACSP) holders, veterinary schools, and veterinary premises, stemming from the joint sunset review oversight of the Board by the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development.

Notable provisions include:

1. Extends the sunset date of the Board from January 1, 2022, to January 1, 2026;

2. Removes the state-specific examinations for veterinarian licensure and RVT registration;
3. Removes temporary and intern veterinarian licenses;
4. Removes the requirement for out-of-state licensees to take an in-person California-specific course for reciprocity licensure;
5. Decreases registration fees by 36% for RVTs;
6. Prohibits the a veterinary premises registration holder who is not a California-licensed veterinarian from interfering with, controlling, or otherwise directing the professional judgment of any California-licensed veterinarian or RVT;
7. Expands disclosure requirements for veterinary premises registrations;
8. Allows the Board to deem license applications abandoned after one year of inactivity;
9. Renames the Diversion Evaluation Committee as the Wellness Evaluation Committee; and,
10. Exempts a person providing specified care to animals deposited at animal shelters from licensure requirements and exempts animal shelters from the veterinary premises registration requirement if those shelters are solely administering nonprescription vaccinations, nonprescription medications, and medications pursuant to a written treatment plan.

Senate Amendments

The following amendments were made in the Senate, and the Assembly concurred:

1. Revised and recast the various fees levied by the Board. Increased the \$400 initial and renewal fee for veterinary premises to \$500 and \$525, respectively. Lowered the RVT application, initial, and renewal fee from \$350 to \$225. Set the application, initial, and renewal VACSP fees to \$100.
2. Required, beginning January 1, 2023, RVTs, veterinary assistants, and VACSPs to wear a name tag identification in any area of a veterinary premises that is accessible to members of the public.
3. Authorized persons providing care to animals lawfully deposited with or impounded by a shelter to administer nonprescription vaccinations, nonprescription medication, and medications pursuant to a written treatment plan without the presence of a veterinarian under specified conditions.
4. Extended the provisions establishing the Board until January 1, 2026.
5. Made other conforming, technical, and nonsubstantive changes.

Staff Comments: All legislative proposals requested by the Board prior to the July 2021 meeting were included in AB 1535. Unfortunately, the [Electronic Veterinary Services proposal](#) (which includes telemedicine) approved by the Board at its July Board meeting was not included. The Board will need to decide if it would like to pursue this legislation next session.

C. Senate Bill (SB) [344](#) (Hertzberg, 2021) Homeless shelters grants: pets and veterinary services

Status: Assembly Appropriations Committee

Analyses: [08/16/21- Assembly Appropriations](#)

[07/08/21- Assembly Housing and Community Development](#)
[05/25/21- Senate Floor Analyses](#)
[05/20/21- Senate Appropriations](#)
[04/02/21- Senate Appropriations](#)
[03/15/21- Senate Housing](#)

Summary: This bill requires the Department of Housing and Community Development (DHCD), subject to an appropriation in the annual budget act, to establish and administer a grant program to award funds to qualified homeless shelters to provide shelter, food and basic veterinary services for pets owned by people experiencing homelessness. The bill authorizes DHCD to use up to 5% of funds appropriated to cover its costs to administer the program.

Staff Comments: The Board took a Support position during its April 2021 meeting. Unfortunately, since the bill failed to pass out of the Assembly Appropriations Committee, this bill is dead for the year. However, it can come back next session.

D. SB 731 (Durazo, 2021) Criminal records: relief

Status: Assembly Appropriations Committee

Analyses: [09/10/21- Senate Floor Analyses](#)
[09/02/21- Assembly Floor Analysis](#)
[08/31/21- Assembly Floor Analysis](#)
[08/16/21- Assembly Appropriations](#)
[06/28/21- Assembly Public Safety](#)
[05/25/21- Senate Floor Analyses](#)
[05/20/21- Senate Appropriations](#)
[04/30/21- Senate Appropriations](#)
[04/08/21- Senate Public Safety](#)

Summary: Existing law authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence, as specified. Existing law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified. This bill would make this relief available to a defendant who has been convicted of any felony.

Commencing July 1, 2022, existing law requires the California Department of Justice (DOJ), on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for specified automatic conviction and records of arrest relief without requiring the filing of a petition or motion. Under existing law, a person is eligible for arrest record relief if they were arrested on or after January 1, 2021, and the arrest was for a misdemeanor and the charge was dismissed or criminal proceedings have not been initiated within one year after the arrest, or the arrest was for a felony punishable in the county jail and criminal proceedings have not been initiated within 3 years after the date of the arrest. Under

existing law, a person is eligible for automatic conviction record relief if, on or after January 1, 2021, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified.

This bill would generally make this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified. The bill would additionally make this conviction record relief available for a defendant convicted, on or after January 1, 2005, of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, post release supervision, and parole and a period of four years has elapsed during which the defendant was not convicted of a new offense, except as specified.

Staff Comments: During the July 2021 meeting, the Board joined the Board of Psychology, Physician Assistant Board, Dental Hygiene Board of California, and the Board of Pharmacy in opposition to SB 731. Specifically, the Board took an Oppose Unless Amended Position and requested the Board be exempted from the bill. The opposition was primarily due to the diminished ability for the Board to adequately protect consumers and fulfill its statutory mandate. The Board's position letter is attached for reference. This bill is dead for the year, but it may come back next session.

Attachments:

1. AB 1282 Board Support if Amended Position Letter
2. AB 1535 Board Support Letter
3. SB 731 Board Oppose Unless Amended Letter



August 16, 2021

The Honorable Richard Bloom
California State Assembly
Capitol Office, Room 2003
PO Box 942849
Sacramento, CA 94249

Re: Assembly Bill (AB) 1282 (Bloom, 2021) – Support if Amended

Dear Assembly Member Bloom:

The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act (Act). Public protection is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

During the Board's April 22, 2021 meeting, the Board was assured by supporters of AB 1282 that your office can secure General Fund money to cover the Board's implementation costs of this bill. This would require a legislative amendment to Business and Professions Code section 4904 to allocate money from the General Fund to the Veterinary Medical Board Contingent Fund, which is available for use of the Board only upon appropriation by the Legislature.

During its July 22, 2021 meeting, the Board again discussed AB 1282, as amended on July 7, 2021, and changed its previous support if funded position to support if amended. However, as requested in its May 10, 2021 letter to you, the Board still seeks amendments to AB 1282 to provide funding from the General Fund to implement the Board-specific provisions in the bill. In addition, the bill must be amended to establish the community blood bank registration renewal period.

Specifically, the bill would make the Board responsible for creating and implementing a new community blood bank program. This would require the Board to create regulations to set the appropriate community blood bank registration fees. To establish those fees, the Board would need to contract a third party audit service. The Board also would have to create the registration initial and renewal application forms. In addition, the Board would need to amend existing veterinary premises minimum standard regulations to include community blood banks or create new regulations for community blood banks whose sole services relate to the blood banking industry and no other veterinary services. Otherwise, many of the existing minimum standards may not be applicable to community blood banks and may be perceived as an unnecessary and costly burden with no consumer protection benefit.

In addition, the Board would need to redesign its BreZE system, create electronic applications, update veterinary premises inspection forms and procedures, and hire a specialist to provide training to Board inspectors on the current standards of care and practice for the field of

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veterinary transfusion medicine. While AB 1282 would authorize the Board to collect a community blood bank registration and renewal fee, the Board could not start collecting fees to cover the new blood banking program until after the blood banking procedures had been created. Thus, none of the initial costs identified in the [5/17/21 Assembly Committee on Appropriations Analysis](#) would be covered by the fee authority in the bill.

As previously explained, the Board is solely funded by its licensees, registrants, and permit holders. Unless the Board receives funding from the General Fund to implement AB 1282, all of the Board's licensees, registrants, and permit holders, the majority of whom would not be applying to transfer or sell blood and blood component products authorized by the bill, would be forced to absorb these implementation costs. Requiring licensees, registrants, and permit holders to pay for community blood banking registration may be viewed as an unnecessary barrier to licensure. In addition, any current Board funds used to implement the bill could negatively impact the ability of the Board to carry out its existing essential functions.

In addition, although AB 1282 authorizes the Board to charge a community blood bank registration and renewal fee, the bill does not specify when the registration must be renewed. (AB 1282, Sec. 4, Prop. Bus. & Prof. Code, § 4920.4.) Notably, the bill provides for annual renewal of the blood or blood component product registration with the California Department of Public Health (see AB 1282, Secs. 16 and 18, Prop. Food & Agr. Code, §§ 9231, subd. (b), and 9244, subd. (b)(2)). Similarly, the bill must be amended to establish the renewal period of the community blood bank registration with the Board.

For these reasons, the Board supports AB 1282, if amended, to allocate money from the General Fund to the Veterinary Medical Board Contingent Fund and establish the renewal period for the community blood bank registration.

If you have any questions, please do not hesitate to email the Board's Executive Officer, Jessica Siefertman, directly at Jessica.Siefertman@dca.ca.gov.

Sincerely,



Mark Nunez, DVM, President
Veterinary Medical Board



Kathy Bowler, Vice-President
Veterinary Medical Board



July 30, 2021

The Honorable Evan Low
Committee Chair
Assembly Business and Professions Committee
Legislative Office Building, Room 379
Sacramento, CA 95814

Re: Assembly Bill (AB) 1535 (Committee on Business and Professions, 2021) – Support

Dear Assembly Member Low:

The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians (RVTs) in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act (Act). Public protection is the Board’s highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

AB 1535 provides necessary changes to the Act that, if enacted, will improve processes for applicants, licensees, consumers, and overall Board operations. As stated in our May 19, 2021 letter, the Board has spent the last two years evaluating its statutes and regulations to eliminate unnecessary barriers to licensure, streamline the licensing process, and improve consumer protection mechanisms. This bill continues to be the product of that in-depth review.

AB 1535, as amended on July 7, 2021, decreases RVT fees by more proportionately sharing the impact of the January 2020 fee increases among all licensees, registrants, and permit holders. In addition, the bill extends the Board’s Sunset for four years, synchronizes initial license expiration dates, recasts various provisions for clarity, and removes duplicative requirements.

The bill also includes licensure exemption provisions to address concerns raised by the shelter community regarding the ability for unlicensed individuals to provide specified care pursuant to protocols written by veterinarians. These provisions include a requirement for the shelters providing specified care to report adverse events resulting from such care to the Board. While the Board is able to implement this provision, the Board cautions the Legislature in relying on or otherwise using any data collected from these reports to determine the safety of these licensure exemptions or frequency of adverse events. Individuals and shelters providing care pursuant to these provisions would be exempt from Board oversight and have no repercussions for not reporting adverse events. Since the existence of adverse events may hinder the reporting

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shelter's ability to expand the scope of services in the future, the Board does not anticipate receiving many reports, if any. In short, the adverse event reports, or lack thereof, submitted to the Board should not solely be used to demonstrate the lack of adverse events occurring at shelters or the safety of individuals providing specified animal care through the bill's exemptions.

As indicated in the Board's May 19, 2021 letter, the Board still seeks inclusion of the Board's legislative proposals in AB 1535 that would provide a pathway for applicants with foreign RVT education to become registered as a California RVT and replace references to "Diversion Evaluation Committees" with "Wellness Evaluation Committees."


In addition, on July 22, 2021, the Board approved the attached legislative proposal to increase access to veterinary services through telemedicine and other electronic means of providing veterinary services. The Board recognizes that the ability to provide veterinary care through electronic means is a valuable tool in many situations and all populations. The COVID-19 pandemic further highlighted the critical issues regarding access to veterinary care. Access to care afforded by electronic veterinary services is particularly important for underserved populations. The ability to intervene early and leverage the continuum of care afforded by electronic veterinary services are benefits to consumers and their animals. Accordingly, the Board urges the Committee to amend AB 1535 to include the Board's electronic veterinary services legislative proposal.


The Board sincerely appreciates the work you and your Committee staff have put into this bill and looks forward to our continued work together as we improve ways to fulfill the Board's consumer protection mandate.

For these reasons, the Board supports AB 1535.

If you have any questions, please do not hesitate to email the Board's Executive Officer, Jessica Siefertman, directly at Jessica.Siefertman@dca.ca.gov.

Sincerely,


Mark Nunez, DVM, President
Veterinary Medical Board


Kathy Bowler, Vice-President
Veterinary Medical Board

Encl.



August 16, 2021

The Honorable Maria Elena Durazo
California State Senate
State Capitol, Room 2032
Sacramento, CA 95814

Re: Senate Bill (SB) 731 (Durazo, 2021) – OPPOSE UNLESS AMENDED

Dear Senator Durazo:

The Veterinary Medical Board (Board) respectfully opposes AB 731, unless it is amended to exempt the Board from the provisions in the bill. The Board regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act (Practice Act). Public protection is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

SB 731 would diminish the Board's ability to adequately protect the health, safety, and welfare of California consumers and animal patients by removing the Board's ability to review and evaluate a license applicant's arrest and conviction information for the purposes of approving an application for licensure. Such records provide comprehensive proof of an applicant's ability to practice without harm.

Reviewing a license applicant's criminal history is critical to protecting the health safety, and welfare of California consumers and animal patients. Once issued a license, the Board's licensees are involved daily in prescribing, preparation, dispensing, and administration of dangerous drugs and controlled substances. Unlike the majority of other health care professionals, veterinarians keep these dangerous drugs and controlled substances in their clinics, providing direct and unfettered access.

Accordingly, it is imperative for consumer protection that the Board be able to review a license applicant's criminal history to determine if the license applicant would pose a danger to consumers, animal patients, or themselves if issued an unrestricted license, with unrestricted access to dangerous drugs and controlled substances. It should be noted that the majority of applicants with a criminal history are granted an unrestricted license after the Board has determined the applicant has met the criteria for rehabilitation pursuant to California Code of Regulations section [2041](#). However, when the criteria has not been met, the Board must have the authority to deny a license or issue a license in probationary status in order to adequately protect the public. All denials are governed by the Administrative Procedures Act, which provides the applicant with ample opportunities to appeal the decision.

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Due to the bill's weakening of the consumer protection mechanisms integral to the Board's enforcement processes and the bill's undermining of the Board's legislative mandate of consumer protection, the Board opposes SB 731, unless it is amended to exempt the Board from the proposed provisions in this bill.

Sincerely,



Mark Nunez, DVM, President
Veterinary Medical Board



Kathy Bowler, Vice President
Veterinary Medical Board