



MEMORANDUM

DATE	April 2, 2024
TO	Veterinary Medical Board (Board)
FROM	Justin Sotelo, Policy Specialist
SUBJECT	Agenda Item 11. Update, Discussion, and Possible Action on 2023-2024 Legislation Impacting the Board, DCA, and/or the Veterinary Profession

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 Board 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 [April 2, 2024](#).

A. Priority Legislation for Board Consideration

1. Assembly Bill (AB) [2133](#) (Kaira, 2024) Veterinary Medicine: Registered Veterinary Technicians

[Status](#): Assembly Business and Professions Committee

[Analysis](#):

Hearing Date: 4/9/24

Summary: This bill would authorize a registered veterinarian technician to perform neuter surgery on a male domestic cat under the direct supervision of a California-licensed veterinarian only if the following conditions are met: 1) the registered veterinary technician reviews the animal patient’s history in order to reasonably ensure that the neuter surgery is appropriate; and 2) the registered veterinary technician performs the neuter surgery in accordance with written protocols and procedures established by the veterinarian.

Staff Comments: Prior to the January meeting cancelation, the Board received 110 public comment letters in support of AB 2133. In addition, Social Compassion in Legislation (SCIL), the bill sponsor, submitted an introduction letter and fact sheet (attached) and three additional letters in support. The support letters can be found [here](#).

The American Veterinary Medical Association (AVMA) and California Veterinary Medical Association (CVMA) submitted letters of opposition (attached).

In November 2023, the Board's Executive Committee and Executive Officer (EO) met with SCIL to discuss the bill's concept prior to introduction of the bill. It was made clear that neither the Executive Committee nor the EO could speak on behalf of the Board; they could speak from personal experiences and provide technical assistance. The Executive Committee raised concerns regarding the lack of education and training RVTs have on performing neuter surgeries and the lack of ability to take necessary action when something goes wrong. SCIL was invited and will attend the Board's April meeting to discuss the legislation with the Board.

The EO also met with Assembly Member Kalra's office in November to relay the discussion with SCIL and clarify the Board still had not taken any position on the potential legislation and would not be able to do so until it has a publicly noticed meeting.

In January 2024, the EO provided SCIL an overview of legislation that would and would not require implementing regulations and current law examples of both. It was noted that any legislation requiring regulations would increase the fiscal impact on the Board and require delayed implementation to accommodate the lengthy rulemaking process.

In March 2024, the EO and Board staff met with the Assembly Business and Professions Committee (Committee) staff to discuss the bill. They were informed the Board would not be able to take any position on the bill until after their April meeting. The Committee staff raised concerns regarding the lack of education requirements to allow RVTs to perform surgery and asked about the various ways education requirements are generally implemented. The EO provided an overview of different ways to implement educational requirements and the pros and cons of the various options.

2. [AB 2265](#) (McCarty, 2024) Animals: Spaying, Neutering, and Euthanasia

Status: Assembly Business and Professions Committee

Analysis:

Hearing Date: 4/16/24

Summary: This bill would state that it is the policy of the state that no animal should be euthanized if it can be adopted into a suitable home or released to a qualified nonprofit animal rescue or adoption organization, except as specified.

This bill would declare it the policy of the state that no animal be euthanized by a public animal control agency or shelter or a private entity that contracts with a public animal control agency or shelter for animal care and control services, except as provided. This bill would require an eligible agency or shelter, as

defined, up to 72 hours before a scheduled euthanasia of a dog or cat but no later than 24 hours before a scheduled euthanasia of a dog or cat, to post a daily list of any cat or dog scheduled for euthanasia on their public internet website or public Facebook page and to post a physical notice on the kennel of a dog or cat scheduled to be euthanized, except as provided.

This bill would additionally prohibit a public animal control agency or shelter from giving a dog or cat to a foster unless the public animal control agency or shelter schedules a spay or neuter surgery for the dog or cat within 5 business days of the dog or cat departing the public animal control agency or shelter, and would require the surgery to be performed within 30 business days of the dog or cat departing the shelter. The bill would require a public animal control agency or shelter to require a foster to voluntarily return a dog or cat if the foster fails to bring the dog or cat to their scheduled spay or neuter appointment, and, in certain situations, would require a public animal control agency or shelter to visit the foster's home to confirm whether the dog or cat has been altered, and, if the dog or cat is still unaltered, would require the public animal control agency or shelter to confiscate the dog or cat.

Existing law requires an adopter or purchaser to pay to a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group a temporary deposit of not less than \$40 and not more than \$75 if a veterinarian licensed to practice veterinary medicine in this state certifies that a dog or cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the dog or cat to be spayed or neutered.

This bill would increase the amount of that temporary deposit to \$200.

Existing law authorizes a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group, in certain counties with a population of less than 100,000 persons, to transfer to a new owner a dog or cat that has not been spayed or neutered only if that entity requires a written agreement where the recipient agrees in writing to be responsible for ensuring the dog or cat will be spayed or neutered within 30 business days and receives a sterilization deposit of not less than \$40 and not more than \$75, as provided. Existing law authorizes these entities to extend that date, in writing, at its discretion for good cause shown, as provided.

This bill would increase the amount of that sterilization deposit to \$200. The bill would also delete the authorization to extend the date by which this spaying or neutering is to be completed.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

3. **AB [2954](#) (Carrillo, 2024) Cats: Declawing Procedures: Prohibition**

Status: Assembly Business and Professions Committee

Analysis:

Hearing Date: 4/16/24

Summary: This bill would prohibit a person from performing surgical claw removal, declawing, or a tendonectomy on any cat or otherwise altering a cat's toes, claws, or paws to prevent or impair the normal function of the cat's toes, claws, or paws, except for a therapeutic purpose. The bill would subject a person that violates that prohibition to specified civil penalties.

Staff Comments: At its [January 2023 meeting](#), the Board was asked to discuss and take possible action on potential legislation regarding cat declaw procedures. The Board's EO presented this agenda item and addressed questions. The [cover memo](#) for that item explained that during the July 2022 Board meeting, the Board approved a motion to grant the Executive Committee the authority to oppose any potential legislation during the 2022 legislative session that prohibited veterinarians from performing any cat declawing procedures. At the Board's April 20, 2022 meeting, the Board voted to oppose similar legislation, [AB 2606](#) (Carrillo, 2022). Additionally, the Board was asked to review an April 19, 2019 Assembly Business and Professions Committee [analysis](#), which discussed a legislative amendment to [AB 1230](#) (Quirk, 2019), striking prohibition of cat declaw procedures and replacing it with an informed consent requirement. The Board opposed [AB 1230](#).

4. **Senate Bill (SB) [1478](#) (Nguyen, 2024) Veterinary Medicine: Registered Veterinary Technicians**

Status: Senate Rules Committee

Analysis:

Hearing Date:

Summary: This bill would require the order established by the veterinarian that authorizes a registered veterinary technician to perform animal health care services on impounded animals, as described, to include specified minimum information. The bill would require the order to include, among other things, information pertaining to time periods by which an impounded animal is required to be assessed at intake and monitored while in the custody of an agency, protocols to address the treatment of common medical conditions encountered in impounded animals, and communication requirements between the registered veterinary technician and the supervising veterinarian.

B. Other Board-Monitored Legislation

1. **AB 3029 (Bains, 2024) Controlled Substances**

Status: Assembly Public Safety Committee

Analysis:

Hearing Date: 4/2/24

Summary: This bill would require a coroner or medical examiner to conduct a toxicology analysis or drug screening if tests are required to confirm the cause and manner of a death, as specified, and would require this analysis in any death where the death is suspected to be due to a drug overdose to test for the presence of specified substances including xylazine, fentanyl, and ketamine. The bill would require that a toxicology analysis or drug screening conducted pursuant to these provisions be reported to the State Department of Public Health.

This bill would add xylazine, as specified, to Schedule III of the California Uniform Controlled Substances Act, except in certain circumstances relating to veterinary use, and would also exclude from the prohibitions on paraphernalia any testing equipment to analyze a substance for the presence of xylazine and other emerging adulterants as determined by the State Department of Public Health.

2. **SB 1233 (Wilk, 2024) University of California: Veterinary Medicine: Spay and Neuter Techniques**

Status: Senate Education Committee

Analysis:

Hearing Date: 4/10/24

Summary: This bill would request that the Regents of the University of California jointly develop with the governing body of the Western University of Health Sciences standards and guidelines for high-quality, high-volume spay and neuter surgical techniques and jointly implement the developed standards and guidelines in elective coursework for veterinary medicine programs at the University of California, Davis, and the Western University of Health Sciences College of Veterinary Medicine, and a high-quality, high-volume spay and neuter certification program to be made available to licensed veterinarians and registered veterinary technicians.

Staff Comments: CVMA, the bill sponsor, provided the attached fact sheet and information regarding this bill.

3. **SB 1459 (Nguyen, 2024) Animal Shelters: Veterinarians**

Status: Senate Rules Committee

Analysis:

Hearing Date:

Summary: This bill would require public animal control agencies or shelters located in a county with a population greater than 400,000 to update any data that they make available on their internet website at least once per month, and would require those agencies and shelters to publish specified information on their internet website, including the number of animals taken in during the prior month and the outcomes for animals over the prior month.

Existing law makes it a misdemeanor to willfully abandon any animal, except as provided. This bill would create an exception to the crime for animals released by a licensed veterinarian or veterinary technician if the release is pursuant to a program of trapping, neutering, and releasing feral or stray cats.

4. **SB 1502 (Ashby, 2024) Controlled Substances: Xylazine**

Status: Senate Rules Committee

Analysis:

Hearing Date:

Summary: This bill would add xylazine to the list of Schedule III substances, as categorized under the California Uniform Controlled Substances Act. If an animal drug containing xylazine that has been approved under the federal Food, Drug and Cosmetic Act is not available for sale in California, the bill would create an exception for a substance that is intended to be used to compound an animal drug or an animal drug compound containing xylazine, as specified.

5. **SB 1526 (Committee on Business, Professions and Economic Development, 2024) Consumer Affairs**

Status: Senate Rules Committee

Analysis:

Hearing Date:

Summary: The Senate Business, Professions and Economic Development Committee's omnibus bill would, among other things, rename the Veterinary Medicine Practice Act, the board, and the veterinary fund, respectively, the "California Veterinary Medicine Practice Act," the "California Veterinary Medical Board," and the "California Veterinary Medical Board Contingent Fund." The bill would also change instances of "oral" to "verbal" in BPC sections 4857 and 4886.

Staff Comments: Since the Board did not meet in January, the Executive Committee requested these amendments and the proposed amendments to BPC sections 4826.6 and 4855 regarding medical records to meet the omnibus bill deadline.

C. Legislative Proposal to Amend BPC Section 4856 to Require Registered Veterinary Premises to Make Records Available for Inspection by Treating Veterinarian

During the Board's October 2023 Strategic Planning Session, a concern was raised regarding a veterinarian's ability to access records for prior patients once the veterinarian leaves employment at a veterinary premises. This makes it challenging for veterinarians to respond to complaint allegations during Board investigations. To remedy this issue, the Board's legal counsel recommends the Board pursue a legislative proposal to amend BPC section 4856 as follows:

4856. (a) All records required by law to be kept by a veterinarian subject to this chapter, including, but not limited to, records pertaining to diagnosis and treatment of animals and records pertaining to drugs or devices for use on animals, shall be open to inspection by the board, or its authorized representatives, during an inspection as part of a regular inspection program by the board, or during an investigation initiated in response to a complaint that a licensee has violated any law or regulation that constitutes grounds for disciplinary action by the board. A copy of all those records shall be provided to the board immediately upon request.

(b) Equipment and drugs on the premises, or any other place, where veterinary medicine, veterinary dentistry, veterinary surgery, or the various branches thereof is being practiced, or otherwise in the possession of a veterinarian for purposes of that practice, shall be open to inspection by the board, or its authorized representatives, during an inspection as part of a regular inspection program by the board, or during an investigation initiated in response to a complaint that a licensee has violated any law or regulation that constitutes grounds for disciplinary action by the board.

(c) A registered veterinary premises shall make records available for inspection by any veterinarian who provided veterinary services to the animal patient on behalf of the registered veterinary premises.

Action Requested: If the Board agrees with the legislative proposal, please entertain a motion to approve the legislative proposal to amend BPC section 4856 for submission to the California State Legislature.

Attachments:

1. SCIL Letter Regarding Legislative Proposal, dated March 29, 2023
2. SCIL's AB 2133 Fact Sheet
3. AVMA AB 2133 Opposition Letter, dated March 26, 2024
4. CVMA AB 2133 Opposition Letter, dated March 26, 2024
5. CVMA's SB 1233 Fact Sheet and Related Information



SCIL
Social Compassion
in Legislation

March 29, 2023

The Honorable Christina Bradbury
President
California Veterinary Medical Board
1747 N. Market Blvd., Ste. 230
Sacramento, CA 95834-2978

RE: Legislative Proposal to Allow Registered Veterinary Technicians (RVTs) to Perform Male Cat Sterilization Surgery Under the Direct Supervision of a California Licensed Veterinarian.

Dear President Bradbury and Board Members:

There is a pet overpopulation crisis in California and throughout the nation, and the most effective way to combat it is to increase sterilization rates.

During the Covid-19 pandemic, many Californians adopted animals from shelters, but unfortunately many more decided to buy from breeders. As demand increased, many saw an economic opportunity and started breeding animals for the first time, causing supply to far outpace demand.

Over this same period, it became more difficult to access affordable and timely veterinarian care. Contributing factors included a systemic lack of access to veterinary education, a mental health crisis in the veterinary profession that pushed some to leave the industry, cost pressures due to inflation, and corporate consolidation of veterinary practices.

This lack of access to veterinary care prevented the spaying or neutering of many animals, which only exacerbated the pet overpopulation problem.

A 2021 national survey showed that 14 California counties ranked in the bottom 25% on the Veterinary Care Accessibility Score. The overall score for California was 47 out of 100, with the Central Valley and Northern California scoring the lowest. By comparison, Nebraska has a score of 71.

We will not be able to adopt our way out of this crisis. The only sustainable solution is to increase access to veterinary care, specifically spay and neuter surgeries in shelters and private practice. One action that will produce immediate results is to allow RVTs to perform male cat neuter surgeries

under the direct supervision of a Doctor of Veterinary Medicine (DVM), thereby freeing up more time for DVMs to focus on complex spay and neuter surgeries.

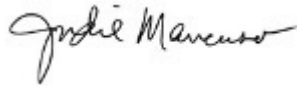
RVTs are already authorized to administer anesthesia for sterilization surgeries, which is widely viewed as the “riskiest” part of the procedure. They are also allowed to perform dental extractions, a more complicated procedure than cat neuters. Current regulation states that “direct supervision” requires the DVM to direct the actions of the supervised RVT. This means that a DVM will control when and if an RVT can or cannot perform these surgeries.

This modest proposal will not fix the pet overpopulation crisis on its own, but it will give us another tool to help alleviate the problem, particularly in shelter settings and high-volume spay and neuter clinics.

Below is a copy of our sponsored ACR 86 (Kalra), which goes into more detail as to why we are bringing this proposal forward at this time. It has already passed three committees and both the Assembly and Senate floor votes, all unanimously.

Social Compassion in Legislation urges the VMB to join us in crafting this timely legislation, which will save animals’ lives.

My deepest gratitude,



Judie Mancuso
VMB Public Member, 2010-2018
President/CEO/Founder
Social Compassion in Legislation

Relative to animals.

LEGISLATIVE COUNSEL'S DIGEST

ACR 86, as amended, Kalra. Animals: overpopulation: spay and neutering services.

This measure would encourage the state and local municipalities to develop and fund high-volume spay and neuter clinics across the state to provide sterilization services, and would encourage other actions relating to pets, including actions to control animal breeding and encourage spaying and neutering, as specified.

DIGEST KEY

Fiscal Committee: yes

BILL TEXT

WHEREAS, There is a pet overpopulation crisis in California; and

WHEREAS, California's private and public shelters and the private rescue organizations that support them are overwhelmed with animals; and

WHEREAS, California's private and public shelters are chronically underfunded while tasked with tackling many of the state's animal needs, such as fighting animal abuse, addressing mental health issues, *including* hoarding, providing safekeeping for pets when owners are arrested or placed in the hospital, supporting public safety, *including* rabies control, assisting first responders during emergencies and natural disasters, reunifying pets with their people, and providing life-impacting veterinary interventions and care, animal behavioral support, and adoptions; and

WHEREAS, Due to breeding and lack of access to spaying and neutering services, the state's shelters are experiencing overcrowding, leading to higher rates of illness, euthanasia, and operational hardships; and

WHEREAS, Due to shelter overcrowding, shelters are turning away animals from intake, leading to higher rates of animals procreating and struggling to survive on the streets; and

WHEREAS, There has been an influx of rabbits, horses, pigs, and other agricultural animals into shelters whose higher level of care puts further strain on shelter resources; and

WHEREAS, The COVID-19 pandemic exacerbated the challenges that shelters face due to shelter closures or highly reduced hours, staffing shortages, and functional interruptions; and

WHEREAS, Californians adopted pets at record numbers during the COVID-19 pandemic and many Californians underestimated the time that was needed to care for pets and then returned to work, leading to higher rates of owner relinquishment; and

WHEREAS, Due to the brief spike in demand for pets during the pandemic, many Californians, seeing an economic opportunity, began breeding dogs for monetary gain, thereby contributing to the pet overpopulation crisis; and

WHEREAS, Californians are currently not adopting pets from shelters and rescues at the level needed; and

WHEREAS, Californians are buying unaltered "purebred" animals from both in-state and out-of-state breeders; and

WHEREAS, There is a shortage of pet-friendly housing in California, leading to increased owner relinquishment; and

WHEREAS, Due to the pandemic, veterinary clinics and shelters were not able to perform routine spay and neuter surgeries, which has resulted in more unwanted litters; and

WHEREAS, There is insufficient community access to low-cost or free spay and neuter clinics, as well as a lack of resources needed to fully enforce state and local laws concerning licensing, breeding, spaying, and neutering; and

WHEREAS, There is a lack of affordable veterinary services available to Californians and their companion animals, which contributes to animal suffering and increased owner relinquishments; and

WHEREAS, There are only two veterinary schools in California, both with limited seating, which fail to meet the state's demand for licensed veterinarians, and there are not enough academic faculty at those institutions to teach veterinary students; and

WHEREAS, There are not enough licensed veterinarians and registered veterinary technicians, particularly those trained to perform high-volume spay and neuter surgeries, to meet the service demands of California's shelters, leading to shelter animals being adopted unaltered, thus adding to the pet overpopulation crisis; and

WHEREAS, There is a mental health crisis among veterinarians and shelter and rescue volunteers and staff due to occupational stress, leading to reported suicide rates four to five times higher than the general population; and

WHEREAS, Local jurisdictions spend over \$400,000,000 per year in operating the state's shelters to house, adopt out, and euthanize homeless animals; and

WHEREAS, The only annual state funding for shelters is the roughly \$500,000 allocated through the Pet Lover's Fund funded by the Pet Lover's specialized license plates program, and a tax check-off program for low-cost spay and neuter; and

WHEREAS, Millions of private and philanthropic dollars are spent every year to assist California's shelter animals; and

WHEREAS, The Legislature has failed to appropriate ongoing funds to carry out the mandates of Senate Bill 1785 (Chapter 752 of the Statutes of 1998), authored by Senator Tom Hayden; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Veterinary Medical Board, with support from the Governor, other state boards and agencies, and interested stakeholders, should encourage out-of-state licensed veterinarians and registered veterinary technicians to become licensed in California to perform or assist with the necessary spay and neuter surgeries and other medical services in order to address pet overpopulation; and be it further

Resolved, That the state and local municipalities, in cooperation with public and private shelters, nonprofit rescue organizations, and private foundations, are encouraged to develop and fund high-volume spay and neuter clinics across the state to provide sterilization services; and be it further

Resolved, That allocation of adequate funding for statewide spay and neuter programs and resources for broader enforcement of state and local licensing, breeding, and spay and neuter laws is urgently needed; and be it further

Resolved, That the state is encouraged to conduct a public relations campaign urging Californians to adopt shelter animals rather than buying an animal from a breeder, and to always spay and neuter them; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

Assembly Bill 2133

Allow Registered Vet Techs to Perform Cat Neuters

Assembly Member Ash Kalra

SUMMARY

Assembly Bill (AB) 2133 would allow registered veterinary technicians (RVTs) to perform neuter surgeries on male cats. This bill would not only increase the availability of much-needed neuter services, but it would also help alleviate the state's pervasive pet overpopulation crisis.

BACKGROUND

Neuter surgeries are a critical component of pet population control. These routine procedures sterilize male animals, thereby eliminating their ability to reproduce and create unintentional or unwanted offspring that put further strain on the state's overcrowded animal shelters.

Unfortunately, the COVID-19 pandemic caused shelter closures, reduced shelter hours, staffing shortages, and other functional interruptions that severely impacted the availability of spay and neuter surgeries. The University of Florida estimates that as of 2022, there was a 2.7 million surgery shortfall across the nation.¹ These issues have exacerbated the existing pet overpopulation crisis. This has forced shelters to make difficult decisions like euthanizing healthy, adoptable animals to create space for new arrivals.²

Part of this problem stems from a documented deficit of veterinary care staff. According to the UC Davis Koret Shelter Medicine Program, an acute shortage of veterinary staff has resulted in more than 40% of California's shelters being unable to provide consistent spay and neuter surgeries to their animals.³ Furthermore, nearly 80% of shelters are unable to provide vital low-cost spay and neuter services to their communities.

¹ [Decrease in spay-neuter surgeries during pandemic may undermine pet welfare » Shelter Medicine Program » College of Veterinary Medicine » University of Florida \(ufl.edu\)](#)

² [Overcrowding forces heartbreaking return to euthanasia at Trinity County Animal Shelter | KRCC \(krctv.com\)](#)

³ [Study Confirms Statewide Veterinary Shortage | Koret Shelter Medicine Program](#)

One way to address this shortage is to allow RVTs to perform cat neuters under the direct supervision of a licensed veterinarian. RVTs are already authorized to carry out several surgical procedures, including anesthesia administration and dental extractions. Therefore, permitting RVTs to perform cat neuters is a safe and viable means of relieving staffing shortages that impact neuter accessibility.

SOLUTION

AB 2133 would expand the availability of cat neuter services by allowing RVTs to perform cat neuters under the direct supervision of a licensed veterinarian. The RVT must review the cat's history prior to the surgery and decide if a neuter procedure is appropriate. They must also perform the neuter in accordance with the supervising veterinarian's written protocols and procedures.

By limiting this authority to cat neuters, AB 2133 implements a safe and practical expansion of RVTs' scope of practice. Neuters aren't as invasive as spays, making them less risky for RVTs to perform. Furthermore, cats are more physically uniform than dogs, presenting fewer size and shape variables that might complicate surgery or necessitate additional training.

SPONSOR

Social Compassion in Legislation

CONTACT

Marissa Plante, Legislative Assistant
Marissa.Plante@asm.ca.gov
 (916) 319-2025



March 26, 2024

The Honorable Marc Berman, Chairman
Committee on Business and Professions
1021 O Street, Suite 8130
Sacramento, CA 95814

RE: Opposition to AB 2133; A bill that would authorize a registered veterinary technician to perform neuter surgery on a male domestic cat.

Dear Chairman Berman:

On behalf of more than 105,000 veterinarians, the American Veterinary Medical Association joins the California Veterinary Medical Association in expressing our strong opposition to California AB 2133. This bill will endanger the health and safety of cats, thus also harming their owners. Contrary to what some may think, there are no “routine” surgeries, even those that may be performed with some frequency. There are life-threatening complications that can, and do, occur. Only a licensed veterinarian has the education and training necessary to safely perform surgeries on pets and address any associated intraoperative or postoperative complications that may arise. AB 2133 would allow a non-veterinarian, who lacks the appropriate training and experience, to neuter a male cat.

Veterinarians undergo years of rigorous and comprehensive education and training covering anatomy, physiology, pharmacology, microbiology, immunology, pathology, toxicology, and a wide variety of diseases and conditions and their clinical management, including creating appropriate care and treatment plans, which may include prescribing and surgery.

With respect to surgery, veterinarians are specifically trained to fully evaluate their patient prior to surgery, develop safe and effective plans for anesthesia, apply proper surgical technique, handle any related complications or emergencies that may arise intraoperatively, and to provide appropriate postoperative care. Such knowledge is critically important to protecting the health, safety, and wellbeing of veterinary patients.

While an important member of the veterinary team, a registered veterinary technician is not trained in the same way a veterinarian is trained. The veterinary technician’s training focuses on technical skills, while the veterinarian is trained as a medical decision maker. Prior to neutering a cat, the veterinarian considers the cat’s medical history, including looking for conditions that may impact the safe conduct or successful outcome of the procedure. In addition, the veterinarian is uniquely trained to quickly identify and manage difficult situations that may arise during surgery, including, but not limited to, deviations in expected anatomy; atypical patient reactions to anesthesia, including those related to respiratory or cardiac issues; and excessive bleeding.

AB 2133 will result in liability claims for veterinarian practices, animal hospitals, veterinarians, and for RVTs. From experience garnered over 60 years in sponsoring a program that provides veterinarians with professional liability insurance through the American Veterinary Medical Association (AVMA) Professional Liability Insurance Trust, neuter surgeries are among the top drivers of veterinary insurance claims. Having anyone other than a veterinarian perform a surgical procedure on animals will result in unnecessary suffering and loss.



Feline neuters, and surgeries for animals in general, should continue to be carried out by a licensed veterinarian, the only health professional uniquely educated, trained, qualified, and licensed for veterinary surgery.

Sincerely,

Dr. Rena Carlson, DVM
President, AVMA



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April 1, 2024

The Honorable Marc Berman, Chair
Assembly Business and Professions Committee
1021 O Street, Suite 8130
Sacramento, CA 95814

**RE: AB 2133-Kalra: Veterinary medicine: registered veterinary technicians
CVMA Position: Oppose**

Dear Chair Berman,

The California Veterinary Medical Association (CVMA), representing over 7,800 veterinary medical professionals in the state, is respectfully opposed to AB 2133 by Assemblymember Kalra, which would expand Registered Veterinary Technician (RVT) scope of practice by permitting them to perform cat neuter surgery. The CVMA’s primary concerns with the measure are as follows:

- 1. **RVTs are not trained to perform surgery as part of their licensing curriculum.**
RVT education, whether obtained in an approved program, such as community college or trade school, or by alternate route, does not include training in surgery.
- 2. **While “On-the-Job” training may be appropriate for veterinary medicine auxiliary health care tasks, veterinary surgery is an advanced skill that is taught only in veterinary school.**
The principles and techniques of surgery must be taught in a consistent manner and in a setting that does not subject the public’s animals to the risks associated with someone learning them in real time. The public trusts that a medical licensee, attending to their animal, possess skills and knowledge that they demonstrated *prior to obtaining* their license. California’s consumers will not be served well by RVTs learning the principles of surgery and surgical techniques on-the-job.
- 3. **California’s Veterinary Medicine Practice Act specifically limits performing surgery to veterinarians because it requires extensive training and education that currently is only provided in a veterinarian doctorate education.**
Surgery is an advanced skill that requires extensive education beyond the procedure itself for it to be performed safely. To perform it safely, one must have significant education in subjects including anatomy and physiology, neurology, pharmacology, anesthesia, emergency and critical care, hematology, not to mention the surgical procedure itself. These topics and others needed to perform surgery in a safe and competent manner are not taught as part of the RVT licensing curriculum to an extent needed for them to be able to perform surgery.

4. RVT workforce challenges make AB 2133 unrealistic to implement.

According to the California Veterinary Medical Board (VMB), there are 13,500 licensed veterinarians in the state, yet only 8,600 RVTs. Veterinary practices already employ RVTs to perform an extensive number of procedures, and expanding their scope to include surgery will not improve access to veterinary care because RVTs are already burdened with low work-force numbers and high workload.

5. Feline gonadectomy (“neutering”) is the removal of an organ and is far more risky than other permitted RVT procedures.

Make no mistake about it, cat neuter surgery is not a “snip, snip” procedure as some supporters have chosen to describe it. It is detailed surgery fraught with inherent risks if the surgeon is not skilled. The number of critical and immediate complications that can occur with removing an organ are far greater than those that can occur when performing auxiliary health care tasks. For instance, if a testicle is cut from the body and the artery that supplies it begins to bleed when it is released back into the body, a surgeon must be able to immediately formulate a treatment plan (diagnose and prescribe) that could involve emergency drugs, a blood transfusion, and commonly, the need to incise into the patient’s abdomen to stop the bleeding. Cats generally only have $\frac{3}{4}$ of a cup of blood in their body which means that they will exsanguinate within mere minutes if emergency intervention is not provided. This requires the surgeon to act fast- and RVTs do not have the training to provide critical care if something goes wrong.

6. Delegating neutering surgeries to RVTs will not lower costs.

Direct veterinary supervision means, by definition, that the veterinarian has examined the animal patient, established a veterinarian-client-patient relationship (VCPR) by communicating with the client, and is physically present on the premises when the procedure is being performed. The majority of the time required in a cat neuter procedure involves establishing the VCPR and formulating the anesthetic protocol. The procedure itself takes very little time relative to the other legal requirements. Furthermore, the costs associated with neutering will not change with RVTs performing the procedure. The cost of drugs, surgical equipment, and other general expenses to operate a veterinary premises will remain the same.

7. Liability for veterinarians is significant.

Because veterinarians maintain the liability for all employees under their direction, CVMA questions why any veterinarian would cede their authority for surgical procedures to a member of their staff who has not been formally trained in veterinary surgery as it is not clear that liability insurers will cover this type of practice even if it is allowed in the Veterinary Medical Practice Act. Remarkably, the consumer will have no idea that a non-surgeon is performing the surgery, should the veterinarian decide to put the scalpel in their employee’s hands.

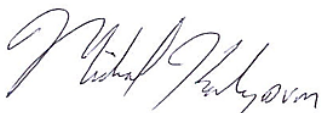
8. Veterinarians are not having difficulty meeting the demand for cat neuters.

Veterinarians throughout the state report that they are able to provide cat neutering services to clients without excessive delay. Because the bill already requires direct supervision by the veterinarian, and existing law already mandates the veterinarian to establish a VCPR by examining the animal patient and communicating with the client,

and because the veterinarian is required to formulate an anesthesia protocol for the patient, it is a minimal time expense for the veterinarian to also perform the cat neuter surgical procedure.

For these reasons, CVMA must oppose AB 2133. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Karle, DVM".

Mike Karle, DVM
CVMA President

cc: Members of the Assembly Business and Professions Committee
Edward Franco, Consultant, Assembly Business and Professions Committee
Bill Lewis, Consultant, Assembly Republican Caucus
Christina DiCaro, CVMA lobbyist, KP Public Affairs
Jessica Siefertman, Executive Officer, Veterinary Medical Board



SUPPORT SB 1233-Wilk

Saving Pets' Lives By Building A Comprehensive California Spay/Neuter Program

SB 1233 by Senator Scott Wilk (R-Santa Clarita) will:

1. Create and implement the nation's first High-Quality High-Volume Spay/Neuter (HQHVSN) certification program for veterinary professionals.
2. Support the UC Davis School of Veterinary Medicine and the Western University College of Veterinary Medicine in creating elective HQHVSN certification programs for veterinary students and practicing veterinary professionals.
3. Provide low cost/no cost spay and neuter services to pet owners in need.

New graduates, practicing veterinarians and registered veterinary technicians will be certified with cutting-edge HQHVSN techniques to fight pet overpopulation.

What is "High-Quality High-Volume Spay/Neuter" and why is the training needed for veterinary students, licensed veterinarians, and licensed Registered Veterinary Technicians (RVTs)?

HQHVSN is a surgical technique which enables veterinarians to perform large numbers of minimally invasive spay and neuter procedures in a safe and cost-efficient manner. This efficient mode of spaying and neutering animals - which features a very precise organizational structure during surgical pre-and post-operation, combined with targeted surgical approaches - will be particularly helpful for California animal shelters in dire need of spay/neuter veterinary services.

HQHVSN techniques include specific anesthetic protocols, surgical techniques, and patient recovery and management, among others. *HQHVSN is safe and effective.*

How would the public and shelters benefit under SB 1233?

40% of California's animal shelters cannot consistently provide spay/neuter services to dogs and cats because they cannot find a veterinarian to perform the surgery and/or a registered veterinary technician (RVT) to assist.

A 2021 study conducted by California animal shelters and the UC Davis Shelter Medicine Program shows that this hiring gap equates to over 150,000 dogs and cats annually not being spayed or neutered.

Under this bill, new veterinarian graduates would be armed with efficient and effective surgical techniques that would make them excellent candidates to provide HQHVSN services to California's animal shelters. Additionally, currently licensed veterinarians and RVTs who achieve HQHVSN certification would be encouraged to work with shelters to alleviate pet overpopulation challenges.

Veterinarians and RVTs could also receive continuing education credits for attending a certification program and for donating their services to shelters.

Finally, the public benefits from being able to receive a low cost/no cost spay/neuter surgery for their animal as part of the HQHVSN certification training program.

Why are so many veterinary professionals and veterinary students lacking HQHVSN training?

While veterinary students learn the principles of surgery as a standard component of their licensure education, HQHVSN techniques are not currently offered to all students due to lack of resources.

According to an article written by Philip A. Bushby, DVN, MS, DACVS in the Journal of Feline Medicine and Surgery (2020), *“Some of the surgical techniques used in HQHVSN clinics are significantly different from the techniques taught in many veterinary schools. Students are mostly taught how to perform spays and neuters at a point in their education when they are very inexperienced surgeons. As veterinarians gain experience in surgery, they become much more efficient, but often fail to abandon those techniques that were designed to compensate for lack of experience. Many of those techniques can be replaced by ones that are much more efficient.”*

SB 1233-Wilk would support California’s two veterinary schools in creating HQHVSN certification programs that veterinary students can choose to pursue as part of their formal veterinary education. Practicing veterinarians would also be able to enroll for a nominal fee, subject to availability. Registered veterinary technicians would also be able to receive certification that will give them the skills (non-surgical) to facilitate high-volume patient management alongside the veterinarians.

How will the program be funded?

For the initial launch of the five-year pilot, the certification programs will be funded through a combination of private donations and fees collected from currently licensed veterinarians and registered veterinary technicians seeking the training, along with supplemental funding paid for through State General Fund dollars.

SB 1233-Wilk is a “win-win-win” solution for California’s pets, citizens, and veterinary workforce. It will provide both immediate and long-term help to California communities by helping to alleviate pet overpopulation.

SUPPORT SB 1233-Wilk

SB 1233 (Wilk) University of California: veterinary medicine: spay and neuter techniques.**Backgrounder**

Problem: California animal shelters report that they are unable to find veterinarians willing to spay and neuter animals in a High Quality, High Volume Spay/Neuter (HQHVSN) environment and that numerous open advertised positions have gone unfilled for extended periods of time. As a result, they report that pet overpopulation is a greater concern than normal. Also, as discussions about Access to Veterinary Care become more prevalent, veterinarians and registered veterinary technicians (RVTs) play a pivotal role in contributing to solutions. Many pet owners seek low cost spay/neuter options for their animals, which places greater demand—and greater stress—on shelters and non-profit entities that offer this procedure.

Proposed Solution: To address the above issues, the California Veterinary Medical Association (CVMA) is sponsoring SB 1233 to create HQHVSN certification programs at both of California's veterinary schools.

Justification: While students at both the UC Davis School of Veterinary Medicine ("UC Davis") and Western University of Health Sciences College of Veterinary Medicine ("WesternU") learn how to spay and neuter animals as part of their standard education, they do not have many opportunities to gain HQHVSN experience and sterilize a large number of animals under the auspice of their respective schools. Consequently, many graduates may shy away from performing spay/neuter surgeries because they are uncomfortable at their current skill level or not used to functioning in a high-speed/high-capacity environment. Similarly, many veterinarians already in private practice are unfamiliar with HQHVSN techniques. If students or already-established private practice veterinarians look to shelters to learn HQHVSN techniques, the shelter veterinarians charged with providing such training must slow their own pace to instruct their pupils, leading to delays in meeting the high-volume demands inherent in a shelter environment. Therefore, incorporating HQHVSN instruction and certification into the veterinary school curriculum can serve as a solution.

How the HQHVSN Certification Program Could Work: Veterinarians and veterinary students enrolled in the HQHVSN certificate program would attend both classroom and surgery lab trainings. These trainings could be offered either (a) one weekend per month for 4 or 5 months annually; or (b) one weekend per month on an ongoing basis with the requirement that program attendees attend _(#)_ sessions in a two year period.

Under either training scenario, veterinarian and veterinary student attendees would be required to successfully complete _(#)_ cat neuters, _(#)_ dog neuters, _(#)_ cat spays, and _(#)_ dog spays to earn their certificate. The certificate courses might also incorporate an online learning component to be completed in conjunction with classroom and lab training.

How the HQHVSN Certification Program Curriculum Would be Developed: The contemplated legislation would direct the schools to construct programs in accordance with best practices that would ensure certificate holders' competency in HQHVSN. The curriculum and course requirements would be determined by a task force assembled by the schools comprised of individuals with expertise in HQHVSN operations and logistics. This effort could be conducted separately by each school, or shared through the assembly of one task force to create a singular curriculum. The courses offered by each school need not be identical.

Who Could Enroll in the HQHVSN Certification Program: The HQHVSN certificate program would be purely voluntary, and available to:

- Third- and fourth-year veterinary students currently enrolled at either UC Davis or Western U;
- California-licensed veterinarians;
- RVT students currently enrolled in a California RVT education program or in an alternate-route program; and
- California-licensed RVTs.

OF NOTE: Although this proposal currently contemplates simultaneous classroom and practical learning for both veterinarians and RVTs, the precise curricula for veterinarians and RVTs would partially differ because this certification is *not intended* to permit RVTs to perform surgery. The focus of the RVT HQHVSN curriculum would work within what the law currently permits RVTs to do, such as surgical preparation of the patient, anesthesia induction and maintenance, subcutaneous and cutaneous tissue closure, anesthesia recovery, and emergency/critical care considerations.

Other Qualification Considerations: Because this program would involve working on the public's animals, participating veterinarians and RVTs would be required to have a current California license. Students from other AVMA-approved veterinary schools would be qualified to enroll in the program,¹ but only if seats are available following first right of refusal by California students/veterinarians/RVTs.

How Many Could Enroll: The number of program participants would depend on both the level of funding (and thus, staff/logistical support) available and how the course is offered/structured.

¹ Current California statute authorizes out-of-state students to work on animals owned by members of the public.

Cost of Enrollment: The HQHVSN certification program would be free to both UC Davis and WesternU veterinary students and to RVT students enrolled in California schools. California-licensed veterinarians and RVTs would pay a nominal fee of \$___ and \$____, respectively. Out-of-state students would pay \$___.

Continuing Education Credit: The HQHVSN certification program would qualify as continuing education for purposes of license renewal under existing law. Attendees would earn CE on an hourly basis (1 CEU for each hour of the course attended).

Source of surgery patients: Dogs and cats would come from the public via advertisement of a low cost spay/neuter program through both schools. Pet owners/clients would pay a reduced fee to have their animals spayed and neutered at specified rates (perhaps a flat fee of \$___ per cat neuter, \$___ per dog neuter, \$___ per cat spay, \$___ per dog spay, \$___ per large dog spay), although—depending on the level of subsidy provided by the state—it may be possible to make the surgeries free altogether.

Required Personnel: It would be left to the two schools to determine the personnel needed for their respective HQHVSN certification programs, and the contemplated legislation would presume the need for new hiring to be conducted. One possible solution is the utilization of two veterinarians with HQHVSN experience, two RVTs with HQHVSN experience, and one FTE administrative support staff person to administer the program and handle program logistics (e.g., website content, enrollment, advertising, CE certificates, scheduling, etc.).

Additional Funding Sources: The CVMA and both schools would seek private funding support for the HQHVSN certification program on an ongoing basis, with a goal to match what the state provides in funding.