

2024 EDITION

# California Veterinary Medicine Practice Act



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CALIFORNIA  
VETERINARY MEDICINE  
PRACTICE ACT

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**2024 EDITION**

Prepared by the Editorial Staff of the Publisher



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ISBN: 978-1-66338-156-9

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## INTRODUCTION

The Veterinary Medical Board is pleased to announce the release of the 2024 edition of the *California Veterinary Medicine Practice Act (Practice Act)*. The Practice Act contains a compilation of laws and regulations relating to the practice of veterinary medicine in California.

## **MISSION**

The mission of the Veterinary Medical Board (VMB) is to protect all consumers and animals by regulating licensees, promoting professional standards, and enforcing the California Veterinary Medicine Practice Act.

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## CALIFORNIA CODES

Code	Code Sec.	Action	HBSB No.	Chap. No.	Sec. No.
BUS	27	Amended	AB 1263	681	1
BUS	27.5	Added	SB 372	225	1
BUS	115.4	Amended	AB 883	348	1
BUS	115.8	Amended	SB 887	510	1
BUS	115.10	Added	SB 143	196	1
BUS	146	Amended	AB 1262	680	1
BUS	4067	Amended	AB 1399	475	1
BUS	4170	Amended	SB 667	497	4
BUS	4825.1	Amended	AB 1399	475	2
BUS	4826.6	Added	AB 1399	475	3
BUS	4826.7	Added	SB 669	882	2
BUS	4829.5	Amended	AB 1399	475	4
BUS	4836.2	Amended	SB 816	723	19
BUS	4840	Amended	SB 669	882	3
BUS	4846	Amended	SB 887	510	56
BUS	4853	Amended	AB 1399	475	5
BUS	4857	Amended	AB 1399	475	6
BUS	4861	Amended	SB 887	510	57
BUS	4875.1	Amended	AB 1399	475	7
BUS	4875.3	Amended	SB 887	510	58
CIV	1834.9	Amended	AB 357	430	1
CORP	13401	Amended	AB 1754	131	24
GOV	11124	Amended	SB 544	216	4
HSC	11165.4	Amended	AB 1731	144	1
PEN	597	Amended	AB 829	546	2
PEN	1203.4	Amended	AB 134	47	6
PEN	11105	Amended	AB 118	42	58
PEN	11105	Amended	AB 1360	685	5
PEN	11105	Amended	AB 1754	131	162



# 2023 REGULATIONS SECTIONS AFFECTED

## CALIFORNIA CODE OF REGULATIONS

Title	Code Sec.	Action	Register No.	Effective Date.
16	2043	Amended	2023-6	4-1-2023





# BUSINESS & PROFESSIONS CODE

## DIVISION 2

### HEALING ARTS

#### CHAPTER 11

#### VETERINARY MEDICINE

#### ARTICLE 1

#### ADMINISTRATION

##### Section

4800. Veterinary Medical Board; Effect of repeal [Repealed effective January 1, 2026].  
 4800.1. Priority of board; Protection of the public.  
 4801. Membership qualifications; Limitation on consecutive terms.  
 4802. Appointments, terms, vacancies.  
 4803. Removal from office.  
 4804. Officers; Bond; Counsel.  
 4804.5. Appointment of executive officer; Powers and duties [Repealed effective January 1, 2026].  
 4805. Oaths.  
 4806. Compensation and expenses.  
 4807. Quorum.  
 4808. Rule-making authority; Meetings; Issuance of licenses and registrations.  
 4808.5. [Section repealed 1967].  
 4809. Records of meetings; Register of applicants.  
 4809.1. [Section repealed 1968.]  
 4809.4. [Section repealed 1980.]  
 4809.5. Inspections.  
 4809.6. Preemption of sanitation field.  
 4809.7. Regular inspection program.  
 4809.8. Veterinary Medicine Multidisciplinary Advisory Committee; Members; Terms; Travel expenses; Removal of board members.  
 4810. Definitions.  
 4811. Citation of chapter.

**HISTORY:** Added Stats 1937 ch 933.

#### **§ 4800. Veterinary Medical Board; Effect of repeal [Repealed effective January 1, 2026]**

(a) There is in the Department of Consumer Affairs a Veterinary Medical Board in which the administration of this chapter is vested. The board shall consist of the following eight members:

- (1) Four licensed veterinarians.
- (2) One registered veterinary technician.
- (3) Three public members.

(b) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. However, the review of the board shall be limited to those issues identified by the appropriate policy committees of the Legislature and shall involve the preparation or submission of a sunset review document or evaluative questionnaire.

## § 4800.1

## BUSINESS &amp; PROFESSIONS CODE

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1961 ch 1821 § 35; Stats 1971 ch 716 § 61; Stats 1976 ch 1188 § 25; Stats 1982 ch 676 § 24; Stats 1994 ch 908 § 33 (SB 2036); Stats 1995 ch 60 § 7 (SB 42), effective July 6, 1995; Stats 1997 ch 759 § 33 (SB 827); Stats 2002 ch 1012 § 8 (SB 2025), effective September 27, 2002; Stats 2004 ch 467 § 2 (SB 1548); Stats 2006 ch 658 § 74 (SB 1476), effective January 1, 2007, inoperative July 1, 2011, repealed January 1, 2012; Stats 2010 ch 538 § 1 (AB 1980), effective January 1, 2011, repealed January 1, 2014; Stats 2013 ch 515 § 19 (SB 304), effective January 1, 2014, repealed January 1, 2016; Stats 2014 ch 395 § 8 (SB 1243), effective January 1, 2015, repealed January 1, 2017; Stats 2016 ch 484 § 44 (SB 1193), effective January 1, 2017, repealed January 1, 2021; Stats 2020 ch 312 § 40 (SB 1474), effective January 1, 2021, repealed January 1, 2022; Stats 2021 ch 631 § 1 (AB 1535), effective January 1, 2022, repealed January 1, 2026.

**§ 4800.1. Priority of board; Protection of the public**

Protection of the public shall be the highest priority for the Veterinary Medical Board 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 shall be paramount.

**HISTORY:**

Added Stats 2002 ch 107 § 19 (AB 269).

**§ 4801. Membership qualifications; Limitation on consecutive terms**

(a) Each veterinarian member of the board shall be a bona fide resident of this state for a period of at least five years immediately preceding his or her appointment and shall have been a licensed veterinarian under this chapter and actually engaged in the practice of veterinary medicine in this state during that period.

(b) The registered veterinary technician member of the board shall be a bona fide resident of this state for a period of at least five years immediately preceding his or her appointment and shall have been registered under this chapter and actually engaged in the practice of a registered veterinary technician in this state during that period.

(c) Each public member of the board shall be a bona fide resident of this state for a period of at least five years immediately preceding his or her appointment and shall not be a licensee or registrant of the board, any other board under this division, or any board referred to in Section 1000 or 3600.

(d) No person shall serve as a member of the board for more than two consecutive terms.

**HISTORY:**

Added Stats 2010 ch 538 § 3 (AB 1980), effective January 1, 2011.

**§ 4802. Appointments, terms, vacancies**

The members of the board shall hold office for a term of four years. Each member shall serve until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. A member may be reappointed subject to the limitation contained in Section 4801.

Vacancies occurring shall be filled by appointment for the unexpired term, within 90 days after they occur.

The Governor shall appoint the four veterinarian members, the one registered veterinary technician member, and one public member, qualified as provided in Section 4801. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member, qualified as provided in Section 4801.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1955 ch 1885 § 2; Stats 1961 ch 1821 § 37; Stats 1978 ch 1161 § 265; Stats 1982 ch 676 § 25; Stats 1997 ch 642 § 2 (AB 839); Stats 2009 ch 80 § 1 (AB 107), effective January 1, 2010; Stats 2010 ch 538 § 4 (AB 1980), effective January 1, 2011.

**§ 4803. Removal from office**

The Governor may, in his judgment, remove any member of the board for neglect of duty or other sufficient cause, after due notice and hearing.

**HISTORY:**

Added Stats 1937 ch 933.

**§ 4804. Officers; Bond; Counsel**

The board shall elect a president, vice president, and any other officers of the board as shall be necessary, from its membership. The Attorney General shall act as counsel for the board and the members thereof in their official or individual capacity for any act done under the color of official right.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1957 ch 82 § 1; Stats 1997 ch 642 § 3 (AB 839).

**§ 4804.5. Appointment of executive officer; Powers and duties [Repealed effective January 1, 2026]**

(a) The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

(b) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**HISTORY:**

Added Stats 1984 ch 47 § 34, effective March 21, 1984. Amended Stats 1994 ch 908 § 34 (SB 2036); Stats 1997 ch 759 § 34 (SB 827); Stats 2002 ch 1012 § 9 (SB 2025), effective September 27, 2002; Stats 2004 ch 467 § 3 (SB 1548); Stats 2006 ch 658 § 75 (SB 1476), effective January 1, 2007, inoperative July 1, 2011, repealed January 1, 2012; Stats 2010 ch 538 § 5 (AB 1980), effective January 1, 2011, repealed January 1, 2014; Stats 2013 ch 515 § 20 (SB 304), effective January 1, 2014, repealed January 1, 2016; Stats 2014 ch 395 § 9 (SB 1243), effective January 1, 2015, repealed January 1, 2017; Stats 2016 ch 484 § 45 (SB 1193), effective January 1, 2017, repealed January 1, 2021; Stats 2020 ch 312 § 41 (SB 1474), effective January 1, 2021, repealed January 1, 2022; Stats 2021 ch 631 § 2 (AB 1535), effective January 1, 2022, repealed January 1, 2026.

**§ 4805. Oaths**

The executive officer of the board may administer oaths or affirmations upon matters pertaining to the business of the board. Any person willfully making any false oath or affirmation is guilty of perjury.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1984 ch 47 § 35, effective March 21, 1984.

**§ 4806. Compensation and expenses**

Each member of the board shall receive a per diem and expenses as provided in Section 103.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1947 ch 1057 § 1; Stats 1959 ch 1645 § 18; Stats 1967 ch 535 § 4; Stats 1995 ch 60 § 8 (SB 42), effective July 6, 1995; Stats 1997 ch 642 § 4 (AB 839).

**§ 4807. Quorum**

Five members of the board constitute a quorum for transaction of business at any meeting of the board.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1961 ch 1821 § 38; Stats 2010 ch 538 § 6 (AB 1980), effective January 1, 2011.

**§ 4808. Rule-making authority; Meetings; Issuance of licenses and registrations**

The board may in accordance with the provisions of the Administrative Procedure Act, adopt, amend, or repeal rules and regulations that are reasonably necessary to carry into

**§ 4808.5****BUSINESS & PROFESSIONS CODE**

effect the provisions of this chapter. The board may hold meetings that are necessary for the transaction of business. It shall issue all licenses to practice veterinary medicine and all registrations to practice as a veterinary technician in this state.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1957 ch 2084 § 10; Stats 2009 ch 80 § 2 (AB 107), effective January 1, 2010.

**§ 4808.5. [Section repealed 1967.]****HISTORY:**

Added Stats 1957 ch 2195 § 1. Repealed Stats 1967 ch 1656 § 20. The repealed section related to open meetings and closed sessions.

**§ 4809. Records of meetings; Register of applicants**

The board shall keep an official record of its meetings, and it shall also keep an official register of all applicants for licenses.

The register shall be prima facie evidence of all matters contained therein.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1959 ch 477 § 1.

**§ 4809.1. [Section repealed 1968.]****HISTORY:**

Added Stats 1957 ch 2195 § 2. Repealed Stats 1968 ch 1473 § 9. The repealed section related to inspection of public records.

**§ 4809.4. [Section repealed 1980.]****HISTORY:**

Added Stats 1978 ch 1355 § 1. Repealed Stats 1979 ch 522 § 1. The repealed section related to authority of board to employ investigators.

**§ 4809.5. Inspections**

The board may at any time inspect the premises in which veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced. 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 a premises for which registration has lapsed or is delinquent.

**HISTORY:**

Added Stats 1947 ch 906 § 1. Amended Stats 2013 ch 515 § 21 (SB 304), effective January 1, 2014.

**§ 4809.6. Preemption of sanitation field**

The enforcement of Sections 4809.5 and 4854 of this chapter is a function exclusively reserved to the Veterinary Medical Board and the state has preempted and occupied this field of enforcing the cleanliness and sanitary requirements of this chapter.

**HISTORY:**

Added Stats 1965 ch 1376 § 2. Amended Stats 1978 ch 1314 § 1; Stats 1995 ch 60 § 9 (SB 42), effective July 6, 1995.

**§ 4809.7. Regular inspection program**

The board shall establish a regular inspection program that will provide for random, unannounced inspections and the board shall inspect at least 20 percent of veterinary premises on an annual basis.

**HISTORY:**

Added Stats 1978 ch 1314 § 2. Amended Stats 2013 ch 515 § 22 (SB 304), effective January 1, 2014; Stats 2018 ch 571 § 24 (SB 1480), effective January 1, 2019.

**§ 4809.8. Veterinary Medicine Multidisciplinary Advisory Committee; Members; Terms; Travel expenses; Removal of board members**

(a) The board shall establish an advisory committee to assist, advise, and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement of this chapter and to assist the board in its examination, licensure, and registration programs. The committee shall serve only in an advisory capacity to the board and the objectives, duties, and actions of the committee shall not be a substitute for or conflict with any of the powers, duties, and responsibilities of the board. The committee shall be known as the Veterinary Medicine Multidisciplinary Advisory Committee. The multidisciplinary committee shall consist of nine members. The following members of the multidisciplinary committee shall be appointed by the board from lists of nominees solicited by the board: four licensed veterinarians, two registered veterinary technicians, and one public member. The committee shall also include one veterinarian member of the board, to be appointed by the board president, and the registered veterinary technician member of the board. Members of the multidisciplinary committee shall represent a sufficient cross section of the interests in veterinary medicine in order to address the issues before it, as determined by the board, including veterinarians, registered veterinary technicians, and members of the public.

(b) Multidisciplinary committee members appointed by the board shall serve for a term of three years and appointments shall be staggered accordingly. A member may be reappointed, but no person shall serve as a member of the committee for more than two consecutive terms. Vacancies occurring shall be filled by appointment for the unexpired term, within 90 days after they occur. Board members of the multidisciplinary committee shall serve concurrently with their terms of office on the board.

(c) The multidisciplinary committee shall be subject to the requirements of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

(d) Multidisciplinary committee members shall receive a per diem as provided in Section 103 and shall be compensated for their actual travel expenses in accordance with the rules and regulations adopted by the Department of Human Resources.

(e) The board may remove a member of the multidisciplinary committee appointed by the board for continued neglect of a duty required by this chapter, for incompetency, or for unprofessional conduct.

(f) It is the intent of the Legislature that the multidisciplinary committee, in implementing this section, give appropriate consideration to issues pertaining to the practice of registered veterinarian technicians.

**HISTORY:**

Added Stats 2008 ch 529 § 1 (SB 1584), effective January 1, 2009, inoperative July 1, 2011, repealed January 1, 2012. Amended Stats 2010 ch 538 § 7 (AB 1980), effective January 1, 2011; Stats 2012 ch 665 § 2 (SB 1308), effective January 1, 2013; Stats 2013 ch 515 § 23 (SB 304), effective January 1, 2014.

**§ 4810. Definitions**

(a) As used in this chapter:

(1) "Board" means the Veterinary Medical Board.

(2) "Multidisciplinary committee" means the Veterinary Medicine Multidisciplinary Advisory Committee established pursuant to Section 4809.8.

(3) "Regulations" means the rules and regulations set forth in Division 20 (commencing with Section 2000) of Title 16 of the California Code of Regulations.

(b) This section shall become operative on the July 1 following the initial appointment of a registered veterinary technician to the board.

## § 4811

## BUSINESS &amp; PROFESSIONS CODE

**HISTORY:**

Added Stats 2010 ch 538 § 9 (AB 1980), effective January 1, 2011, operative July 1, 2011.

**§ 4811. Citation of chapter**

This chapter shall be known and may be cited as the “Veterinary Medicine Practice Act.”

**HISTORY:**

Added Stats 1995 ch 60 § 11 (SB 42), effective July 6, 1995.

## ARTICLE 2

### PRACTICE PROVISIONS

## Section

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4830.8. Report of animal injury requiring veterinary treatment at rodeo event; Contents of report; Posting form on Internet Web site.

4831. Penalty for violations.

**HISTORY:** Added Stats 1937 ch 933.

**§ 4825. Licensure requirement**

It is unlawful for any person to practice veterinary medicine or any branch thereof in this State unless at the time of so doing, such person holds a valid, unexpired, and unrevoked license as provided in this chapter.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1961 ch 1395 § 1, operative October 1, 1961.

## SUGGESTED FORMS

Petition by Board of Examiners in Veterinary Medicine to Enjoin Practice of Veterinary Medicine  
Without License

*[Title of Court and Cause]* 1. Petitioner, \_\_\_\_\_ [Board of Examiners in Veterinary Medicine], is the duly constituted authority for the regulation and control of the practice of veterinary medicine, surgery, and dentistry in the State of California. 2. Respondent, \_\_\_\_\_, resides at \_\_\_\_\_ [address], in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of California. 3. Respondent maintains an office in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of California, and holds \_\_\_\_\_ [himself or herself] out to the public as being engaged in the practice of veterinary medicine, surgery, and dentistry. Respondent diagnoses, prescribes, and administers drugs, medicines, and appliances for the

prevention, cure, or relief of wounds, fractures, bodily injuries, and diseases of animals. Furthermore, respondent performs surgical operations upon animals, and performs manual procedures for the diagnosis of pregnancy, sterility, or infertility of livestock. Respondent refers to \_\_\_\_\_ [himself or herself] as a veterinarian, and charges a fee for the services rendered to animals.4.Such acts by respondent constitute the practice of veterinary medicine, surgery, and dentistry as defined by Section 4826 of the Business and Professions Code of the State of California.5.Respondent has never obtained a license to practice veterinary medicine, surgery, or dentistry as required by Section 4825 of the Business and Professions Code of the State of California, and therefore is without right to practice in the State.6.The practice of veterinary medicine, surgery, or dentistry without a license has been made a \_\_\_\_\_ [misdemeanor] by Section 4831 of the Business and Professions Code of the State of California, and one who practices is subject to a fine from \$\_\_\_ to \$\_\_\_, or a county jail sentence of from \_\_\_ days to one year, or both.7.Petitioner is without an adequate remedy at law to protect the public from respondent's illegal practice and to enforce the licensing act in this instance. If an arrest were made and even the highest penalty administered, respondent's illegal practice could later be resumed, and many times the amount of the monetary penalty could be collected from trusting customers until the second violation was discovered, if at all. Wherefore, petitioner prays:1.That the court decree that respondent is practicing veterinary medicine, surgery, and dentistry in violation of the laws of the State of California;2.That a temporary restraining order issue restraining respondent from practicing veterinary medicine, surgery, or dentistry in the State of California without a license until a hearing is held on petitioner's application for a preliminary injunction;3.That a preliminary injunction issue enjoining respondent from practicing veterinary medicine, surgery, or dentistry in the State of California without a license, during the pendency of this action;4.That on a final hearing, respondent be permanently enjoined from practicing veterinary medicine, surgery, or dentistry in the State of California without a license;5. For costs; and6.For such further relief as the court deems just and equitable.

[Signature]

[Verification]

### § 4825.1. Definitions

These definitions shall govern the construction of this chapter as it applies to veterinary medicine.

(a) "Client" means the individual or individuals who represent to the veterinarian that they are the owner or owners of the animal patient at the time that the services are provided.

(b) "Diagnosis" means the act or process of identifying or determining the health status of an animal patient through examination and the opinion derived from that examination.

(c) "Animal" means any member of the animal kingdom other than humans, and includes fowl, fish, and reptiles, wild or domestic, whether living or dead.

(d) "Food animal" means any animal that is raised for the production of an edible product intended for consumption by humans. The edible product includes, but is not limited to, milk, meat, and eggs. Food animal includes, but is not limited to, cattle (beef or dairy), swine, sheep, poultry, fish, and amphibian species.

(e) "Livestock" includes all animals, poultry, aquatic and amphibian species that are raised, kept, or used for profit. It does not include those species that are usually kept as pets such as dogs, cats, and pet birds, or companion animals, including equines.

(f) "Synchronous" means a real-time interaction between a client and animal patient with a veterinarian who is licensed in this state and located at a distant site.

(g) "Telehealth" means the mode of delivering veterinary medicine via electronic communication technologies to facilitate the diagnosis, consultation, care management, or treatment of an animal patient, and includes, but is not limited to, synchronous video and audio communication; synchronous, two-way audio communication; and electronic transmission of images, diagnostics, data, and medical information.

#### HISTORY:

Added Stats 1995 ch 60 § 12 (SB 42), effective July 6, 1995. Amended Stats 2023 ch 475 § 2 (AB 1399), effective January 1, 2024.



**§ 4826. Practice of veterinary medicine, surgery, or dentistry**

A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when the person does any one of the following:

- (a) Represents oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.
- (b) Diagnoses or prescribes a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.
- (c) Administers a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, except where the medicine, appliance, application, or treatment is administered by a registered veterinary technician or a veterinary assistant at the direction of and under the direct supervision of a licensed veterinarian subject to Article 2.5 (commencing with Section 4836) or where the drug, including, but not limited to, a drug that is a controlled substance, is administered by a registered veterinary technician or a veterinary assistant pursuant to Section 4836.1. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.
- (d) Performs a surgical or dental operation upon an animal.
- (e) Performs any manual procedure for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae.
- (f) Collects blood from an animal for the purpose of transferring or selling that blood and blood component products to a licensed veterinarian at a registered premises, except where the blood is collected by a registered veterinary technician or veterinary assistant at the direction of, and under the direct supervision of, a licensed veterinarian subject to Article 2.5 (commencing with Section 4836) or where the blood is collected by a registered veterinary technician or a veterinary assistant pursuant to Section 4836.5. For purposes of this section, "blood and blood component products" has the same meaning as defined in Section 4920.
- (g) Uses any words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry. This use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1955 ch 1158 § 1; Stats 1961 ch 1958 § 1; Stats 1965 ch 1376 § 1; Stats 1978 ch 609 § 1; Stats 1979 ch 522 § 2; Stats 1980 ch 471 § 1; Stats 1995 ch 60 § 13 (SB 42), effective July 6, 1995; Stats 1997 ch 642 § 5 (AB 839); Stats 2007 ch 83 § 1 (SB 969), effective January 1, 2008; Stats 2012 ch 239 § 1 (AB 1839), effective January 1, 2013; Stats 2021 ch 752 § 1 (AB 1282), effective January 1, 2022.

**§ 4826.1. Immunity from liability for damages**

A veterinarian who on his or her own initiative, at the request of an owner, or at the request of someone other than the owner, renders emergency treatment to a sick or injured animal at the scene of an accident shall not be liable in damages to the owner of that animal in the absence of gross negligence.

**HISTORY:**

Added Stats 1980 ch 465 § 1. Amended Stats 1998 ch 879 § 3.5 (SB 2238).

**§ 4826.2. Care and treatment of restricted animals**

Notwithstanding any other provision of law, a veterinarian, registered veterinary technician, or a veterinary assistant working under the supervision of a veterinarian, may provide veterinary care and treatment for any animal restricted pursuant to Section 2118 of the Fish and Game Code. A veterinarian, registered veterinary technician, or a veterinary assistant working under the supervision of a veterinarian, may lawfully

possess one or more of the animals only for the period of time that, in his or her judgment, veterinary care and treatment are necessary. No veterinarian, registered veterinary technician, or veterinary assistant working under the supervision of a veterinarian, has a duty to advise law enforcement if he or she becomes aware that one or more of the animals is possessed in the state. For the purposes of this section, “veterinary care and treatment” does not include boarding when no veterinary care or treatment is required.

**HISTORY:**

Added Stats 2002 ch 453 § 1 (AB 3055). Amended Stats 2012 ch 239 § 2 (AB 1839), effective January 1, 2013.

**§ 4826.3. Permitholder name tag identification**

(a) Notwithstanding any law, a veterinary technician, veterinary assistant, and veterinary assistant controlled substances permitholder registered in this state shall wear a name tag identification in at least 18 point type in any area of the veterinary premises that is accessible to members of the public. The name tag shall include the veterinary technician, veterinary assistant, and veterinary assistant controlled substances permitholder’s name, and, if applicable, the license, registration, or permit type and number issued by the board.

(b) A person subject to the requirement in subdivision (a) may remove the name tag when working with or handling animal patients.

(c) This section shall become operative on January 1, 2023.

**HISTORY:**

Added Stats 2021 ch 631 § 3 (AB 1535), effective January 1, 2022, operative January 1, 2023.

**§ 4826.4. Condition of emergency; Veterinarian services**

(a) A California-licensed veterinarian at premises registered in accordance with Section 4853 that is located within a 25-mile radius of any condition of emergency specified in Section 8558 of the Government Code may, in good faith, do both of the following in addition to any other acts authorized by law:

(1) Render necessary and prompt care and treatment to an animal patient without establishing a veterinarian-client-patient relationship if conditions are such that one cannot be established in a timely manner.

(2) Dispense or prescribe a dangerous drug or device, as defined in Section 4022, in reasonable quantities where failure to provide services or medications, including controlled substances, may result in loss of life or intense suffering of the animal patient. Prior to refilling a prescription pursuant to this paragraph, the veterinarian shall make a reasonable effort to contact the originally prescribing veterinarian.

(b) A veterinarian acting under this section shall make an appropriate record that includes the basis for proceeding under this section.

(c) A veterinarian who performs services pursuant to this section shall have immunity from liability pursuant to subdivision (b) of Section 8659 of the Government Code.

**HISTORY:**

Added Stats 2018 ch 571 § 25 (SB 1480), effective January 1, 2019.

**§ 4826.5. Compounding drugs for animal use; Regulations**

Notwithstanding any other law, a licensed veterinarian or a registered veterinary technician under the supervision of a licensed veterinarian may compound drugs for animal use pursuant to Section 530 of Title 21 of the Code of Federal Regulations and in accordance with regulations promulgated by the board. The regulations promulgated by the board shall, 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 the safe compounding of drugs. Any violation of the

regulations adopted by the board pursuant to this section shall constitute grounds for an enforcement or disciplinary action.

**HISTORY:**

Added Stats 2016 ch 484 § 46 (SB 1193), effective January 1, 2017.

**§ 4826.6. Veterinarian-client-patient relationship; Telehealth; Prescription limitations**

(a) A veterinarian shall not prescribe, dispense, or administer a drug, medicine, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals unless a veterinarian-client-patient relationship exists or as otherwise permitted by law, except when the animal patient is a wild animal or the owner of the animal patient is unknown. A veterinarian-client-patient relationship exists if all of the following conditions are met:

(1) The client has authorized the veterinarian to assume responsibility for medical judgments regarding the health of the animal patient.

(2) The veterinarian possesses sufficient knowledge of the animal patient to initiate at least a general or preliminary diagnosis of the animal patient's medical condition.

(3) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal patient and has communicated with the client a medical, treatment, diagnostic, or therapeutic plan appropriate to the circumstances.

(b) A veterinarian possesses sufficient knowledge of the animal patient for purposes of paragraph (2) of subdivision (a) if the veterinarian has recently seen, or is personally acquainted with, the care of the animal patient by doing any of the following:

(1) Examining the animal patient in person.

(2) Examining the animal patient by use of synchronous audio-video communication.

(3) Making medically appropriate and timely visits to the premises on which the animal patient is kept.

(c) For purposes of paragraphs (1) and (3) of subdivision (a), the client may authorize an agent to act on the client's behalf.

(d) Synchronous audio-video communication is not required for the delivery of veterinary medicine via telehealth after a veterinarian-client-patient relationship has been established unless the veterinarian determines that it is necessary in order to provide care consistent with prevailing veterinary medical practice.

(e) A veterinarian-client-patient relationship shall not be established solely by audio-only communication or by means of a questionnaire.

(f) Only a person who holds a current license to practice veterinary medicine in this state is authorized to practice veterinary medicine via telehealth on an animal patient located in this state.

(g) Before delivering veterinary medicine via telehealth, the veterinarian shall inform the client about the use and potential limitations of telehealth and obtain consent from the client to use telehealth, including acknowledgment of all of the following:

(1) The same standards of care apply to veterinary medicine services via telehealth and in-person veterinary medical services.

(2) The client has the option to choose an in-person visit from a veterinarian at any time.

(3) The client has been advised how to receive follow-up care or assistance in the event of an adverse reaction to the treatment or in the event of an inability to communicate resulting from technological or equipment failure.

(h) A veterinarian who practices veterinary medicine via telehealth shall do all of the following:

(1) Ensure that the technology, method, and equipment used to provide veterinary medicine services via telehealth comply with all current privacy protection laws.

(2) Have historical knowledge of the animal patient by obtaining and reviewing the animal patient's relevant medical history, and, if available, medical records. If medical records exist from a previous in-person visit and are available to the client, the client may transmit those records, including any diagnostic data contained therein, to the veterinarian electronically.

(3) Employ sound professional judgment to determine whether using telehealth is an appropriate method for delivering medical advice or treatment to the animal patient and providing quality of care consistent with prevailing veterinary medical practice.

(4) Be familiar with available medical resources, including emergency resources near the animal patient's location, be able to provide the client with a list of nearby veterinarians who may be able to see the animal patient in person upon the request of the client, and keep, maintain, and make available a summary of the animal patient record, as specified in Section 4855.

(5) Provide the client with the veterinarian's name, contact information, and license number.

(6) Secure an alternative means of contacting the client if the electronic means is interrupted.

(i)(1) A veterinarian shall not prescribe a drug for a duration of time that is inconsistent with the medical condition of the animal patient or the type of drug prescribed.

(2) A veterinarian who established the required veterinarian-client-patient relationship by examining the animal patient in person or by making medically appropriate and timely visits to the premises on which the animal patient is kept shall not prescribe a drug for a duration of time that is longer than one year from the date that the veterinarian examined the animal patient in person or visited the premises and prescribed the drug.

(3) Except as provided in paragraphs (4) to (8), inclusive, a veterinarian who practices veterinary medicine via telehealth may order, prescribe, or make available drugs, as defined in Section 11014 of the Health and Safety Code, in accordance with all relevant state and federal regulations.

(4) A veterinarian who established the required veterinarian-client-patient relationship using synchronous audio-video communication shall not prescribe a drug to the animal patient for use for a period longer than six months from the date upon which the veterinarian examined the animal patient or prescribed the drug. The veterinarian shall not issue another prescription to the animal patient for the same drug unless they have conducted another examination of the animal patient, either in person or using telehealth.

(5) A veterinarian who established the required veterinarian-client-patient relationship using synchronous audio-video communication shall not prescribe an antimicrobial drug to the animal patient for a period longer than 14 days of treatment. The veterinarian shall not issue any further antimicrobial drug prescription, including a refill, to treat the condition of the animal patient unless the veterinarian has conducted an in-person examination of the animal patient.

(6) The veterinarian shall not order, prescribe, or make available a controlled substance, as defined in Section 4021, or xylazine, unless the veterinarian has performed an in-person physical examination of the animal patient or made medically appropriate and timely visits to the premises where the animal patient is kept.

(7) The veterinarian shall notify the client that some prescription drugs or medications may be available at a pharmacy and, if requested, the veterinarian shall submit a prescription to a pharmacy that the client chooses.

(8) A veterinarian shall not prescribe via telehealth any drug or medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the California Horse Racing Board pursuant to Chapter 4 (commencing with Section 19400) of Division 8.

## § 4826.7

## BUSINESS &amp; PROFESSIONS CODE

(j) As used in this section, “drug” means any controlled substance, as defined in Section 4021, or any dangerous drug, as defined in Section 4022.

(k) A veterinarian is permitted to use telehealth without establishing a veterinarian-client-patient relationship in order to provide advice in an emergency, as defined in Section 4840.5.

**HISTORY:**

Added Stats 2023 ch 475 § 3 (AB 1399), effective January 1, 2024.

**§ 4826.7. Registered veterinary technician administration of preventive or prophylactic vaccines or medications for parasites**

(a) For purposes of this section, “veterinarian” means a California licensed veterinarian.

(b) A veterinarian may authorize a registered veterinary technician to act as an agent of the veterinarian for the purpose of establishing the veterinarian-client-patient relationship to administer preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites if all of the following conditions are met:

(1) The registered veterinary technician administers preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites in a registered veterinary premises when the veterinarian is physically present at the registered veterinary premises.

(2) If working at a location other than a registered veterinary premises, the registered veterinary technician administers preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites when the veterinarian is in the general vicinity or available by telephone and is quickly and easily available. At this location, the registered veterinary technician shall have equipment and drugs necessary to provide immediate emergency care at a level commensurate with the provision of preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites.

(3) The registered veterinary technician examines the animal patient and administers preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites in accordance with written protocols and procedures established by the veterinarian, which shall include, at a minimum, all of the following:

(A) Obtaining the animal patient’s history from the client in order to reasonably ensure that the administration of preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites is appropriate.

(B) Data that must be collected by physical examination of the animal patient in order to reasonably ensure that the administration of preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites is appropriate.

(C) Information in the patient history or physical examination results that would preclude the administration of preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites.

(D) Criteria that would disqualify the animal patient from receiving the preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites.

(E) Vaccination protocols for each animal species for which preventive or prophylactic vaccines are administered, that include, at a minimum, handling and administration of vaccines in accordance with manufacturer label recommendations and what to do in the event of an adverse reaction or other emergency.

(F) Preventative procedures for parasite control for each animal species for which medications for the control or eradication of apparent or anticipated internal or external parasites are being administered, which shall include, at a minimum, handling and administration of medications in accordance with manufacturer label recommendations and what to do in the event of an adverse reaction or other emergency.

(G) Documentation of all of the following animal patient information:

- (i) Name or initials of the person responsible for entries.
- (ii) Name, address, and phone number of the client.
- (iii) Name or identity of the animal, herd, or flock.
- (iv) Except for herds or flocks, age, sex, breed, species, and color of the animal.
- (v) Beginning and ending dates of custody of the animal, if applicable.
- (vi) A history or pertinent information as it pertains to each animal, herd, or flock's medical status.
- (vii) Data, including that obtained by instrumentation, from the physical examination.
- (viii) Treatment and intended treatment plan, including medications, dosages, route of administration, and frequency of use.
- (ix) Diagnosis or assessment before performing a treatment or procedure.
- (x) If relevant, a prognosis of the animal's condition.
- (xi) All medications and treatments prescribed and dispensed, including strength, dosage, route of administration, quantity, and frequency of use.

(4) The veterinarian and the registered veterinary technician sign and date a statement containing an assumption of risk by the veterinarian for all acts of the registered veterinary technician related to examining the animal patient and administering preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasite, short of willful acts of animal cruelty, gross negligence, or gross unprofessional conduct on behalf of the registered veterinary technician.

(5) The veterinarian and the registered veterinary technician sign and date a statement containing authorization for the registered veterinary technician to act as the agent of the veterinarian only to establish the veterinarian-client-patient relationship for purposes of administering preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites when acting in compliance with the protocols and procedures specified in paragraph (3), and only until the date the veterinarian terminates authorization for the registered veterinary technician to act as the agent of the veterinarian.

(6)(A) Before the registered veterinary technician examines or administers any preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites to the animal patient, the registered veterinary technician informs the client orally or in writing that the registered veterinary technician is acting as an agent of the veterinarian for purposes of administering to the animal patient preventive or prophylactic vaccines or medications, as applicable, and provides the veterinarian's name and license number to the client.

(B) After providing the disclosure specified in subparagraph (A), the registered veterinary technician records in the animal patient's medical record the oral or written authorization of the client to proceed with the registered veterinary technician's examination of the animal patient and administration of the specified vaccine or medication.

(c)(1) Documentation relating to satisfaction of the requirements of paragraphs (4) and (5) of subdivision (b) shall be retained by the veterinarian for the duration of the registered veterinary technician's work as an agent of that veterinarian and until three years from the date of the termination of the veterinarian's relationship with the registered veterinary technician.

(2) Documentation relating to satisfaction of subparagraph (G) of paragraph (3) of subdivision (b) shall be retained by the veterinarian for a minimum of three years after the animal patient's last visit.

**HISTORY:**

Added Stats 2023 ch 882 § 2 (SB 669), effective January 1, 2024.

**§ 4827. Excepted practices**

(a) Nothing in this chapter prohibits any person from:

(1) Practicing veterinary medicine as a bona fide owner of one's own animals. This exemption applies to the following:

(A) The owner's bona fide employees.

(B) Any person assisting the owner, provided that the practice is performed gratuitously.

(2) Lay testing of poultry by the whole blood agglutination test. For purposes of this section, "poultry" means flocks of avian species maintained for food production, including, but not limited to, chickens, turkeys, and exotic fowl.

(3) Making any determination as to the status of pregnancy, sterility, or infertility upon livestock, equine, or food animals at the time an animal is being inseminated, providing no charge is made for this determination.

(4) Administering sodium pentobarbital for euthanasia of sick, injured, homeless, or surrendered domestic pets or animals without the presence of a veterinarian when the person is an employee of an animal control shelter and its agencies or humane society and has received proper training in the administration of sodium pentobarbital for these purposes.

(5) Providing the following care to animals lawfully deposited with or impounded by a shelter not registered with the board pursuant to Section 4853:

(A) Administering preventative or prophylactic nonprescription vaccinations to the animal pursuant to protocols written by a veterinarian licensed in this state for the purposes of preventing the spread of communicable diseases, without the presence of a veterinarian when the person has received proper training in the administration of the nonprescription preventative or prophylactic vaccinations.

(B) Administering nonprescription medications to the animal pursuant to protocols written by a veterinarian licensed in this state, for the control or eradication of apparent or anticipated internal or external parasites, including, but not limited to, fleas, ticks, or worms, without the presence of a veterinarian when the person has received proper training in the administration of the nonprescription medications for the control or eradication of those internal or external parasites. A person's decision to administer these medications shall not be construed to mean the person has made a diagnosis of the animal's medical condition.

(C) Administering medications prescribed by a veterinarian licensed in the state to the animal without the presence of a veterinarian when the shelter has received a written treatment plan from the licensed veterinarian for that specific animal and has a dispensing protocol in place for the tracking of dispensed prescribed medications and when the person has received proper training in the administration of prescription medications.

(b) For the purposes of paragraph (5) of subdivision (a):

(1) "Proper training" means completing a training curriculum of at least four hours provided by a veterinarian licensed to practice in this state, and includes, but is not limited to, an overview of intake procedures and preventative medicine, recognizing when an animal is required to be seen by a veterinarian, prescription and nonprescription medications, humane animal restraint techniques, vaccination injection methods and procedures, and documentation.

(2) "Shelter" means a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter that is not registered with the board pursuant to Section 4853.

(c) A shelter providing care to an animal pursuant to this section that is not registered with the board pursuant to Section 4853 shall report to the board any adverse event resulting in significant impairment or death from the care provided, on a form prescribed by the board, including severe injuries, infections, and unintended reactions caused by the incorrect or inappropriate administration of a vaccine or medications.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1945 ch 278 § 1; Stats 1955 ch 1158 § 2; Stats 1978 ch 1146 § 1; Stats 1995 ch 60 § 13.5 (SB 42), effective July 6, 1995; Stats 1999 ch 83 § 5 (SB 966); Stats 2019 ch 7 § 1 (AB 1553), effective January 1, 2020; Stats 2021 ch 631 § 4 (AB 1535), effective January 1, 2022.

**§ 4828. Licensure requirement for veterinarians employed by governmental entities**

All veterinarians actually engaged and employed as veterinarians by the state, or a county, city, corporation, firm or individual are practicing veterinary medicine and shall secure a license issued by the board.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1943 ch 951 § 1; Stats 1949 ch 423 § 1, effective May 27, 1949; Stats 1953 ch 542 § 1, effective May 4, 1953; Stats 1978 ch 1161 § 267; Stats 1995 ch 60 § 14 (SB 42), effective July 6, 1995.

**§ 4829. Duration of existing licenses**

Any license granted to any person to practice veterinary medicine, or any branch thereof, in this State issued under any preceding act relating to veterinary medicine shall remain in force until the renewal fee becomes due and thereafter so long as the holder complies with the provisions of this chapter relating to the renewal of the license and not otherwise. Notwithstanding the payment of this fee his license at any time may be suspended or revoked as provided in Article 4 of this chapter.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1955 ch 1885 § 3; Stats 1961 ch 1395 § 2, operative October 1, 1961.

**§ 4829.5. Veterinarian; Dangerous drug; Procedure**

(a) Each time a veterinarian initially prescribes, dispenses, or furnishes a dangerous drug, as defined in Section 4022, to an animal patient in an outpatient setting, the veterinarian shall offer to provide, verbally, in writing, or by email to the client, a consultation that includes the following information:

- (1) The name and description of the dangerous drug.
- (2) Route of administration, dosage form, dosage, duration of drug therapy, the duration of the effects of the drug, and the common severe adverse effects associated with the use of a short-acting or long-acting drug.
- (3) Any special directions for proper use and storage.
- (4) Actions to be taken in the event of a missed dose.
- (5) If available, precautions and relevant warnings provided by the drug's manufacturer, including common severe adverse effects of the drug.

(b) If requested, a veterinarian shall provide drug documentation, if available.

(c) A veterinarian may delegate to a registered veterinary technician or veterinary assistant the task of providing the consultation and drug documentation required by this section.

(d) It shall be noted in the medical record of the animal patient if the consultation described in this section is provided or declined by the client.

**HISTORY:**

Added Stats 2018 ch 571 § 26 (SB 1480), effective January 1, 2019. Amended Stats 2023 ch 475 § 4 (AB 1399), effective January 1, 2024.

**§ 4830. Exemptions**

- (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) A student of a veterinary medical program accredited by the American Veterinary Medical Association Council on Education who participates as part of the student's formal curriculum in the diagnosis and treatment with direct supervision by a California-licensed veterinarian, or in surgery with immediate supervision by a California-licensed veterinarian, provided all of the following requirements are met:

(A) The clinical training site has been approved by the university where the student is enrolled.

(B) The student has prior training in diagnosis, treatment, and surgery as part of the formal curriculum.

(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 the veterinarian's official capacity. A person exempt under this paragraph shall not otherwise engage in the practice of veterinary medicine unless the person 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.

**HISTORY:**

Added Stats 2006 ch 823 § 2 (AB 2915), effective January 1, 2007, operative January 1, 2011. Amended Stats 2015 ch 556 § 1 (AB 316), effective January 1, 2016; Stats 2016 ch 484 § 47 (SB 1193), effective January 1, 2017; Stats 2016 ch 799 § 27 (SB 1039), effective January 1, 2017; Stats 2018 ch 571 § 27 (SB 1480), effective January 1, 2019; Stats 2021 ch 631 § 5 (AB 1535), effective January 1, 2022.

**§ 4830.5. Report of animal abuse or cruelty**

(a) If a licensee under this chapter has reasonable cause to believe that a dog has been injured or killed through participation in a staged animal fight, as prescribed in Section 597b of the Penal Code, it is the duty of the licensee to promptly report that fact to the appropriate law enforcement authorities of the county, city, or city and county in which the fight occurred.

(b) A licensee shall not incur any civil liability as a result of making any report pursuant to this section or as a result of making any report of a violation of Section 596, subdivision (a) or (b) of Section 597, or Section 597b, former Section 597f, Section 597g, 597n, 597.1, or 597.5 of the Penal Code.

**HISTORY:**

Added Stats 1975 ch 369 § 1. Amended Stats 1978 ch 1161 § 268; Stats 1988 ch 810 § 1; Stats 2019 ch 256 § 1 (SB 781), effective January 1, 2020.

**§ 4830.7. Duty to report animal abuse or cruelty; Immunity from civil liability**

Whenever any licensee under this chapter has reasonable cause to believe an animal under its care has been a victim of animal abuse or cruelty, as prescribed in Section 597 of the Penal Code, it shall be the duty of the licensee to promptly report it to the appropriate law enforcement authorities of the county, city, or city and county in which it occurred. No licensee shall incur any civil liability as a result of making any report pursuant to this section or as a result of making any report of a violation of subdivisions (a), (b), and (c) of Section 597 of the Penal Code.

**HISTORY:**

Added Stats 2004 ch 467 § 4 (SB 1548).

**§ 4830.8. Report of animal injury requiring veterinary treatment at rodeo event; Contents of report; Posting form on Internet Web site**

(a) An attending or on-call veterinarian at a rodeo event shall, pursuant to Section 596.7 of the Penal Code, report to the board any animal injury at the event requiring veterinary treatment within 48 hours of the conclusion of the rodeo.

(b) A veterinarian, other than a veterinarian identified in subdivision (a), shall report to the board within seven days of rendering treatment to an animal for an injury that the veterinarian knows occurred at a rodeo event.

(c) A report submitted pursuant to this section shall include the title, location, and date of the rodeo event, the name of the attending veterinarian at the event, the name of the reporting veterinarian, the type of animal, and a brief description of the injury suffered by the animal. The board shall post a form on its Internet Web site to be used by veterinarians for purposes of submitting this report.

(d) For purposes of this section, "rodeo" has the same meaning set forth in Section 596.7 of the Penal Code.

**HISTORY:**

Added Stats 2010 ch 538 § 10 (AB 1980), effective January 1, 2011.

**§ 4831. Penalty for violations**

Any person, who violates or aids or abets in violating any of the provisions of this chapter, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000), or by imprisonment in a county jail for not less than 30 days nor more than one year, or by both the fine and imprisonment.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1978 ch 1355 § 2; Stats 1997 ch 642 § 6 (AB 839).

**ARTICLE 2.5****REGISTERED VETERINARY TECHNICIANS**

## Section

- 4832. Registered Veterinary Technician Committee; Intent of legislature; Members [Repealed].
- 4833. Advice and assistance of committee on various matters [Repealed].
- 4834. Removal of members [Repealed].
- 4835. Compensation and expenses [Repealed].
- 4836. Regulations defining tasks of technicians and veterinarians.
- 4836.1. Administration of drugs by registered veterinary technician or assistants; Restrictions.
- 4836.2. Veterinary Assistant Controlled Substance permit; Application; Denial, suspension and revocation.
- 4836.3. Veterinary Assistant Controlled Substance permit renewal [Repealed].
- 4836.4. Change of address.
- 4836.5. Collection of blood from animals by registered veterinary technician or veterinary assistant for purpose of transferring or selling to licensed veterinarian.
- 4836.6. Disciplinary proceedings against veterinarians.
- 4837. Disciplinary proceedings against technicians.
- 4838. Continuing education regulations.
- 4839. Persons deemed technicians.
- 4839.5. "Registered veterinary technician"; Use of title.
- 4840. Authorized services by technicians and assistants.
- 4840.2. Unauthorized practices.
- 4840.5. Emergency aid.
- 4840.6. Liability for emergency care.
- 4840.7. Operation of radiographic equipment; Training records.
- 4840.9. Who may employ technicians and assistants.
- 4841. Certification requirement.
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- 4841.2. Veterinary technician; Registration requirements.
- 4841.4. Examination.
- 4841.5. Eligibility for registration.
- 4842. Denial of application.
- 4842.1. Issuance of certificates.
- 4842.2. Veterinary Medical Board Contingent Fund.
- 4842.5. Fee schedule [Repealed].
- 4842.6. Application for renewal of license or registration.
- 4842.7. Notification of address changes.

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4843. Approval of schools.

4843.2. [Section repealed 1986.]

4843.5. Renewal of expired certificates.

4844. Effect of failure to renew within five years.

4845. Probationary registration; Terms and conditions; Dismissed conviction; Evidence of rehabilitation; Standard terms.

4845.5. Revocation, suspension, or denial of registration; Statement of reasons for denial; Copy of criminal history record; Hearings.

**HISTORY:** Added Stats 1974 ch 1223 § 1. Heading amended Stats 1995 ch 60 § 16, effective July 6, 1995.

### § 4832. Registered Veterinary Technician Committee; Intent of legislature; Members [Repealed]

**HISTORY:**

Added Stats 1997 ch 642 § 8 (SB 827) July 1, 1998. Amended Stats 2004 ch 467 § 5 (SB 1548); Stats 2008 ch 529 § 2 (SB 1584), effective January 1, 2009; Stats 2010 ch 538 § 12 (AB 1980), effective January 1, 2011, inoperative July 1, 2011. Repealed January 1, 2012, by its own terms.

### § 4833. Advice and assistance of committee on various matters [Repealed]

**HISTORY:**

Added Stats 1997 ch 642 § 10 (AB 839), ch 759 § 35.2 (SB 827), operative July 1, 1998. Amended Stats 2004 ch 467 § 2 (SB 1548); Stats 2010 ch 538 § 13 (AB 1980), effective January 1, 2011, operative term contingent; Stats 2012 ch 239 § 3 (AB 1839), effective January 1, 2013.

### § 4834. Removal of members [Repealed]

**HISTORY:**

Added Stats 1997 ch 642 § 12 (AB 839), ch 759 § 35.4 (SB 827), operative July 1, 1998. Amended Stats 2010 ch 538 § 14 (AB 1980), effective January 1, 2011, inoperative July 1, 2011. Repealed January 1, 2012, by its own terms.

### § 4835. Compensation and expenses [Repealed]

**HISTORY:**

Added Stats 1997 ch 642 § 14 (AB 839), ch 759 § 35.6 (SB 827), operative July 1, 1998. Amended Stats 2010 ch 538 § 15 (AB 1980), inoperative July 1, 2011. Repealed January 1, 2012, by its own terms. The repealed section related to compensation and expenses of members of the Registered Veterinary Technician Committee.

### § 4836. Regulations defining tasks of technicians and veterinarians

(a) The board shall adopt regulations establishing animal health care tasks and an appropriate degree of supervision required for those tasks that may be performed only by a registered veterinary technician or a licensed veterinarian.

(b) The board also may adopt regulations establishing animal health care tasks that may be performed by a veterinary assistant as well as by a registered veterinary technician or a licensed veterinarian. The board shall establish an appropriate degree of supervision by a registered veterinary technician or a licensed veterinarian over a veterinary assistant for any tasks established under this subdivision and the degree of supervision for any of those tasks shall be higher than, or equal to, the degree of supervision required when a registered veterinary technician performs the task.

(c) The board may adopt regulations, as needed, to define subdivision (c) of Section 4840, including, but not limited to, procedures for citations and fines, in accordance with Section 125.9.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1978 ch 609 § 2; Stats 1995 ch 60 § 19 (SB 42), effective July 6, 1995; Stats 1997 ch 380 § 1 (SB 80); Stats 2012 ch 239 § 4 (AB 1839), effective January 1, 2013.

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**§ 4836.1. Administration of drugs by registered veterinary technician or assistants; Restrictions**

(a) Notwithstanding any other law, a registered veterinary technician or a veterinary assistant may administer a drug, including, but not limited to, a drug that is a controlled substance, under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of a licensed veterinarian. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.

(b) A veterinary assistant may obtain or administer a controlled substance pursuant to the order, control, and full professional responsibility of a licensed veterinarian, only if he or she meets both of the following conditions:

(1) Is designated by a licensed veterinarian to obtain or administer controlled substances.

(2) Holds a valid veterinary assistant controlled substance permit issued pursuant to Section 4836.2.

(c) Notwithstanding subdivision (b), if the Veterinary Medical Board, in consultation with the Board of Pharmacy, identifies a dangerous drug, as defined in Section 4022, as a drug that has an established pattern of being diverted, the Veterinary Medical Board may restrict access to that drug by veterinary assistants.

(d) For purposes of this section, the following definitions apply:

(1) "Controlled substance" has the same meaning as that term is defined in Section 11007 of the Health and Safety Code.

(2) "Direct supervision" has the same meaning as that term is defined in subdivision (e) of Section 2034 of Title 16 of the California Code of Regulations.

(3) "Drug" has the same meaning as that term is defined in Section 11014 of the Health and Safety Code.

(4) "Indirect supervision" has the same meaning as that term is defined in subdivision (f) of Section 2034 of Title 16 of the California Code of Regulations.

(e) This section shall become operative on the date Section 4836.2 becomes operative.

**HISTORY:**

Added 2013 ch 515 § 25 (SB 304), effective January 1, 2014, operative July 1, 2015.

**§ 4836.2. Veterinary Assistant Controlled Substance permit; Application; Denial, suspension and revocation**

(a) Applications for a veterinary assistant controlled substance permit shall be upon a form furnished by the board.

(b) The board may suspend or revoke the controlled substance permit of a veterinary assistant after notice and hearing for any cause provided in this subdivision. The proceedings under this section shall be conducted in accordance with the provisions for administrative adjudication in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may deny, revoke, or suspend a veterinary assistant controlled substance permit, or, subject to terms and conditions deemed appropriate by the board, issue a probationary veterinary assistant controlled substance permit, for any of the following reasons:

(1) The employment of fraud, misrepresentation, or deception in obtaining a veterinary assistant controlled substance permit.

(2) Chronic inebriety or habitual use of controlled substances.

(3) The applicant or permit holder has been convicted of a state or federal felony controlled substance violation.

(4) Violating or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, or of the regulations adopted under this chapter.

(5) Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, veterinary surgery, or veterinary dentistry, in which case the record of the conviction shall be conclusive evidence.

(c)(1) As part of the application for a veterinary assistant controlled substance permit, the applicant shall submit to the Department of Justice fingerprint images and related information, as required by the Department of Justice for all veterinary assistant applicants, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on the person's own recognizance pending trial or appeal.

(2) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information that it receives pursuant to this section. The Department of Justice shall review any information returned to it from the Federal Bureau of Investigation and compile and disseminate a response to the board summarizing that information.

(3) The Department of Justice shall provide a state or federal level response to the board pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(4) The Department of Justice shall charge a reasonable fee sufficient to cover the cost of processing the request described in this subdivision.

(d) The board shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in paragraph (1) of subdivision (c).

**HISTORY:**

Added Stats 2013 ch 515 § 26 (SB 304), effective January 1, 2014. Amended Stats 2014 ch 395 § 10 (SB 1243), effective January 1, 2015, operative July 1, 2015; Stats 2015 ch 426 § 34 (SB 800), effective January 1, 2016; Stats 2018 ch 571 § 28 (SB 1480), effective January 1, 2019; Stats 2021 ch 631 § 6 (AB 1535), effective January 1, 2022; Stats 2023 ch 723 § 19 (SB 816), effective January 1, 2024.

**§ 4836.3. Veterinary Assistant Controlled Substance permit renewal [Repealed]**

**HISTORY:**

Added Stats 2013 ch 515 § 27 (SB 304), effective January 1, 2014. Repealed Stats 2021 ch 631 § 7 (AB 1535), effective January 1, 2022.

**§ 4836.4. Change of address**

(a) Every person who has been issued a veterinary assistant controlled substance permit by the board pursuant to Section 4836.2 who changes his or her mailing or employer address shall notify the board of his or her new mailing or employer address within 30 days of the change. The board shall not renew the permit of any person who fails to comply with this section unless the person pays the penalty fee prescribed in Section 4842.5. An applicant for the renewal of a permit shall specify in his or her application whether he or she has changed his or her mailing or employer address and the board may accept that statement as evidence of the fact.

(b) This section shall become operative on the date Section 4836.2 becomes operative.

**HISTORY:**

Added Stats 2013 ch 515 § 28 (SB 304), effective January 1, 2014.

**§ 4836.5. Collection of blood from animals by registered veterinary technician or veterinary assistant for purpose of transferring or selling to licensed veterinarian**

(a) Notwithstanding any other law, a registered veterinary technician or a veterinary assistant may collect blood from an animal for the purpose of transferring or selling the

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blood and blood component products to a licensed veterinarian at a registered premises, under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of a licensed veterinarian.

(b) For purposes of this section, the following definitions apply:

(1) "Blood and blood component products" has the same meaning as that term is defined in Section 4920.

(2) "Direct supervision" has the same meaning as that term is defined in subdivision (e) of Section 2034 of Title 16 of the California Code of Regulations.

(3) "Indirect supervision" has the same meaning as that term is defined in subdivision (f) of Section 2034 of Title 16 of the California Code of Regulations.

**HISTORY:**

Added Stats 2021 ch 752 § 2 (AB 1282), effective January 1, 2022.

**§ 4836.6. Disciplinary proceedings against veterinarians**

The board shall take action pursuant to Article 4 (commencing with Section 4875) of this chapter against any veterinarian licensed or authorized to practice in this state who permits any registered veterinary technician or veterinary assistant to perform any animal health care services other than those allowed by this article.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1980 ch 471 § 3; Stats 1995 ch 60 § 20 (SB 42), effective July 6, 1995; Stats 2012 ch 239 § 6 (AB 1839), effective January 1, 2013. Amended and renumbered from Cal Bus & Prof Code § 4836.5 by Stats 2021 ch 752 § 3 (AB 1282), effective January 1, 2022.

**§ 4837. Disciplinary proceedings against technicians**

The board may revoke or suspend the registration of a registered veterinary technician in this state after notice and hearing for any cause provided in this article. The proceedings under this article shall be conducted in accordance with the provisions for administrative adjudication in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may revoke or suspend a certificate of registration for any of the following reasons:

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

(b) Conviction of a crime substantially related to the qualifications, functions and duties of a registered veterinary technician in which case the record of such conviction will be conclusive evidence.

(c) Chronic inebriety or habitual use of controlled substances.

(d) For having professional connection with or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof.

(e) Violating or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, or of the regulations adopted under this chapter.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1978 ch 1161 § 270; Stats 1995 ch 60 § 21 (SB 42), effective July 6, 1995.

**§ 4838. Continuing education regulations**

Effective with the 1976 renewal period, if the board determines that the public health and safety would be served by requiring all registrants under the provisions of this article to continue their education after receiving such registration, it may require, as a condition of renewal, that they submit assurances satisfactory to the board that they will, during the succeeding renewal period, inform themselves of the developments in the field of animal health technology since the issuance of their certificate of registration by

pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

The board shall adopt regulations providing for the suspension of registration at the end of each annual renewal period until compliance with the assurances provided for in this section is accomplished.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1975 ch 762 § 2.

**§ 4839. Persons deemed technicians**

(a) For purposes of this article, a registered veterinary technician means a person who has met the requirements set forth in Sections 4841.4 and 4841.5, has passed the examination described in Section 4841.4, and is registered by the board.

(b) This section shall become operative on January 1, 2011.

**HISTORY:**

Added Stats 2009 ch 80 § 5, effective January 1, 2010, operative January 1, 2011. Amended Stats 2010 ch 538 § 16 (AB 1980), effective January 1, 2011.

**§ 4839.5. “Registered veterinary technician”; Use of title**

No person shall use the title “registered veterinary technician” or “veterinary technician,” or any other words, letters, or symbols, including, but not limited to, the abbreviation “R.V.T.,” with the intent to represent that the person is authorized to act as a registered veterinary technician, unless that person meets the requirements of Section 4839.

**HISTORY:**

Added Stats 2010 ch 538 § 17 (AB 1980), effective January 1, 2011.

**§ 4840. Authorized services by technicians and assistants**

(a) Registered veterinary technicians and veterinary assistants are approved to perform those animal health care services prescribed by law under the supervision of a veterinarian licensed or authorized to practice in this state.

(b) Registered veterinary technicians may perform animal health care services on those animals impounded by a state, county, city, or city and county agency pursuant to the direct order, written order, or telephonic order of a veterinarian licensed or authorized to practice in this state.

(c) Registered veterinary technicians may apply for registration from the federal Drug Enforcement Administration that authorizes the direct purchase of sodium pentobarbital for the performance of euthanasia as provided for in paragraph (4) of subdivision (a) of Section 4827 without the supervision or authorization of a licensed veterinarian.

(d) Registered veterinary technicians may act as an agent of the supervising veterinarian in establishing the veterinarian-client-patient relationship for the purposes of administering preventive or prophylactic vaccines or medications for the control or eradication of apparent or anticipated internal or external parasites in accordance with subdivision (b) of Section 4826.7.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1978 ch 609 § 3; Stats 1980 ch 471 § 4; Stats 1995 ch 60 § 23 (SB 42), effective July 6, 1995; Stats 1997 ch 380 § 2 (SB 80); Stats 1998 ch 485 § 1 (AB 2803); Stats 2012 ch 239 § 7 (AB 1839), effective January 1, 2013; Stats 2023 ch 882 § 3 (SB 669), effective January 1, 2024.

**§ 4840.2. Unauthorized practices**

Registered veterinary technicians and veterinary assistants shall not perform the following health care services:

- (a) Surgery.
- (b) Diagnosis and prognosis of animal diseases.



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(c) Prescribing of drugs, medicine, and appliances.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1980 ch 471 § 5; Stats 1995 ch 60 § 24 (SB 42), effective July 6, 1995; Stats 2012 ch 239 § 8 (AB 1839), effective January 1, 2013.

**§ 4840.5. Emergency aid**

Under conditions of an emergency, a registered veterinary technician may render such lifesaving aid and treatment as may be prescribed under regulations adopted by the board pursuant to Section 4836. Such emergency aid and treatment if rendered to an animal patient not in the presence of a licensed veterinarian may only be continued under the direction of a licensed veterinarian. "Emergency" for the purpose of this section, means that the animal has been placed in a life-threatening condition where immediate treatment is necessary.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1995 ch 60 § 25 (SB 42), effective July 6, 1995; Stats 2017 ch 429 § 11 (SB 547), effective January 1, 2018.

**§ 4840.6. Liability for emergency care**

Any registered veterinary technician registered in this state who in good faith renders emergency animal health care at the scene of the emergency, or his or her employing veterinarian or agency authorized under Section 4840.9, shall not be liable for any civil damages as the result of acts or omissions by a registered veterinary technician rendering the emergency care. This section shall not grant immunity from civil damages when the registered veterinary technician is grossly negligent.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1995 ch 60 § 26 (SB 42), effective July 6, 1995.

**§ 4840.7. Operation of radiographic equipment; Training records**

(a) A registered veterinary technician who has been examined by the board in the area of radiation safety and techniques may operate radiographic equipment under the indirect supervision of a licensed veterinarian.

(b)(1) A veterinary assistant who has been trained in the area of radiation safety and techniques may operate radiographic equipment under the direct supervision of a registered veterinary technician or a licensed veterinarian.

(2) The responsible managing licensee of a veterinary premises shall maintain records of the training described in paragraph (1). A veterinary assistant for whom records of this training do not exist shall not operate radiographic equipment.

(3) The training records described in paragraph (2) shall be made available to the board upon request and at the time of any inspection of the veterinary premises.

**HISTORY:**

Added Stats 1982 ch 531 § 2. Amended Stats 1995 ch 60 § 27 (SB 42), effective July 6, 1995; Stats 2010 ch 538 § 18 (AB 1980), effective January 1, 2011; Stats 2012 ch 239 § 9 (AB 1839), effective January 1, 2013.

**§ 4840.9. Who may employ technicians and assistants**

Registered veterinary technicians and veterinary assistants may be employed by any veterinarian licensed or authorized to practice in this state or by any governmental agency which employs veterinarians. However, the employer must be fully aware of the provisions of this article as stated by regulations adopted by the board pursuant to Section 4836.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1980 ch 471 § 7; Stats 1995 ch 60 § 28 (SB 42), effective July 6, 1995; Stats 2012 ch 239 § 10 (AB 1839), effective January 1, 2013.

**§ 4841. Certification requirement**

Any person performing any of the tasks designated by the board pursuant to Section 4836 and any person representing himself or herself as a registered veterinary technician in this state, shall hold a valid unexpired certificate of registration as provided in this article.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1995 ch 60 § 29 (SB 42), effective July 6, 1995.

**§ 4841.1. Applicability of article; Adoption of regulations**

(a) This article shall not apply to students in the clinical portion of their final year of study in a board-approved California veterinary technology program who perform the job tasks for registered veterinary technicians as part of their educational experience, including students both on and off campus acting under the supervision of a licensed veterinarian in good standing, as defined in paragraph (1) of subdivision (b) of Section 4848.

(b) The board shall adopt regulations defining the parameters of supervision required for the students described in subdivision (a).

**HISTORY:**

Added Stats 2010 ch 538 § 19 (AB 1980), effective January 1, 2011.

**§ 4841.2. Veterinary technician; Registration requirements**

(a) Except as provided in subdivision (b), a graduate of a recognized veterinary college shall not perform animal health care tasks otherwise performed by a registered veterinary technician unless the graduate has obtained licensure or registration as otherwise required under this chapter.

(b) If, on or before January 1, 2020, a graduate of a recognized veterinary college has performed animal health care tasks otherwise performed by a registered veterinary technician, the graduate shall discontinue performing such duties on or after January 1, 2020, unless the graduate is issued a license or registration as otherwise required under this chapter.

**HISTORY:**

Added Stats 2018 ch 571 § 29 (SB 1480), effective January 1, 2019.

**§ 4841.4. Examination**

(a) The board, by means of examination, shall determine the professional qualifications of all applicants who wish to register as veterinary technicians in California. A registration shall not be issued to anyone who has not demonstrated their competency by examination.

(b) Subject to subdivision (d), the examination for veterinary technicians shall consist of a national licensing examination.

(c) For examination purposes, the board may make contractual arrangements on a sole source basis with organizations furnishing examination material as it may deem desirable and shall be exempt from Section 10115 of the Public Contract Code.

(d) The national licensing examination shall be implemented upon availability of the computerized examination on or after January 1, 2011.

**HISTORY:**

Added Stats 2009 ch 80 § 6 (AB 107), effective January 1, 2010. Amended Stats 2021 ch 631 § 8 (AB 1535), effective January 1, 2022.

**§ 4841.5. Eligibility for registration**

To obtain registration as a registered veterinary technician, the applicant shall furnish satisfactory evidence of one of the following:

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(a) 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. Proof of graduation shall be submitted directly to the board by the college, other postsecondary institution, or American Association of Veterinary State Boards.

(b) Education or a combination of education and clinical practice experience, as determined by the board.

(c) Education equivalency certified by the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence for Veterinary Technicians. The certificate of education equivalence shall be submitted directly to the board by the American Association of Veterinary State Boards.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1975 ch 762 § 3; Stats 1978 ch 1161 § 271; Stats 1995 ch 60 § 30 (SB 42), effective July 6, 1995; Stats 2001 ch 306 § 2 (AB 446); Stats 2008 ch 529 § 3 (SB 1584), effective January 1, 2009; Stats 2014 ch 395 § 11 (SB 1243), effective January 1, 2015; Stats 2021 ch 631 § 9 (AB 1535), effective January 1, 2022.

**§ 4842. Denial of application**

The board may deny an application to take a written and practical examination for registration as a registered veterinary technician if the applicant has done any of the following:

(a) Committed any act which would be grounds for the suspension or revocation of registration under this chapter.

(b) While unregistered, committed, or aided and abetted the commission of, any act for which a certificate of registration is required by this chapter.

(c) Knowingly made any false statement in the application.

(d) Been convicted of a crime substantially related to the qualifications, functions and duties of a registered veterinary technician.

(e) Committed any act that resulted in a revocation by another state of his or her license, registration, or other procedure by virtue of which one is licensed or allowed to practice veterinary technology in that state.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1978 ch 1161 § 272; Stats 1995 ch 60 § 31 (SB 42), effective July 6, 1995.

**SUGGESTED FORMS**

Petition for Writ of Mandate to Compel Board of Examiners in Veterinary Medicine to Admit  
Petitioner to Examination for Animal Health Technicians

*[Title of Court and Cause]*1. Petitioner resides at \_\_\_\_\_, [address], City of \_\_\_\_\_, County of \_\_\_\_\_, State of California.2. Respondent is the Board of Examiners in Veterinary Medicine within the Department of Consumer Affairs of the State of California, and as such is the duly constituted authority to administer the provisions of the Business and Professions Code of the State of California relating to the examination and licensing of animal health technicians.3. On \_\_\_\_\_, petitioner filed an application with the Animal Health Technician Examining Committee, which committee is within the jurisdiction of the respondent, to take the examination for a license as a animal health technician in the State of California, pursuant to the provisions of the Business and Professions Code of the State of California. The application was in proper form and contained a full and correct statement of all matters required to be contained therein.4. At all times mentioned herein, petitioner was fully qualified to take the examination for animal health technicians in the State of California, inasmuch as petitioner \_\_\_\_\_ [state all qualifications, including the payment of all fees, as required by the Business and Professions Code].5. By reason thereof, petitioner is entitled to be admitted to the examination, and refusal of respondent so to admit petitioner constitutes an arbitrary and wrongful

violation of its duties, in that petitioner has fully complied with all requirements for such admission and is, therefore, entitled under the provisions of the Business and Professions Code of the State of California to be so admitted.6.Petitioner has performed all conditions precedent to the filing of this petition by \_\_\_\_\_ *[insert all conditions precedent, including the exhaustion of administrative remedies]*.7.Petition has made due demand of respondent that petitioner be so admitted to the examination for animal health technicians, but the demand of petitioner has been refused and respondent still refuses to admit petitioner to the examination.8.At all times mentioned herein, respondent has been able to admit petitioner to the examination, but, notwithstanding this ability and the demand by petitioner that petitioner be so admitted, respondent continues to refuse to so admit petitioner.9.Petitioner has no plain, speedy, or adequate remedy in the ordinary course of law other than the relief sought in this petition, in that this is the only proceeding in which petitioner may obtain the rights demanded herein.

Wherefore, petitioner prays:1.That this court issue an alternative writ of mandate commanding respondent to admit petitioner to the examination for animal health technicians in the State of California or to show cause before this court at a time specified by an order of this court why it has not done so and why peremptory writ of mandate should not issue;2.That on the return of the alternative writ of mandate and the hearing of this petition, this court issue its peremptory writ of mandate commanding respondent to admit petitioner to the above mentioned examination; and3.That this court award petitioner costs of this proceeding and such further and other relief as to this court seems just and proper.

*[Signature]*

*[Verification]*

### § 4842.1. Issuance of certificates

The board shall issue a certificate of registration to each applicant who passes the examination. The form of the certificate shall be determined by the board.

#### HISTORY:

Added Stats 1974 ch 1223 § 1.

## SUGGESTED FORMS

### Petition for Writ of Mandate to Compel Board of Examiners in Veterinary Medicine to Issue Animal Health Technician License

*[Title of Court and Cause]*1.Petitioner resides at \_\_\_\_\_ *[address]*, City of \_\_\_\_\_, County of \_\_\_\_\_, State of California.2.Respondent is the Board of Examiners in Veterinary Medicine within the Department of Consumer Affairs of the State of California, and as such is the duly constituted authority to administer the provisions of the Business and Professions Code of the State of California relating to the licensing of animal health technicians.3.On \_\_\_\_\_, petitioner filed an application with the Animal Health Technician Examining Committee, which is within the jurisdiction of respondent, for the issuance of an animal health technician license, pursuant to the provisions of the Business and Professions Code of the State of California. The application was in proper form and contained a full and correct statement of all matters required to be contained therein.4.On \_\_\_\_\_, petitioner was examined by the above mentioned committee as to qualifications for a license as an animal health technician, and by written instrument, dated \_\_\_\_\_, a copy of which is attached hereto, marked Exhibit "\_\_\_\_\_", and incorporated herein by reference, petitioner was informed that petitioner had been successful in passing the examination.5.At all times mentioned herein, petitioner was fully qualified to be issued a license as an animal health technician in the State of California, inasmuch as petitioner \_\_\_\_\_ *[state all qualifications outlined in the Business and Professions Code]*.6.By reason thereof, petitioner is entitled to be issued a license as an animal health technician in the State of California, and the refusal of respondent to so issue the license constitutes an arbitrary and wrongful violation of its duties, in that petitioner has fully complied with all requirements for the issuance of an animal health technician's license and is, therefore, entitled under the provisions of the Business and Professions Code of the State of California to be issued a license as an animal health technician.7.Petitioner has performed all conditions precedent to the filing of this petition by \_\_\_\_\_ *[insert this petition by \_\_\_\_\_ [insert all conditions precedent, including the exhaustion of administrative remedies]*.8.Petitioner has made due demand of respondent that petitioner be issued the above mentioned license, but the demand of petitioner has been refused and respondent does now

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refuse to issue an animal health technician's license to petitioner.<sup>9</sup>At all times mentioned herein, respondent has been able to issue a license to petitioner, but, notwithstanding this ability and in spite of the demand by petitioner that petitioner be issued a license, respondent continues to refuse to so issue a license.<sup>10</sup>Petitioner has no plain, speedy, or adequate remedy in the ordinary course of law, other than the relief sought in this petition, in that this is the only proceeding in which petitioner may obtain the rights demanded herein.

Wherefore, petitioner prays:<sup>1</sup>.That this court issue an alternative writ of mandate commanding respondent to issue an animal health technician's license to petitioner or to show cause before this court at a time specified by an order of this court why it has not done so and why peremptory writ of mandate should not issue;<sup>2</sup>.That on the return of the alternative writ of mandate and a hearing of this petition, this court issue its peremptory writ of mandate commanding respondent to issue an animal health technician's license to petitioner; and<sup>3</sup>.That this court award petitioner costs of this proceeding and such further and other relief as to the court seems just and proper.

*[Signature]*

*[Verification]*

## § 4842.2. Veterinary Medical Board Contingent Fund

All funds collected by the board under this article shall be deposited in the Veterinary Medical Board Contingent Fund.

**HISTORY:**

Added Stats 1997 ch 642 § 16 (AB 839), ch 759 § 37 (SB 827), operative July 1, 1998. Amended Stats 2001 ch 306 § 3 (AB 446); Stats 2004 ch 467 § 7 (SB 1548).

## § 4842.5. Fee schedule [Repealed]

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1975 ch 762 § 4; Stats 1978 ch 609 § 4; Stats 1985 ch 612 § 1; Stats 1992 ch 626 § 1 (SB 663); Stats 2004 ch 467 § 8 (SB 1548); Stats 2008 ch 529 § 4 (SB 1584), effective January 1, 2009. Repealed Stats 2021 ch 631 § 10 (AB 1535), effective January 1, 2022.

## § 4842.6. Application for renewal of license or registration

(a) Each individual registered by the board shall biennially apply for renewal of his or her license or registration on or before the last day of the applicant's birthday month. The application shall be made on a form provided by the board.

(b) The application shall contain a statement to the effect that the applicant has not been convicted of a felony, has not been the subject of professional disciplinary action taken by any public agency in California or any other state or territory, and has not violated any of the provisions of this chapter. If the applicant is unable to make that statement, the application shall contain a statement of the conviction, professional discipline, or violation.

(c) The board may, as part of the renewal process, make necessary inquiries of the applicant and conduct an investigation in order to determine if cause for disciplinary action exists.

**HISTORY:**

Added Stats 1988 ch 1007 § 1.

## § 4842.7. Notification of address changes

Every person registered by the board under this article who changes their mailing address shall notify the board of their new mailing address within 30 days of the change. The board shall not renew the registration of any person who fails to comply with this section unless the person pays the penalty fee prescribed in Section 4905. An applicant for the renewal of a registration shall specify in their application whether they have changed their mailing address and the board may accept that statement as evidence of the fact.

**HISTORY:**

Added Stats 2008 ch 529 § 5 (SB 1584), effective January 1, 2009. Amended Stats 2022 ch 28 § 6 (SB 1380), effective January 1, 2023.

**§ 4843. Approval of schools**

The board shall approve all schools or institutions offering a curriculum for training registered veterinary technicians. Application forms for schools requesting approval shall be furnished by the board. Approval by the board shall be for a two-year period. Reapplication for approval by the board shall be made at the end of the expiration date.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1995 ch 60 § 33 (SB 42), effective July 6, 1995.

**§ 4843.2. [Section repealed 1986.]****HISTORY:**

Added Stats 1974 ch 1223 § 1. Repealed Stats 1985 ch 612 § 2. See B & P C § 4900.

**§ 4843.5. Renewal of expired certificates**

Except as otherwise provided in this article, an expired certificate of registration may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the certificate of registration is renewed more than 30 days after its expiration, the registrant, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this article. Renewal under this section shall be effective on the date on which the application is filed, on the date all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever occurs last.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1978 ch 1161 § 273; Stats 2001 ch 306 § 4 (AB 446).

**§ 4844. Effect of failure to renew within five years**

A person who fails to renew his certificate of registration within five years after its expiration may not renew it, and it shall not be restored, reissued, or reinstated thereafter, but that person may apply for and obtain a new certificate of registration if:

- (a) He or she is not subject to denial of registration under Section 480.
- (b) No fact, circumstance, or condition exists which, if the certificate of registration were issued, would justify its revocation or suspension.
- (c) He or she takes and passes the examination, if any, that would be required of him or her if he or she were then applying for a certificate of registration for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he or she is qualified to be a registered veterinary technician.
- (d) He or she pays all of the fees that would be required of him or her if he or she were applying for the certificate of registration for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the examination fee when a certificate of registration is issued without an examination pursuant to this section.

**HISTORY:**

Added Stats 1974 ch 1223 § 1. Amended Stats 1978 ch 1161 § 274; Stats 2014 ch 395 § 12 (SB 1243), effective January 1, 2015.

**§ 4845. Probationary registration; Terms and conditions; Dismissed conviction; Evidence of rehabilitation; Standard terms**

(a) Notwithstanding any other provision of law, the board may, in its sole discretion, issue a probationary registration to an applicant subject to terms and conditions deemed appropriate by the board, including, but not limited to, the following:

- (1) Continuing medical, psychiatric, or psychological treatment.
  - (2) Ongoing participation in a specified rehabilitation program.
  - (3) Abstention from the use of alcohol or drugs.
  - (4) Compliance with all provisions of this chapter.
- (b)(1) Notwithstanding any other provision of law, and for purposes of this section, when deciding whether to issue a probationary registration, the board shall request that an applicant with a dismissed conviction provide proof of that dismissal and shall give special consideration to applicants whose convictions have been dismissed pursuant to Section 1203.4 or 1203.4a of the Penal Code.
- (2) The board shall also take into account and consider any other reasonable documents or individual character references provided by the applicant that may serve as evidence of rehabilitation as deemed appropriate by the board.
- (c) The board may modify or terminate the terms and conditions imposed on the probationary registration upon receipt of a petition from the applicant or registrant.
- (d) For purposes of issuing a probationary license to qualified new applicants, the board shall develop standard terms of probation that shall include, but not be limited to, the following:
- (1) A three-year limit on the individual probationary registration.
  - (2) A process to obtain a standard registration for applicants who were issued a probationary registration.
  - (3) Supervision requirements.
  - (4) Compliance and quarterly reporting requirements.

**HISTORY:**

Added Stats 2008 ch 675 § 5 (AB 2423), effective January 1, 2009.

**§ 4845.5. Revocation, suspension, or denial of registration; Statement of reasons for denial; Copy of criminal history record; Hearings**

- (a) Notwithstanding Sections 4837 and 4842.6 or any other provision of law, the board may revoke, suspend, or deny at any time a registration under this article on any of the grounds for disciplinary action provided in this article. The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.
- (b) The board may deny a registration to an applicant on any of the grounds specified in Section 480.
- (c) In addition to the requirements provided in Sections 485 and 486, upon denial of an application for registration, the board shall provide a statement of reasons for the denial that does the following:
- (1) Evaluates evidence of rehabilitation submitted by the applicant, if any.
  - (2) Provides the board's criteria relating to rehabilitation, formulated pursuant to Section 482, that takes into account the age and severity of the offense, and the evidence relating to participation in treatment or other rehabilitation programs.
  - (3) If the board's decision was based on the applicant's prior criminal conviction, justifies the board's denial of a registration and conveys the reasons why the prior criminal conviction is substantially related to the qualifications, functions, or duties of a registered veterinary technician.
- (d) Commencing July 1, 2009, all of the following shall apply:
- (1) If the denial of a registration is due at least in part to the applicant's state or federal criminal history record, the board shall, in addition to the information provided pursuant to paragraph (3) of subdivision (c), provide to the applicant a copy of his or her criminal history record if the applicant makes a written request to the board for a copy, specifying an address to which it is to be sent.
    - (A) The state or federal criminal history record shall not be modified or altered from its form or content as provided by the Department of Justice.

(B) The criminal history record shall be provided in such a manner as to protect the confidentiality and privacy of the applicant's criminal history record and the criminal history record shall not be made available by the board to any employer.

(C) The board shall retain a copy of the applicant's written request and a copy of the response sent to the applicant, which shall include the date and the address to which the response was sent.

(2) The board shall make that information available upon request by the Department of Justice or the Federal Bureau of Investigation.

(e) Notwithstanding Section 487, the board shall conduct a hearing of a registration denial within 90 days of receiving an applicant's request for a hearing. For all other hearing requests, the board shall determine when the hearing shall be conducted.

**HISTORY:**

Added Stats 2008 ch 675 § 6 (AB 2423), effective January 1, 2009.

## ARTICLE 3

### ISSUANCE OF LICENSES

**Section**

4846. License requirements.

4846.1. Evaluation of applicant graduated from unrecognized college.

4846.2. Fulfillment of requirements by applicant found deficient in qualification.

4846.4. Application for renewal of license or registration [Repealed].

4846.5. Continuing education requirement for renewal; Misrepresentation of compliance; Exemptions; Approval and certification of instruction.

4847. Disposition of applications [Repealed].

4847.1. Abandoned application.

4848. Examination requirements; Waiver; Temporary license; Extension of temporary license [Repealed].

4848.1. University license.

4848.3. Temporary license for applicant [Repealed].

4848.5. [Section repealed 2000.]

4849. Administration and subjects of examinations [Repealed].

4850. Display of license.

4852. Notification of address changes.

4853. Registration of veterinary premises; Telehealth exemption.

4853.1. Form for application to register premises.

4853.5. Suspension or revocation of registration; Failure to keep premises clean.

4853.6. Denial, suspension, or revocation of veterinary premises.

4853.7. Premise registration expired for five years.

4854. Sanitation requirements for practice.

4854.1. Restrictions on non-California-licensed veterinarians who hold premises registrations.

4854.5. Consumer notification of diagnosis and treatment by graduate students.

4855. Written records.

4856. Inspection of records by board; Inspection of equipment and drugs.

4857. Limits on disclosure of information about animal patients or about clients responsible for them.

**HISTORY:** Added Stats 1937 ch 933.

#### § 4846. License requirements

(a) In order to obtain a license to practice veterinary medicine in California, an individual shall meet the following requirements:

(1) Graduate from a veterinary college recognized by the board or receive a certificate from the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE). Proof of graduation must be directly submitted to the board by the veterinary college or from the American Association of Veterinary State Boards (AAVSB). Proof of certificate must be directly submitted to the board by ECFVG or PAVE.

(2) Complete a board-approved license application.

(3) Pay the applicable fees specified in Section 4905.



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(4) As directed by the board pursuant to Section 144, submit a full set of fingerprints for the purpose of conducting a criminal history record check and undergo a state and federal criminal offender record information search conducted through the Department of Justice, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state or federal response to the board pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(5) Pass an examination consisting of the following:

(A) A licensing examination that is administered on a national basis. If the applicant passed the national licensing examination over five years from the date of submitting the California veterinarian license application, the applicant shall satisfy one of the following:

(i) Retake and pass the national licensing examination.

(ii) Submit proof of having practiced clinical veterinary medicine for a minimum of two years and completed a minimum of 2,500 hours of clinical practice in another state, Canadian province, or United States territory within the three years immediately preceding filing an application for licensure in this state.

(iii) Complete the minimum continuing education requirements of Section 4846.5 for the current and preceding year.

(B) A veterinary law examination administered by the board concerning the Veterinary Medicine Practice Act statutes and regulations. The examination may be administered by regular mail, email, or by other electronic means. The applicant shall certify that the applicant personally completed the examination. Any false statement is a violation subject to Section 4831. Every applicant who obtains a score of at least 80 percent on the veterinary law examination shall be deemed to have passed. University of California and Western University of Health Sciences veterinary medical students who have successfully completed a board-approved course on veterinary law and ethics covering the Veterinary Medicine Practice Act shall be exempt from this subparagraph.

(b) The applicant shall disclose each state, Canadian province, or United States territory in which the applicant currently holds or has ever held a license to practice veterinary medicine. License verification, including any disciplinary or enforcement history, shall be confirmed through electronic means or direct submission from each state, Canadian province, or United States territory in which the applicant has identified the applicant holds or has ever held a license to practice veterinary medicine.

(c) A veterinarian license application shall be subject to denial pursuant to Sections 480, 4875, and 4883.

**HISTORY:**

Added Stats 2021 ch 631 § 12 (AB 1535), effective January 1, 2022. Amended Stats 2023 ch 510 § 56 (SB 887), effective January 1, 2024.

**§ 4846.1. Evaluation of applicant graduated from unrecognized college**

If the veterinary college from which an applicant is graduated is not recognized by the board, the board shall have the authority to determine the qualifications of such graduates and to review the quality of the educational experience attained by them in an unrecognized veterinary college. The board shall have the authority to adopt rules and regulations to implement this provision.

**HISTORY:**

Added Stats 1975 ch 265 § 3.

**§ 4846.2. Fulfillment of requirements by applicant found deficient in qualification**

If the board finds in evaluating the graduate described in Section 4846.1 that such applicant is deficient in qualification or in the quality of his educational experience the

board may require such applicant to fulfill such other remedial or other requirements as the board, by regulation, may prescribe.

**HISTORY:**

Added Stats 1975 ch 265 § 4.

**§ 4846.4. Application for renewal of license or registration [Repealed]**

**HISTORY:**

Added Stats 1988 ch 1007 § 2. Repealed Stats 2021 ch 631 § 13 (AB 1535), effective January 1, 2022.

**§ 4846.5. Continuing education requirement for renewal; Misrepresentation of compliance; Exemptions; Approval and certification of instruction**

(a) Except as provided in this section, the board shall issue renewal licenses only to those applicants that have completed a minimum of 36 hours of continuing education in the preceding two years.

(b)(1) Notwithstanding any other law, continuing education hours shall be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by any of the following:

(A) American Veterinary Medical Association (AVMA) accredited veterinary medical colleges.

(B) Accredited colleges or universities offering programs relevant to veterinary medicine.

(C) The American Veterinary Medical Association.

(D) American Veterinary Medical Association recognized specialty or affiliated allied groups.

(E) American Veterinary Medical Association's affiliated state veterinary medical associations.

(F) Nonprofit annual conferences established in conjunction with state veterinary medical associations.

(G) Educational organizations affiliated with the American Veterinary Medical Association or its state affiliated veterinary medical associations.

(H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.

(I) Federal, state, or local government agencies.

(J) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.

(2) Notwithstanding paragraph (1), a total of six hours or less of the required 36 hours of continuing education may be earned by doing either of the following, or a combination thereof:

(A) Up to six hours may be earned by taking self-study courses, which may include, but are not limited to, reading journals, viewing video recordings, or listening to audio recordings.

(B) Up to four hours may be earned by providing pro bono spaying or neutering services under the supervision of a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group. The services shall be administered at a facility that is appropriately equipped and staffed to provide those services. The service shall be provided to a household with a demonstrated financial need for reduced-cost services.

(3) The board may approve other continuing veterinary medical education providers not specified in paragraph (1).

(A) The board has the authority to recognize national continuing education approval bodies for the purpose of approving continuing education providers not specified in paragraph (1).

(B) Applicants seeking continuing education provider approval shall have the option of applying to the board or to a board-recognized national approval body.

(4) For good cause, the board may adopt an order specifying, on a prospective basis, that a provider of continuing veterinary medical education authorized pursuant to paragraph (1) or (3) is no longer an acceptable provider.

(c) A person renewing their license issued pursuant to Section 4846.4, or a person applying for relicensure or for reinstatement of their license to active status, shall submit proof of compliance with this section to the board certifying that the person is in compliance with this section. Any false statement submitted pursuant to this section shall be a violation subject to Section 4831.

(d) This section shall not apply to a veterinarian's first license renewal. This section shall apply only to second and subsequent license renewals granted on or after January 1, 2002.

(e) The board shall have the right to audit the records of all applicants to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a period of four years and shall make these records available to the board for auditing purposes upon request. If the board, during this audit, questions whether any course reported by the veterinarian satisfies the continuing education requirement, the veterinarian shall provide information to the board concerning the content of the course; the name of its sponsor and cosponsor, if any; and specify the specific curricula that was of benefit to the veterinarian.

(f) A veterinarian desiring an inactive license or to restore an inactive license under Section 701 shall submit an application on a form provided by the board. In order to restore an inactive license to active status, the veterinarian shall have completed a minimum of 36 hours of continuing education within the last two years preceding application. The inactive license status of a veterinarian shall not deprive the board of its authority to institute or continue a disciplinary action against a licensee.

(g) Knowing misrepresentation of compliance with this article by a veterinarian constitutes unprofessional conduct and grounds for disciplinary action or for the issuance of a citation and the imposition of a civil penalty pursuant to Section 4883.

(h) The board, in its discretion, may exempt from the continuing education requirement any veterinarian who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted on a form provided by the board.

(i) The administration of this section may be funded through professional license and continuing education provider fees. The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.

(j) For those continuing education providers not listed in paragraph (1) of subdivision (b), the board or its recognized national approval agent shall establish criteria by which a provider of continuing education shall be approved. The board shall initially review and approve these criteria and may review the criteria as needed. The board or its recognized agent shall monitor, maintain, and manage related records and data. The board may impose an application fee, not to exceed two hundred dollars (\$200) biennially, for continuing education providers not listed in paragraph (1) of subdivision (b).

(k)(1) Beginning January 1, 2018, a licensed veterinarian who renews their license shall complete a minimum of one credit hour of continuing education on the judicious use of medically important antimicrobial drugs every four years as part of their continuing education requirements.

(2) For purposes of this subdivision, "medically important antimicrobial drug" means an antimicrobial drug listed in Appendix A of the federal Food and Drug

Administration's Guidance for Industry #152, including critically important, highly important, and important antimicrobial drugs, as that appendix may be amended.

**HISTORY:**

Added Stats 1998 ch 621 § 1 (SB 155). Amended Stats 2000 ch 995 § 1 (SB 1620); Stats 2009 ch 88 § 3 (AB 176), effective January 1, 2010; Stats 2015 ch 764 § 1 (SB 361), effective October 10, 2015; Stats 2016 ch 484 § 48 (SB 1193), effective January 1, 2017; Stats 2018 ch 236 § 1 (AB 2300), effective January 1, 2019; Stats 2022 ch 511 § 25 (SB 1495), effective January 1, 2023.

**§ 4847. Disposition of applications [Repealed]****HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1971 ch 716 § 62. Repealed Stats 2021 ch 631 § 14 (AB 1535), effective January 1, 2022.

**§ 4847.1. Abandoned application**

(a) If an applicant fails to complete their application within one year after it has been filed, the application shall be considered abandoned and the application fee forfeited.

(b) An application submitted subsequent to the abandonment of the former application shall be treated as a new application.

(c) An applicant shall notify the board of any changes in mailing or employment address that occur after filing the application.

**HISTORY:**

Added Stats 2021 ch 631 § 15 (AB 1535), effective January 1, 2022.

**§ 4848. Examination requirements; Waiver; Temporary license; Extension of temporary license [Repealed]****HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1961 ch 1395 § 3, ch 1958 § 4, operative October 1, 1961; Stats 1968 ch 907 § 1; Stats 1971 ch 1002 § 1; Stats 1974 ch 627 § 2; Stats 1978 ch 297 § 1; Stats 1982 ch 255 § 1; Stats 1991 ch 1032 § 1 (AB 1429); Stats 1995 ch 60 § 34 (SB 42), effective July 6, 1995; Stats 1997 ch 642 § 18 (AB 839), ch 759 § 38 (SB 827); Stats 1998 ch 1070 § 1 (SB 2003); Stats 2001 ch 167 § 1 (AB 1583); Stats 2002 ch 131 § 2 (SB 1263); Stats 2003 ch 62 § 7 (SB 600); Stats 2004 ch 467 § 9 (SB 1548); Stats 2009 ch 80 § 7 (AB 107), effective January 1, 2010; Stats 2018 ch 703 § 28 (SB 1491), effective January 1, 2019. Repealed Stats 2021 ch 631 § 16 (AB 1535), effective January 1, 2022.

**§ 4848.1. University license**

(a) A veterinarian engaged in the practice of veterinary medicine, as defined in Section 4826, employed by the University of California and engaged in the performance of duties in connection with the School of Veterinary Medicine or employed by the Western University of Health Sciences and engaged in the performance of duties in connection with the College of Veterinary Medicine shall be issued a university license pursuant to this section or hold a license to practice veterinary medicine in this state.

(b) An individual may apply for and be issued a university license if all of the following are satisfied:

(1) The applicant is currently employed by the University of California or Western University of Health Sciences, as defined in subdivision (a).

(2) The applicant passes an examination concerning the statutes and regulations of the Veterinary Medicine Practice Act, administered by the board, pursuant to subparagraph (C) of paragraph (2) of subdivision (a) of Section 4848.

(3) The applicant completes and submits the application specified by the board and pays the application and the initial license fee, pursuant to Section 4905.

(c) A university license:

(1) Shall automatically cease to be valid upon termination or cessation of employment by the University of California or by the Western University of Health Sciences.

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(2) Shall be subject to the license renewal provisions in Section 4900 and the payment of the renewal fee pursuant to subdivision (g) of Section 4905.

(3) Shall be subject to denial, revocation, or suspension pursuant to Sections 480, 4875, and 4883.

(4) Authorizes the holder to practice veterinary medicine only at an educational institution described in subdivision (a) and any locations formally affiliated with those institutions.

(d) An individual who holds a university license is exempt from satisfying the license renewal requirements of Section 4846.5.

**HISTORY:**

Added Stats 2016 ch 484 § 49 (SB 1193), effective January 1, 2017. Amended Stats 2021 ch 631 § 17 (AB 1535), effective January 1, 2022.

## § 4848.3. Temporary license for applicant [Repealed]

**HISTORY:**

Added Stats 1998 ch 1070 § 2 (SB 2003). Amended Stats 2009 ch 80 § 8 (AB 107), effective January 1, 2010. Repealed Stats 2021 ch 631 § 18 (AB 1535), effective January 1, 2022.

## § 4848.5. [Section repealed 2000.]

**HISTORY:**

Added Stats 1997 ch 895 § 1 (AB 460). Repealed January 1, 2000, by its own terms. The repealed section related to waiver of examination requirement and issuance of license by endorsement for poultry veterinarians.

## § 4849. Administration and subjects of examinations [Repealed]

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1957 ch 2084 § 11; Stats 1961 ch 1958 § 3; Stats 2009 ch 80 § 9 (AB 107), effective January 1, 2010. Repealed Stats 2021 ch 631 § 19 (AB 1535), effective January 1, 2022.

## § 4850. Display of license

Every person holding a license under this chapter shall conspicuously display the license in his or her principal place of business.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1997 ch 642 § 19 (AB 839); Stats 2005 ch 621 § 80 (SB 1111), effective January 1, 2006.

## § 4852. Notification of address changes

Every person holding a license issued under this chapter who changes his or her mailing address shall notify the board of his or her new mailing address within 30 days of the change. The board shall not renew the license of any person who fails to comply with this section unless the person pays the penalty fee prescribed in Section 4905. An applicant for the renewal of a license shall specify in his or her application whether he or she has changed his or her mailing address and the board may accept that statement as evidence of the fact.

**HISTORY:**

Added Stats 1955 ch 1885 § 4. Amended Stats 1961 ch 1395 § 4, operative October 1, 1961; Stats 1997 ch 642 § 20 (AB 839).

## § 4853. Registration of veterinary premises; Telehealth exemption

(a) All veterinary premises shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall mean the location of operation where veterinary medicine, veterinary dentistry, veterinary surgery, and the various

branches thereof is being practiced and shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board if they are operated from a building or facility that is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) The owner or operator of a veterinary premises shall submit a premises registration application to the board. The application shall set forth the name of each owner or operator of the premises, including the type of corporate entity, if applicable, the name of the premises, and the name of the responsible licensee manager who is to act for and on behalf of the registered premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that the person possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.

(2) No circumvention of the law is contemplated by the substitution.

(d) If the owner or operator of a veterinary premises is a veterinary corporation practicing pursuant to Article 6 (commencing with Section 4910), the application shall set forth the names and titles of each officer, director, or shareholder. Any changes in the officers, directors, or shareholders shall be reported to the board within 30 days.

(e) If the owner or operator of a veterinary premises is a corporation or other artificial legal entity other than a veterinary corporation as provided under subdivision (d), the application shall set forth the names and titles of all owners, officers, general partners, if any, and the agent for service of process. Any changes in the owners, officers, general partners, or agent for service of process shall be reported to the board within 30 days.

(f) The premises registration is nontransferable. In the event of change of an owner or operator of the premises, the premises registration holder shall notify the board of the change within 30 days after the change.

(g) This section does not authorize any person, corporation, or artificial legal entity, other than a California-licensed veterinarian or a veterinary corporation practicing pursuant to Article 6 (commencing with Section 4910) and the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), to furnish to any person or animal patient any veterinary services, diagnosis, or treatment within the scope of California veterinarian licensure under this chapter. This section does not authorize any person, other than a California-licensed veterinarian within the scope of their license, to engage directly or indirectly in the practice of veterinary medicine, veterinary surgery, veterinary dentistry, and the various branches thereof in accordance with Section 4826. This section does not regulate, govern, or affect in any manner the practice of veterinary medicine, veterinary surgery, or veterinary dentistry by any person duly licensed to engage in such practice.

(h) The location where a veterinarian practices telehealth shall be exempt from the requirement that it be registered pursuant to this section if all of the following requirements are satisfied:

(1) The veterinarian does not perform in-person examination or treatment of animal patients at the location.

(2) No veterinary drug, medicine, appliance, or medical equipment is kept at the location.

(3) The veterinary medical records required pursuant to Sections 4855 and 4856 are created, maintained, and stored so as to protect the veterinary medical records from access by unauthorized individuals, damage, or loss.

(4) The following information shall be provided on any electronic publication, including any internet website, through which the veterinarian provides or offers to provide veterinary medical services:

(A) The veterinarian's name, contact information, and California veterinarian license number, prominently displayed.

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(B) Contact information and instruction for obtaining a copy of the animal patient's medical records.

(C) A statement that a client may contact the Veterinary Medical Board if the client has any questions or complaints regarding the veterinarian.

**HISTORY:**

Added Stats 1965 ch 1376 § 3. Amended Stats 1971 ch 716 § 63; Stats 1978 ch 1314 § 3; Stats 1997 ch 642 § 21 (AB 839); Stats 2021 ch 631 § 20 (AB 1535), effective January 1, 2022; Stats 2023 ch 475 § 5 (AB 1399), effective January 1, 2024.

**§ 4853.1. Form for application to register premises**

Each application to register a premises pursuant to Section 4853 shall be made on a form provided by the board.

**HISTORY:**

Added Stats 1988 ch 1007 § 3. Amended Stats 2021 ch 631 § 21 (AB 1535), effective January 1, 2022.

**§ 4853.5. Suspension or revocation of registration; Failure to keep premises clean**

When it has been adjudicated in an administrative hearing that the licensee manager has failed to keep the premises and all equipment therein in a clean and sanitary condition as provided for in subdivision (h) of Section 4883, or is in violation of any of the provisions of Section 4854, the board may withhold, suspend, or revoke the registration of veterinary premises, or assess a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) per day until such violation has been rectified, or by both such suspension and fine. The total amount of any fine assessed pursuant to this section shall not exceed five thousand dollars (\$5,000).

**HISTORY:**

Added Stats 1978 ch 1314 § 4. Amended Stats 1980 ch 471 § 8.

**§ 4853.6. Denial, suspension, or revocation of veterinary premises**

(a) The board shall deny, suspend, or revoke registration of a veterinary premises if any of the following occur:

(1) The licensee manager set forth in the application in accordance with Section 4853 ceases to become responsible for management of the registered premises and no substitution of the responsible licensee manager has been made by application as provided for in Section 4853.

(2) The premises registration holder or the licensee manager has, under proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the license to practice veterinary medicine, surgery, and dentistry revoked or suspended.

(3) Unless licensed pursuant to Section 4825, the premises registration holder has practiced, influenced, or exerted control over the provision of veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof.

(b) The board shall not renew the premises registration if there is no licensee manager associated with the premises.

(c) The board may deny, suspend, or revoke registration of the veterinary premises for unlicensed practice of veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof by the premises registration holder.

**HISTORY:**

Added Stats 1978 ch 1314 § 5. Amended Stats 2021 ch 631 § 22 (AB 1535), effective January 1, 2022.

**§ 4853.7. Premise registration expired for five years**

A premise registration that is not renewed within five years after its expiration may not be renewed and shall not be restored, reissued, or reinstated thereafter. However, an

application for a new premise registration may be submitted and obtained if both of the following conditions are met:

- (a) No fact, circumstance, or condition exists that, if the premise registration was issued, would justify its revocation or suspension.
- (b) All of the fees that would be required for the initial premise registration are paid at the time of application.

**HISTORY:**

Added Stats 2016 ch 484 § 50 (SB 1193), effective January 1, 2017.

**§ 4854. Sanitation requirements for practice**

All premises where veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced, and all instruments, apparatus and apparel used in connection with those practices, shall be kept clean and sanitary at all times, and shall conform to those minimum standards established by the board.

**HISTORY:**

Added Stats 1978 ch 1314 § 6.

**§ 4854.1. Restrictions on non-California-licensed veterinarians who hold premises registrations**

A premises registration holder who is not a California-licensed veterinarian pursuant to Section 4825 shall not interfere with, control, or otherwise direct the professional judgment of any California licensed veterinarian or registered veterinary technician. The board may require any information, including, but not limited to, employment contracts between the premises registration holder and a California-licensed veterinarian or registered veterinary technician, the board deems is reasonably necessary for the enforcement of this section.

**HISTORY:**

Added Stats 2021 ch 631 § 23 (AB 1535), effective January 1, 2022.

**§ 4854.5. Consumer notification of diagnosis and treatment by graduate students**

(a) Every off-campus educational program site shall display in a conspicuous place a consumer notification specifying that the veterinary facilities are also being used for diagnosis and treatment of animals by graduate students enrolled in a veterinary medicine program.

(b) Notwithstanding Section 4831, or any other provision of law, a violation of subdivision (a) shall not be a crime.

**HISTORY:**

Added Stats 2002 ch 131 § 3 (SB 1263).

**§ 4855. Written records**

A veterinarian subject to the provisions of this chapter shall, as required by regulation of the board, keep a written record of all animals receiving veterinary services, and provide a summary of that record to the owner of animals receiving veterinary services, when requested. The minimum amount of information which shall be included in written records and summaries shall be established by the board. The minimum duration of time for which a licensed premise shall retain the written record or a complete copy of the written record shall be determined by the board.

**HISTORY:**

Added Stats 1978 ch 1314 § 7.



**§ 4856. Inspection of records by board; Inspection of equipment and drugs**

(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.

**HISTORY:**

Added Stats 1991 ch 1032 § 2 (AB 1429). Amended Stats 1997 ch 642 § 22 (AB 839).

**§ 4857. Limits on disclosure of information about animal patients or about clients responsible for them**

(a) A veterinarian licensed under this chapter shall not disclose any information concerning an animal patient receiving veterinary services, the client responsible for the animal patient receiving veterinary services, or the veterinary care provided to an animal patient, except under any one of the following circumstances:

(1) Upon written or witnessed oral authorization by knowing and informed consent of the client.

(2) Upon authorization received by electronic transmission when originated by the client.

(3) In response to a valid court order or subpoena.

(4) As may be required to ensure compliance with any federal, state, county, or city law or regulation, including, but not limited to, the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(5) If the care or service was for a horse that has participated in the previous year, or is intended to participate, in a licensed horse race. In these situations, the entire medical record for the horse shall be made available upon request to anyone responsible for the direct medical care of the horse, including the owner, trainer, or veterinarian, the California Horse Racing Board or any other state or local governmental entity, and the racing association or fair conducting the licensed horse race.

(6) As otherwise provided in this section.

(b) This section shall not apply to the extent that the client responsible for an animal patient or an authorized agent of the client responsible for the animal patient has filed or caused to be filed a civil or criminal complaint that places the veterinarian's care and treatment of the animal patient or the nature and extent of the injuries to the animal patient at issue, or when the veterinarian is acting to comply with federal, state, county, or city laws or regulations.

(c) A veterinarian shall be subject to the criminal penalties set forth in Section 4831 or any other provision of this code for a violation of this section. In addition, any veterinarian who negligently releases confidential information shall be liable in a civil action for any damages caused by the release of that information.

(d) Nothing in this section is intended to prevent the sharing of veterinary medical information between veterinarians and peace officers, humane society officers, or animal control officers who are acting to protect the welfare of animals.

(e) Nothing in this section is intended to prevent the sharing of veterinary medical information between veterinarians and facilities for the purpose of diagnosis or treatment of the animal patient that is the subject of the medical records.

**HISTORY:**

Added Stats 1999 ch 418 § 1 (SB 490). Amended Stats 2009 ch 308 § 61 (SB 819), effective January 1, 2010; Stats 2020 ch 252 § 1 (SB 800), effective January 1, 2021; Stats 2021 ch 615 § 8 (AB 474), effective January 1, 2022; Stats 2023 ch 475 § 6 (AB 1399), effective January 1, 2024.

**ARTICLE 3.5****WELLNESS EVALUATION COMMITTEES**

## Section

- 4860. Legislative intent.
- 4861. Committee composition.
- 4862. Member's expenses.
- 4863. Quorum.
- 4864. Chairpersons.
- 4865. Administration of article.
- 4866. Wellness program criteria; Examining physicians.
- 4867. Notice to participants of rights and responsibilities.
- 4868. Duties and responsibilities.
- 4869. Closed sessions.
- 4870. Required cooperation.
- 4871. Records.
- 4872. Providing legal representation.
- 4873. Program registration and administration fees.

**HISTORY:** Added Stats 1982 ch 870 § 1. Amended Stats 2021 ch 631 § 24 (AB 1535), effective January 1, 2022.

**§ 4860. Legislative intent**

It is the intent of the Legislature that the Veterinary Medical Board seek ways and means to identify and rehabilitate veterinarians and registered veterinary technicians with impairment due to abuse of dangerous drugs or alcohol, affecting competency so that veterinarians and registered veterinary technicians so afflicted may be treated and returned to the practice of veterinary medicine in a manner that will not endanger the public health and safety.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 1995 ch 60 § 35 (SB 42), effective July 6, 1995.

**§ 4861. Committee composition**

- (a) One or more wellness evaluation committees is hereby authorized to be established by the board. Each wellness evaluation committee shall be composed of five persons appointed by the board. The board, in making its appointments, shall give consideration to recommendations of state and local associations and shall consider, among others, where appropriate, the appointment of individuals who have recovered from impairment or who have knowledge and expertise in the management of impairment.
- (b) Each wellness evaluation committee shall have the following composition:
- (1) At least one veterinarian licensed under this chapter.
  - (2) At least two public members.
  - (3) At least one registered veterinary technician registered under this chapter.
- (c) Each person appointed to a wellness evaluation committee shall have experience or knowledge in the evaluation or management of persons who are impaired due to alcohol or drug abuse.

**§ 4862****BUSINESS & PROFESSIONS CODE**

(d) It shall require the majority vote of the board to appoint a person to a wellness evaluation committee. Each appointment shall be at the pleasure of the board for a term not to exceed four years. In its discretion the board may stagger the terms of the initial members appointed.

(e) The board president may suspend any wellness evaluation committee member pending an investigation into allegations of existing alcohol or drug addiction. If, after investigation, there is evidence of an alcohol or drug addiction relapse, the board president shall have authorized discretion to remove the member without input from the board.

(f) The board may appoint a program director and other personnel as necessary to carry out this article.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 2021 ch 631 § 25 (AB 1535), effective January 1, 2022; Stats 2023 ch 510 § 57 (SB 887), effective January 1, 2024.

**§ 4862. Member's expenses**

Each member of a wellness evaluation committee shall receive per diem and expenses as provided in Section 103.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 2021 ch 631 § 26 (AB 1535), effective January 1, 2022.

**§ 4863. Quorum**

Three members of a wellness evaluation committee shall constitute a quorum for the transaction of business at any meeting. Any action requires the majority vote of the wellness evaluation committee.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 2021 ch 631 § 27 (AB 1535), effective January 1, 2022.

**§ 4864. Chairpersons**

Each wellness evaluation committee shall elect from its membership a chairperson and a vice chairperson.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 2021 ch 631 § 28 (AB 1535), effective January 1, 2022.

**§ 4865. Administration of article**

The board shall administer the provisions of this article.

**HISTORY:**

Added Stats 1982 ch 870 § 1.

**§ 4866. Wellness program criteria; Examining physicians**

(a) The board shall establish criteria for the acceptance, denial, or termination of veterinarians and registered veterinary technicians in a wellness program. Only those veterinarians and registered veterinary technicians who have voluntarily requested wellness treatment and supervision by a wellness evaluation committee shall participate in a program.

(b) The board shall establish criteria for the selection of administrative physicians who shall examine veterinarians and registered veterinary technicians requesting wellness under a program. Any reports made under this article by the administrative physician shall constitute an exception to Sections 994 and 995 of the Evidence Code.

(c) The wellness program may accept no more than 100 participants who are licensees of the board.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 1986 ch 776 § 1; Stats 2004 ch 193 § 3 (SB 111); Stats 2008 ch 529 § 6 (SB 1584), effective January 1, 2009; Stats 2021 ch 631 § 29 (AB 1535), effective January 1, 2022.

**§ 4867. Notice to participants of rights and responsibilities**

The wellness evaluation committee shall inform each veterinarian and registered veterinary technician who requests participation in a program of the procedures followed in the program, of the rights and responsibilities of the veterinarian and registered veterinary technician in the program, and of the possible results of noncompliance with the program.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 2008 ch 529 § 7 (SB 1584), effective January 1, 2009; Stats 2021 ch 631 § 30 (AB 1535), effective January 1, 2022.

**§ 4868. Duties and responsibilities**

Each wellness evaluation committee shall have the following duties and responsibilities:

- (a) To evaluate those veterinarians and registered veterinary technicians who request participation in the program according to the guidelines prescribed by the board and to consider the recommendation of the administrative physician on the admission of the veterinarian or registered veterinary technician to the wellness program.
- (b) To review and designate those treatment facilities to which veterinarians and registered veterinary technicians in a wellness program may be referred.
- (c) To receive and review information concerning veterinarians and registered veterinary technicians participating in the program.
- (d) To call meetings as necessary to consider the requests of veterinarians and registered veterinary technicians to participate in a wellness program, and to consider reports regarding veterinarians and registered veterinary technicians participating in a program from an administrative physician, or from others.
- (e) To consider in the case of each veterinarian and registered veterinary technician participating in a program whether they may with safety continue or resume the practice of veterinary medicine or the assisting in the practice of veterinary medicine.
- (f) To set forth in writing for each veterinarian and registered veterinary technician participating in a program a treatment program established for each such veterinarian and registered veterinary technician with the requirements for supervision and surveillance.
- (g) To hold a general meeting at least twice a year, which shall be open and public, to evaluate the program's progress, to review data as required in reports to the board, to prepare reports to be submitted to the board, and to suggest proposals for changes in the wellness program.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 2008 ch 529 § 8 (SB 1584), effective January 1, 2009; Stats 2021 ch 631 § 31 (AB 1535), effective January 1, 2022.

**§ 4869. Closed sessions**

Notwithstanding Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, a wellness evaluation committee may convene in closed session to consider reports pertaining to any veterinarian or registered veterinary technician requesting or participating in a wellness program. A wellness evaluation committee shall only convene in closed session to the extent that it is necessary to protect the privacy of a veterinarian or registered veterinary technician.

**§ 4870****BUSINESS & PROFESSIONS CODE****HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 1993 ch 589 § 9 (AB 2211); Stats 2008 ch 529 § 9 (SB 1584), effective January 1, 2009; Stats 2021 ch 631 § 32 (AB 1535), effective January 1, 2022.

**§ 4870. Required cooperation**

Each veterinarian and registered veterinary technician who requests participation in a wellness program shall agree to cooperate with the treatment program designed by a wellness evaluation committee. Any failure to comply with the provisions of a treatment program may result in termination of the veterinarian's or registered veterinary technician's participation in a program.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 2008 ch 529 § 10 (SB 1584), effective January 1, 2009; Stats 2021 ch 631 § 33 (AB 1535), effective January 1, 2022.

**§ 4871. Records**

(a) After a wellness evaluation committee in its discretion has determined that a veterinarian or registered veterinary technician has been rehabilitated and the wellness program is completed, the wellness evaluation committee shall purge and destroy all records pertaining to the veterinarian's or registered veterinary technician's participation in a wellness program.

(b) All board and wellness evaluation committee records and records of proceedings pertaining to the treatment of a veterinarian or registered veterinary technician in a program shall be kept confidential and are not subject to discovery or subpoena.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 2008 ch 529 § 11 (SB 1584), effective January 1, 2009; Stats 2021 ch 631 § 34 (AB 1535), effective January 1, 2022.

**§ 4872. Providing legal representation**

The board shall provide for the representation of any persons making reports to a wellness evaluation committee or the board under this article in any action for defamation.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 2021 ch 631 § 35 (AB 1535), effective January 1, 2022.

**§ 4873. Program registration and administration fees**

The board shall charge each veterinarian and registered veterinary technician who is accepted to participate in the wellness program a wellness program registration fee and reasonable administrative fees.

**HISTORY:**

Added Stats 1982 ch 870 § 1. Amended Stats 2008 ch 529 § 13 (SB 1584), effective January 1, 2009; Stats 2021 ch 631 § 36 (AB 1535), effective January 1, 2022.

**ARTICLE 4****REVOCATION AND SUSPENSION**

## Section

4875. Conduct of proceedings: Assessment and deposit of fine.

4875.1. Prioritization of allegations: Report.

4875.2. Issuance of citation.

4875.3. Inspection of premises: Notice of deficiencies: Interim suspension order: Licensed investigators.

4875.4. Regulations regarding civil penalties.

4875.6. Informal conference to review citation: Formal hearing.

4876. Probation.

## Section

- 4877. [Section repealed 1945.]
- 4878. [Section repealed 1945.]
- 4879. [Section repealed 1945.]
- 4880. [Section repealed 1945.]
- 4881. Records.
- 4882. [Section repealed 1979.]
- 4883. Denial, revocation, or suspension of license or registration: Grounds.
- 4884. Use of cannabis on animal for medicinal purposes.
- 4885. What deemed conviction.
- 4886. Terms and conditions upon reinstatement.
- 4887. Petition for reinstatement or modification of penalty; Hearing.

**HISTORY:** Added Stats 1937 ch 933.

### § 4875. Conduct of proceedings; Assessment and deposit of fine

The board may revoke or suspend for a certain time the license or registration of any person to practice veterinary medicine or any branch thereof in this state after notice and hearing for any of the causes provided in this article. In addition to its authority to suspend or revoke a license or registration, the board shall have the authority to assess a fine not in excess of five thousand dollars (\$5,000) against a licensee or registrant for any of the causes specified in Section 4883. A fine may be assessed in lieu of or in addition to a suspension or revocation. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. Notwithstanding the provisions of Section 4903, all fines collected pursuant to this section shall be deposited to the credit of the Veterinary Medical Board Contingent Fund.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1945 ch 890 § 1; Stats 1955 ch 1885 § 5; Stats 1978 ch 1355 § 3; Stats 1995 ch 60 § 36 (SB 42), effective July 6, 1995; Stats 2009 ch 80 § 10 (AB 107), effective January 1, 2010.

#### § 4875.1. Prioritization of allegations; Report

(a) In order to ensure that its resources are maximized for the protection of the public, the board shall prioritize its investigative and prosecutorial resources to ensure that veterinarians and registered veterinary technicians representing the greatest threat of harm are identified and disciplined expeditiously. Cases involving any of the following allegations shall be handled on a priority basis, as follows, with the highest priority being given to cases in paragraph (1):

- (1) Negligence or incompetence that involves death or serious bodily injury to an animal patient, such that the veterinarian or registered veterinary technician represents a danger to the public.
- (2) Cruelty to animals.
- (3) A conviction or convictions for a criminal charge or charges or being subject to a felony criminal proceeding without consideration of the outcome of the proceeding.
- (4) Practicing veterinary medicine while under the influence of drugs or alcohol.
- (5) Drug or alcohol abuse by a veterinarian or registered veterinary technician involving death or serious bodily injury to an animal patient or to the public.
- (6) Self-prescribing of any dangerous drug, as defined in Section 4022, or any controlled substance, as defined in Section 4021.
- (7) Repeated acts of excessive prescribing, furnishing, or administering of controlled substances, as defined in Section 4021, or repeated acts of prescribing, dispensing, or furnishing of controlled substances, as defined in Section 4021, without having first established a veterinarian-client-patient relationship pursuant to Section 4826.6.
- (8) Extreme departures from minimum sanitary conditions such that there is a threat to an animal patient or the public and animal health and safety, only if the case has already been subject to Section 494 and board action.

## § 4875.2

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(b) The board may prioritize cases involving an allegation of conduct that is not described in subdivision (a). Those cases prioritized shall not be assigned a priority equal to or higher than the priorities established in subdivision (a).

(c) The board shall annually report and make publicly available the number of disciplinary actions that are taken in each priority category specified in subdivisions (a) and (b).

**HISTORY:**

Added Stats 2008 ch 529 § 12 (SB 1584), effective January 1, 2009. Amended Stats 2023 ch 475 § 7 (AB 1399), effective January 1, 2024.

**§ 4875.2. Issuance of citation**

If, upon completion of an investigation, the executive officer has probable cause to believe that a veterinarian, a registered veterinary technician, or an unlicensed person has violated provisions of this chapter, the executive officer may issue a citation to the veterinarian, registered veterinary technician, or unlicensed person, in accordance with Sections 125.9 and 148 and the board's regulations established pursuant thereto.

**HISTORY:**

Added Stats 1986 ch 240 § 1. Amended Stats 2009 ch 80 § 11 (AB 107), effective January 1, 2010; Stats 2021 ch 631 § 37 (AB 1535), effective January 1, 2022.

**§ 4875.3. Inspection of premises; Notice of deficiencies; Interim suspension order; Licensed investigators**

If the board determines, as a result of its inspection of the premises pursuant to Section 4809.5, or any other place where veterinary medicine, veterinary dentistry, veterinary surgery, or the various branches thereof is practiced, or that is otherwise in the possession of a veterinarian for purpose of that practice, that it is not in compliance with the standards established by the board, the board shall provide a notice of any deficiencies and provide a reasonable time for compliance with those standards prior to commencing any further action pursuant to this article. The board may issue an interim suspension order pursuant to Section 494 in those cases where the violations represent an immediate threat to the public and animal health and safety.

**HISTORY:**

Added Stats 2008 ch 529 § 14 (SB 1584), effective January 1, 2009. Amended Stats 2023 ch 510 § 58 (SB 887), effective January 1, 2024.

**§ 4875.4. Regulations regarding civil penalties**

(a) The board shall, in the manner prescribed in Section 4808, adopt regulations covering the assessment of civil penalties under this article which give due consideration to the appropriateness of the penalty with respect to the following factors:

- (1) The gravity of the violation, including, but not limited to, whether the violation is minor.
- (2) The good faith of the person being charged.
- (3) The history of previous violations.

(b) In no event shall the civil penalty for each citation issued be assessed in an amount greater than five thousand dollars (\$5,000).

(c) Regulations adopted by the board shall be pursuant to the procedures for citations and fines in accordance with Section 125.9.

**HISTORY:**

Added Stats 1986 ch 240 § 2. Amended Stats 2004 ch 467 § 10 (SB 1548); Stats 2008 ch 529 § 15 (SB 1584), effective January 1, 2009.

**§ 4875.6. Informal conference to review citation; Formal hearing**

(a) In addition to requesting an administrative hearing as provided for in paragraph (4) of subdivision (b) of Section 125.9, the cited person may request an informal

conference to review the acts shared in the citation. The cited person shall make the request for an informal conference in writing, within 30 days of the date of issuance of the citation, to the executive officer.

(b) The executive officer or their designee shall hold, within 60 days from the receipt of the request, an informal conference with the cited person. The executive officer or their designee may extend the 60-day period for good cause.

(c) Following the informal conference, the executive officer or their designee may affirm, modify, or dismiss the citation, including any fine that is levied, order of abatement, or order of correction issued. The executive officer or their designee shall state in writing the reasons for the action and transmit a copy of those findings to the cited person within 30 days after the informal conference.

(d) If the citation, including any fine that is levied, order of abatement, or order of correction, is affirmed or modified following the informal conference, the respondent may make a request in writing to the executive officer within 30 days of the affirmed or modified citation, for a formal hearing, which shall be conducted as provided in paragraph (4) of subdivision (b) of Section 125.9.

(e) A cited person shall not request an informal conference for a citation that has been affirmed or modified following an informal conference.

**HISTORY:**

Added Stats 2021 ch 631 § 39 (AB 1535), effective January 1, 2022.

**§ 4876. Probation**

In addition to its authority to suspend or revoke a license or registration, or assess a fine on a person licensed or registered under this chapter, the board shall have the authority to place a licensee or registrant on probation. The authority of the board to discipline by placing the licensee or registrant on probation shall include, but is not limited to, the following:

(a) Requiring the licensee or registrant to complete a course of study or service, or both, as prescribed by the board, and to demonstrate renewed competence to the satisfaction of the board.

(b) Requiring the licensee or registrant to submit to a complete diagnostic examination by one or more physicians appointed by the board. If the board requires a licensee or registrant to submit to that examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the licensee's or registrant's choice.

(c) Restricting or limiting the extent, scope, or type of practice of the licensee or registrant.

**HISTORY:**

Added Stats 1978 ch 1355 § 4. Amended Stats 2009 ch 80 § 13 (AB 107), effective January 1, 2010.

**§ 4877. [Section repealed 1945.]****HISTORY:**

Added Stats 1937 ch 933. Repealed Stats 1945 ch 890 § 2. The repealed section related to witnesses at hearings.

**§ 4878. [Section repealed 1945.]****HISTORY:**

Added Stats 1937 ch 933. Repealed Stats 1945 ch 890 § 2. The repealed section related to contempt of witnesses.

**§ 4879. [Section repealed 1945.]****HISTORY:**

Added Stats 1937 ch 933. Repealed Stats 1945 ch 890 § 2. The repealed section related to depositions.



## § 4880

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## § 4880. [Section repealed 1945.]

**HISTORY:**

Added Stats 1937 ch 933. Repealed Stats 1945 ch 890 § 2. The repealed sections related to judgments against veterinary licensees.

## § 4881. Records

The executive officer in all cases of suspension, revocation, or restriction of licenses or assessment of fines shall enter on the register the fact of suspension, revocation, restriction, or fine, as the case may be. The record of any suspension, revocation, restriction, or fine so made by the county clerks shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of the board in the matter of the suspension, revocation, restriction, or fine.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1978 ch 1355 § 5; Stats 1984 ch 47 § 36, effective March 21, 1984.

## § 4882. [Section repealed 1979.]

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1947 ch 906 § 5; Stats 1961 ch 975 § 1; Stats 1976 ch 1461 § 1. Repealed Stats 1978 ch 1355 § 6. See B & P C § 4883.

## § 4883. Denial, revocation, or suspension of license or registration; Grounds

The board may deny, revoke, or suspend a license or registration or assess a fine as provided in Section 4875 for any of the following:

- (a) Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, surgery, or dentistry, in which case the record of the conviction shall be conclusive evidence.
- (b) For having professional connection with, or lending the licensee's or registrant's name to, any illegal practitioner of veterinary medicine and the various branches thereof.
- (c) Violation or attempting to violate, directly or indirectly, any of the provisions of this chapter.
- (d) Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.
- (e) Employment of anyone but a veterinarian licensed in the state to demonstrate the use of biologics in the treatment of animals.
- (f) False or misleading advertising.
- (g) Unprofessional conduct, that includes, but is not limited to, the following:
  - (1) Conviction of a charge of violating any federal statutes or rules or any statute or rule of this state regulating dangerous drugs or controlled substances. The record of the conviction is conclusive evidence thereof. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license or registration to be suspended or revoked, or assess a fine, or decline to issue a license or registration, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the person to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
  - (2)(A) The use of, or prescribing for or administering to oneself, any controlled substance.
  - (B) The use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages to the extent, or in any manner as to be dangerous or injurious

to a person licensed or registered under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person so licensed or registered to conduct with safety the practice authorized by the license or registration.

(C) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section or any combination thereof, and the record of the conviction is conclusive evidence.

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license or registration to be suspended or revoked or assess a fine, or may decline to issue a license or registration, when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the person to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(3) A violation of any federal statute, rule, or regulation or any of the statutes, rules, or regulations of this state regulating dangerous drugs or controlled substances.

(h) Failure to keep the licensee's or registrant's premises and all equipment therein in a clean and sanitary condition.

(i) Fraud, deception, negligence, or incompetence in the practice of veterinary medicine.

(j) Aiding or abetting in any acts that are in violation of any of the provisions of this chapter.

(k) The employment of fraud, misrepresentation, or deception in obtaining the license or registration.

(l) The revocation, suspension, or other discipline by another state or territory of a license, certificate, or registration to practice veterinary medicine or as a veterinary technician in that state or territory.

(m) Cruelty to animals, conviction on a charge of cruelty to animals, or both.

(n) Disciplinary action taken by any public agency in any state or territory for any act substantially related to the practice of veterinary medicine or the practice of a veterinary technician.

(o) Violation, or the assisting or abetting violation, of any regulations adopted by the board pursuant to this chapter.

(p) Accepting, soliciting, or offering any form of remuneration from or to a cannabis licensee if the veterinarian or the veterinarian's immediate family have a financial interest with the cannabis licensee. For purposes of this subdivision, the following definitions shall apply:

(1) "Cannabis licensee" shall have the same meaning as "licensee" in Section 26001.

(2) "Financial interest" shall have the same meaning as in Section 650.01.

(q) Discussing or recommending cannabis for use with a client while the veterinarian is employed by, or has an agreement with, a cannabis licensee. For purposes of this subdivision, "cannabis licensee" shall have the same meaning as "licensee" in Section 26001.

(r) Distributing any form of advertising for cannabis in California.

(s) Making any statement, claim, or advertisement that the licensee or registrant is a veterinary specialist or board certified unless they are certified by an American Veterinary Medical Association-Recognized Veterinary Specialty Organization or a National Association of Veterinary Technicians in America-Recognized Veterinary Specialty Organization.

(t) Exercising control over, interfering with, or attempting to influence the professional judgment of another California-licensed veterinarian or registered veterinary technician through coercion, extortion, inducement, collusion, or intimidation through any means, including, but not limited to, compensation, in order to require the other California-licensed veterinarian or registered veterinary technician to perform veterinary services in a manner inconsistent with current veterinary medical practice in this state.

**HISTORY:**

Added Stats 1978 ch 1355 § 7. Amended Stats 1984 ch 1635 § 19; Stats 1991 ch 1032 § 3 (AB 1429); Stats 1995 ch 60 § 38 (SB 42), effective July 6, 1995; Stats 1997 ch 642 § 23 (AB 839); Stats 2001 ch 306 § 5 (AB 446); Stats 2009 ch 80 § 14 (AB 107), effective January 1, 2010; Stats 2018 ch 819 § 1 (AB 2215), effective January 1, 2019; Stats 2021 ch 631 § 40 (AB 1535), effective January 1, 2022; Stats 2022 ch 389 § 1 (AB 1885), effective January 1, 2023; Stats 2022 ch 511 § 26 (SB 1495), effective January 1, 2023; Stats 2022 ch 511 § 26.1 (SB 1495), effective January 1, 2023 (ch 511 prevails).

**SUGGESTED FORMS**

## Petition to Revoke Veterinarian's License

To: The Board of Examiners in Veterinary Medicine

*[Caption]*1. Petitioner, \_\_\_\_\_, is a \_\_\_\_\_ [veterinarian duly licensed by the Board of Examiners in Veterinary Medicine or as the case may be], and resides in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of California. 2. Respondent, \_\_\_\_\_, holds a license to practice veterinary medicine in the State of California, and resides at \_\_\_\_\_ [address], in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of California. 3. \_\_\_\_\_ [Set forth acts constituting grounds for revocation of license]. 4. Such acts by respondent violate \_\_\_\_\_ [Section \_\_\_\_\_ of the Business and Professions Code of the State of California]. \_\_\_\_\_ [If applicable, set forth any administrative regulations violated by respondent]. 5. Section 4883 of the Business and Professions Code of the State of California provides that a license to practice veterinary medicine in the State of California may be revoked or suspended by the Board of Examiners in Veterinary Medicine for violation of \_\_\_\_\_. 6. The affidavits of \_\_\_\_\_ and \_\_\_\_\_, attesting to the acts of respondent as set forth above in Paragraph 3, are attached, marked Exhibits "\_\_\_\_\_" and "\_\_\_\_\_" respectively, and by reference made part hereof.

Wherefore, petitioner prays that the license issued to respondent to practice veterinary medicine in the State of California be revoked by the Board for the reasons set forth above.

Dated \_\_\_\_\_.

*[Signature]*

**§ 4884. Use of cannabis on animal for medicinal purposes**

(a) A licensee shall not dispense or administer cannabis or cannabis products to an animal patient.

(b) Notwithstanding any other law and absent negligence or incompetence, a veterinarian licensed under this chapter shall not be disciplined by the board or have their license denied, revoked, or suspended solely for discussing or recommending the use of cannabis on an animal for potential therapeutic effect or health supplementation purposes.

(c) On or before January 1, 2020, the board shall adopt guidelines for veterinarians to follow when discussing cannabis within the veterinarian-client-patient relationship. The board shall post the guidelines on its internet website.

(d) By January 1, 2024, the board shall adopt guidelines for veterinarians to follow when recommending cannabis within the veterinarian-client-patient relationship. The board shall post the guidelines on its internet website.

**HISTORY:**

Added Stats 2018 ch 819 § 2 (AB 2215), effective January 1, 2019. Amended Stats 2022 ch 389 § 2 (AB 1885), effective January 1, 2023.

**§ 4885. What deemed conviction**

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense related to the practice of veterinary medicine or the practice of a veterinary technician is deemed to be a conviction within the meaning of this article. The board may order the license or registration to be suspended or revoked, or assess a fine as provided in Section 4883 or may decline to issue a license or registration, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

**HISTORY:**

Added Stats 1955 ch 1885 § 6, as B & P C § 4883. Amended and renumbered by Stats 1978 ch 1355 § 8; Amended Stats 1980 ch 471 § 9; Stats 2009 ch 80 § 15 (AB 107), effective January 1, 2010.

**§ 4886. Terms and conditions upon reinstatement**

In reinstating a license or registration that has been revoked or suspended under Section 4883, the board may impose terms and conditions to be followed by the licensee or registrant after the license or registration has been reinstated. The authority of the board to impose terms and conditions includes, but is not limited to, the following:

- (a) Requiring the licensee or registrant to obtain additional professional training and to pass an examination upon completion of the training.
- (b) Requiring the licensee or registrant to pass an oral, written, practical, or clinical examination, or any combination thereof to determine his or her present fitness to engage in the practice of veterinary medicine or to practice as a veterinary technician.
- (c) Requiring the licensee or registrant to submit to a complete diagnostic examination by one or more physicians appointed by the board. If the board requires the licensee or registrant to submit to that examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the licensee's or registrant's choice.
- (d) Restricting or limiting the extent, scope, or type of practice of the licensee or registrant.

**HISTORY:**

Added Stats 1983 ch 867 § 1. Amended Stats 2009 ch 80 § 16 (AB 107), effective January 1, 2010.

**§ 4887. Petition for reinstatement or modification of penalty; Hearing**

(a)(1) 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 the period as described below in subparagraphs (A) to (C), inclusive, has elapsed from the effective date of the decision ordering the disciplinary action. The petition shall state facts as required by the board. The period shall be as follows:

- (A) At least three years for reinstatement of a surrendered or revoked license.
- (B) At least two years for early termination or modification of probation of three years or more.
- (C) At least one year for modification of a condition or termination of probation of less than three years.

(2) Notwithstanding paragraph (1), the board may, upon a showing of good cause, specify in a revocation order, a surrender order, or an order imposing probation of more than three years that the person may petition the board for reinstatement or modification or termination of probation after one year.

(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.

**HISTORY:**

Added Stats 1983 ch 867 § 2. Amended Stats 2009 ch 80 § 17 (AB 107), effective January 1, 2010; Stats 2010 ch 538 § 20 (AB 1980), effective January 1, 2011; Stats 2015 ch 426 § 35 (SB 800), effective January 1, 2016; Stats 2017 ch 429 § 12 (SB 547), effective January 1, 2018.

## ARTICLE 5

### REVENUE

**Section**

- 4900. Expiration of license, registration, or permit; Renewal.
- 4901. Renewal of expired license or registration.
  - 4901.1. Renewal of suspended license or registration.
  - 4901.2. Reinstatement of revoked license or registration.
- 4902. Effect of failure to renew within five years.
- 4903. Disposition of fines and forfeitures.
- 4904. Report and deposit of moneys received.
- 4905. Fee schedule.

**HISTORY:** Added Stats 1937 ch 933.

**§ 4900. Expiration of license, registration, or permit; Renewal**

(a) All veterinary licenses, veterinary technician registrations, and veterinary assistant controlled substance permits, shall expire at 12 midnight of the last day of the month in which the license was issued during the second year of a two-year term if not renewed.

(b) All premises registrations shall expire annually at 12 midnight of the last day of the month in which the license was issued, unless renewed.

(c) To renew an unexpired license, registration, or permit, the licensee, registrant, or permitholder shall, on or before the date of expiration of the license or registration, apply for renewal on a form provided by the board, accompanied by the prescribed renewal fee. The renewal application shall contain a statement to the effect that the applicant has not been convicted of a felony or misdemeanor, has not been the subject of professional disciplinary action taken by any public agency in California or any other state or territory, and has not violated any of the provisions of this chapter. If the applicant is unable to make that statement, the application shall contain a statement of the conviction, professional discipline, or violation.

(d) Each licensee, registrant, and permitholder who has an electronic mail address shall report to the board that electronic mail address during the time of renewal and confirm that the electronic mail address and address of record is current and valid. The

electronic mail address shall be considered confidential and not subject to public disclosure.

**HISTORY:**

Added Stats 1985 ch 612 § 4. Amended Stats 2009 ch 80 § 18 (AB 107), effective January 1, 2010; Stats 2021 ch 631 § 41 (AB 1535), effective January 1, 2022.

**§ 4901. Renewal of expired license or registration**

Except as otherwise provided in this chapter, an expired license or registration may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the license or registration is renewed more than 30 days after its expiration, the licensee or registrant, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license or registration shall continue in effect through the expiration date provided in Section 4900 that next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1955 ch 1885 § 7; Stats 1961 ch 1395 § 6, operative October 1, 1961; Stats 1978 ch 1161 § 278; Stats 2001 ch 306 § 6 (AB 446); Stats 2009 ch 80 § 19 (AB 107), effective January 1, 2010.

**§ 4901.1. Renewal of suspended license or registration**

A license or registration that is suspended is subject to expiration, and shall be renewed as provided in this chapter, but that renewal does not entitle the licensee or registrant, while the license or registration remains suspended and until it is reinstated, to engage in the licensed or registered activity, or in any other activity in violation of the order or judgment by which the license or registration was suspended.

**HISTORY:**

Added Stats 1961 ch 1395 § 7, operative October 1, 1961. Amended Stats 1978 ch 1161 § 279; Stats 2009 ch 80 § 20 (AB 107), effective January 1, 2010.

**§ 4901.2. Reinstatement of revoked license or registration**

A revoked license or registration is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee or registrant, as a condition precedent to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated plus the delinquency fee, if any, accrued at the time of its revocation.

**HISTORY:**

Added Stats 1961 ch 1395 § 8, operative October 1, 1961. Amended Stats 2009 ch 80 § 21 (AB 107), effective January 1, 2010.

**§ 4902. Effect of failure to renew within five years**

A person who fails to renew his license within five years after its expiration may not renew it, and it shall not be restored, reissued, or reinstated thereafter, but such person may apply for and obtain a new license if:

(a) He is not subject to denial of licensure under Section 480.

(b) He takes and passes the examination, if any, which would be required of him if he were then applying for a license for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to practice veterinary medicine, and

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(c) He pays all of the fees that would be required of him if he were then applying for the license for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the examination fee in those cases in which a license is issued without an examination pursuant to the provisions of this section.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1955 ch 1885 § 8; Stats 1961 ch 1395 § 9, operative October 1, 1961; Stats 1978 ch 1161 § 280.

**§ 4903. Disposition of fines and forfeitures**

Of all fines or forfeitures of bail in any case wherein any person is charged with a violation of any of the provisions of this act, 50 percent shall be paid upon collection by the proper officer of the court to the State Treasurer, to be deposited to the credit of the Veterinary Medical Board Contingent Fund. The other 50 percent shall be paid as provided by law, for the payment of fines or forfeitures of bail in misdemeanor cases.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1995 ch 60 § 39 (SB 42), effective July 6, 1995.

**§ 4904. Report and deposit of moneys received**

All fees collected on behalf of the board and all receipts of every kind and nature shall be reported each month for the month preceding to the Controller and at the same time the entire amount shall be paid into the State Treasury and shall be credited to the Veterinary Medical Board Contingent Fund. This contingent fund shall be available, upon appropriation by the Legislature, for the use of the Veterinary Medical Board.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1995 ch 60 § 40 (SB 42), effective July 6, 1995; Stats 2016 ch 484 § 51 (SB 1193), effective January 1, 2017.

**§ 4905. Fee schedule**

The following fees shall be collected by the board and shall be credited to the Veterinary Medical Board Contingent Fund:

- (a) The veterinarian license application fee shall be three hundred fifty dollars (\$350).
- (b) The Veterinary Medicine Practice Act course fee shall be set by the board in an amount it determines reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed one hundred dollars (\$100).
- (c) The initial veterinarian license fee shall be set by the board not to exceed five hundred dollars (\$500).
- (d) The biennial veterinarian license renewal fee shall be five hundred dollars (\$500).
- (e) The university licensee application fee shall be three hundred fifty dollars (\$350).
- (f) The initial university license fee shall be five hundred dollars (\$500).
- (g) The biennial university licensee renewal fee shall be five hundred dollars (\$500).
- (h) The delinquency fee shall be fifty dollars (\$50).
- (i) The fee for issuance of a duplicate license, registration, or permit shall be twenty-five dollars (\$25).
- (j) Any charge made for duplication or other services shall be set at the cost of rendering the service, except as specified in subdivision (i).
- (k) The fee for failure to report a change in the mailing address shall be twenty-five dollars (\$25).
- (l) The initial veterinary premises registration fee shall be five hundred dollars (\$500) annually.

(m) The annual veterinary premises registration renewal fee shall be five hundred twenty-five dollars (\$525).

(n) The registered veterinary technician application fee shall be two hundred twenty-five dollars (\$225).

(o) The initial registered veterinary technician registration fee shall be two hundred twenty-five dollars (\$225).

(p) The biennial registered veterinary technician renewal fee shall be two hundred twenty-five dollars (\$225).

(q) The veterinary assistant controlled substance permit application fee shall be one hundred dollars (\$100).

(r) The veterinary assistant controlled substance permit fee shall be one hundred dollars (\$100).

(s) The biennial veterinary assistant controlled substance permit renewal fee shall be one hundred dollars (\$100).

(t) The veterinary assistant controlled substance permit delinquency fee shall be 50 percent of the renewal fee for such permit in effect on the date of the renewal of the permit, but shall not be less than twenty-five dollars (\$25) nor more than one hundred fifty dollars (\$150).

(u) The fee for filing an application for approval of a school or institution offering a curriculum for training registered veterinary technicians pursuant to Section 4843 shall be set by the board at an amount not to exceed three hundred dollars (\$300). The school or institution shall also pay for the reasonable regulatory costs incident to an onsite inspection conducted by the board pursuant to Section 2065.6 of Title 16 of the California Code of Regulations.

(v) If the money transferred from the Veterinary Medical Board Contingent Fund to the General Fund pursuant to the Budget Act of 1991 is redeposited into the Veterinary Medical Board Contingent Fund, the fees assessed by the board shall be reduced correspondingly. However, the reduction shall not be so great as to cause the Veterinary Medical Board Contingent Fund to have a reserve of less than three months of annual authorized board expenditures. The fees set by the board shall not result in a Veterinary Medical Board Contingent Fund reserve of more than 10 months of annual authorized board expenditures.

**HISTORY:**

Added Stats 1937 ch 933. Amended Stats 1949 ch 516 § 1, effective June 4, 1949; Stats 1955 ch 1885 § 9; Stats 1961 ch 1395 § 10, operative October 1, 1961; Stats 1963 ch 594 § 1, effective and operative July 1, 1963; Stats 1965 ch 1376 § 4; Stats 1968 ch 907 § 2; Stats 1969 ch 718 § 1, effective August 8, 1969; Stats 1971 ch 1002 § 2; Stats 1974 ch 627 § 3; Stats 1976 ch 578 § 1; Stats 1977 ch 579 § 25; Stats 1978 ch 1355 § 10; Stats 1979 ch 522 § 3; Stats 1985 ch 612 § 5; Stats 1992 ch 626 § 2 (SB 663); Stats 1995 ch 60 § 41 (SB 42), effective July 6, 1995; Stats 1996 ch 404 § 1 (SB 1645); Stats 1997 ch 642 § 24 (AB 839), ch 759 § 39 (SB 827); Stats 1998 ch 1070 § 3 (SB 2003); Stats 2008 ch 529 § 16 (SB 1584), effective January 1, 2009; Stats 2016 ch 484 § 52 (SB 1193), effective January 1, 2017; Stats 2021 ch 631 § 42 (AB 1535), effective January 1, 2022.

## ARTICLE 6

### VETERINARY CORPORATIONS

Section

4910. Eligible corporations.

4911. Corporate name.

4912. Shareholders, directors, and officers to be licensees.

4913. Corporate income not to benefit disqualified shareholders.

4914. Corporations bound by rules governing professional conduct.

4915. Violations of Professional Corporation Act as unprofessional conduct.

4916. Enactment and enforcement of rules and regulations.

4917. Corporate status not required for certificate of registration of veterinary premises.



## § 4910

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**HISTORY:** Added Stats 1985 ch 1578 § 1.

**§ 4910. Eligible corporations**

A veterinary corporation is a corporation which is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are licensed veterinarians are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and all other statutes and regulations pertaining to the corporation and the conduct of its affairs. With respect to a veterinary corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code) is the Veterinary Medical Board.

**HISTORY:**

Added Stats 1985 ch 1578 § 1. Amended Stats 1995 ch 60 § 42 (SB 42), effective July 6, 1995.

**§ 4911. Corporate name**

Notwithstanding any other provision of law, the name of a veterinary corporation and any name or names under which it renders professional services shall include the words "veterinary corporation" or wording or abbreviations denoting corporate existence.

**HISTORY:**

Added Stats 1985 ch 1578 § 1.

**§ 4912. Shareholders, directors, and officers to be licensees**

Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a veterinary corporation shall be a licensed person as defined in Section 13401 of the Corporations Code.

**HISTORY:**

Added Stats 1985 ch 1578 § 1.

**§ 4913. Corporate income not to benefit disqualified shareholders**

The income of a veterinary corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in Section 13401 of the Corporations Code) shall not in any manner accrue to the benefit of that shareholder or his or her shares in the veterinary corporation.

**HISTORY:**

Added Stats 1985 ch 1578 § 1.

**§ 4914. Corporations bound by rules governing professional conduct**

A veterinary corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule, or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license under Section 4848.

**HISTORY:**

Added Stats 1985 ch 1578 § 1.

**§ 4915. Violations of Professional Corporation Act as unprofessional conduct**

It shall constitute unprofessional conduct and a violation of this chapter, punishable as specified in Section 4831, for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate,

the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400), of Division 3 of Title 1 of the Corporations Code), this article, or any regulation adopted pursuant to those provisions.

**HISTORY:**

Added Stats 1985 ch 1578 § 1.

**§ 4916. Enactment and enforcement of rules and regulations**

The board may formulate and enforce rules and regulations to carry out the purposes and the objectives of this article, including rules and regulations requiring (1) that the articles of incorporation or bylaws of a veterinary corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person (as defined in Section 13401 of the Corporations Code), or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within such time as such rules and regulations may provide, and (2) that a veterinary corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

**HISTORY:**

Added Stats 1985 ch 1578 § 1.

**§ 4917. Corporate status not required for certificate of registration of veterinary premises**

Nothing in this article requires an applicant for or a holder of a certificate of registration of veterinary premises described in Section 4853 to be a veterinary corporation.

**HISTORY:**

Added Stats 1985 ch 1578 § 1.

**ARTICLE 7****COMMUNITY BLOOD BANKS FOR ANIMALS**

## Section

## 4920. Definitions.

4920.1. Production and use of whole blood, plasma, blood products or derivatives for injection or transfusion as rendition of service and not sale.

4920.2. Conditions for production of animal blood and blood component products solely for use in own practice or community blood bank.

4920.3. Payment restrictions.

4920.4. Registration and annual renewal fees.

4920.5. Compliance with blood or blood component product registration requirements.

4920.6. Quarterly report.

4920.7. Compliance for closed-colony blood bank.

4920.8. Violations.

**HISTORY:** Added Stats 2021 ch 752 § 4 (AB 1282), effective January 1, 2022.

**§ 4920. Definitions**

For the purposes of this article, the following definitions apply:

(a) "Adverse event" means an event in which an animal is injured, sickened, rendered unconscious, or killed.

(b) "Blood and blood component products" has the same meaning as in Section 9201 of the Food and Agricultural Code and means whole blood collected directly from a donor animal for transfusion or the blood components for transfusion, including packed red blood cells, platelet-rich plasma, platelet concentrates, fresh plasma, fresh

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frozen plasma, frozen plasma, cryoprecipitate, and cryosupernatant. Antibody products like hyperimmune serums are considered “biologics” and are excluded from this definition of blood and blood component products.

(c) “Captive closed colony” means that an animal is kept, housed, or maintained in any way for the purpose of collecting its blood.

(d) “Closed-colony blood bank” means a commercial blood bank for animals that produces animal blood or blood component products solely from animals held in a captive closed colony.

(e) “Commercial blood bank for animals” means an establishment that produces animal blood or blood component products from captive closed-colony or community-sourced animals to market and sell for use in the cure, mitigation, treatment, or prevention of injury or disease in animals.

(f) “Community blood bank” means a commercial blood bank for animals that produces animal blood or blood component products solely from community-sourced animals whose owners voluntarily consent to the donation.

(g) “Community sourced” means that an animal is all of the following:

- (1) Kept, housed, and maintained at the residence of its owner who is a person and not a partnership, association, corporation, or limited liability company.
- (2) Brought by its owner to a community blood bank for animals to have its blood collected.
- (3) Licensed in accordance with any pet licensing required by the pet owner’s state, county, or city of residence.

(h) “Production” means the collection of blood or the preparation, testing, processing, storage, or distribution of blood or blood component products for purpose of transfusion.

**HISTORY:**

Added Stats 2021 ch 752 § 4 (AB 1282), effective January 1, 2022.

**§ 4920.1. Production and use of whole blood, plasma, blood products or derivatives for injection or transfusion as rendition of service and not sale**

For purposes of liability pursuant to this article, the production and use of whole blood, plasma, blood products, and blood derivatives for purposes of injecting or transfusing the same, or any of them, into an animal shall be construed to be, and is declared to be, the rendition of a service by each and every person, firm, or corporation participating therein, and shall not be construed to be, and is declared not to be, a sale of that whole blood, plasma, blood products, or blood derivatives.

**HISTORY:**

Added Stats 2021 ch 752 § 4 (AB 1282), effective January 1, 2022.

**§ 4920.2. Conditions for production of animal blood and blood component products solely for use in own practice or community blood bank**

Each veterinarian who is licensed in California and engages in the production of animal blood and blood component products solely for use in their own practice or for a community blood bank operating under this article shall meet all of the following conditions:

(a) Follow current and best practices on community animal blood banking, which may include those developed pursuant to Section 9255 of the Food and Agricultural Code.

(b) Operate under conditions, and use methods of production, that are consistent with current standards of care and practice for the field of veterinary transfusion medicine to ensure that the animal blood and blood component products will not be contaminated, dangerous, or harmful.

(c) Ensure that the production of blood and blood component products is safe and not injurious to the donor animal's health.

(d) Follow, to the extent possible, the latest blood banking standards, which may include the latest published edition of the American Association of Blood Banks' standards, and maintain responsibility over all veterinary and technical policies and procedures that relate to the safety of staff members and donor animals.

(e) Utilize bloodborne pathogen testing for all canine and feline blood donors in accordance with the best clinical practices in the veterinary field, which may include the most recent Consensus Statement on blood donor infectious disease screening by the American College of Veterinary Internal Medicine.

(f) Ensure that the production of animal blood and blood component products complies with all applicable federal laws and regulations, including, but not limited to, Chapter 5 (commencing with Section 151) of Title 21 of the United States Code.

(g) Maintain onsite records available for inspection by the Veterinary Medical Board including information documenting any history of blood draws or use of anesthesia on the animal, the number and date of donations collected, the estimated milliliters of blood collected per donation based on weight in grams, any adverse events, and any complaints from owners regarding animals who donate blood or blood component products.

(h) Obtain the informed written consent of the owner of the animal blood donor and keep a record of that consent.

**HISTORY:**

Added Stats 2021 ch 752 § 4 (AB 1282), effective January 1, 2022.

**§ 4920.3. Payment restrictions**

(a) A veterinarian or a community blood bank operating under this article shall not provide payment to a person who provides an animal for the purpose of donating that animal's blood and blood component products for use in their practice or for retail sale and distribution.

(b) For purposes of this section, "payment" means the transfer to any person of money or other valuable consideration that can be converted to money by the recipient. For purposes of this section, "payment" does not include fees for veterinary tests, medications, vaccinations, screenings, or other services that benefit the health of the animal from which the blood or blood component products were taken.

**HISTORY:**

Added Stats 2021 ch 752 § 4 (AB 1282), effective January 1, 2022.

**§ 4920.4. Registration and annual renewal fees**

The Veterinary Medical Board may establish a community blood bank registration fee and annual renewal fee to be paid by community blood banks to cover costs associated with oversight and inspection of the premises. The fee shall not exceed the reasonable regulatory costs of administering, implementing, and enforcing the provisions of this article.

**HISTORY:**

Added Stats 2021 ch 752 § 4 (AB 1282), effective January 1, 2022.

**§ 4920.5. Compliance with blood or blood component product registration requirements**

A community blood bank operating under this article shall comply with blood or blood component product registration requirements under Article 5 (commencing with Section 9241) of Chapter 1.5 of Part 1 of Division 5 of the Food and Agricultural Code.

**HISTORY:**

Added Stats 2021 ch 752 § 4 (AB 1282), effective January 1, 2022.

**§ 4920.6****BUSINESS & PROFESSIONS CODE****§ 4920.6. Quarterly report**

A community blood bank operating under this article shall submit a quarterly report to the Department of Food and Agriculture every three months that includes all of the following information:

(a) The number of donations from community-sourced animals and separate total amounts of whole blood, packed red blood cells, and fresh frozen plasma sold in California during that quarter, by species of animal in estimated milliliters based on weight in grams.

(b) The number and species of animal donors experiencing adverse events, the total number of adverse events, and the nature of adverse events experienced by animals that donate blood.

(c) The number and species of animal donors that have donated blood.

(d) The number and species of animal donors whose blood tested positive for known pathogens, in accordance with the best clinical practices in the veterinary field, which may include the most recent Consensus Statement for blood donor infectious disease screening by the American College of Veterinary Internal Medicine.

**HISTORY:**

Added Stats 2021 ch 752 § 4 (AB 1282), effective January 1, 2022.

**§ 4920.7. Compliance for closed-colony blood bank**

Each veterinarian who is licensed in California and operates a closed-colony blood bank shall comply with Chapter 1.5 (commencing with Section 9201) of Part 1 of Division 5 of the Food and Agricultural Code.

**HISTORY:**

Added Stats 2021 ch 752 § 4 (AB 1282), effective January 1, 2022.

**§ 4920.8. Violations**

A violation of this article by a community blood bank shall constitute a cause for corrective action, suspension, restriction, or the nonrenewal or revocation of a license or registration by the Veterinary Medical Board pursuant to Article 4 (commencing with Section 4875).

**HISTORY:**

Added Stats 2021 ch 752 § 4 (AB 1282), effective January 1, 2022.

# CALIFORNIA CODE OF REGULATIONS

## TITLE 16 PROFESSIONAL AND VOCATIONAL REGULATIONS

### Division 20. Veterinary Medical Board

#### Article

1. General Provisions
2. Examination and Licensing
- 2.5. Temporary Licenses
3. Veterinary Colleges
4. Practice
5. Criteria for Rehabilitation
- 5.5. Citations
6. Registered Veterinary Technicians.
7. Fees
8. Alcohol and Drug Abuse Diversion Program for Veterinarians and Animal Health Technicians
9. Continuing Education
10. Continuing Education: Veterinary Technician
11. Compounding in a Veterinary Premises

#### Article 1. General Provisions

#### Section

2000. Location of Offices.
2001. Tenses, Gender, and Number.
2002. Definitions.
2003. Delegation of Certain Functions.
2004. Filing of Addresses.
2005. Posting of Notice of Revocation or Suspension.
2006. Disciplinary Guidelines.
2007. Response to Board Inquiry.

#### § 2000. Location of Offices.

The principal office of the Veterinary Medical Board is located at 2005 Evergreen Avenue, Suite 2250, Sacramento, California 95815.

#### NOTE:

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4800, Business and Professions Code.

#### HISTORY:

1. Amendment filed 11-7-57 as organizational; effective upon filing (Register 57, No. 19).
2. Amendment filed 10-30-63 as procedural and organizational; effective upon filing (Register 63, No. 20).
3. Amendment filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
4. Amendment filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
5. Change without regulatory effect amending Division 20 heading and section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
6. Amendment filed 1-31-2011; operative 3-2-2011 (Register 2011, No. 5).

#### § 2001. Tenses, Gender, and Number.

#### HISTORY:

1. Repealer filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).

#### § 2002. Definitions.

For the purposes of the rules and regulations contained in this chapter, the term “board” means the Veterinary Medical Board; the term “code” means the Business and Professions Code, and the term “client” means any person for whom veterinary medical

services are performed or to whom veterinary medical products or services are sold or provided.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4800 and 4832, Business and Professions Code.

**HISTORY:**

1. Amendment filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
3. Amendment of section and Note filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).
4. Amendment filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2003. Delegation of Certain Functions.**

(a) The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated and conferred upon the executive officer, or, in his or her absence from the office of the board, the acting executive officer.

(b) The board delegates and confers upon its executive officer the authority to approve settlement agreements for the surrender or interim suspension of a license, registration, or permit, to investigate and evaluate each applicant for licensure under the Veterinary Medicine Practice Act (Act), and issue a license, registration, or permit in conformance with the provisions of the Act and these regulations.

**NOTE:**

Authority cited: Sections 4804.5 and 4808, Business and Professions Code. Reference: Sections 107, 4804.5, 4808, 4836.2, 4837, 4853.5, 4853.6, 4875, 4875.3 and 4883, Business and Professions Code.

**HISTORY:**

1. Amendment filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
3. New subsection (b) and amendment of Note filed 12-30-2019; operative 4-1-2020 (Register 2020, No. 1).

**§ 2004. Filing of Addresses.**

Each person holding a certificate of registration, license, permit or other authority issued by the board shall notify the board at its principal office of any changes of mailing address within thirty (30) days after any such change.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 124, 4852 and 4875, Business and Professions Code.

**HISTORY:**

1. Amendment filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Amendment filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).

**§ 2005. Posting of Notice of Revocation or Suspension.**

In the event a license is revoked or suspended by the board pursuant to code, the board may post a notice of its order of revocation or suspension in a conspicuous place at the place or places of business of the licensee.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4833, 4846 and 4847.5, Business and Professions Code.

**HISTORY:**

1. New section filed 10-21-53; effective thirtieth day thereafter (Register 53, No. 19).
2. Amendment filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).

**§ 2006. Disciplinary Guidelines.**

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled: “Veterinary Medical Board Disciplinary Guidelines, October 2021” which are hereby incorporated by reference. Deviation from these guidelines, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation—for example: the presence of mitigating factors; the age of the case; evidentiary problems.

**NOTE:**

Authority cited: Sections 4808 and 4845(d), Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 141, 480, 490, 4830.5, 4830.7, 4836.2, 4836.5, 4837, 4839.5, 4842, 4845, 4845.5, 4855, 4856, 4857, 4875, 4876, 4883 and 4886, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

**HISTORY:**

1. New section filed 4-18-97; operative 5-18-97 (Register 97, No. 16).
2. Amendment of Veterinary Medical Board Disciplinary Guidelines (incorporated by reference) and amendment of section and Note filed 5-21-2002; operative 6-20-2002 (Register 2002, No. 21).
3. Amendment of Veterinary Medical Board Disciplinary Guidelines (incorporated by reference) and amendment of section and Note filed 6-6-2013; operative 10-1-2013 (Register 2013, No. 23).
4. Amendment of section and NOTE filed 12-22-2021; operative 4-1-2022 (Register 2021, No. 52). Transmission deadline specified in Government Code section 11346.4(b) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20

**§ 2007. Response to Board Inquiry.**

If the board or its designee asks an applicant or licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The applicant or licensee shall make available all documents and other records requested and shall respond with accurate information.

**NOTE:**

Authority cited: Sections 4800.1 and 4808, Business and Professions Code. Reference: Sections 144, 4804.5, 4808, 4837, 4875, 4883 and 4885, Business and Professions Code; and Section 11105, Penal Code.

**HISTORY:**

1. New section filed 4-15-2011; operative 4-1-2012 (Register 2011, No. 15).

**Article 2. Examination and Licensing**

Section	
2009.	Registered Veterinary Technicians.
2010.	Application.
2010.05.	Fingerprint and Disclosure Requirements for Renewal of License.
2010.1.	Eligibility Evaluation—National Veterinarian Examination.
2010.2.	Eligibility Evaluation—National Veterinary Technician Examination.
2010.5.	Receipt of Fees.
2011.	Refund of Fees.
2011.5.	Waiver or Refund of License Fees.
2012.	Time and Place of Holding Examinations.
2013.	Subject of Examination.
2014.	Veterinary Licensing Examination.
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2014.5.	National Examination—Transition Plan.
2015.	Examinations Credit.
2015.1.	Substantially Similar Examinations; Conditional Credit.
2015.2.	Veterinary Law Examination.
2015.5.	Abandonment of Application.
2016.	Temporary Licensee: Application for a Regular Renewable License.
2017.	Mental or Physical Examination of Fitness for Licensure.
2018.	Processing Time.
2019.	Inspection of Examinations.
2020.	Examination Appeal.



**§ 2009. Registered Veterinary Technicians.**

Section 2014 of this article shall not apply to applicants for registration as a registered veterinary technician.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4839, Business and Professions Code.

**HISTORY:**

1. New section filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Amendment filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
3. Change without regulatory effect amending section heading filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
4. Amendment filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2010. Application.**

(a) An application for eligibility evaluation for the California State Board examination shall be submitted to the board at its principal place of business on an application form and pursuant to instructions prescribed and provided by the board, (Veterinary Application, Form No. 25A-1, Rev. 9/2010; Veterinary Application Instructions, Rev. 9/2010), accompanied by such evidence, statements, or documents as therein required. The Board shall complete the eligibility evaluation and notify the candidate of eligibility and/or status.

Once eligibility is established, the candidate will be authorized to take the computer based California State Board examination. If an applicant fails a scheduled examination, the applicant must reapply by submitting to the board required application forms and fees.

(b) An application for eligibility evaluation for the national veterinary technician examination and the California veterinary technician examination shall be submitted on an application form and pursuant to instructions prescribed and provided by the board, (Registered Veterinary Technician Application, Form No. 26A-1, Rev. 9/2010; Registered Veterinary Technician Application Instructions, Rev. 9/2010) accompanied by such evidence, statements, or documents as therein required. The board shall complete the eligibility evaluation and notify the candidate of eligibility and/or status.

Once eligibility is established, the candidate will be authorized to take the computer based national veterinary technician examination and the California veterinary technician examination. If an applicant fails a scheduled examination, the applicant must reapply by submitting to the board required application forms and fees.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4841.5 and 4848, Business and Professions Code.

**HISTORY:**

1. Amendment filed 12-15-53; effective thirtieth day thereafter (Register 53, No. 23).
2. Amendment filed 5-2-78 as an emergency; effective upon filing (Register 78, No. 18).
3. Certificate of Compliance filed 7-7-78 (Register 78, No. 27).
4. Amendment filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
5. Amendment filed 5-20-85; effective thirtieth day thereafter (Register 85, No. 21).
6. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
7. Amendment filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).
8. Amendment filed 1-31-2011; operative 3-2-2011 (Register 2011, No. 5).
9. Amendment filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2010.05. Fingerprint and Disclosure Requirements for Renewal of License.**

(a) As a condition of renewal of a license, a veterinarian who was initially licensed prior to January 1, 1960, a registered veterinary technician who was initially licensed prior to January 1, 2004, or any licensee for whom an electronic record of the submission of fingerprints no longer exists or was never created, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history re-

cord check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.

(2) A licensee shall certify on the renewal form whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the licensee is renewed in an inactive status, or is actively serving in the military outside the country.

(4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, a licensee shall disclose to the Board whether, in the prior renewal cycle, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions not involving alcohol, dangerous drugs, controlled substances or animals. In addition, a licensee shall disclose any disciplinary actions against any of his or her licenses in this or any other state.

(c) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

(d) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

**NOTE:**

Authority cited: Sections 144, 4800.1 and 4808, Business and Professions Code. Reference: Sections 144, 4800.1, 4808, 4837, 4875, 4883, 4885, 4901, 4901.1, 4901.2 and 4902, Business and Professions Code; and Section 11105, Penal Code.

**HISTORY:**

1. New section filed 4-15-2011; operative 4-1-2012 (Register 2011, No. 15).

**§ 2010.1. Eligibility Evaluation — National Veterinarian Examination.**

All applicants applying for eligibility evaluation for the national veterinarian examination shall submit an application and required supporting documents to the American Association of Veterinary State Boards (AAVSB).

(a) Applicants from an American Veterinary Medical Association accredited college of veterinary medicine must submit proof of senior status and of being within eight months of graduation.

(b) Applicants from a veterinary college not recognized by the board shall submit supporting documents to substantiate either:

1. certificate of completion of the Educational Commission for Foreign Veterinary Graduates program (ECFVG) or
2. certificate of completion of the Program for Assessment of Veterinary Education Equivalence (PAVE).

(c) Upon the determination of an applicant's eligibility for the national veterinarian examination, the AAVSB shall notify the applicant of his or her eligibility to take the national veterinarian examination and transmit the applicant's eligibility information to the National Board Examination Committee or its authorized representative.

(d) All applicants with current and valid eligibility on file with the AAVSB may make proper application to the National Board of Veterinary Medical Examiners or its authorized representative for the national veterinarian examination.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4846.1 and 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).

2. Amendment of section and Note filed 4-9-2002; operative 5-9-2002 (Register 2002, No. 15).
3. Amendment filed 1-31-2011; operative 3-2-2011 (Register 2011, No. 5).
4. Amendment of section heading and section filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2010.2. Eligibility Evaluation — National Veterinary Technician Examination.**

Upon the determination of an applicant’s eligibility for the national veterinary technician examination under section 2010 of this article, the board shall notify the applicant and the AAVSB of the applicant’s eligibility to take the national veterinary technician examination and transmit the applicant’s eligibility information to the AAVSB or its authorized representative.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4846.1 and 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2010.5. Receipt of Fees.**

No applications shall be acted upon by the board unless all the appropriate fees have been received from the applicant.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4842.5 and 4905, Business and Professions Code.

**HISTORY:**

1. New section filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).

**§ 2011. Refund of Fees.**

(a) An applicant shall not be refunded any fee for failure to appear for an examination at its designated time and place.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 158, Business and Professions Code.

**HISTORY:**

1. New section filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8). For history of former section, see Register 72, No. 18.
2. Amendment filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).

**§ 2011.5. Waiver or Refund of License Fees.**

Initial license fees shall be waived or refunded when licenses are issued less than 45 days before the dates on which such licenses will expire unless the board finds that the issuance within said 45 days is due to the neglect, fault or omission of particular applicants otherwise entitled to such waiver or refund. The executive officer of the board is authorized and directed to execute written evidence of the waivers and to make the refunds provided for in this section. Waivers shall not be effective in the absence of such written evidence thereof.

**NOTE:**

Authority cited: Sections 4808 and 4905(b)(2), Business and Professions Code. Reference: Section 4905(b), Business and Professions Code.

**HISTORY:**

1. New section filed 8-11-65 as an emergency; effective upon filing (Register 65, No. 14).
2. New section filed 8-14-67 as an emergency; effective upon filing (Register 67, No. 33).
3. Certificate of Compliance—Sec. 11422.1, Gov. Code, filed 12-11-67 (Register 67, No. 50).
4. Amendment filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
5. Amendment filed 12-23-94; operative 1-1-95 pursuant to Government Code Section 11346.2(d) (Register 94, No. 51).
6. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).

**§ 2012. Time and Place of Holding Examinations.****NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. Repealer filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).

**§ 2013. Subject of Examination.****HISTORY:**

1. Amendment filed 12-15-53; effective thirtieth day thereafter (Register 53, No. 23).
2. Repealer filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).

**§ 2014. Veterinary Licensing Examination.**

(a) The veterinary licensing examination shall consist of a national veterinarian examination, a California state board examination, and the veterinary medicine practice act examination which shall be referred to as the veterinary law examination.

(b) Subject to the provisions under section 2015 of this article, every applicant who obtains a passing score determined by the Angoff criterion-referenced method of establishing the pass point in the national veterinarian examination shall be deemed to have passed the national examination. Such a passing score may vary moderately with changes in test composition.

(c) Every applicant who obtains a passing score determined by the Angoff criterion-referenced method of establishing the pass point in the California state board examination shall be deemed to have passed the California state board examination. Such a passing score may vary moderately with changes in test composition.

(d) Every applicant who obtains a score of at least 80% on the veterinary law examination shall be deemed to have passed that examination.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. Amendment filed 4-20-90; operative 5-20-90 (Register 90, No. 20).
2. Amendment filed 9-3-92; operative 10-5-92 (Register 92, No. 36).
3. Amendment of subsection (a) and new subsection (d) filed 3-29-99 as an emergency; operative 3-29-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-27-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 3-29-99 order transmitted to OAL 7-15-99 and filed 7-30-99 (Register 99, No. 31).
5. Amendment of subsections (a)-(b) filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).
6. Amendment of subsections (a) and (b) filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2014.1. Veterinary Technician Registration Examination.**

(a) The veterinary technician registration examination shall consist of the national veterinary technician examination and a California veterinary technician examination.

(b) Subject to the provisions under section 2015 of this article, every applicant who obtains a passing score determined by the Angoff criterion-referenced method of establishing the pass point on the national veterinary technician examination and on the California veterinary technician examination shall be deemed to have passed the national veterinary technician examination and the California veterinary technician examination. Such a passing score may vary moderately with changes in test composition.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4841.4, Business and Professions Code.

**HISTORY:**

1. New section filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2014.5. National Examination—Transition Plan.**

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).
2. Repealer filed 1-31-2011; operative 3-2-2011 (Register 2011, No. 5).

**§ 2015. Examinations Credit.**

(a) An applicant for licensure as a veterinarian who passes the national veterinarian examination, the California state board examination and the veterinary law examination within the sixty month period immediately following the date of the administration of the initial examination shall be deemed to have met the examination requirements for licensure.

(b) Where an applicant for licensure as a veterinarian fails to pass the national veterinarian examination, the California state board examination, and the veterinary law examination within the specified sixty month period, the applicant shall be required to retake and pass all those examinations.

(c) An applicant for registration as a veterinary technician who passes the national veterinary technician examination and the California veterinary technician examination within the sixty month period immediately following the date of the administration of the initial examination shall be deemed to have met the examination requirements for registration.

(d) Where an applicant for registration as a veterinary technician fails to pass the national veterinary technician examination and the California veterinary technician examination within the specified sixty month period, the applicant shall be required to retake and pass those examinations.

(e) Any applicant who has failed an examination or who has failed to pass all required examinations within the specified sixty month period may apply to be re-examined at a subsequent examination.

**NOTE:**

Authority cited: Sections 4808, Business and Professions Code. Reference: Sections 135, 4841.4 and 4848, Business and Professions Code.

**HISTORY:**

1. Amendment filed 12-28-62; effective thirtieth day thereafter (Register 62, No. 26).
2. Amendment of subsection (c) filed 4-28-72; effective thirtieth day thereafter (Register 72, No. 18).
3. Amendment filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
4. Amendment filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
5. Amendment of subsections (a) and (c), renumbering and amendment of former subsections (c)(2) and (c)(3) to section 2015.1, and new subsections (d) and (e) filed 9-18-89; operative 10-18-89 (Register 89, No. 38).
6. Repealer of subsection (c) and relettering and amendment of following subsections filed 9-3-92; operative 10-5-92 (Register 92, No. 36).
7. Amendment of subsections (c) and (d) filed 5-10-2000; operative 6-9-2000 (Register 2000, No. 19).
8. Amendment filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).
9. Amendment of section heading and section filed 1-31-2011; operative 3-2-2011 (Register 2011, No. 5).
10. Amendment of section and Note filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2015.1. Substantially Similar Examinations; Conditional Credit.**

(a) An applicant for licensure as a veterinarian who has taken the national veterinarian examination out of state and has achieved a score on such examination at least equal to the score required to pass the national examination under section 2014 of this article, shall receive conditional credit for that examination.

(b) Applicants for licensure as a veterinarian receiving conditional examination credit in accordance with this section shall complete the national veterinarian examination, the California state board examination, and the veterinary law examination within the sixty month period immediately following the date of the examination for which con-

ditional credit has been granted. Where the remaining examinations are passed within the specified time, the applicant shall be deemed to have met the examination requirements for licensure.

(c) Where an applicant for licensure as a veterinarian, specified in this section, fails to pass the national veterinarian examination, the California state board examination, and the veterinary law examination within the specified time, the board shall withdraw all conditional examination credit granted during this period and the applicant shall be required to retake and pass all those examinations.

(d) An applicant for registration as a veterinary technician who has taken the national veterinary technician examination out of state and has achieved a score on such examination at least equal to the score required to pass the national examination under section 2014.1 of this article, shall receive conditional credit for that examination.

(e) Applicants for registration as a veterinary technician receiving conditional examination credit in accordance with this section shall complete the national veterinary technician examination and the California veterinary technician examination within the sixty month period immediately following the date of the examination for which conditional credit has been granted. Where the remaining examinations are passed within the specified time, the applicant shall be deemed to have met the examination requirements for registration.

(f) Where an applicant for registration as a veterinary technician, specified in this section, fails to pass the national veterinary technician examination and the California veterinary technician examination within the specified time, the board shall withdraw all conditional examination credit granted during this period and the applicant shall be required to retake and pass those examinations.

(g) In lieu of passing the national veterinary technician examination and the California veterinary technician examination within a sixty month period, an applicant for registration as a veterinary technician shall be eligible for the California veterinary technician examination provided such applicant meets the requirements outlined in section 2068.6.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 135, 4841.1, 4841.4 and 4848, Business and Professions Code.

**HISTORY:**

1. Renumbering and amendment of former section 2015(c)(2) and (c)(3) to section 2015.1 filed 9-18-89; operative 10-18-89 (Register 89, No. 38).
2. Amendment filed 9-3-92; operative 10-5-92 (Register 92, No. 36).
3. Amendment of subsections (b) and (c) filed 5-10-2000; operative 6-9-2000 (Register 2000, No. 19).
4. Amendment filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).
5. Amendment of section and Note filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2015.2. Veterinary Law Examination.**

(a) The veterinary law examination shall be administered by mail. Applicants taking the veterinary law examination shall return the completed examination to the board within 40 days of its date of mailing by the board. Failure to return a completed veterinary law examination to the board within the prescribed time shall cause the applicant to be deemed to have failed the examination and the applicant shall be required to re-apply and re-take the examination.

(b) An applicant who is a University of California or Western University of Health Sciences veterinary medical student who has successfully completed a course on veterinary law and ethics covering the California Veterinary Medicine Practice Act shall be exempt from having to take the veterinary law examination upon providing documentation from the course provider that the applicant has successfully completed such a course.

(c) Notwithstanding section 2010, an application to take the veterinary law examination may be submitted at any time the applicant has met the requirements, in accordance with these regulations, to take such examination.

(d) An applicant applying for a temporary license pursuant to section 4848(b) shall be eligible to take the veterinary law examination upon meeting the requirements of section 4848(b)(1)-(3).

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 3-29-99 as an emergency; operative 3-29-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-27-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-29-99 order transmitted to OAL 7-15-99 and filed 7-30-99 (Register 99, No. 31).
3. Amendment of subsection (b) filed 1-31-2011; operative 3-2-2011 (Register 2011, No. 5).

**§ 2015.5. Abandonment of Application.**

(a) An application shall be deemed to have been abandoned and the application fee forfeited when the applicant:

- (1) Fails, without good cause, to appear for examination within one year or two subsequent examinations, whichever first occurs, after notification by the board; or
- (2) Fails to submit the initial license fee within two years after notification by the board.

(b) An applicant whose application has been deemed abandoned may again become eligible for examination or re-examination upon filing a new application and paying the application fee.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4846, Business and Professions Code.

**HISTORY:**

1. New section filed 11-19-54; effective thirtieth day thereafter (Register 54, No. 25).
2. Amendment filed 4-28-72; effective thirtieth day thereafter (Register 72, No. 18).
3. Amendment filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).

**§ 2016. Temporary Licensee; Application for a Regular Renewable License.**

When applying for a regular renewable license, pursuant to section 4848(c), a temporary licensee shall certify in writing and provide a certificate of completion from a provider of an approved California curriculum that the applicant has completed successfully the California curriculum as set forth in this article.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 5-10-2000; operative 6-9-2000 (Register 2000, No. 19). For prior history, see Register 99, No. 31.

**§ 2017. Mental or Physical Examination of Fitness for Licensure.**

In addition to any other requirements for licensure, when considering the approval of an application, the board may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the board if it reasonably appears that the applicant may be unable to practice veterinary medicine safely due to mental or physical illness affecting competency. The board shall pay the full cost of such examination. The board shall seek that the evaluation be conducted within 60 days of the date the applicant is advised that the examination is required. The board shall receive the examiner's evaluation within 60 days of the date the examination is completed. An applicant's failure to comply with the requirement shall render his or her application incomplete. The report of the evaluation shall be made available to the applicant. If after receiving the evaluation report the board determines that the applicant is unable to safely practice, the board may deny the application.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 480, 820, 4808 and 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 12-30-2019; operative 4-1-2020 (Register 2020, No. 1). For prior history, see Register 2011, No. 5.

**§ 2018. Processing Time.****NOTE:**

Authority cited: Section 4808, Business and Professions Code; and Section 15376, Government Code. Reference: Section 15376, Government Code.

**HISTORY:**

1. New section filed 7-14-89; operative 8-13-89 (Register 89, No. 29). For history of former Section 2018, see Register 83, No. 42.
2. Amendment of subsections (a)-(c) and new subsection (d) filed 7-31-95; operative 8-30-95 (Register 95, No. 31).
3. Change without regulatory effect amending subsection (d) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
4. Amendment filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).
5. Repealer filed 1-31-2011; operative 3-2-2011 (Register 2011, No. 5).

**§ 2019. Inspection of Examinations.****NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference cited: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 12-7-79; effective thirtieth day thereafter (Register 79, No. 49).
2. Amendment filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
3. Amendment filed 9-25-87; operative 10-25-87 (Register 87, No. 40).
4. Amendment of subsection (a) filed 12-23-94; operative 1-1-95 pursuant to Government Code Section 11346.2(d) (Register 94, No. 51).
5. Change without regulatory effect amending subsection (a) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
6. Repealer filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).

**§ 2020. Examination Appeal.**

(a) Within forty-five (45) days after the date notice of the results of the examination has been given to the applicant, an applicant who was unsuccessful in the California state board examination or the registered veterinary technician examination may appeal to the Board.

(b) The appeal shall be submitted in writing to the Board's principal office; and it shall state the specific reasons for such appeal.

(c) The executive officer to the Board may deny an appeal requesting a review of an examination that is not accompanied by information supporting the reasons for such request or is not filed within the appeal period stated in subsection (a).

(d) Only appeals concerning the format of the examination, computer grading errors or conditions at the examination site will be considered by the Board.

**NOTE:**

Authority cited: Sections 4808 and 4849, Business and Professions Code. Reference cited: Section 4849, Business and Professions Code.

**HISTORY:**

1. New section filed 12-7-79; effective thirtieth day thereafter (Register 79, No. 49).
2. Amendment of subsections (b) and (c) filed 12-23-94; operative 1-1-95 pursuant to Government Code Section 11346.2(d) (Register 94, No. 51).
3. Change without regulatory effect amending subsections (b) and (c) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
4. Amendment of subsection (a) filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).
5. Amendment of subsections (a)-(c) filed 1-31-2011; operative 3-2-2011 (Register 2011, No. 5).



**Article 2.5. Temporary Licenses**

Section

- 2021. Temporary License—Definitions.
- 2021.1. Temporary Licenses; Notification of Supervisor.
- 2021.3. California Curriculum—Content.
- 2021.4. Criteria for Provider Approval.
- 2021.5. Approved Curriculum.
- 2021.6. Approved Providers.
- 2021.7. Instructors.
- 2021.8. Denial, Withdrawal and Appeal of Approval.
- 2021.8A. Processing Times for Provider and Course Request Applications.
- 2021.9. Requirements for Supervisors.
- 2021.10. Notification of Change of Supervisor.

**§ 2021. Temporary License—Definitions.**

For purposes of this article and the provisions of sections 4848 and 4848.3 of the code relating to temporary licenses:

(a) “Year of full time clinical veterinary medical practice” shall mean that the applicant for a temporary license has performed clinical veterinary medicine at least 46 weeks in a calendar year and averaged 32 hours per week.

(b) “Temporary licensee” shall mean a holder of a temporary license issued pursuant to section 4848(b) of the code.

(c) “Temporary licensee intern” or “intern” shall mean a holder of a temporary license issued pursuant to section 4848.3 of the code.

(d) “Good standing” as used in reference to a California licensed veterinarian shall mean that the veterinarian:

(1) Is not currently under investigation or has not been charged with an offense for any act substantially related to the practice of veterinary medicine by any public agency, nor entered into any consent agreement or subject to an administrative decision that contains conditions placed by an agency upon the veterinarian’s professional conduct or practice, including any voluntary surrender of license, nor been the subject of an adverse judgment resulting from the practice of veterinary medicine that the board determines constitutes evidence of a pattern of incompetence or negligence.

(2) Has no physical or mental impairment related to drugs, alcohol, or has not been found mentally incompetent by a physician so that the veterinarian is unable to undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public.

(e)(1) “Supervision”, shall mean that the supervisor of a temporary licensee or temporary licensee intern is ensuring that the extent, kind, and quality of veterinary services performed by the temporary licensee is consistent with that which is ordinarily provided by veterinarians in good standing, practicing in this state, under similar circumstances and conditions; reviewing client/patient records, monitoring and evaluating diagnosis, and treatment decisions of the temporary licensee; monitoring and evaluating the ability of the temporary licensee to provide the services where he or she will be practicing and to the particular clientele being served; and ensuring compliance with the laws and regulations governing the practice of veterinary medicine.

(2) Supervision shall include at least one face-to-face observation and review by the supervisor of the temporary licensee’s veterinary services per week which shall be documented and maintained by the supervisor.

(3) Supervision shall include the establishment of a protocol where the supervisor or another designated California licensed veterinarian in good standing are available to the temporary licensee in the event of an emergency or a need arises for a consultation.

(f) “Direct supervision” shall mean that the supervisor of a temporary licensee intern has complied with the provisions of subdivision (e)(1) of this section, and all of the following:

(1) When the supervising board-certified specialist is not physically on site where the intern is performing veterinary medical services, the supervisor shall be available by telephone for consultation with the intern or has designated another board-certified specialist to be available at the site or by telephone for consultation with the intern, and

(2) The supervisor or another board-certified specialist conducts daily face-to-face observation and review of the intern's veterinary medical services.

If a board-certified specialist is unavailable to conduct the daily face-to-face review of the intern's veterinary medical services, the supervisor may order that such a review be performed by a California licensed veterinarian in good standing who is not a board-certified specialist for a period not to exceed fourteen consecutive days.

(g) A "qualifying internship or residency program," within the meaning of section 4848.3 shall mean that the program undergoes annual evaluation and has been approved by the California Veterinary Medical Association ("CVMA") in accordance with its publication entitled "Internship and Residency Approval Program" dated April 10, 2007. If an evaluation results in the withdrawal of approval by the CVMA, the internship or residency program shall no longer be deemed to be a qualifying internship or residency program.

(h) "Board-certified" shall mean a veterinarian who possesses a current and valid regular renewable license to practice veterinary medicine in this state and holds a current and valid certification from the American Veterinary Medical Association in one of the following specialties: anesthesiology, dentistry, dermatology, emergency and critical care, internal medicine (all specialties), ophthalmology, radiology, surgery and theriogenology.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4848 and 4848.3, Business and Professions Code.

**HISTORY:**

1. New article 2.5 (sections 2021-2021.10) and section filed 3-29-99 as an emergency; operative 3-29-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-27-99 or emergency language will be repealed by operation of law on the following day. For prior history of section 2021, see Register 92, No. 12.
2. Certificate of Compliance as to 3-29-99 order transmitted to OAL 7-15-99 and filed 7-30-99 (Register 99, No. 31).
3. Amendment of section and Note filed 8-2-99 as an emergency; operative 8-2-99 (Register 99, No. 32). A Certificate of Compliance must be transmitted to OAL by 11-30-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 8-2-99 order, including further amendment of subsections (f)(2)-(h), transmitted to OAL 11-30-99 and filed 1-11-2000 (Register 2000, No. 2).
5. Amendment of subsection (g) filed 6-12-2009; operative 7-12-2009 (Register 2009, No. 24).

**§ 2021.1. Temporary Licenses; Notification of Supervisor.**

(a) A temporary license shall expire at 12 midnight on the last day of the twelfth month following its issuance.

(b) A temporary license issued pursuant to sections 4848 or 4848.3 shall not be renewable and shall be in effect until its expiration date or a regular renewable license to practice veterinary medicine is issued by the board, whichever first occurs.

(c) A person applying for a temporary license pursuant to subdivision (b) of section 4848 of the code shall include with the application, on forms VMB-1 (7-30-99) and VMB-1A (7-30-99) provided by the board, the name and license number of the veterinarian who is to be temporary licensee's supervisor which is accompanied by a signed acknowledgment from the supervisor that he or she read and agrees to comply with the provisions of the board's laws relating to the supervision of a temporary licensee.

(d) A person applying for a temporary license pursuant to section 4848.3 of the code shall include with the application for a temporary license a certification from the California Veterinary Medical Association that the internship or residency program in which the applicant is enrolled has been approved as a qualifying internship or residency program. The application shall also include a signed statement from the manager of the internship or residency program which identifies the program, acknowledges that the

applicant has been accepted into the program and that the program complies with the provisions of the board's laws relating to qualifying internships or residency programs.

(e) A temporary licensee or temporary licensee intern who fails to comply with the laws and regulations relating to temporary licenses shall be subject to disciplinary action by the board.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4848, 4848.3 and 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 3-29-99 as an emergency; operative 3-29-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-27-99 or emergency language will be repealed by operation of law on the following day. For prior history of section 2021.1, see Register 96, No. 9.
2. Certificate of Compliance as to 3-29-99 order, including amendment of subsection (c), transmitted to OAL 7-15-99 and filed 7-30-99 (Register 99, No. 31).
3. Amendment of section and Note filed 8-2-99 as an emergency; operative 8-2-99 (Register 99, No. 32). A Certificate of Compliance must be transmitted to OAL by 11-30-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 8-2-99 order transmitted to OAL 11-30-99 and filed 1-11-2000 (Register 2000, No. 2).

**§ 2021.3. California Curriculum—Content.**

(a) The California curriculum shall be presented face-to-face in the state.

(b) The California curriculum shall be at least 26 hours in length and its content shall include the following subjects:

(1) Practicing Veterinary Medicine in California—4 hours

(A) The Animal Industry in California

1. Size & Economic Importance

(a) Food Animals

(b) Pets

2. Popular Species

3. Common Wildlife

(a) Special Treatment & Safety Concerns

(B) Standards of Practice in California

1. Ethical Considerations

2. Medical Quality

3. Premises

(C) Large Scale Disasters—Role of the Veterinarian

1. Earthquakes

2. Floods

3. Fires

(D) Common Vaccination Protocols

1. Pets

2. Horses

3. Food Animal

(2) Regulatory Agencies—5 hours

(A) Veterinary Medical Board

(B) California Occupational Safety & Health Administration (Cal/OSHA)

(C) Department of Health Services

1. Rabies Control Regulations

2. Radiation Safety

3. Medical Waste Management

(D) United States Department of Agriculture (USDA)—Health Certificate Requirements

1. Accreditation Process/Requirements

2. Health Certificate Requirements (Returned if incomplete)

(E) Board of Pharmacy

1. Food-Animal Drug Retailers (Business & Professions Code Article 15)

- 2. Dangerous Drugs (Business & Professions Code §4022)
  - (F) Department of Fish & Game
    - 1. Prohibited Species
    - 2. Exotic, Threatened & Endangered Species
    - 3. Requirements to Treat
    - 4. Rehabilitation Facilities
  - (G) Environmental Protection Agency (EPA)—Department of Toxic Substances Control (DTSC)
    - 1. Hazardous Waste Disposal
  - (H) Drug Enforcement Agency (DEA)/California Department of Justice, Narcotics Enforcement
    - 1. State Scheduled Drugs
      - (I) California Department of Food & Agriculture
        - 1. Regulatory Activities
        - 2. Disaster Preparedness & Response
      - (3) Zoonotic Diseases/Cross Species Diseases (obtaining diagnostic samples, making a diagnosis, treatment protocols and prevention)—3 hours
        - (A) Viral: Rabies, Hantavirus
        - (B) Bacterial: feline leprosy (*Mycobacterium lepraemurium*), Bubonic plague (*Yersinia pestis*)
        - (C) Parasitic: Ascariasis (*Toxocara canis, cati, leonina*), cerebrospinal nematodiasis or meningoencephalitis, (*Baylisascaris procyonis*) visceral larva migrans (*Toxocara canis*)
        - (D) Fungal: Cryptococcosis (*Cryptococcus neoformans*), Coccidioidomycosis (*Coccidioides immitis*)
        - (E) Rickettsial: Ehrlichiosis (*ehrlichia canis*), Q-fever (*coxiella burnetti*), Rocky Mountain Spotted Fever (*rickettsia rickettsii*)
      - (4) Diseases Associated with the California Environment (obtaining diagnostic samples, making a diagnosis, treatment protocols and prevention)—4 hours
        - (A) Dangerous Plants: Foxtails
        - (B) Poisonous Plants: Black Walnut, Bracken Fern, Fiddleneck, Mushrooms, Oak Bud, Oleander, Senecia, Yellow Star Thistle, Other Poisonous Plants
        - (C) Poisonous Snakes, Insects, Chemicals
          - 1. Rattlesnake
          - 2. Africanized Bee
          - 3. Snail Bait
          - 4. Strychnine Poisoning
        - (D) Sand Colic in Horses
        - (E) Sun Stroke, Hyperthermia, Nasal Solar Dermatitis/Squamous Cell Carcinoma
      - (5) Regionally Important Diseases of Pets in California (obtaining diagnostic samples, making a diagnosis, treatment protocols and prevention)—3 hours
        - (A) Dermatitis (flea allergy, atopy, pyoderma, demodicosis, sarcoptic mange)
        - (B) Parvovirus
        - (C) Ehrlichiosis
        - (D) Protozoan: (Salmon poisoning)
        - (E) Thelaziasis
        - (F) Intestinal parasites (tapeworm, hookworm, coccidia, giardia, roundworm, whipworm)
      - (6) Regionally/Economically Important Diseases of Food Animals (obtaining diagnostic samples, making a diagnosis, treatment protocols and prevention)—5 hours
        - (A) Anaplasmosis
        - (B) Anthrax
        - (C) Bluetongue
        - (D) Botulism

- (E) Bovine Viral Diarrhea
- (F) Campylobacteriosis
- (G) Corynebacterium abscess
- (H) E coli 0157
- (I) Foothill Abortion
- (J) Johne's disease
- (K) Leptospirosis
- (L) Mastitis
- (M) Neosporosis
- (N) Red Water disease
- (O) Selenium & Copper deficiencies
- (P) Trichinellosis
- (Q) Trichomoniasis

(7) Regionally/Economically Important Diseases of Horses in California (obtaining diagnostic samples, making a diagnosis, treatment protocols and prevention)—2 hours

- (A) Botulism
- (B) Corynebacterium pseudotuberculosis abscess
- (C) Enteroliths
- (D) Ehrlichiosis
- (E) Western Equine Encephalomyelitis

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 5-10-2000; operative 6-9-2000 (Register 2000, No. 19).

**§ 2021.4. Criteria for Provider Approval.**

(a) In order to obtain board approval for the California curriculum, the provider of such a curriculum shall submit to the board an application for course approval, which contains the following information:

- (1) The provider's name, address, telephone number and contact person.
- (2) Course title, dates, and locations.
- (3) A course outline, course description, and instructor information and qualifications.

(b) If the board approves a provider's California curriculum, the board shall issue an identification number for the provider's California curriculum.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 5-10-2000; operative 6-9-2000 (Register 2000, No. 19).

**§ 2021.5. Approved Curriculum.**

(a) If there will be no changes to the content or the instructor of a previously approved curriculum, the provider shall not be required to obtain board approval to teach the same curriculum at a subsequent time and place.

(b) Any changes in the content of or instructor(s) for an approved curriculum shall require prior approval of the board. A request to change the content of or the instructor(s) for an approved curriculum shall be received by the board at least 10 days before the curriculum begins.

(c) The board may audit, during reasonable business hours, an approved provider's records and courses related to the California curriculum.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 5-10-2000; operative 6-9-2000 (Register 2000, No. 19).

**§ 2021.6. Approved Providers.**

(a) A provider of an approved California curriculum shall keep the following records for a period of four (4) years from the date that an approved curriculum was completed:

- (1) Course outlines of each approved curriculum given.
- (2) Record of time and place of each approved curriculum given.
- (3) Course instructor curriculum vitae or resumes.

(4) The attendance record for each approved curriculum which shows the name, signature and, if applicable, license number of the person taking the course and a record of any certificates issued to them.

(b) Providers of approved curriculums shall issue, within 10 days of the conclusion of an approved curriculum, to each participant who has completed the course, a certificate of completion, which contains the following information:

- (1) Provider's name and provider identification number.
- (2) Course title.
- (3) Participant's name, and if applicable, his or her temporary license number.
- (4) Date and location of course.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 5-10-2000; operative 6-9-2000 (Register 2000, No. 19).

**§ 2021.7. Instructors.**

(a) It shall be the responsibility of each provider to use qualified instructors.

(b) Instructors teaching approved curriculum shall have the following minimum qualifications:

(1) Hold a current regular renewable license to practice veterinary medicine in this state and is in good standing or is a bona fide instructor at an AVMA approved school in this state, and

(2) be knowledgeable, current, and skillful in the subject matter of the curriculum.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 5-10-2000; operative 6-9-2000 (Register 2000, No. 19).

**§ 2021.8. Denial, Withdrawal and Appeal of Approval.**

(a) The board may withdraw its approval of a course or deny an application approval for unprofessional conduct by the provider of the course, which shall include, but are not limited to, the following:

(1) Conviction of a crime substantially related to the activities of a provider.

(2) Failure to comply with any provision of Chapter 11 (commencing with section 4800), Division 2 of the Code or Division 20 (commencing with section 2000) of Title 16 of the California Code of Regulations.

(3) Any material misrepresentation of fact by a provider or applicant in any information required to be submitted to the board shall be grounds for withdrawal or denial of an application.

(b) The board may withdraw its approval of a provider and its curriculum after giving the provider written notice setting forth its reasons for withdrawal and after giving the provider an opportunity to be heard by the board or its designee.

(c) Should the board deny approval of a provider or a course request, the applicant may appeal the action by filing a letter stating the reason(s) for appeal with the board. The letter of appeal shall be filed with the board within 10 days of the mailing of the

applicant’s notification of the board’s denial. The appeal shall be considered by the board or its designee. In the event that the board or its designee considers the appeal after the date of the course for which the appeal is being made, a retroactive approval may be granted.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 5-10-2000; operative 6-9-2000 (Register 2000, No. 19).

**§ 2021.8A. Processing Times for Provider and Course Request Applications.**

(a)(1) The board shall inform a provider seeking approval of its California curriculum within ten (10) days from receipt of an application of its decision whether the application is complete and accepted for filing or is deficient and what specific information is required.

(2) Once an application is “complete,” the board shall inform a provider seeking approval of its California curriculum within 30 days after completion of the application of its decision whether the curriculum meets the requirements for approval and is approved. “Completion of the application” means that a completed application form together with all required information, and documentation has been received by the board.

(3) The minimum, median, and maximum processing times for a provider seeking approval of its California curriculum from the time of receipt of a completed application until the board makes a decision is set forth below:

Minimum	=	One (1) day
Median	=	Fifteen (15) days
Maximum	=	Thirty (30) days

**NOTE:**

Authority cited: Section 4808, Business and Professions Code and Section 15376, Government Code. Reference: Section 15376, Government Code.

**HISTORY:**

1. New section filed 5-10-2000; operative 6-9-2000 (Register 2000, No. 19).

**§ 2021.9. Requirements for Supervisors.**

(a) The supervisor of a temporary licensee or temporary licensee intern shall comply with the requirements set forth below:

(1) The supervisor shall possess and maintain a current, valid California license as veterinarian.

(2) The supervisor shall keep himself informed of developments in the practice of veterinary medicine and in California law governing the practice of veterinary medicine.

(3) The supervisor shall possess and maintain a current license in good standing and shall notify immediately the temporary licensee or intern of any disciplinary action, including, but not limited to, revocation or suspension, even if stayed, probation terms, inactive license status, or lapse in licensure, that affects the supervisor’s ability or right to supervise.

(4) The supervisor shall comply with the laws and regulations governing the supervision of a temporary licensee or intern.

(5) The supervisor of a temporary licensee shall be an owner, principal or employee of the veterinary practice employing the temporary licensee.

(6) The supervisor of a temporary licensee shall notify the board, in writing, within 10 days of the termination of his or her supervisory relationship with the temporary licensee.

(7) The supervisor of a temporary licensee intern shall notify the board, in writing, within 10 days of the termination of the intern’s participation in the internship or residency program.

(b) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(c) A supervisor who fails to comply with the laws and regulations relating to the supervision of a temporary licensee shall be subject to disciplinary action by the board.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4848, 4848.3, 4856 and 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 3-29-99 as an emergency; operative 3-29-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-27-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-29-99 order, including disapproval and repeal of subsection (a)(4) and subsection renumbering, transmitted to OAL 7-15-99 and filed 7-30-99 (Register 99, No. 31).
3. Amendment of section and Note filed 8-2-99 as an emergency; operative 8-2-99 (Register 99, No. 32). A Certificate of Compliance must be transmitted to OAL by 11-30-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 8-2-99 order transmitted to OAL 11-30-99 and filed 1-11-2000 (Register 2000, No. 2).

**§ 2021.10. Notification of Change of Supervisor.**

(a) If the supervisory relationship between the supervisor and the temporary licensee has been terminated, the temporary licensee shall not perform any veterinary services for which a license is required until he or she has submitted to the board, in writing, the name and license number of another veterinarian who is to be the temporary licensee's supervisor which is accompanied by a signed acknowledgment from the new supervisor that he or she has read and agrees to comply with the provisions of the board's laws relating to the supervision of temporary licensees.

A supervisor who is unavailable to supervise the temporary licensee for four (4) or more consecutive weeks shall be deemed to have terminated the supervisory relationship.

The temporary licensee shall notify the board, in writing, within ten (10) days of any termination of the supervisory relationship.

(b) If a supervisor will be unavailable to supervise the temporary licensee for seven (7) or more consecutive days, the supervisor shall make arrangements for a California licensed veterinarian in good standing to supervise the temporary licensee in the supervisor's absence. The temporary supervisor shall comply with the provisions of section 2021.9.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 3-29-99 as an emergency; operative 3-29-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-27-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-29-99 order transmitted to OAL 7-15-99 and filed 7-30-99 (Register 99, No. 31).

**Article 3. Veterinary Colleges**

**Section**

- |       |   |
|-------|---|
| 2022. | Recognized Veterinary Colleges.                                 |
| 2023. | Eligibility for Examinations.                                   |
| 2024. | Education Requirement for Eligibility for Licensure.            |
| 2025. | Graduates of Unrecognized Colleges—ECFVG or PAVE Certificate.   |
| 2026. | Graduates of Unrecognized Colleges—Waiver of ECFVG Certificate. |
| 2027. | Graduates and Students of Veterinary Colleges—Job Tasks.        |



**§ 2022. Recognized Veterinary Colleges.**

(a) In accordance with the provisions of Section 4846 of the Business and Professions Code, the Board recognizes veterinary colleges accredited by the American Veterinary Medical Association (“AVMA”).

(b) All other veterinary colleges must have academic standards equivalent to schools accredited by the AVMA in order to be recognized by the Board. Evaluation of the academic standards, veterinary courses and practices of these schools will be made after an application for a license has been received.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4846, Business and Professions Code.

**HISTORY:**

1. Amendment of subsection (a) filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8). For prior history, see Register 72, No. 18.
2. Amendment of subsection (a) filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
3. Amendment of subsection (a) filed 7-16-80; effective thirtieth day thereafter (Register 80, No. 29).
4. Amendment of subsection (a) filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
5. Amendment filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).

**§ 2023. Eligibility for Examinations.**

Persons who meet the following criteria, pursuant to California Code of Regulations, Section 2022, may apply to take the licensing examinations specified in Section 2014:

(a) A graduate of a recognized veterinary college or a person who is within eight (8) months of his or her anticipated graduation from a recognized veterinary college.

(b) A person from a non-recognized veterinary college who is within eight (8) months of graduation and 1) who is enrolled in the ECFVG or PAVE program and 2) has passed the basic sciences examination requirements of the ECFVG or PAVE program.

(c) A graduate of a non-recognized veterinary college who possesses a certificate from either the ECFVG program or the PAVE.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 3-29-99 as an emergency; operative 3-29-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-27-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-29-99 order transmitted to OAL 7-15-99 and filed 7-30-99 (Register 99, No. 31).
3. Amendment of section heading and repealer and new section filed 1-31-2011; operative 3-2-2011 (Register 2011, No. 5).

**§ 2024. Education Requirement for Eligibility for Licensure.**

In addition to the application requirements outlined in Section 2010, an applicant applying for licensure in California must submit the appropriate initial licensing application and fee and the following documentation:

(a) Graduates of a recognized veterinary college must submit a diploma as proof of graduation.

(b) Graduates of non-approved veterinary colleges must submit (1) a diploma and (2) a certificate of completion from either ECFVG or PAVE. Diplomas submitted in a language other than English must be accompanied by a certified translation into English.

**NOTE:**

Authority cited: Sections 4808 and 4846.1, Business and Professions Code. Reference: Sections 851, 4846.1, 4846.2 and 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 5-21-76; effective thirtieth day thereafter (Register 76, No. 21).
2. Repealer and new section filed 10-3-84; effective thirtieth day thereafter (Register 84, No. 40).
3. Editorial correction of printing error (Register 85, No. 8).
4. Amendment filed 8-3-89; operative 9-2-89 (Register 89, No. 32).
5. Amendment filed 9-3-92; operative 10-5-92 (Register 92, No. 36).

6. Amendment of section and Note filed 3-29-99 as an emergency; operative 3-29-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-27-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 3-29-99 order transmitted to OAL 7-15-99 and filed 7-30-99 (Register 99, No. 31).
8. Amendment filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).
9. Amendment filed 4-9-2002; operative 5-9-2002 (Register 2002, No. 15).
10. Repealer and new section heading and section filed 1-31-2011; operative 3-2-2011 (Register 2011, No. 5).

### § 2025. Graduates of Unrecognized Colleges—ECFVG or PAVE Certificate.

In order to obtain a certificate from either the ECFVG or the PAVE, an applicant should make proper application to the respective organization and successfully complete its program for veterinary educational equivalence. An applicant who successfully completes the following steps, should be awarded a certificate of educational equivalence from either the ECFVG or the PAVE:

(a) Provide photocopies of a veterinary college diploma and transcripts from an AVMA-listed college of veterinary medicine.

(b) Provide written notification from the ECFVG or PAVE program of receipt and acceptability of scores on the Test of English as a Foreign Language (“TOEFL” and the Test of Spoken English (“TSE”) as administered by the Educational Testing Service of Princeton, New Jersey. Applicants whose native language is English and who have graduated from a high school where the language of instruction is English should not be required to take the English examinations.

(c)(1) Receive written notification from the ECFVG program of having attained a passing score on the national licensing examination; or

(2) In the case of a participant in the PAVE program, receive written notification from the PAVE of having passed its qualifying examination.

(d)(1) Successfully complete to the satisfaction of the ECFVG or PAVE program a twelve month clinical internship at an AVMA accredited veterinary college recognized by the Board under Section 2022, or

(2) Attain a passing score on either:

- i. the ECFVG’s Clinical Proficiency Examination (CPE), or
- ii. the PAVE’s Clinical Skills Assessment examination (CSA)

#### NOTE:

Authority cited: Sections 4808 and 4846.1, Business and Professions Code. Reference: Sections 851, 4846.1 and 4846.2, Business and Professions Code.

#### HISTORY:

1. New section filed 5-21-76; effective thirtieth day thereafter (Register 76, No. 21).
2. Repealer and new section filed 10-3-84; effective thirtieth day thereafter (Register 84, No. 40).
3. Amendment of subsections (b) and (d) filed 8-3-89; operative 9-2-89 (Register 89, No. 32).
4. Amendment of first paragraph and subsection (c) filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).
5. Amendment filed 4-9-2002; operative 5-9-2002 (Register 2002, No. 15).

### § 2026. Graduates of Unrecognized Colleges—Waiver of ECFVG Certificate.

#### NOTE:

Authority cited: Sections 4808, 4846.1 and 4846.2, Business and Professions Code. Reference: Section 4846.1, Business and Professions Code.

#### HISTORY:

1. New section filed 5-21-76; effective thirtieth day thereafter (Register 76, No. 21).
2. Repealer filed 5-2-7 as an emergency; effective upon filing (Register 78, No. 18).
3. Certificate of Compliance filed 7-7-78 (Register 78, No. 27).
4. New section filed 10-24-85; effective thirtieth day thereafter (Register 85, No. 43).
5. Repealer filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).

### § 2027. Graduates and Students of Veterinary Colleges—Job Tasks.

A junior or senior student or a graduate of a recognized veterinary college listed in Section 2022(a) who is performing any animal health care task in a veterinary premises

registered by the Board may perform only the identical job tasks with the identical degree of supervision by the supervisor as specified for a R.V.T. pursuant to Section 2036.

**NOTE:**

Authority cited: Sections 4808 and 4846.2, Business and Professions Code. Reference: Section 4846.2, Business and Professions Code.

**HISTORY:**

1. New section filed 6-17-77; effective thirtieth day thereafter (Register 77, No. 25).
2. Amendment filed 12-7-79; effective thirtieth day thereafter (Register 79, No. 49).
3. Amendment filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
4. Amendment filed 10-3-84; effective thirtieth day thereafter (Register 84, No. 40).
5. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).

**Article 4. Practice**

Section

- 2030. Minimum Standards—Fixed Veterinary Premises.
- 2030.05 Minimum Standards — Licensee Manager.
- 2030.1. Minimum Standards — Small Animal Fixed Premises.
- 2030.2. Small Animal Mobile Clinic.
- 2030.3. Small Animal Vaccination Clinic.
- 2030.5. Emergency Hospital Advertisements.
- 2031. Recordkeeping.
- 2032. Minimum Standards of Practice.
- 2032.05 Humane Treatment.
- 2032.1. Veterinarian—Client—Patient Relationship.
- 2032.15. Veterinarian—Client—Patient Relationship in Absence of Client Communication.
- 2032.2. Written Prescriptions.
- 2032.25. Written Prescriptions in Absence of Originally Prescribing Veterinarian.
- 2032.3. Record Keeping; Records; Contents; Transfer.
- 2032.35. Altering Medical Records.
- 2032.4. Anesthesia.
- 2032.5. Emergency Hospitals.
- 2033. Veterinarian-Client-Patient Relationship.
- 2033.1. Written Prescriptions.
- 2034. Animal Health Care Tasks Definitions.
- 2035. Duties of Supervising Veterinarian.
- 2036. Animal Health Care Tasks for R.V.T.
- 2036.5. Animal Hospital Health Care Tasks for Permit Holders and Veterinary Assistants.
- 2037. Dental Operation, Defined.
- 2038. Musculoskeletal Manipulation.
- 2038.5. Animal Physical Rehabilitation.
- 2039. Sodium Pentobarbital/Euthanasia Training.
- 2039.5. Animal Control Officer and Humane Officer Training.

CALIFORNIA CODE OF REGULATIONS

**§ 2030. Minimum Standards — Fixed Veterinary Premises.**

All fixed premises where veterinary medicine and its various branches are being practiced, and all instruments, apparatus and apparel used in connection with those practices, shall be kept clean and sanitary at all times and shall conform to or possess the following minimum standards:

- (a) Indoor lighting for halls, wards, reception areas, examining and surgical rooms shall be adequate for their intended purpose.
- (b) A reception room and office, or a combination of the two.
- (c) An examination room separate from other areas of the facility and of sufficient size to accommodate the doctor, assistant, patient and client.
- (d) If animals are housed or retained for treatment, the following shall be provided:
  - (1) Compartments for animals which are maintained in a comfortable and sanitary manner.
  - (2) Effective separation of known or suspected contagious animals.

(3) If there are to be no personnel on the premises during any time an animal is left at the veterinary facility, prior notice of this fact shall be given to the client. For purposes of this paragraph, prior notice may be accomplished by posting a sign in a place and manner conspicuous to the clients of the premises, stating that there may be times when there is no personnel on the premises.

(e) When a veterinary premises is closed, a sign shall be posted and visible outside the primary entrance with a telephone number and location where emergency care is available. An answering machine or service shall be used to notify the public when the veterinary premises will be re-opened and where after hours emergency care is available. If no after hours emergency care is available, full disclosure shall be provided to the public prior to rendering services.

(f) The veterinary premises shall meet the following standards:

(1) Fire precautions shall meet the requirements of local and state fire prevention codes.

(2) The facility, its temperature, and ventilation shall be maintained so as to assure the comfort of all patients.

(3) The disposal of waste material shall comply with all applicable state, federal, and local laws and regulations.

(4) The veterinary premises shall have the capacity to render diagnostic radiological services, either on the premises or through other commercial facilities. Radiological procedures shall be conducted in accordance with Health and Safety Code standards.

(5) Clinical pathology and histopathology diagnostic laboratory services shall be available within the veterinary premises or through outside services.

(6) All drugs and biologicals shall be maintained, administered, dispensed and prescribed in compliance with state and federal laws.

(7) Sanitary methods for the disposal of deceased animals shall be provided and maintained.

(8) Veterinary medical equipment used to perform aseptic procedures shall be sterilized and maintained in a sterile condition.

(9) Current veterinary reference materials shall be readily available on the premises.

(10) Anesthetic equipment in accordance with the procedures performed shall be maintained in proper working condition and available at all times.

(11) The veterinary premises shall have equipment to deliver oxygen in emergency situations.

(12) Appropriate drugs and equipment shall be readily available to treat an animal emergency.

(g) A veterinary premises which provides aseptic surgical services shall comply with the following:

(1) A room, separate and distinct from all other rooms shall be reserved for aseptic surgical procedures which require aseptic preparation. A veterinarian may perform emergency aseptic surgical procedures in another room when the room designated for aseptic surgery is occupied or temporarily unavailable.

(A) A veterinary premises which is currently registered with the board, but does not have a separate room reserved for aseptic surgical procedures, shall obtain compliance with the subdivision on or before January 1, 2014.

(B) The board may exempt a veterinary premises which is currently registered with the board, but does not have a separate aseptic surgery room, where it determines that it would be a hardship for the veterinary premises to comply with the provisions of this subdivision.

In determining whether a hardship exists, the board shall give due consideration to the following factors:

1. Zoning limitations.
2. Whether the premises constitutes a historical building.

3. Whether compliance with this requirement would compel the veterinary practice to relocate to a new location.

(2) Storage in the surgery room shall be limited to items and equipment normally related to aseptic surgery and surgical procedures. Equipment not normally related to surgery and surgical procedure includes, but is not limited to, equipment used for dental prophylaxis, autoclaves and non-surgical radiographic equipment.

(3) Open shelving is prohibited in the surgical room.

(4) The surgery room shall not contain a functional sink with an open drain.

(5) The doors into the surgery room must be able to be fully closed, fill the entire door space, be made of non-porous material and not provide access from outside the hospital. In cases where the size of the animal prevents entry to the hospital via a regularly-sized door, doors for outside access are permitted as long as such doors are able to be fully closed, fill the entire door space and be made of non-porous material.

(6) The surgery room shall be well-lighted, shall have equipment for viewing radiographs and shall have effective emergency lighting with a viable power source.

(7) The floors, table tops, and counter tops of the surgery room shall be of a non-porous material suitable for regular disinfecting, and cleaning, and shall be cleaned and disinfected regularly.

(8) Surgical instruments and equipment shall be:

(A) Adequate for the type of surgical procedures performed.

(B) Sterilized as required by the surgical procedure performed and instruments used.

(9) In any sterile procedure, a separate sterile pack shall be used for each animal.

(10) All instruments, packs and equipment that have been sterilized shall have an indicator that reacts to and verifies sterilization.

(11) The following attire shall be required for aseptic surgery:

(A) Each member of the surgical team shall put on an appropriate sanitary cap and sanitary mask which covers his or her hair and mouth, nose and any facial hair, except for eyebrows or eyelashes. All members of the surgical team who will be handling the instruments or touching the surgical site shall wear sterilized surgical gowns with long sleeves and sterilized gloves.

(B) Ancillary personnel in the surgery room shall wear clean clothing, footwear, sanitary cap and mask.

(h) When performing clean surgery, the instruments used to perform such surgery shall have been sterilized and the surgeon(s) and ancillary personnel shall wear clean clothing and footwear when appropriate.

For purposes of this section, “clean surgery” shall mean the performance of a surgical operation for the treatment of a condition and under circumstances which, consistent with the standards of good veterinary medicine, do not warrant the use of aseptic surgical procedures.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4854 and 4883, Business and Professions Code.

**HISTORY:**

1. New Article 4 (Section 2030) filed 6-29-79, effective thirtieth day thereafter (Register 79, No. 26). For prior history, see Register 77, No. 8.
2. Amendment filed 1-22-80 as an emergency; effective upon filing. Certificate of Compliance included. (Register 80, No. 4).
3. Amendment and renumbering from 2031 to 2030 filed 7-16-80; effective thirtieth day thereafter (Register 80, No. 29).
4. Amendment of subsection (d) filed 12-29-81; effective thirtieth day thereafter (Register 82, No. 11).
5. Amendment filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
6. Amendment of section heading, section and Note filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).
7. Amendment filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2030.05. Minimum Standards — Licensee Manager.**

(a) A Licensee Manager is the California licensed veterinarian named as the Licensee Manager on a facility's premises permit.

(b) The Licensee Manager is responsible for ensuring that the premises for which he/she is manager complies with the requirements in sections 4853, 4854, 4855 and 4856 of the Business and Professions Code, Division 2, Chapter 11, Article 3. The Licensee Manager is responsible for ensuring that the physical and operational components of a premises meet the minimum standards of practice as set forth in sections 2030 through 2032.5 of the California Code of Regulations, Title 16, Division 20, Article 4.

(c) The Licensee Manager is responsible for ensuring that no unlicensed activity is occurring within the premises or in any location where any function of veterinary medicine, veterinary surgery or veterinary dentistry is being conducted off the premises under the auspices of this premises license.

(d) The Licensee Manager shall maintain whatever physical presence is reasonable within the facility to ensure that the requirements in (a) - (c) are met.

(e) Each licensed veterinarian shall be responsible for their individual violations of the Veterinary Medicine Practice Act or any regulation adopted thereunder.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4853, 4854, 4855, 4856 and 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2030.1. Minimum Standards — Small Animal Fixed Premises.**

For purposes of these rules and regulations, a "small animal fixed premises" shall mean a fixed veterinary premises which concentrates in providing veterinary services to common domestic household pets.

In addition to the requirements in section 2030, small animal fixed premises shall provide:

(a) Where animals are kept on the veterinary premises for 24 hours or more, the animals shall be provided with an opportunity for proper exercise. Compliance with this section may be achieved by the use of exercise runs or by providing the animal with the opportunity for outdoor walks. Where a premises has exercise runs, they shall be clean and sanitary and provide for effective separation of animals and their waste products.

(b) When the client has not given the veterinarian authorization to dispose of his or her deceased animal, the veterinarian shall be required to retain the carcass in a freezer for at least 14 days prior to disposal.

**NOTE:**

Authority cited: Sections 4808 and 4854, Business and Professions Code. Reference: Sections 4854 and 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).
2. Amendment of section heading filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2030.2. Small Animal Mobile Clinic.**

For purposes of these regulations, a "small animal mobile clinic" shall mean a trailer or mobile facility established to function as a veterinary premises which concentrates in providing veterinary services to common domestic household pets and is required by section 4853 of the code to be registered with the board.

(a) A small animal mobile clinic shall have:

- (1) Hot and cold water.
- (2) a 110-volt power source for diagnostic equipment.
- (3) A collection tank for disposal of waste material.
- (4) Lighting adequate for the procedures to be performed in the mobile clinic.

(5) Floors, table tops, and counter tops shall be of a non-porous material suitable for regular disinfecting, and cleaning, and shall be cleaned and disinfected regularly.

(6) Compartments to transport or hold animals, if applicable.

(b) A small animal mobile clinic shall also have:

(1) indoor lighting for halls, wards, reception areas, examining and surgical rooms, which shall be adequate for its intended purpose.

(2) an examination room, which shall be of sufficient size to accommodate the doctor, assistant, patient and client.

(3) fire precautions that meet the requirements of local and state fire prevention codes,

(4) temperature and ventilation controls adequate to assure the comfort of all patients.

(5) A small animal mobile clinic which provides aseptic surgical services shall also have a room, separate and distinct from other rooms, which shall be reserved for aseptic surgical procedures. Storage in the surgery room shall be limited to items and equipment normally related to surgery and surgical procedures. A veterinarian may perform emergency aseptic surgical procedures in another room when the room designated for aseptic surgery is occupied or temporarily unavailable. A small animal mobile clinic which provides aseptic surgical services and that is currently registered with the board, but does not have a separate room reserved for aseptic surgical procedures, shall provide the board with the vehicle identification number of the mobile clinic and obtain compliance with this subdivision on or before January 1, 2006.

(A) A small animal mobile clinic that provides aseptic surgery shall also have an examination area separate from the surgery room that is large enough to conduct an examination.

(c) A small animal mobile clinic shall have the ability and equipment to provide immediate emergency care at a level commensurate with the specific veterinary medical services it is providing.

(d) A small animal mobile clinic shall provide either after hours emergency services to its patients or, if no after hours emergency care is available, full disclosure to the public prior to rendering services.

(e) When the client has not given the veterinarian authorization to dispose of his or her deceased animal, the veterinarian shall be required to retain the carcass in a freezer for at least 14 days prior to disposal.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4853 and 4854, Business and Professions Code.

**HISTORY:**

1. New section filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).
2. Amendment of subsections (b)(2) and (b)(5) and new subsection (b)(5)(A) filed 4-29-2004; operative 5-29-2004 (Register 2004, No. 18).
3. Repealer of subsections (a)(5)-(6), new subsection (a)(5), subsection renumbering and new subsection (e) filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2030.3. Small Animal Vaccination Clinic.**

(a) The term “small animal vaccination clinic” shall mean a privately or publicly supported vaccination clinic where a veterinarian performs vaccinations and/or immunizations against disease on multiple animals, and where the veterinarian may also perform preventative procedures for parasitic control.

(b) A veterinarian must remain on site throughout the duration of a vaccination clinic and must maintain responsibility for all medical decisions made. The veterinarian is responsible for proper immunization and parasitic procedures and the completeness of recommendations made to the public by the paraprofessional staff that the veterinarian supervises or employs. The veterinarian is responsible for consultation and referral of clients when disease is detected or suspected.

(c) The disposal of waste material shall comply with all applicable state, federal, and local laws and regulations.

(d) All drugs and biologicals shall be stored, maintained, administered, dispensed and prescribed according to the manufacturer's recommendations and in compliance with state and federal laws.

(e) Lighting shall be adequate for the procedures to be performed in the vaccination clinic.

(f) Floors, table tops, and counter tops shall be of a non-porous material suitable for regular disinfecting, and cleaning, and shall be cleaned and disinfected regularly.

(g) Equipment shall be of the type and quality to provide for the delivery of vaccines and parasiticides in the best interest of the patient and with safety to the public.

(h) Fresh, clean water shall be available for sanitizing and first aid. Disposable towels and soap shall be readily available.

(i) A vaccination clinic shall have the ability and equipment to provide immediate emergency care at a level commensurate with the specific veterinary medical services it is providing.

(j) The vaccination clinic shall provide a legible list of the name, address, and hours of operation of all facilities that provide or advertise emergency services and, when applicable, the location of other clinics provided by the same entity on that day, that are located within a 30-minute or 30-mile radius.

(k) The vaccination clinic shall maintain all vaccination records for a minimum of three (3) years from the date of the vaccination.

(l) If any diagnostic tests are performed or dangerous drugs are provided, administered, prescribed or dispensed, then a valid veterinary-client-patient relationship must be established, including a complete physical exam and Medical Records as set forth in section 2032.3.

(m) The veterinarian shall be identifiable to the public, including, but not limited to the posting of a copy of the veterinarian's license, as set forth in section 4850 of the Business and Professions Code.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4853, 4854 and 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2030.5. Emergency Hospital Advertisements.**

**NOTE:**

Authority cited: Sections 4808 and 4854, Business and Professions Code. Reference: Sections 4854 and 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 7-16-80; effective thirtieth day thereafter (Register 80, No. 29).
2. Repealer and new section filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
3. Renumbering of former section 2030.5 to section 2032.5 filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).

**§ 2031. Recordkeeping.**

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4855 and 4856, Business and Professions Code.

**HISTORY:**

1. New section filed 10-18-79; effective thirtieth day thereafter (Register 79, No. 42).
2. Renumbering of section 2033 to 2031 filed 7-16-80; effective thirtieth day thereafter (Register 80, No. 29).
3. Amendment of subsection (b) filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
4. Amendment of subsection (a) and Note filed 9-3-92; operative 10-5-92 (Register 92, No. 36).
5. Renumbering of former section 2031 to section 2032.3 filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).



**§ 2032. Minimum Standards of Practice.**

The delivery of veterinary care shall be provided in a competent and humane manner. All aspects of veterinary medicine shall be performed in a manner consistent with current veterinary medical practice in this state.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4883, Business and Professions Code.

**HISTORY:**

1. Repealer and new section filed 7-16-80; effective thirtieth day thereafter (Register 80, No. 29).
2. Renumbering of former section 2032 to section 2032.4 and new section 2032 filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).

**§ 2032.05. Humane Treatment.**

When treating a patient, a veterinarian shall use appropriate and humane care to minimize pain and distress before, during and after performing any procedure(s).

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2032.1. Veterinarian-Client-Patient Relationship.**

(a) It is unprofessional conduct for a veterinarian to administer, prescribe, dispense or furnish a drug, medicine, appliance, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture or bodily injury or disease of an animal without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client, except where the patient is a wild animal or the owner is unknown.

(b) A veterinarian-client-patient relationship shall be established by the following:

(1) The client has authorized the veterinarian to assume responsibility for making medical judgments regarding the health of the animal, including the need for medical treatment,

(2) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian is personally acquainted with the care of the animal(s) by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animals are kept, and

(3) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal and has communicated with the client a course of treatment appropriate to the circumstance.

(c) A drug shall not be prescribed for a duration inconsistent with the medical condition of the animal(s) or type of drug prescribed. The veterinarian shall not prescribe a drug for a duration longer than one year from the date the veterinarian examined the animal(s) and prescribed the drug.

(d) As used herein, "drug" shall mean any controlled substance, as defined by Section 4021 of the code, and any dangerous drug, as defined by Section 4022 of the code.

(e) No person may practice veterinary medicine in this state except within the context of a veterinarian-client-patient relationship or as otherwise permitted by law. A veterinarian-client-patient relationship cannot be established solely by telephonic or electronic means.

(f) Telemedicine shall be conducted within an existing veterinarian-client-patient relationship, with the exception for advice given in an "emergency," as defined under section 4840.5 of the code, until that patient(s) can be seen by or transported to a veterinarian. For purposes of this section, "telemedicine" shall mean the mode of delivering

animal health care services via communication technologies to facilitate consultation, treatment, and care management of the patient.

**NOTE:**

Authority cited: Sections 686 and 4808, Business and Professions Code. Reference: Sections 686, 2290.5, 4021, 4022 and 4883, Business and Professions Code.

**HISTORY:**

1. Renumbering and amendment of former section 2033 to section 2032.1 filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).
2. Amendment of section heading and section filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).
3. Amendment of subsection (3)(d), new subsections (3)(e)-(f) and amendment of Note filed 11-27-2019; operative 1-1-2020 (Register 2019, No. 48).
4. Editorial correction restoring inadvertently omitted subsections (a)-(d) and amending HISTORY 3 (Register 2022, No. 39).

**§ 2032.15. Veterinarian–Client–Patient Relationship in Absence of Client Communication.**

(a) A veterinarian-client-patient relationship may continue to exist, in the absence of client communication, when:

(1) A veterinarian-client-patient relationship was established with an original veterinarian, and another designated veterinarian serves at the same location where the medical records are kept in the absence of the original veterinarian, and;

(2) The designated veterinarian has assumed responsibility for making medical judgments regarding the health of the animal(s), and;

(3) The designated veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian is personally acquainted with the care of the animal(s) by virtue of an examination of the animal(s) or by medically appropriate and timely visits to the premises where the animal(s) is kept, or has consulted with the veterinarian who established the veterinarian-client-patient relationship, and;

(4) The designated veterinarian has continued the medical, treatment, diagnostic and/or therapeutic plan that was set forth and documented in the medical record by the original veterinarian.

(b) If the medical, treatment, diagnostic and/or therapeutic plan differs from that which was communicated to the client by the original veterinarian, then the designated veterinarian must attempt to communicate the necessary changes with the client in a timely manner.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).
2. Amendment of subsections (a)-(a)(1) and (a)(3) filed 2-11-2021; operative 4-1-2021 (Register 2021, No. 7).

**§ 2032.2. Written Prescriptions.**

(a) A written order, by a veterinarian, for dangerous drugs, as defined by Section 4022 of Business and Professions Code, shall include the following information:

(1) The name, signature, address and telephone number of the prescribing veterinarian.

(2) The veterinarian's license number and his or her federal registry number if a controlled substance is prescribed.

(3) The name and address of the client.

(4) The species and name, number or other identifying information for the animal.

(5) The name, strength, and quantity of the drug(s).

(6) Directions for use, including, if applicable, withdrawal time.

(7) Date of issue.

(8) The number of refills.

(b) All drugs dispensed shall be labeled with the following information:

- (1) Name, address and telephone number of the facility.
- (2) Client's name.
- (3) The species and name, number, or other identifying information for the animal.
- (4) Date dispensed.
- (5) Directions for use, including, if applicable, withdrawal time.
- (6) The manufacturer's trade name of the drug or the generic names, strength (if more than one dosage form exists), and quantity of drug, and the expiration date when established by the manufacturer.
- (7) Name of prescribing veterinarian.
- (c) Pursuant to section 4170(a)(6) and (7) of the Business and Professions Code, veterinarians must notify clients that they have a choice to obtain either the medication or a written prescription and that they shall not be charged for the written prescription.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4883, Business and Professions Code.

**HISTORY:**

- 1. Renumbering and amendment of former section 2033.1 to section 2032.2 filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).
- 2. Amendment of subsection (a) and new subsection (c) filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2032.25. Written Prescriptions in Absence of Originally Prescribing Veterinarian.**

(a) Absent establishing a veterinarian-client-patient relationship (VCPR) as defined in section 2032.1, prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 of the code constitutes unprofessional conduct.

(b) No licensee shall be found to have committed unprofessional conduct within the meaning of this section if, at the time the drugs were prescribed, dispensed, or furnished, any of the following applies:

(1) The licensee was a veterinarian serving in the absence of the treating veterinarian and the drugs were prescribed, dispensed, or furnished on an emergency basis for a traveling patient only as necessary to maintain the health of the animal patient until they could return to the originally treating veterinarian. Prior to providing a prescription refill pursuant to this section, the veterinarian shall have made a reasonable effort to contact the original prescribing veterinarian, and shall have documented the communication, or his or her attempt to contact the original prescribing veterinarian, in the animal patient's medical record.

(2) The original prescribing veterinarian was unavailable to authorize the refill, and the veterinarian authorizing the refill was working in the same practice as the original prescribing veterinarian, and:

(A) The veterinarian who authorized the refill was in possession of and had reviewed the animal patient's records, ordered the renewal of a medically indicated prescription for an amount not exceeding the original prescription in strength or amount or for more than one refill, and entered the prescription refill in the animal patient's medical records.

(B) In the veterinarian's professional judgment, failure to refill the prescription might have interrupted the animal patient's ongoing care and might have had an adverse effect on the animal patient's well-being.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4883, Business and Professions Code.

**HISTORY:**

- 1. New section filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).
- 2. Amendment filed 2-11-2021; operative 4-1-2021 (Register 2021, No. 7).

**§ 2032.3. Record Keeping; Records; Contents; Transfer.**

(a) Every veterinarian performing any act requiring a license pursuant to the provisions of Chapter 11, Division 2, of the code, upon any animal or group of animals shall

prepare a legible, written or computer generated record concerning the animal or animals which shall contain the following information:

- (1) Name or initials of the person responsible for entries.
- (2) Name, address and phone number of the client.
- (3) Name or identity of the animal, herd or flock.
- (4) Except for herds or flocks, age, sex, breed, species, and color of the animal.
- (5) Dates (beginning and ending) of custody of the animal, if applicable.
- (6) A history or pertinent information as it pertains to each animal, herd, or flock's medical status.
- (7) Data, including that obtained by instrumentation, from the physical examination.
- (8) Treatment and intended treatment plan, including medications, dosages, route of administration, and frequency of use.
- (9) Records for surgical procedures shall include a description of the procedure, the name of the surgeon, the type of sedative/anesthetic agents used, their route of administration, and their strength if available in more than one strength.
- (10) Diagnosis or assessment prior to performing a treatment or procedure.
- (11) If relevant, a prognosis of the animal's condition.
- (12) All medications and treatments prescribed and dispensed, including strength, dosage, route of administration, quantity, and frequency of use.
- (13) Daily progress, if relevant, and disposition of the case.
- (b) Records shall be maintained for a minimum of three (3) years after the animal's last visit. A summary of an animal's medical records shall be made available to the client within five (5) days or sooner, depending if the animal is in critical condition, upon his or her request. The summary shall include:
  - (1) Name and address of client and animal.
  - (2) Age, sex, breed, species, and color of the animal.
  - (3) A history or pertinent information as it pertains to each animal's medical status.
  - (4) Data, including that obtained by instrumentation, from the physical examination.
  - (5) Treatment and intended treatment plan, including medications, their dosage and frequency of use.
  - (6) All medications and treatments prescribed and dispensed, including strength, dosage, route of administration, quantity, and frequency of use.
  - (7) Daily progress, if relevant, and disposition of the case.
- (c)(1) Radiographs and digital images are the property of the veterinary facility that originally ordered them to be prepared. Radiographs or digital images shall be released to another veterinarian upon the request of another veterinarian who has the authorization of the client. Radiographs shall be returned to the veterinary facility which originally ordered them to be prepared within a reasonable time upon request. Radiographs originating at an emergency hospital shall become the property of the next attending veterinary facility upon receipt of said radiograph(s). Transfer of radiographs shall be documented in the medical record.
  - (2) Radiographs and digital images, except for intraoral radiographs, shall have a permanent identification legibly exposed in the radiograph or attached to the digital file, which shall include the following:
    - (A) The hospital or clinic name and/or the veterinarian's name,
    - (B) Client identification,
    - (C) Patient identification, and
    - (D) The date the radiograph was taken.
  - (3) Non-digital intraoral radiographs shall be inserted into sleeve containers and include information in subdivision (c)(2)(A)-(D). Digital images shall have identification criteria listed in subdivision (c)(2)(A)-(D) attached to the digital file.
  - (d) Laboratory data is the property of the veterinary facility which originally ordered it to be prepared, and a copy shall be released upon the request of the client.

(e) The client shall be provided with a legible copy of the medical record when the patient is released following emergency clinic service. The minimum information included in the medical record shall consist of the following:

- (1) Physical examination findings
- (2) Dosages and time of administration of medications
- (3) Copies of diagnostic data or procedures
- (4) All radiographs and digital images, for which the facility shall obtain a signed release when transferred
- (5) Surgical summary
- (6) Tentative diagnosis and prognosis, if known
- (7) Any follow-up instructions.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4855 and 4856, Business and Professions Code.

**HISTORY:**

1. Renumbering of former section 2031 to section 2032.3, including amendment of section heading and section, filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).
2. Amendment filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2032.35. Altering Medical Records.**

Altering or modifying the medical record of any animal, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct in accordance with Business and Professions Code section 4883(g).

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4855 and 4856, Business and Professions Code.

**HISTORY:**

1. New section filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2032.4. Anesthesia.**

(a) General anesthesia is a condition caused by the administration of a drug or combination of drugs sufficient to produce a state of unconsciousness or dissociation and blocked response to a given pain or alarming stimulus.

(b) When administering general anesthesia, a veterinarian shall comply with the following standards:

(1) Within twelve (12) hours prior to the administration of a general anesthetic, the animal patient shall be given a physical examination by a licensed veterinarian appropriate for the procedure. The results of the physical examination shall be documented in the animal patient's medical records.

(2) An animal under general anesthesia shall be observed for a length of time appropriate for its safe recovery.

(3) Provide respiratory monitoring including, but not limited to, observation of the animal's chest movements, observation of the rebreathing bag or respirometer.

(4) Provide cardiac monitoring including, but not limited to, the use of a stethoscope, pulseoximeter or electrocardiographic monitor.

(5) When administering general anesthesia in a hospital setting, a veterinarian shall have resuscitation or rebreathing bags of appropriate volumes for the animal patient and an assortment of endotracheal tubes readily available.

(6) Records for procedures involving general anesthesia shall include a description of the procedure, the name of the surgeon, the type of sedative and/or anesthetic agents used, their route of administration, and their strength if available in more than one strength.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4883, Business and Professions Code.

**HISTORY:**

1. Renumbering and amendment of former section 2032 to section 2032.4 filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).
2. Amendment of subsections (b)(1) and (b)(2) filed 4-20-2007; operative 5-20-2007 (Register 2007, No. 16).
3. Amendment filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2032.5. Emergency Hospitals.**

(a) Any veterinary premises that displays any sign, card, or device that indicates to the public that it is an emergency veterinary clinic or hospital shall comply with the following:

(1) Maintain a licensed veterinarian on the premises at all times during the posted hours of operation.

(2) Its advertisements shall clearly state:

(A) A licensed veterinarian is on the premises during the posted emergency hours.

(B) The hours the facility will provide emergency services.

(C) The address and telephone number of the premises.

(b) The phrase “veterinarian on call” shall mean that a veterinarian is not present at the hospital, but is able to respond within a reasonable time to requests for emergency veterinary services and has been designated by a daytime veterinary facility to do so after regular office hours. A veterinary premises which uses a veterinarian on call service shall not be considered to be or advertised as an emergency clinic or hospital.

**NOTE:**

Authority cited: Sections 4808 and 4854, Business and Professions Code. Reference: Sections 4854 and 4883, Business and Professions Code.

**HISTORY:**

1. Renumbering of former section 2030.5 to section 2032.5, including amendment of section heading and section, filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).

**§ 2033. Veterinary-Client-Patient Relationship.****NOTE:**

Authority cited: Sections 4808, Business and Professions Code. Reference: Section 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 10-18-79; effective thirtieth day thereafter (Register 79, No. 42).
2. Amendment and renumbering from 2034 to 2033 filed 7-16-80; effective thirtieth day thereafter (Register 80, No. 29).
3. Repealer filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
4. New section filed 1-3-96; operative 2-2-96 (Register 96, No. 1).
5. Renumbering of former section 2033 to section 2032.1 filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).

**§ 2033.1. Written Prescriptions.****NOTE:**

Authority cited: Sections 4808, Business and Professions Code. Reference: Section 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 1-3-96; operative 2-2-96 (Register 96, No. 1).
2. Renumbering of former section 2033.1 to section 2032.2 filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).

**§ 2034. Animal Health Care Tasks Definitions.**

For purposes of the rules and regulations applicable to animal health care tasks for registered veterinary technicians, permit holders and veterinary assistants, contained in the division, the term:

(a) “Veterinarian” means a California licensed veterinarian.

(b) “R.V.T.” means a registered veterinary technician.

(c) “Veterinary assistant” means any individual who is not an R.V.T. or a licensed veterinarian.

(d) “Supervisor” means a California licensed veterinarian or if a job task so provides an R.V.T.

(e) “Direct Supervision” means: (1) the supervisor is physically present at the location where animal health care job tasks are to be performed and is quickly and easily available; and (2) the animal has been examined by a veterinarian at such time as good veterinary medical practice requires consistent with the particular delegated animal health care job task.

(f) “Indirect Supervision” means: (1) that the supervisor is not physically present at the location where animal health care job tasks are to be performed, but has given either written or oral instructions (“direct orders”) for treatment of the animal patient; and (2) the animal has been examined by a veterinarian at such times as good veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal is not anesthetized as defined in Section 2032.4.

(g) “Animal Hospital Setting” means all veterinary premises which are required by Section 4853 of the Code to be registered with the board.

(h) “Administer” means the direct application of a drug or device to the body of an animal by injection, inhalation, ingestion, or other means.

(i) “Induce” means the initial administration of a drug with the intended purpose of rendering an animal unconscious.

(j) “Veterinary Assistant Controlled Substances Permit” or the abbreviation “VAC-SP” means a Veterinary Assistant Controlled Substances Permit issued by the board.

(k) “Permit holder” means a person who must be at least 18 years of age and is a holder of a VACSP issued pursuant to section 4836.2 of the code.

**NOTE:**

Authority cited: Sections 4808, 4826 and 4836, Business and Professions Code. Reference: Sections 4836, 4836.1 and 4853, Business and Professions Code.

**HISTORY:**

1. New section filed 7-16-80; effective thirtieth day thereafter (Register 80, No. 29).
2. Repealer of subsection (e) and relettering of subsections (f)-(i) to subsections (e)-(h) filed 10-21-82; effective thirtieth day thereafter (Register 82, No. 43).
3. Change without regulatory effect amending first paragraph and subsections (b)-(d) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
4. Amendment of subsections (e) and (f) and repealer of subsection (h) filed 6-3-2002; operative 7-3-2002 (Register 2002, No. 23).
5. Amendment of subsections (b)-(d) and (f), new subsections (h)-(i) and amendment of Note filed 4-20-2007; operative 5-20-2007 (Register 2007, No. 16).
6. Amendment of first paragraph and subsections (b), (c) and (g), new subsections (j) and (k) and amendment of Note filed 8-1-2016; operative 8-1-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 32).

**§ 2035. Duties of Supervising Veterinarian.**

(a) The supervising veterinarian shall be responsible for determining the competency of the R.V.T., permit holder or veterinary assistant to perform allowable animal health care tasks.

(b) The supervising veterinarian of a R.V.T., permit holder or veterinary assistant shall make all decisions relating to the diagnosis, treatment, management and future disposition of the animal patient.

(c) The supervising veterinarian shall have examined the animal patient prior to the delegation of any animal health care task to an R.V.T., permit holder or veterinary assistant. The examination of the animal patient shall be conducted at such time as good veterinary medical practice requires consistent with the particular delegated animal health care task.

**NOTE:**

Authority cited: Sections 4808 and 4836, Business and Professions Code. Reference: Sections 4836, 4836.1, 4840 and 4840.9, Business and Professions Code.

**HISTORY:**

1. New section filed 10-18-79; effective thirtieth day thereafter (Register 79, No. 42).
2. New section filed 7-16-80; effective thirtieth day thereafter (Register 80, No. 29).
3. Repealer and new section filed 10-21-82; effective thirtieth day thereafter (Register 82, No. 43).

4. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
5. Amendment of section and Note filed 8-1-2016; operative 8-1-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 32).

**§ 2036. Animal Health Care Tasks for R.V.T.**

(a) Unless specifically so provided by regulation, an R.V.T. shall not perform the following functions or any other activity which represents the practice of veterinary medicine or requires the knowledge, skill, and training of a licensed veterinarian:

- (1) Surgery;
  - (2) Diagnosis and prognosis of animal diseases;
  - (3) Prescription of drugs, medicines, or appliances.
- (b) An R.V.T. may perform the following procedures only under the direct supervision of a licensed veterinarian:

- (1) Induce anesthesia;
- (2) Perform dental extractions;
- (3) Suture cutaneous and subcutaneous tissues, gingiva, and oral mucous membranes;
- (4) Create a relief hole in the skin to facilitate placement of an intravascular catheter;
- (5) Drug compounding from bulk substances.

(c) An R.V.T. may perform the following procedures under indirect supervision of a licensed veterinarian:

- (1) Administer controlled substances;
- (2) Apply casts and splints;
- (3) Drug compounding from non-bulk substances.

(d) Subject to the provisions of subsections (a), (b), and (c) of this section, an R.V.T. may perform animal health care tasks under the direct or indirect supervision of a licensed veterinarian. The degree of supervision by a licensed veterinarian over an R.V.T. shall be consistent with standards of good veterinary medical practices.

**NOTE:**

Authority cited: Sections 4808, 4826 and 4836, Business and Professions Code. Reference: Sections 4826.5, 4836, 4840 and 4840.2, Business and Professions Code.

**HISTORY:**

1. Amendment and renumbering from Sections 2030 to 2036 filed 7-16-80; effective thirtieth day thereafter (Register 80, No. 29).
2. Repealer and new section filed 10-21-82; effective thirtieth day thereafter (Register 82, No. 43).
3. Change without regulatory effect amending section heading and subsections (a), (b) and (c) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
4. Amendment of section heading and amendment subsections (b) and (c) filed 6-3-2002; operative 7-3-2002 (Register 2002, No. 23).
5. Amendment of subsections (b)-(b)(4), new subsection (b)(5) and amendment of subsection (c) and Note filed 4-20-2007; operative 5-20-2007 (Register 2007, No. 16).
6. New subsections (c)-(c)(1) and subsection relettering filed 8-3-2007; operative 9-2-2007 (Register 2007, No. 31).
7. Amendment of section and Note filed 2-9-2021; operative 4-1-2021 (Register 2021, No. 7).

**§ 2036.5. Animal Hospital Health Care Tasks for Permit Holders and Veterinary Assistants.**

(a) Permit holders and veterinary assistants shall be prohibited from performing any of the functions or activities specified in subsections (a) (b) and (c) of Section 2036 of these regulations, except that a permit holder under the direct or indirect supervision of a licensed veterinarian may administer a controlled substance.

(b) Subject to the provisions of subsection (a) of this section, permit holders and veterinary assistants in an animal hospital setting may perform auxiliary animal health care tasks under the direct or indirect supervision of a licensed veterinarian or the direct supervision of an R.V.T. The degree of supervision by a licensed veterinarian over a permit holder or veterinary assistant shall be higher than or equal to the degree of



supervision required when an R.V.T. performs the same task and shall be consistent with standards of good veterinary medical practices.

**NOTE:**

Authority cited: Sections 4808 and 4836, Business and Professions Code. Reference: Sections 4836 and 4840, Business and Professions Code.

**HISTORY:**

1. Amendment and renumbering from Section 2035 to 2036.5 filed 7-16-80; effective thirtieth day thereafter (Register 80, No. 29).
2. Repealer and new section filed 10-21-82; effective thirtieth day thereafter (Register 82, No. 43).
3. Change without regulatory effect amending subsection (b) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
4. Amendment of subsection (b) filed 4-20-2007; operative 5-20-2007 (Register 2007, No. 16).
5. Amendment of subsection (a) filed 8-3-2007; operative 9-2-2007 (Register 2007, No. 31).
6. Amendment of section heading and section filed 8-1-2016; operative 8-1-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 32).

**§ 2037. Dental Operation, Defined.**

(a) The term “dental operation” as used in Business and Professions Code section 4826 means:

(1) The application or use of any instrument, device, or scaler to any portion of an animal’s tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of an animal’s tooth, gum or related tissue; and

(2) Preventive dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains or the smoothing, filing, scaling or polishing of tooth surfaces.

(b) Nothing in this regulation shall prohibit any person from utilizing cotton swabs, gauze, dental floss, dentifrice, or toothbrushes on an animal’s teeth.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4826, Business and Professions Code.

**HISTORY:**

1. New section filed 4-2-90; operative 5-2-90 (Register 90, No. 14).
2. Amendment filed 9-27-2013; operative 1-1-2014 (Register 2013, No. 39).

**§ 2038. Musculoskeletal Manipulation.**

(a) The term musculoskeletal manipulation (MSM) is the system of application of mechanical forces applied manually through the hands or through any mechanical device to enhance physical performance, prevent, cure, or relieve impaired or altered function of related components of the musculoskeletal system of animals. MSM when performed upon animals constitutes the practice of veterinary medicine.

(b) MSM may only be performed by the following persons:

(1) A veterinarian who has examined the animal patient and has sufficient knowledge to make a diagnosis of the medical condition of the animal, has assumed responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, including a determination that MSM will not be harmful to the animal patient, discussed with the owner of the animal or the owner’s authorized representative a course of treatment, and is readily available or has made arrangements for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen. The veterinarian shall obtain as part of the patient’s permanent record, a signed acknowledgment from the owner of the patient or his or her authorized representative that MSM is considered to be an alternative (nonstandard) veterinary therapy.

(2) A California licensed doctor of chiropractic (“chiropractor”) working under the direct supervision of a veterinarian. A chiropractor shall be deemed to be working under the direct supervision of a veterinarian where the following protocol has been followed:

(A) The supervising veterinarian shall comply with the provisions of subsection (b) (1) prior to authorizing a chiropractor to complete an initial examination of and/or perform treatment upon an animal patient.

(B) After the chiropractor has completed an initial examination of and/or treatment upon the animal patient, the chiropractor shall consult with the supervising veterinarian to confirm that MSM care is appropriate, and to coordinate complementary treatment, to assure proper patient care.

(C) At the time a chiropractor is performing MSM on an animal patient in an animal hospital setting, the supervising veterinarian shall be on the premises. At the time a chiropractor is performing MSM on an animal patient in a range setting, the supervising veterinarian shall be in the general vicinity of the treatment area.

(D) The supervising veterinarian shall be responsible to ensure that accurate and complete records of MSM treatments are maintained in the patient's veterinary medical record.

(c) Where the supervising veterinarian has ceased the relationship with a chiropractor who is performing MSM treatment upon an animal patient, the chiropractor shall immediately terminate such treatment.

(d)(1) A chiropractor who fails to conform with the provisions of this section when performing MSM upon an animal shall be deemed to be engaged in the unlicensed practice of veterinary medicine.

(2) A veterinarian who fails to conform with the provisions of this section when authorizing a chiropractor to evaluate or perform MSM treatments upon an animal shall be deemed to have engaged in unprofessional conduct.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4825, 4826 and 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 5-6-98; operative 6-5-98 (Register 98, No. 19).

**§ 2038.5. Animal Physical Rehabilitation.**

(a) Animal Physical Rehabilitation (APR):

(1) is defined as the treatment of injury or illness to address pain and improve function by means of physical corrective treatment.

(2) does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training, or exercise.

(b) Prior to performing or authorizing APR, a veterinarian shall establish a valid veterinarian-client-patient relationship as defined in Sections 2032.1 or 2032.15.

(c) R.V.T.s may perform APR under the degree of direct or indirect supervision determined by the veterinarian who has established the veterinarian-client-patient relationship.

(d) Veterinary assistants may perform APR under the direct supervision of a veterinarian.

(e) Nothing in this section shall be construed to restrict or amend Section 2038 regarding the performance of MSM.

(f) This section shall not apply to wildlife rehabilitation regulated by the United States Fish and Wildlife Service or the California Department of Fish and Wildlife.

**NOTE:**

Authority cited: Sections 4808 and 4836, Business and Professions Code. Reference: Sections 4825, 4826, 4836 and 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 11-15-2021; operative 1-1-2022 (Register 2021, No. 47). Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

**§ 2039. Sodium Pentobarbital/Euthanasia Training.**

(a) In accordance with section 4827(d) of the code, an employee of an animal control shelter or humane society and its agencies who is not a veterinarian or registered veterinary technician (RVT) shall be deemed to have received proper training to administer, without the presence of a veterinarian, sodium pentobarbital for euthanasia of sick,

injured, homeless, or unwanted domestic pets or animals if the person has completed a curriculum of at least eight (8) hours as specified in the publication by the California Animal Welfare Association entitled “Euthanasia Training Curriculum” dated October 24, 1997, that includes the following subjects:

- (1) History and reasons for euthanasia
  - (2) Humane animal restraint techniques
  - (3) Sodium pentobarbital injection methods and procedures
  - (4) Verification of death
  - (5) Safety training and stress management for personnel
  - (6) Record keeping and regulation compliance for sodium pentobarbital
- At least five (5) hours of the curriculum shall consist of hands-on training in humane animal restraint techniques and sodium pentobarbital injection procedures.

(b) The training curriculum shall be provided by a veterinarian, an RVT, or an individual who has been certified by the California Animal Welfare Association to train persons in the humane use of sodium pentobarbital as specified in their publication entitled “Criteria for Certification of Animal Euthanasia Instructors in the State of California” dated September 1, 1997.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4827, Business and Professions Code.

**HISTORY:**

- 1. New section filed 4-30-98; operative 10-30-98 (Register 98, No. 18).
- 2. Change without regulatory effect amending subsections (a) and (b) filed 10-28-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 44).

**§ 2039.5. Animal Control Officer and Humane Officer Training.**

(a) For purposes of compliance with section 597.1 of the Penal Code, training for animal control or humane officers that meets the requirements of subdivisions (c), (d), and (e) of this section shall be deemed approved by the Board.

(b) For the purposes of this section, the term “licensee” means a California veterinarian who holds a current and valid license to practice veterinary medicine, as issued by the Board and the term “agency” means the organization or public entity employing the animal control or humane officer.

(c) The training, which shall be a minimum of four hours, shall be provided by a licensee and shall include didactic and hands-on training.

(d) The training shall include the following components:

(1) Definitions, weights and measures, and use of each and every controlled substance authorized by the agency for use in the chemical capture and immobilization of animals.

(2) Schedules and classifications of controlled substances and any hazards associated with exposure to the substances.

(3) Review of applicable Safety and Data Sheet (SDS) for each controlled substance authorized for use by the agency, such that each animal control or humane officer is familiar with the proper procedures for handling or working with that substance in a safe manner.

(4) The appropriate administration route and methods of administration available to the animal control or humane officer and for each species that is likely to be tranquilized in the field, including:

(A) Common drug combinations

(B) Factors that may affect the choice of the controlled substances to be administered and the appropriate dosage

(C) Equipment available to administer the controlled substances, and advantages and disadvantages of each method

(D) Drug administration and the advantages and disadvantages of each route of administration.

(5) Calculation of the proper dosages for each controlled substance for species likely to be tranquilized, including how to calculate a dosage with the following considerations: animal's weight, age, condition, and temperament.

(6) Identification of drug overdose or adverse drug reactions

(7) Normal and abnormal signs and behavior of an animal following the administration of a tranquilizer

(8) The proper care and transport of an animal tranquilized in the field.

(9) Identification when an animal requires veterinary care as a result of complications due to tranquilization.

(10) Review of applicable state and federal laws and regulations regarding the possession, storage, administration, tracking, and disposal of controlled substances.

(11) The level of licensee supervision established by the agency for an animal control or humane officer to administer controlled substances.

(e) At the conclusion of the training, the animal control or humane officer must complete an oral or written examination provided by the licensed veterinarian, which shall cover the required curriculum and shall include a practical component.

(f) Upon an officer's successful completion of the course, as determined by the licensee, the agency or its designee shall issue a signed certificate verifying that the animal control or humane officer completed the course, and the certificate, which is not transferable, shall be valid for four (4) years after issuance. The agency shall retain a copy of a certificate for six (6) years after its issuance.

(g) An agency that seeks to have an animal control or humane officer administer a controlled substance that was not addressed in the original training shall have the licensee review and discuss with the agency's officers the information specified in subsections (3), (5), (6) and (7) of subdivision (d) and both the content and the date of the review shall be documented and retained by the agency for six (6) years.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code; and Section 597.1, Penal Code. Reference: Section 597.1, Penal Code.

**HISTORY:**

1. New section filed 12-20-2017; operative 12-20-2017 pursuant to Government Code section 11343.4(b)(3) (Register 2017, No. 51).

## Article 5. Criteria for Rehabilitation

Section

2040. Substantial Relationship Criteria.

2041. Criteria for Rehabilitation.

2042. Grounds for Discipline.

### § 2040. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension, or revocation of a license pursuant to Section 141, Division 1.5 (commencing with Section 475), or subdivision (n) of Section 4883 of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions, or duties of a person holding a license under Chapter 11 of Division 2 of the code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare. For purposes of this subsection, "license" shall mean license, registration, or permit.

(b) In making the substantial relationship determination required under subsection (a) for a crime, the board shall consider all of the following criteria:

(1) The nature and gravity of the offense.

(2) The number of years elapsed since the date of the offense.

(3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) For purposes of subsection (a), a substantially related crime, professional misconduct, or act shall include the following:

(1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of Chapter 11, Division 2 of the code or other state or federal laws governing the practice of veterinary medicine.

(2) Conviction of a crime involving fiscal dishonesty.

**NOTE:**

Authority cited: Sections 481 and 4808, Business and Professions Code. Reference: Sections 141, 480, 481, 488, 490, 492, 493 and 4883, Business and Professions Code

**HISTORY:**

1. Amendment filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8). For prior history, see Register 75, No. 28.)
2. Amendment of first paragraph, redesignation of subsection (a), new subsections (b) and (c), renumbering and amendment of Note filed 11-19-2020; operative 11-19-2020 (Register 2020, No. 47). Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-66-20.

**§ 2041. Criteria for Rehabilitation.**

(a) For purposes of subsections (c) and (d), “license” shall mean license, registration, or permit.

(b) For purposes of subsections (c) and (d), “licensee” shall mean licensee, registrant, or permit holder.

(c) Denial of a license.

(1) When considering the denial of a license under Section 480 of the code on the ground that the applicant has been convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

- (A) The nature and gravity of the crime(s).
- (B) The length(s) of the applicable parole or probation period(s).
- (C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (D) The terms or conditions of parole or probation and the extent to which they bear on the applicant’s rehabilitation.
- (E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (c)(1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Sections 4836.2, 4842, 4845.5, or 4883 of the code, the board shall apply the following criteria in evaluating an applicant’s rehabilitation:

- (A) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.
  - (B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.
  - (C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in paragraph (A) or (B).
  - (D) Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
  - (E) The criteria in subsection (c)(1)(A)-(E), as applicable.
  - (F) Evidence, if any, of rehabilitation submitted by the applicant.
- (d) Suspension or revocation of a license.

(1) When considering the suspension or revocation of a license under Section 490 of the code on the ground that a person holding a license under Chapter 11 of Division 2

of the code has been convicted of a crime, the board shall consider whether the licensee made a showing of rehabilitation, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

- (A) The nature and gravity of the crime(s).
- (B) The length(s) of the applicable parole or probation period(s).
- (C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (D) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.
- (E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (d)(1), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Sections 4836.2, 4837, 4845.5, or 4883 of the code, the board shall apply the following criteria in evaluating the licensee's rehabilitation:

- (A) Nature and gravity of the act(s), disciplinary action(s), or crime(s).
- (B) Total criminal record.
- (C) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s).
- (D) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (E) The criteria in subsection (d)(1)(A)-(E), as applicable.
- (F) If applicable, evidence of dismissal proceedings pursuant to Section 1203.4 of the Penal Code.
- (G) Evidence, if any, of rehabilitation submitted by the licensee.
- (e) When considering a petition for reinstatement of a license or registration under the provisions of Section 4887 of the code, the board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in subsection (c) of this section.

**NOTE:**

Authority cited: Sections 481, 482 and 4808, Business and Professions Code. Reference: Sections 141, 475, 480, 481, 482, 488, 490, 493, 4836.2, 4837, 4842, 4845.5, 4883 and 4887, Business and Professions Code.

**HISTORY:**

1. Repealer and new section filed 7-10-75; effective thirtieth day thereafter (Register 75, No. 28).
2. Amendment filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
3. Amendment filed 10-12-83; effective thirtieth day thereafter (Register 83, No. 42).
4. Amendment of section and Note filed 11-19-2020; operative 11-19-2020 (Register 2020, No. 47). Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-66-20.

**§ 2042. Grounds for Discipline.**

Grounds for the denial, revocation, or suspension of a license, registration, or permit as provided in Section 4883 of the code, or grounds to assess a fine as provided in Section 4875 of the code includes, but is not limited to, the following:

- (a) Failure to report to the board within 30 days any disciplinary action taken by any public agency in any state or territory or any licensing entity or authority of this state or another state or territory, any agency of the federal government or United States military, or a foreign country.
- (b) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 141, 475, 480, 490, 4856, 4875 and 4883, Business and Professions Code.

**HISTORY:**

1. New section filed 12-30-2019; operative 4-1-2020 (Register 2020, No. 1). For prior history, see Register 83, No. 42.

**Article 5.5. Citations**

Section

2043. Civil Penalties for Citation.

**§ 2043. Civil Penalties for Citation.**

When the executive officer determines that a violation has occurred and issues a citation to a licensee or an unlicensed person, that citation shall include its classification and may include an assessment of a civil penalty. The classification of a citation shall be as follows:

(a) Class “A” violations involve a person who has violated a statute or regulation substantially related to the practice of veterinary medicine but has not caused either death or harm to an animal patient and has not presented a substantial probability that death or serious harm to an animal patient could result from the violation. A class “A” violation is subject to a civil penalty in an amount not less than two hundred and fifty dollars (\$ 250) and not exceeding three thousand dollars (\$ 3,000) for each citation.

(b) Class “B” violations involve a person who has violated a statute or regulation relating to the practice of veterinary medicine and either (1) has caused harm to an animal patient, or (2) has presented a substantial probability that death or serious harm to an animal patient could result from the violation, or (3) has committed a violation which meets the criteria for a class “A” violation and has two or more prior citations for a class “A” violation within the 5-year period immediately preceding the act serving as the basis for the citation. However, the increase in the civil penalty required by this subsection shall not be due and payable unless and until the actions to enforce the previous citations have been terminated in favor of the board. A class “B” violation is subject to a civil penalty in an amount not less than one thousand dollars (\$ 1,000) and not exceeding four thousand dollars (\$ 4,000) for each citation.

(c) Class “C” violations involve a person who (1) has caused death or serious harm to an animal patient, or (2) has committed a violation that has endangered the health or safety of another person or animal, or (3) has committed multiple violations that show a willful disregard of the law, or (4) has committed a violation that meets the criteria for a class “B” violation within the 5-year period immediately preceding the act serving as the basis for the citation. However, the increase in the civil penalty required in this subsection shall not be due and payable unless and until the actions to enforce the previous citations have been terminated in favor of the board. A class “C” violation is subject to a civil penalty in an amount not less than two thousand dollars (\$ 2,000) and not exceeding five thousand dollars (\$ 5,000) for each citation.

(d) In assessing the amount of a civil penalty, the executive officer shall consider the following criteria:

- (1) The nature and severity of the violation.
- (2) Evidence that the violation was willful.
- (3) History of violations of the same or similar nature.
- (4) The extent to which the cited person has cooperated with the board’s investigations.
- (5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.
- (6) Such other matters as justice may require.

(e) Notwithstanding the foregoing, in all situations involving unlicensed persons practicing veterinary medicine, the citation shall be a class “C” violation, and the civil

penalty shall be in an amount no less than two thousand dollars (\$ 2,000) and not exceeding five thousand dollars (\$ 5,000) for each citation as defined in subsection (c) above.

(f) Every citation that is issued pursuant to this article shall be considered a public document. Citations that have been resolved, by payment of the civil penalty or compliance with the order of abatement, shall be purged five (5) years from the date of resolution, unless the licensee is subject to formal discipline within five (5) years immediately following the citation order, at which time the citation may become part of the permanent enforcement record. A citation that has been withdrawn or dismissed shall be purged immediately upon withdrawal or dismissal.

(g) An order of abatement issued pursuant to section 4875.2 of the Code shall fix a reasonable time for abatement of the violation. An order of abatement may require any or all of the following:

(1) That the individual to whom the citation was issued demonstrate how future compliance with the laws and regulations related to the violation for which the citation was issued will be accomplished. The demonstration may include, but is not limited to, submission of a written corrective action plan.

(2) That the individual to whom the citation was issued take a course offered by a board-approved provider, related to the violation for which the citation was issued. Any courses taken to satisfy the order of abatement shall be individually approved by the board and in addition to those required as continuing education for license renewal.

**NOTE:**

Authority cited: Sections 125.9, 4808 and 4875.4, Business and Professions Code. Reference: Sections 12.5, 125.9, 148, 4826, 4846.5, 4875.2 and 4875.4, Business and Professions Code.

**HISTORY:**

1. New Article 5.5 (Section 2043) filed 12-21-88; operative 1-1-89 (Register 89, No. 1).
2. Amendment of first paragraph and Note filed 1-11-2000; operative 2-10-2000 (Register 2000, No. 2).
3. Amendment of section and Note filed 8-23-2016; operative 10-1-2016 (Register 2016, No. 35).
4. Amendment of subsections (a)-(c), (e) and (g)(2) filed 2-7-2023; operative 4-1-2023 (Register 2023, No. 6).

## Article 6. Registered Veterinary Technicians

Section

- 2060. Registered Veterinary Technicians.
- 2061. Examination. [Repealed]
- 2062. Passing Grade in Examination. [Repealed]
- 2063. Re-Examinations.
- 2064. Approval of Schools Accredited by the American Veterinary Medical Association.
- 2065. Minimum Requirements for Approved Schools or Degree Programs.
- 2065.5. School or Degree Program Approval.
- 2065.6. School and Degree Program Approval Process.
- 2065.7. Inspections.
- 2065.8. Probation.
- 2065.8.1. Withdrawal of Approval.
- 2065.8.2. Procedures for Probation or Withdrawal of Approval.
- 2065.8.3. Director Notification.
- 2065.9. Reporting.
- 2066. Out of State Schools.
- 2066.1. Unapproved In-State Schools.
- 2067. Practical Experience—Two-Year Curriculum Equivalent.
- 2068. Practical Experience—Advanced Degrees As Equivalent Curriculum.
- 2068.5. Practical Experience and Education As Equivalent Curriculum.
- 2068.6. Out of State Registration As Equivalent.
- 2068.7. Limited Term RVT Examination Eligibility Window. [Repealed]
- 2069. Emergency Animal Care.



**§ 2060. Registered Veterinary Technicians.**

The provisions of this article shall apply to the examination, licensure, and function of a registered veterinary technician only. All other provisions of this chapter shall pertain to registered veterinary technicians when applicable.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4833, 4846 and 4847.5, Business and Professions Code.

**HISTORY:**

1. Renumbering of Section 2060 to 2069, and new Section 2060 filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Change without regulatory effect amending article 6 heading, section heading and section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).

**§ 2061. Examination. [Repealed]****NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4833, Business and Professions Code.

**HISTORY:**

1. New section filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Repealer filed 3-15-84; effective thirtieth day thereafter (Register 84, No. 11).

**§ 2062. Passing Grade in Examination. [Repealed]****NOTE:**

Authority cited: Section 4808, Business and Profession Code. Reference: Sections 4833, 4839 and 4842.1, Business and Professions Code.

**HISTORY:**

1. New section filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Amendment filed 3-15-84; effective thirtieth day thereafter (Register 84, No. 11).
3. Amendment filed 11-28-90; operative 12-28-90 (Register 91, No. 2).
4. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
5. Repealer filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2063. Re-Examinations.****NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4833 and 4842.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Repealer filed 3-15-84; effective thirtieth day thereafter (Register 84, No. 11).

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

All schools or degree programs accredited by the American Veterinary Medical Association (AVMA) shall be deemed by the board 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.

**HISTORY:**

1. New section filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 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.

**HISTORY:**

1. New section filed 9-1-76; effective thirtieth day thereafter (Register 76, No. 36).
2. Amendment filed 2-15-79; effective thirtieth day thereafter (Register 79, No. 7).
3. Amendment filed 12-18-87; operative 1-17-88 (Register 87, No. 52).
4. Change without regulatory effect amending subsection (g) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
5. Amendment filed 1-19-99; operative 2-18-99 (Register 99, No. 4).
6. Amendment filed 7-20-2004; operative 8-19-2004 (Register 2004, No. 30).
7. Amendment of section heading, section and Note filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 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.

**HISTORY:**

1. New section filed 2-15-79; effective thirtieth day thereafter (Register 79, No. 7).
2. Repealer and new section filed 1-19-99; operative 2-18-99 (Register 99, No. 4).
3. Amendment of section heading and section filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 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.

**HISTORY:**

1. New section filed 1-19-99; operative 2-18-99 (Register 99, No. 4).
2. Amendment of section heading and section filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 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 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.

**HISTORY:**

1. New section filed 1-19-99; operative 2-18-99 (Register 99, No. 4).
2. Repealer and new subsection (b)(2) filed 7-20-2004; operative 8-19-2004 (Register 2004, No. 30).
3. Amendment filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 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.

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

(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.

**HISTORY:**

1. New section filed 1-19-99; operative 2-18-99 (Register 99, No. 4).
2. Repealer and new section heading and section filed 7-20-2004; operative 8-19-2004 (Register 2004, No. 30).
3. Amendment filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 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.

**HISTORY:**

1. New section filed 7-20-2004; operative 8-19-2004 (Register 2004, No. 30).
2. Amendment filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 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.

**HISTORY:**

1. New section filed 7-20-2004; operative 8-19-2004 (Register 2004, No. 30).
2. Amendment filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 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.

**HISTORY:**

1. New section filed 7-20-2004; operative 8-19-2004 (Register 2004, No. 30).
2. Amendment filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 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.

**HISTORY:**

1. New section filed 1-19-99; operative 2-18-99 (Register 99, No. 4).
2. Amendment filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 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.

**HISTORY:**

1. New section filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36). For prior history, see Register 87, No. 52.

**§ 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.

**HISTORY:**

1. New section filed 9-2-2014; operative 1-1-2015 (Register 2014, No. 36).

**§ 2067. Practical Experience—Two-Year Curriculum Equivalent.**

**NOTE:**

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

**HISTORY:**

1. New section filed 9-1-76; effective thirtieth day thereafter (Register 76, No. 36).
2. Amendment filed 2-15-79; effective thirtieth day thereafter (Register 79, No. 7).
3. Amendment filed 3-15-84; effective thirtieth day thereafter (Register 84, No. 11).
4. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
5. Repealer filed 6-12-2009; operative 7-12-2009 (Register 2009, No. 24).

**§ 2068. Practical Experience—Advanced Degrees As Equivalent Curriculum.**

**NOTE:**

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

**HISTORY:**

1. New section filed 9-1-76; effective thirtieth day thereafter (Register 76, No. 36).
2. Amendment filed 2-15-79; effective thirtieth day thereafter (Register 79, No. 7).
3. Amendment filed 3-15-84; effective thirtieth day thereafter (Register 84, No. 11).
4. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
5. Repealer filed 6-12-2009; operative 7-12-2009 (Register 2009, No. 24).

**§ 2068.5. Practical Experience and Education As Equivalent Curriculum.**

In lieu of a two year curriculum in animal health technology, completion of a combination of practical experience and education in compliance with the following criteria is deemed to be “the equivalent thereof as determined by the board” pursuant to Section 4841.5 of the code:

(a) The education shall consist of a total of 20 semester units, 30 quarter units, or 300 hours of instruction. The education shall be provided by a postsecondary academic institution or a qualified instructor as defined by Section 2068.5(e). The education shall be accumulated in the fundamentals and principles of all of the following subjects:

- (1) Dental prophylaxis and extraction.
- (2) Anesthetic instrumentation, induction and monitoring.
- (3) Surgical nursing and assisting, including instrumentation, suturing techniques, intravascular catheter placement and application of casts and splints.
- (4) Radiography and radiation safety.
- (5) Diseases and nursing of animals, including zoonotic diseases and emergency veterinary care.

(b) The education shall include instruction in chemistry, mathematics, biology, microbiology, anatomy and physiology, and medical terminology, or these subjects may be obtained as separate courses.

(c) All educational requirements in subsection (a) shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.

(d) Interactive distance-learning shall be accepted if the course meets all the criteria listed in this section and the candidate achieves a documented passing score on the course final examination.

(e) The candidate shall provide the board with a syllabus or an outline for each course. The candidate shall provide documentation of attendance for each course in the form of one of the following:

(1) a certificate of attendance,

(2) an official transcript, or

(3) a letter on official stationery signed by the course instructor documenting that the candidate attended a particular course.

(f)(1) In order for education to be approved for qualification under Section 2068.5, the instructor must meet at least two of the following minimum requirements:

(A) A license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;

(B) A master's or higher degree from an educational institution in an area related to the subject matter of the course;

(C) Training, certification, or experience in teaching the subject matter of the course; or

(D) At least two years' experience in an area related to the subject matter of the course.

(2) The instructor shall provide each participant with a course syllabus or detailed outline which includes a description of the material covered.

(g) The directed clinical practice shall consist of at least 4416 hours, completed in no less than 24 months, of directed clinical practice under the direct supervision of a California-licensed veterinarian who shall attest to the completion of that experience at the time the application is made to the board for the registered veterinary technician examination. This experience shall have been completed by the applicant within five (5) years prior to the date of the examination for registration as a registered veterinary technician.

(h) The directed clinical practice required in subsection (g) shall have provided the applicant with knowledge, skills, and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior, and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

**NOTE:**

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

**HISTORY:**

1. New section filed 1-27-89; operative 4-1-89 (Register 89, No. 7). For history of former section, see Registers 79, No. 7 and 76, No. 36.
2. Repealer of subsections (a)-(b) and new subsections (a)-(e) filed 11-23-94; operative 12-23-94 (Register 94, No. 47).
3. Change without regulatory effect amending subsection (b) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
4. Amendment of subsections (c) and (d) filed 5-25-2000; operative 6-24-2000 (Register 2000, No. 21).
5. Amendment of section heading and section filed 4-2-2002; operative 5-2-2002 (Register 2002, No. 14).
6. Amendment of subsections (a)(3), (e)(3), (g) and (h) filed 6-12-2009; operative 7-12-2009 (Register 2009, No. 24).



**§ 2068.6. Out of State Registration As Equivalent.**

An applicant shall be eligible for the California veterinary technician examination provided such applicant meets the following requirements:

(a) The applicant is licensed, certified, or registered as a veterinary technician in the United States, Canada or U.S. territory in good standing, as defined in Section 4848 (b) (1) (A) and (B) of Business and Professions Code, in which the board has determined that he or she has passed the national veterinary technician examination or an examination equivalent to the written examination last required in California.

(b) The applicant has obtained at least 4,416 hours, completed in no less than 24 months, of directed clinical practice, under the direct supervision of a veterinarian licensed in the United States, Canada or U.S. territory.

(c) The directed clinical practice shall have provided the applicant with knowledge, skills and abilities in the areas of communication with clients, patient examinations, emergency procedures, laboratory procedures, diagnostic imaging, surgical assisting, anesthesia, animal nursing, nutrition, dentistry, animal behavior and pharmacology. The supervising veterinarian(s) shall complete a check list attesting to proficiency in specific skill areas within the preceding categories.

(d) The board determines that no disciplinary action has been taken against the applicant by any public agency concerned with the practice of animal health care and that the applicant has not been the subject of adverse civil or criminal judgments resulting from the practice of animal health care which the board determines constitutes evidence of a pattern of incompetency or negligence.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4841.5 and 4848, Business and Professions Code.

**HISTORY:**

1. New section filed 1-27-89; operative 4-1-89 (Register 89, No. 7).
2. Change without regulatory effect amending first paragraph and subsection (a) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
3. Amendment of subsection (b), new subsection (c) and subsection relettering filed 6-12-2009; operative 7-12-2009 (Register 2009, No. 24).
4. Amendment of section heading, section and Note filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).

**§ 2068.7. Limited Term RVT Examination Eligibility Window. [Repealed]**

**NOTE:**

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

**HISTORY:**

1. New section filed 2-3-2009; operative 2-3-2009 pursuant to Government Code section 11343.4. T h i s regulation will expire by its own terms on January 1, 2010 (Register 2009, No. 6).
2. Change without regulatory effect repealing section filed 11-2-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 45).

**§ 2069. Emergency Animal Care.**

Emergency animal care rendered by registered veterinary technician.

(a) Under conditions of an emergency as defined in Section 4840.5 of the code, a registered veterinary technician may render the following lifesaving aid or emergency treatment to an animal:

- (1) Application of tourniquets and/or pressure bandages to control hemorrhage.
- (2) Resuscitative oxygen procedures.
- (3) Establishing open airways including intubation appliances but excluding surgery.
- (4) External cardiac resuscitation.
- (5) Application of temporary splints or bandages to prevent further injury to bones or soft tissues.
- (6) Application of appropriate wound dressings and external supportive treatment in severe burn cases.

- (7) External supportive treatment in heat prostration cases.
- (b) The following tasks shall only be performed after direct communication with a veterinarian licensed or otherwise authorized to practice in this state:
- (1) Administration of a drug or controlled substance to prevent or control shock, including parenteral fluids.
  - (2) Administration of a drug or controlled substance to manage pain or to sedate an animal for examination or to prevent further injury.
  - (3) Administration of a drug or controlled substance to prevent suffering of an animal, up to and including euthanasia.
- (c) In the event that direct communication cannot be established as required under subdivision (b), the registered veterinary technician may perform the task in accordance with written instructions established by the supervising veterinarian, or, in the case of a sanctioned rodeo or other sporting event, the veterinarian charged with the responsibility to provide treatment to the animals at the rodeo or event.

**NOTE:**

Authority cited: Sections 4808 and 4836, Business and Professions Code. Reference: Sections 4836.1 and 4840.5, Business and Professions Code.

**HISTORY:**

1. New Article 6 (Section 2060) filed 9-4-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Renumbering of Section 2060 to Section 2069 filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
3. Amendment filed 3-15-84; effective thirtieth day thereafter (Register 84, No. 11).
4. Change without regulatory effect amending first and second paragraphs and subsection (1) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
5. Amendment of section and Note filed 3-2-2021; operative 7-1-2021 (Register 2021, No. 10).

### Article 7. Fees

Section	
2070.	Registration and Renewal Fees for Veterinarians, University License, Veterinary Premises, and Diversion Program.
2071.	Application, Registration, Renewal, and Delinquency Fees Regarding Registered Veterinary Technicians and Approval of School or Institution Curriculum Fee.
2071.1.	Application, Permit, and Renewal Fees for Veterinary Assistant Controlled Substance Permits.

#### § 2070. Registration and Renewal Fees for Veterinarians, University License, Veterinary Premises, and Diversion Program.

Pursuant to the provisions of Section 4905 of the code, the following fees are fixed by the board:

- (a) The application eligibility review fee for all examinations shall be \$350.00.
- (b) The fee for the veterinary law examination shall be \$100.00.
- (c) The initial license fee for licenses issued for one year or more from the date on which they will expire shall be \$500.00.
- (d) The biennial renewal fee shall be \$500.00.
- (e) The university license application fee shall be \$350.00.
- (f) The initial license fee for a university license shall be \$500.00.
- (g) The biennial renewal fee for a university license shall be \$500.00.
- (h) The delinquency fee shall be \$50.00.
- (i) The annual initial fee for registration of a veterinary premises shall be \$500.00.
- (j) The annual renewal fee for registration of a veterinary premises shall be \$525.00.
- (k) The fee for the Board's Diversion Program shall be \$2,000 per participant.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4905, Business and Professions Code.

**HISTORY:**

1. New section filed 5-20-77; effective thirtieth day thereafter (Register 77, No. 21).
2. New subsection (f) filed 10-18-79; effective thirtieth day thereafter (Register 79, No. 42).

3. Amendment filed 5-8-80; effective thirtieth day thereafter (Register 80, No. 19).
4. Amendment of subsection (b) filed 8-27-81; effective thirtieth day thereafter (Register 81, No. 35).
5. Amendment of subsection (a) filed 5-20-82; effective thirtieth day thereafter (Register 82, No. 21).
6. Amendment of subsection (c) filed 5-20-85; effective thirtieth day thereafter (Register 85, No. 21).
7. Amendment filed 11-13-86; effective thirtieth day thereafter (Register 86, No. 46).
8. Amendment of subsections (a) and (b) filed 9-18-89; operative 10-18-89 (Register 89, No. 38).
9. Amendment filed 9-3-92; operative 10-5-92 (Register 92, No. 36).
10. Amendment of subsection (d) filed 12-23-94; operative 1-1-95 pursuant to Government Code Section 11346.2(d) (Register 94, No. 51).
11. Amendment of subsections (a)-(c) filed 8-28-95; operative 9-27-95 (Register 95, No. 35).
12. Amendment of subsections (a)-(c) filed 3-21-97; operative 4-20-97 (Register 97, No. 12).
13. New subsection (a), subsection relettering and amendment of newly designated subsections (b)-(e) filed 6-17-98; operative 7-17-98 (Register 98, No. 25).
14. New subsections (e) and (g) and subsection relettering filed 3-29-99 as an emergency; operative 3-29-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-27-99 or emergency language will be repealed by operation of law on the following day.
15. Certificate of Compliance as to 3-29-99 order transmitted to OAL 7-15-99 and filed 7-30-99 (Register 99, No. 31).
16. Amendment of subsection (a), repealer of subsections (b) and (c) and subsection relettering filed 7-18-2000; operative 7-18-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 29).
17. Amendment of section heading, new subsection (h) and amendment of Note filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).
18. Amendment filed 4-8-2003; operative 7-1-2003 (Register 2003, No. 15).
19. Amendment of subsections (a)-(e) filed 6-15-2007; operative 7-15-2007 (Register 2007, No. 24).
20. Amendment of section heading, section and Note filed 7-1-2011; operative 7-31-2011 (Register 2011, No. 26).
21. Amendment filed 3-5-2018 as an emergency; operative 3-5-2018 (Register 2018, No. 10). A Certificate of Compliance must be transmitted to OAL by 9-4-2018 or emergency language will be repealed by operation of law on the following day.
22. Amendment refiled 8-1-2018 as an emergency; operative 9-5-2018 (Register 2018, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-4-2018 or emergency language will be repealed by operation of law on the following day.
23. Amendment refiled 10-16-2018 as an emergency; operative 12-5-2018 (Register 2018, No. 42). A Certificate of Compliance must be transmitted to OAL by 3-5-2019 or emergency language will be repealed by operation of law on the following day.
24. Certificate of Compliance as to 10-16-2018 order transmitted to OAL 3-5-2019 and filed 4-17-2019 (Register 2019, No. 16).
25. Amendment of subsections (a)-(b) and (d)-(f), new subsections (g)-(i), subsection relettering and amendment of newly designated subsection (m) filed 1-27-2020 as an emergency; operative 1-27-2020 (Register 2020, No. 5). A Certificate of Compliance must be transmitted to OAL by 7-27-2020 or emergency language will be repealed by operation of law on the following day.
26. Emergency filed 1-27-2020 extended 60 days pursuant to Executive Order N-40-20 and an additional 60 days pursuant to Executive Order N-66-20 (Register 2020, No. 37). A Certificate of Compliance must be transmitted to OAL by 11-24-2020 or emergency language will be repealed by operation of law on the following day.
27. Amendment of subsections (a)-(b) and (d)-(f), new subsections (g)-(i), subsection relettering and amendment of newly designated subsection (m) refiled 11-18-2020 as an emergency, including amendment of section heading; operative 11-25-2020 pursuant to Government Code section 11346.1(d) (Register 2020, No. 47). Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-66-20). A Certificate of Compliance must be transmitted to OAL by 6-25-2021 or emergency language will be repealed by operation of law on the following day.
28. Certificate of Compliance as to 11-18-2020 order, including amendment of section heading, transmitted to OAL 4-20-2021 and filed 6-1-2021; amendments operative 6-1-2021 pursuant to Government Code section 11343.4(b) (3) (Register 2021, No. 23).
29. Change without regulatory effect amending section filed 5-17-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 20).

**§ 2071. Application, Registration, Renewal, and Delinquency Fees Regarding Registered Veterinary Technicians and Approval of School or Institution Curriculum Fee**

Pursuant to the provisions of Section 4905 of the code, the following fees are fixed by the board:

- (a) The application eligibility review fee shall be \$225.00.
- (b) The initial registration fee for registrations issued for one year or more from the date on which it will expire shall be \$225.00.
- (c) The biennial renewal fee shall be \$225.00.
- (d) The delinquency fee shall be \$50.00.
- (e) The biennial application fee for Board approval of the curriculum for training registered veterinary technicians by a school or institution, by a degree program pursu-

ant to section 2065.6, or by a practical experience and education equivalent program pursuant to section 2068.5, shall be \$300.00.

**NOTE:**

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

**HISTORY:**

1. New article 7 (section 2071) filed 2-17-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Amendment of subsections (a) and (b) filed 12-29-81; effective thirtieth day thereafter (Register 82, No. 1).
3. Amendment of first paragraph and subsection (a) and repealer of subsections (b) and (c) and relettering filed 9-3-92; operative 10-5-92 (Register 92, No. 36).
4. Amendment of subsection (a) filed 8-28-95; operative 9-27-95 (Register 95, No. 35).
5. Change without regulatory effect amending section heading and subsection (a) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).
6. Amendment filed 4-8-2003; operative 7-1-2003 (Register 2003, No. 15).
7. Amendment filed 6-15-2007; operative 7-15-2007 (Register 2007, No. 24).
8. Amendment filed 7-1-2011; operative 7-31-2011 (Register 2011, No. 26).
9. Amendment of subsections (a) and (b) filed 7-10-2014; operative 10-1-2014 (Register 2014, No. 28).
10. Amendment filed 3-5-2018 as an emergency; operative 3-5-2018 (Register 2018, No. 10). A Certificate of Compliance must be transmitted to OAL by 9-4-2018 or emergency language will be repealed by operation of law on the following day.
11. Amendment refiled 8-1-2018 as an emergency; operative 9-5-2018 (Register 2018, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-4-2018 or emergency language will be repealed by operation of law on the following day.
12. Amendment refiled 10-16-2018 as an emergency; operative 12-5-2018 (Register 2018, No. 42). A Certificate of Compliance must be transmitted to OAL by 3-5-2019 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 10-16-2018 order transmitted to OAL 3-5-2019 and filed 4-17-2019 (Register 2019, No. 16).
14. Amendment of subsections (a) and (c)-(e) filed 1-27-2020 as an emergency; operative 1-27-2020 (Register 2020, No. 5). A Certificate of Compliance must be transmitted to OAL by 7-27-2020 or emergency language will be repealed by operation of law on the following day.
15. Emergency filed 1-27-2020 extended 60 days pursuant to Executive Order N-40-20 and an additional 60 days pursuant to Executive Order N-66-20 (Register 2020, No. 37). A Certificate of Compliance must be transmitted to OAL by 11-24-2020 or emergency language will be repealed by operation of law on the following day.
16. Amendment of subsections (a) and (c)-(e) refiled 11-18-2020 as an emergency, including amendment of section heading; operative 11-25-2020 pursuant to Government Code section 11346.1(d) (Register 2020, No. 47). Emergency expiration extended 60 days (Executive Order N-40-20) plus an additional 60 days (Executive Order N-66-20). A Certificate of Compliance must be transmitted to OAL by 6-25-2021 or emergency language will be repealed by operation of law on the following day.
17. Certificate of Compliance as to 11-18-2020 order, including amendment of section heading, new subsection (f) and amendment of Note, transmitted to OAL 4-20-2021 and filed 6-1-2021; amendments operative 6-1-2021 pursuant to Government Code section 11343.4(b)(3) (Register 2021, No. 23).
18. Change without regulatory effect amending section and NOTE filed 5-17-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 20).

### § 2071.1. Application, Permit, and Renewal Fees for Veterinary Assistant Controlled Substance Permits.

Pursuant to the provisions of Section 4905 of the code, the following fees are fixed by the board:

- (a) The application fee for the veterinary assistant controlled substance permit (VACSP) shall be \$100.00.
- (b) The initial VACSP fee for VACSPs issued for one year or more from the date the initial VACSP is granted shall be \$100.00.
- (c) The biennial renewal fee shall be \$100.00.

**NOTE:**

Authority cited: Sections 4836, 4836.2 and 4836.3, Business and Professions Code. Reference: Sections 4836, 4836.2 and 4836.3, Business and Professions Code.

**HISTORY:**

1. New section filed 8-1-2016; operative 8-1-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 32).
2. Change without regulatory effect amending section and NOTE filed 5-17-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 20).

**Article 8. Alcohol and Drug Abuse Diversion Program for Veterinarians and Animal Health Technicians**

Section  
 2075. Definitions.  
 2076. Criteria for Admission.  
 2077. Procedure for Review of Applicants.  
 2078. Administrative Physicians.  
 2079. Causes for Denial of Admission.  
 2080. Causes for Termination from the Program.  
 2081. Notification of Termination.  
 2082. Confidentiality of Records.

**§ 2075. Definitions.**

As used in this article

- (a) "Program" means the alcohol and drug abuse diversion program for veterinarians and registered veterinary technicians authorized pursuant to Article 3.5 (commencing with Section 4860) of Chapter 11 of Division 2 of the Business and Professions Code.
- (b) "Diversion committee" means diversion evaluation committee.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4808, Business and Professions Code.

**HISTORY:**

1. New Article 8 (Sections 2075-2082, not consecutive) filed 3-28-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 13).
2. Change without regulatory effect amending Article 8 heading and subsection (a) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).

**§ 2076. Criteria for Admission.**

An applicant shall meet the following criteria for admission to the program:

- (a) The applicant shall be a veterinarian or registered veterinary technician licensed or registered in this state.
- (b) The applicant shall reside in California.
- (c) The applicant is found to abuse alcohol or other dangerous drugs in a manner which may affect the veterinarian's ability to practice veterinary medicine competently or the registered veterinary technician's ability to perform his or her duties competently.
- (d) The applicant shall have voluntarily requested admission to the program.
- (e) The applicant agrees to undertake any reasonable medical or psychiatric examinations necessary to evaluate the application for participation in the program.
- (f) The applicant cooperates with the program by providing medical information, disclosure authorizations and releases of liability as may be necessary for participation in the program.
- (g) The applicant agrees in writing to cooperate with all elements of both the program and the individual treatment program designed by a diversion committee.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4866, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect amending subsections (a) and (c) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).

**§ 2077. Procedure for Review of Applicants.**

- (a) An administrative physician shall act as a medical consultant to the program manager for the purpose of interviewing each applicant who requests admission to the program.
- (b) The program manager and the medical consultant will recommend such medical and psychiatric examinations by administrative physicians which may be necessary for

determining the applicant's eligibility in the program and request such other information, authorization, and releases necessary for the program.

(c) The program manager, medical consultant and any administrative physician who examined the applicant shall each make a recommendation to the committee whether the applicant should or should not be admitted to the program.

(d) A diversion committee's decision on admission of an applicant to the program shall be final.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4866, Business and Professions Code.

**§ 2078. Administrative Physicians.**

Administrative physicians, who are physicians selected by the Board on recommendation of the program manager to conduct medical or psychiatric examinations of an applicant or who act as medical consultants for purposes of interviewing applicants for admission to the program, shall be California licensed physicians who are competent to perform the required examination.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4866, Business and Professions Code.

**HISTORY:**

1. New section filed 10-24-85; effective thirtieth day thereafter (Register 85, No. 43).

**§ 2079. Causes for Denial of Admission.**

A diversion committee may deny an applicant admission to the program for any of the following reasons:

- (a) The applicant does not meet the requirements set forth in Section 2076.
- (b) The applicant has been subject to an adverse disciplinary decision by any state veterinary medical or registered veterinary technician licensing authority.
- (c) Formal complaints have been received by the Board which, after investigation, indicate that the applicant may have violated a provision of the laws governing the practice of veterinary medicine, Chapter 11 (commencing with Section 4800) of Division 2 of Business and Professions Code, excluding subsection (g)(1) of Section 4883 of the Code.

(d) A diversion committee determines that the applicant will not substantially benefit from participation in the program or that the applicant's participation in the program creates too great a risk to the public health, safety or welfare.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4860, 4866 and 4870, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect amending subsection (b) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).

**§ 2080. Causes for Termination from the Program.**

A diversion committee may terminate a veterinarian or registered veterinary technician's participation in the program for any of the following reasons:

- (a) The applicant has successfully completed the treatment program prescribed by the diversion committee.
- (b) The diversion committee votes to terminate participation for one of the following causes:
  - (1) The veterinarian or registered veterinary technician has failed to comply with the treatment program designated by the diversion committee.
  - (2) Any cause for denial of an applicant in Section 2079.
  - (3) The veterinarian or registered veterinary technician has failed to comply with any of the requirements set forth in Section 2076.

(4) The diversion committee determines that the applicant has not substantially benefited from participation in the program or that the applicant's continued participation in the program creates too great a risk to the public health, safety or welfare.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4860, 4866, 4867 and 4870, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect amending first paragraph and subsections (b)(1) and (b)(3) filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).

**§ 2081. Notification of Termination.**

Whenever any veterinarian or registered veterinary technician is terminated from the program for any reasons other than successful completion of the program, the diversion committee shall, within thirty days, report such fact to the Board in writing. The diversion committee's written notification to the Board of a participant's termination from the program shall not include any confidential information as defined in Section 2082.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Sections 4860, 4866 and 4871, Business and Professions Code.

**HISTORY:**

1. New section filed 10-24-85; effective thirtieth day thereafter (Register 85, No. 43).
2. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).

**§ 2082. Confidentiality of Records.**

(a) All Board, Diversion Committee and Program records relating to a veterinarian's or registered veterinary technician's application to the program shall be kept confidential pursuant to Section 4871 of the Code, including all information provided by the applicant, or by an examining physician, to the program manager, a medical consultant, members of a diversion committee, or other employees of the Board in connection with the program. Such records shall be purged when a veterinarian's or registered veterinary technician's participation in the program is either completed or terminated.

(b) All other information or records received by the Board prior to the acceptance of the applicant into the program, or which do not relate to the veterinarian's or registered veterinary technician's application into the program, or which do not relate to the veterinarian's or registered veterinary technician's participation in the program, shall not be maintained in a confidential manner as required by Section 4871 of the Code and may be utilized by the Board in any disciplinary or criminal proceedings instituted against the veterinarian or registered veterinary technician.

**NOTE:**

Authority cited: Section 4808, Business and Professions Code. Reference: Section 4871, Business and Professions Code.

**HISTORY:**

1. Change without regulatory effect amending section filed 3-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 9).

**Article 9. Continuing Education: Veterinarian**

Section	
2085.	Definitions: Continuing Education.
2085.1.	License Renewal Requirements.
2085.2.	Continuing Education Waivers.
2085.3.	Continuing Education Credit.
2085.4.	Retroactive Approval of Course Providers.
2085.5.	Approved Providers.
2085.6.	Courses Relevant to Veterinary Medicine.
2085.7.	Course Instructor Qualifications.
2085.8.	Records of Course Completion.

- 2085.9. Licensee and Provider Course Records.  
 2085.10. Statutorily Recognized Providers.  
 2085.11. Board Recognized National Continuing Education Approval Body.  
 2085.12. Providers Application to Approval Entity; Processing Times.  
 2085.13. Withdrawal of Approval.

**§ 2085. Definitions: Continuing Education.**

As used in this article:

- (a) "Licensee" means a California licensed veterinarian.  
 (b) "Continuing education" means education needed to maintain competence and skills consistent with current standards and practices and that is beyond the initial academic studies needed to be licensed.  
 (c) "Statutorily recognized provider" or "recognized provider" means an organization, institution, association, university or other person or entity that is authorized to offer continuing education in veterinary medicine pursuant to subsection (b)(1) of section 4846.5 of the Code.  
 (d) "Approved provider" means an organization, institution, association, university or other person or entity that is approved by the Board or the Board recognized national continuing education approval body to offer continuing education courses in veterinary medicine.  
 (e) "Qualifying continuing education" or "qualifying course" means an orderly learning experience which meets the criteria specified in this article and is administered by a recognized or an approved provider. It includes a variety of forms of learning experiences, including, but not limited to, lectures, conferences, workshops, video conferencing, distance learning technologies, and self-study courses.  
 (f) "Self-study course" means a form of orderly learning that does not offer participatory interaction between the licensee and the instructor during the instructional period. Self-study includes, but is not limited to, correspondence courses, independent study and home study programs, reading journals, viewing of videotapes, or listening to audiotapes.  
 (g) "AAVSB" means the American Association of Veterinary State Boards.  
 (h) "Approval entity" means the entity responsible for approving a provider of continuing education who is not a recognized provider. The entity shall be either the Board recognized national continuing education approval body or the Board itself.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New article 9 (sections 2085-2085.13) and section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).
2. Amendment of article 9 heading filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2085.1. License Renewal Requirements.**

(a)(1) A licensee applying for license renewal, or who is reactivating an inactive license, shall certify in writing that during the preceding renewal period the licensee has completed at least thirty-six (36) hours of approved continuing education and furnish a full set of fingerprints as required by section 2010.05.

(2) Notwithstanding subdivision (a)(1) of this section, a veterinarian shall not be required to comply with the continuing education requirements when applying for his or her first license renewal. Thereafter, such veterinarians shall be required to meet the continuing education requirement specified herein as a condition for renewal of his or her license.

**NOTE:**

Authority cited: Sections 4800.1, 4808 and 4846.5, Business and Professions Code. Reference: Section 144, 700, 701, 703, 704, 4808, 4837, 4846.5, 4875 and 4883, Business and Professions Code; and Section 11105, Penal Code.

**HISTORY:**



1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).
2. Amendment of subsection (a)(1) and Note filed 4-15-2011; operative 4-1-2012 (Register 2011, No. 15).

**§ 2085.2. Continuing Education Waivers.**

(a) A licensee may request a waiver from complying with the continuing education requirements. A request for a waiver from the continuing education requirements shall be submitted to the Board on an application provided by the Board (using form VMB/CE/1 dated 10/04, which is incorporated by reference). The application shall include a letter explaining the reason for the waiver request in addition to documents that verify the request for waiver, e.g., military documents, letter from physician, and shall be signed by the licensee under penalty of perjury. The Board will notify the licensee, within seventy-five (75) working days after receipt of the request for waiver and the supporting documentation, whether the waiver was granted.

(b) If the request for waiver is denied, the licensee shall complete the continuing education requirements as set forth in this article and sections 4846.5 of the Code. If the request for waiver is granted, it shall be valid only for the current renewal period.

(c) The Board shall grant the waiver if the licensee can provide documents, satisfactory to the Board, that:

(1) For at least one year during the licensee’s current license period the licensee was or will be absent from California due to military service; or

(2) For at least one year during the licensee’s current license period the licensee is prevented from practicing veterinary medicine and from completing continuing education courses for the following reasons of health or undue hardship which include:

(A) A significant physical and/or mental disability of the veterinarian; or

(B) A significant physical and/or mental disability of an individual where the veterinarian has total responsibility for the care of that individual.

(d) Notwithstanding subsection (c), upon reviewing the request to waive the continuing education requirements, the Board may deny the waiver if granting the waiver compromises the health and safety of animals or consumers. Further, the Board shall review the information provided in each request for waiver of the continuing education requirements to determine whether facts exist showing a violation of the Veterinary Medicine Practice Act for purposes of issuing a citation or imposing a civil penalty pursuant to Section 4883.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).
2. Amendment of subsections (a) and (c)(2) and new subsection (d) filed 7-27-2005; operative 8-26-2005 (Register 2005, No. 30).

**§ 2085.3. Continuing Education Credit.**

(a) Licensees will earn one-hour of continuing education credit for each hour of a qualifying course. A qualifying course shall be at least one-hour in length. One credit hour shall consist of not less than 50 minutes of actual instruction. Qualifying courses or presentations that are between 25 and 49 minutes in excess of one hour shall be granted credit in half-hour increments.

(b) One academic quarter unit is equal to 10 hours of continuing education credit and one academic semester unit is equal to 15 hours of continuing education credit.

(c) A licensee who teaches a qualifying continuing education course may claim credit for the course only one time during a renewal period.

(d) A licensee who participates as an expert examiner in an examination preparation workshop for the California state or national licensing examination may claim, on

an hour for hour basis, up to a maximum of sixteen (16) hours per renewal period, continuing education credit for such participation.

(e) A licensee shall not be allowed to use, for purposes of renewal, more than twenty-four (24) hours of continuing education credit for courses in business practice management or stress seminars.

(f) A licensee who takes a course as a condition of probation resulting from disciplinary action by the Board may not apply the course as credit towards the continuing education requirement.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Sections 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).

**§ 2085.4. Retroactive Approval of Course Providers.**

A continuing education course offered by a provider identified in section 4846.5(b)(1) (A-J) of the Business and Professions Code shall be accepted towards license renewal if the course started on or after January 1, 2000.

A licensee who completes a continuing education course by a provider not identified in section 4846.5(b)(1)(A-J) of the Business and Professions Code, which was started on or after February 1, 2000, shall receive continuing education credit for that course if the provider and the course were approved by the Board recognized national continuing education approval body (American Association of Veterinary State Boards) on or before February 3, 2002.

This section shall be inoperative and repealed on December 31, 2003.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-11-2002; operative 2-11-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 7).

**§ 2085.5. Approved Providers.**

(a) A continuing education provider shall apply to the Board or the Board recognized national continuing education approval body for approval as a provider.

(b) A continuing education provider shall be issued a continuing education provider number and may represent itself as a California approved provider of continuing education courses for veterinarians, upon satisfactory completion of the provider requirements of the Board. Providers applying for approval must meet the following requirements:

(1)(A) Submit an application to the Board (Form # VMB/CE/2 dated 11/1/01) with payment of the appropriate fees; or

(B) Submit an application (AAVSB National Registry of Approved CE (RACE) Provider Application, in effect as of 8/1/01), to the Board recognized national continuing education approval body, with payment of the appropriate fees;

(2) Provide to each course participant a mechanism for evaluating the individual courses;

(3) Submit written documentation as to the procedures and protocols it will use to comply with the provisions of the Board's continuing education regulations found in Article 9, Division 20, Title 16, CCR.

(c) A continuing education provider approval number issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired continuing education provider approval number, the provider shall, on or before the expiration date of the approval number, apply for renewal to the accreditation agency and pay the two-year renewal fee. A continuing education provider approval

number that is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.

(d) Approved provider status is non-transferable. Approved providers shall inform the approving agency in writing no later than 30 days after any changes in their courses, organizational structure and/or person(s) responsible for continuing education program, including name and address changes.

**NOTE:**

Authority cited: Sections 4808 and 4846, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).

**§ 2085.6. Courses Relevant to Veterinary Medicine.**

All qualifying continuing education courses shall be relevant to veterinary medicine. A course shall be deemed to be relevant to veterinary medicine if it meets the following standards:

(a) The content of the course shall reflect the educational needs of the veterinarian, build upon the standards for practice and courses as found in the curricula of Board approved schools of veterinary medicine, contain information that is relevant to the practice of veterinary medicine, have written education goals, and shall:

(1) Be related to the scientific knowledge and/or technical skills required for the practice of veterinary medicine; or

(2) Be related to direct and/or indirect patient/client care.

(b) Continuing education courses whose content is primarily intended to promote the use of a commercial product or a commercial service shall not be deemed to be relevant to veterinary medicine.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).

**§ 2085.7. Course Instructor Qualifications.**

An approved provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

(a) A license, registration, or certificate in an area related to the subject matter of the course. The license, registration or certificate shall be current, valid, and free from restrictions due to disciplinary action by this Board or any other health care regulatory agency;

(b) A master's or higher degree from an educational institution in an area related to the subject matter of the course;

(c) Training, certification, or experience in teaching the subject matter of the course;

or  
(d) At least two years' experience in an area related to the subject matter of the course.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).

**§ 2085.8. Records of Course Completion.**

(a) Upon completion of a qualifying continuing education course, the provider shall issue a record of course completion to a licensee (e.g., verification of attendance, certificates, gradeslips, transcripts) containing the following information:

- (1) Name of licensee;
- (2) Course title;
- (3) Provider name and address;
- (4) Provider number issued by the approval entity, if applicable;
- (5) Date of course;
- (6) Number of continuing education hours granted for the course; and
- (7) Signature of course instructor, or provider, or provider designee.

(b)(1) For providers that hold continuing education events, with multiple and concurrent courses, the record of course completion must contain the information specified in subsections (a)(1), (a)(3), (a)(4), (a)(5), and (a)(7).

(2) The record of course completion shall also specify the maximum number of hours that an individual attendee can earn, accompanied by a log of the actual courses attended by the licensee. The log of courses attended shall be completed by either the provider or the licensee.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).

**§ 2085.9. Licensee and Provider Course Records.**

(a) A licensee shall maintain records of course completion for a qualifying continuing education course for a period of four (4) years from the date the course was completed and shall provide these records to the Board upon audit or request.

(b) A provider shall maintain records related to continuing education courses administered by it for a period of four (4) years from the date the course was completed. Records shall include:

- (1) Syllabi or course outlines for all courses;
- (2) The time and location of all courses;
- (3) Course instructors' vitae or resumes;
- (4) Registration rosters with the names and addresses of licensees who attend the courses;

(5) A sample of the record of course completion form provided to participants for verifying attendance;

(6) A sample of the evaluation form completed by participants.

(c) All providers of qualifying continuing education courses shall designate a person who is in overall charge of the continuing education programs.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).

**§ 2085.10. Statutorily Recognized Providers.**

(a) Statutorily recognized providers are deemed to be recognized by the Board, where the courses meet the requirements of Article 9, Division 20, Title 16, CCR.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).

**§ 2085.11. Board Recognized National Continuing Education Approval Body.**

(a) The Board recognized national continuing education approval body shall perform the following:

(1) Comply with the provisions of Chapter 11 of Division 2 of the Business and Professions Code and Title 16, Division 20 of the California Code of Regulations.

(2) Maintain a list of the names and addresses of the persons who are in overall charge of the provider's continuing education courses and records.

(3) Notify the Board, quarterly, of the name and address of each provider approved by it and each course of such provider. Provide without charge to any licensee who makes a request, a current list of providers and courses approved by it.

(4) Respond to complaints from the Board or any licensee concerning activities of any of its approved providers or their course(s).

(5) Take such action as is necessary to assure that the continuing education course material offered by its providers meets the continuing education requirements set forth in this article.

(6) Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet the criteria set forth in this article.

(7) Submit to the Board for its approval the fees to be charged for the approving continuing education providers and continuing education courses in connection with this article. Such fees shall not exceed costs for complying with the provisions of this article.

(b) The Board recognized national continuing education approval body shall be the American Association of Veterinary State Boards ("AAVSB").

**NOTE:**

Authority cited: Section 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).

**§ 2085.12. Providers Application to Approval Entity; Processing Times.**

(a) A continuing education provider who is not a statutorily recognized provider may apply to either the Board recognized national continuing education approval body or the Board itself for approval as a provider.

(b)(1) Where a provider has applied to the Board for approval, the provider shall submit its application on an application provided by the Board (see form # VMB/CE/2 dated 11/1/01) and accompany it by the fee specified in section 2070 of these regulations.

(2) Where a provider has applied to the Board recognized national continuing education approval body, the provider shall submit its application on an application provided by the national approval body and accompanied by the fee set by the national approval body. The application shall include information necessary to evaluate the providers compliance with these regulations.

(c)(1) An approval entity shall issue a continuing education provider number to a continuing education provider who has been approved.

(2) A continuing education provider number shall be valid for two years, unless withdrawn, and authorize the provider to represent itself as a California approved provider. To renew a continuing education provider approval number, the provider shall, on or before the expiration date of the approval number, apply for renewal to the approval entity and pay the two-year renewal fee.

(d) Approved provider status is non-transferable. An approved provider shall inform the approval entity issuing its approval in writing within 30 days of any changes to its address, organizational structure, or change of the person who is in overall charge of the provider's continuing education organization.

(1) The maximum review times for review of a continuing education provider application, from the time of receipt of an application until the approval entity informs the applicant, in writing, that the application is complete and accepted for filing or that the application is deficient and what specific information is required thereon is 25 days.

(2) The maximum processing times for the provider approval organization to make a decision on the continuing education provider application from the time of receipt of a complete application is 35 days.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code; and Section 15376, Government Code. Reference: Section 4846.5, Business and Professions Code; and Section 15376, Government Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).

**§ 2085.13. Withdrawal of Approval.**

(a) The Board may withdraw its recognition of a statutorily recognized provider or approval of an approved provider or the approval for good cause after giving the party in question (“respondent”) written notice setting forth its reasons for withdrawal and after affording the respondent a reasonable opportunity to be heard by the Board or its designee of the specific charges for withdrawal of the Board’s recognition or approval. Good cause includes, but is not limited to, the following:

(1) Failure to comply substantially with any provisions of chapter 11 of Division 2 of the Business and Professions Code or Title 16, Division 20 of the California Code of Regulations; or

(2) Any material misrepresentation of fact by the respondent in any information required to be submitted to the Board or the Board recognized national continuing education provider approval body.

(b) A proceeding to withdraw Board recognition or approval from a respondent shall be initiated by serving a written statement of the charges upon the respondent. The statement of charges sets forth the acts and omissions with which the respondent is charged and sets forth a date on which such a withdrawal will take effect if not contested. If the respondent desires to contest the withdrawal of its approval, it shall, within 30 days after receipt of the written statement of charges, notify the Board’s executive officer in writing of its request for a hearing on the charges. The Board or its designee shall hold a hearing within 60 days after receipt of the request for hearing. If the Board elects to allow a designee to conduct the hearing, the designee shall prepare a written proposed decision in the matter and submit it to the Board for its approval or modifications. Following a hearing, the Board shall issue a decision within 100 days following the close of the record in the hearing or receipt of a proposed decision if the matter is heard by the Board’s designee.

(c) If the respondent fails to notify the Board’s executive officer in writing and in a timely manner that it desires to contest the written statement of charges, the decision to withdraw approval shall become effective.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professional Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 2-4-2002; operative 2-4-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 6).

**Article 10. Continuing Education: Veterinary Technician**

Section	
2086.	Definitions: Continuing Education.
2086.1.	Approved Providers and Compliance.
2086.2.	Registration Renewal Requirements.
2086.3.	Continuing Education Waivers.

- 2086.4. Continuing Education Credit.
- 2086.5. Courses Relevant to Veterinary Medicine and/or Veterinary Technology.
- 2086.6. Course Instructor Qualifications.
- 2086.7. Records of Course Completion.
- 2086.8. Licensee and Provider Course Records.
- 2086.9. Withdrawal of Approval.
- 2087. Application.
- 2087.1. Notification of Licensee Manager.
- 2087.2. Change of Licensee Manager.
- 2087.3. Display of Veterinary Assistant Controlled Substances Permit (VACSP).

**§ 2086. Definitions: Continuing Education.**

As used in this article:

- (a) "Registrant" means a California registered veterinary technician.
- (b) "Continuing education" means education needed to maintain competence and skills consistent with current standards and practices beyond the initial academic studies required for initial registration.
- (c) "Approved provider" means an organization, institution, association, university or other person or entity that is approved by regulation by the board pursuant to section 2086.1.
- (d) "Qualifying continuing education" or "qualifying course" means an orderly learning experience, which meets the criteria specified in this article and is administered by a recognized or an approved provider. It includes a variety of forms of learning experiences, including, but not limited to, lectures, conferences, workshops, video conferencing, distance learning technologies, and self-study courses.
- (e) "Self-study course" means a form of orderly learning that does not offer participatory interaction between the licensee and the instructor during the instructional period. Self-study includes, but is not limited to, correspondence courses, independent study and home study programs, reading journals, video or audio presentations related to veterinary technology or related fields.
- (f) "AAVSB" means the American Association of Veterinary State Boards.

**NOTE:**

Authority cited: Sections 4808 and 4838, Business and Professions Code. Reference: Section 4838, Business and Professions Code.

**HISTORY:**

- 1. New article 10 (sections 2086-2086.9) and section filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2086.1. Approved Providers and Compliance.**

- (a) On or after July 1, 2013, except as provided in this section, the board shall issue renewal registrations only to those applicants who have completed a minimum of 20 hours of continuing education in the preceding two years.
- (b)(1) Notwithstanding any other provision of law, continuing education hours shall be earned by attending courses complying with section 2086.6 and sponsored or co-sponsored by any of the statutorily approved entities pursuant to Business and Professions Code, section 4846.5.
- (2) In addition to those entities listed in Business and Professions Code section 4846.5, continuing education hours may be earned by attending courses complying with section 2086.6 and sponsored or cosponsored by the following:
  - (A) Registered Veterinary Technician Associations recognized by the California Secretary of State.
  - (B) California Approved Registered Veterinary Technician Programs
  - (C) Registered Veterinary Technician Associations recognized by the Secretary of State of other U.S. states
  - (D) American Veterinary Medical Association (AVMA) approved Registered Veterinary Technician (RVT) schools

(E) North American Veterinary Technician Association (NAVTA) recognized RVT specialty organizations

(3) Continuing education credits shall be granted to those registered veterinary technicians taking self-study courses as defined in section 2086(e). The taking of these courses shall be limited to no more than four hours biennially.

(4) The board may approve other continuing veterinary medical education providers not specified in paragraph (b)(1) and (b)(2). Applicants seeking continuing education provider approval from the board shall apply to the American Association of Veterinary State Boards' (AAVSB) Registry of Approved Continuing Education (RACE).

(5) Continuing education hours shall be earned in the two years preceding registration expiration. Hours shall be earned by attending courses sponsored or cosponsored by those entities listed in paragraphs (1-4), and on or after July 1, 2011, shall be credited toward a registered veterinary technician's continuing education requirement under this section.

(c) Every person renewing his or her registration pursuant to Business and Professions Code section 4846.4 or any person applying for relicensure or for reinstatement of his or her registration to active status, shall submit proof of compliance with section 2086.1 to the board certifying that he or she is in compliance with section 2086.1. Any false statement submitted pursuant to section 2086.1 shall be a violation subject to Business and Professions Code section 4831.

(d) This section shall not apply to a registered veterinary technician's first registration renewal. This section shall apply only to second and subsequent registration renewals granted on or after July 1, 2013.

(e) The board shall have the right to audit the records of all applicants to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a period of four years from the date the course was completed and shall make these records available to the board for auditing purposes upon request. If the board, during this audit, questions whether any course reported by the registered veterinary technician satisfies the continuing education requirement, the registered veterinary technician shall provide information to the board concerning the content of the course; the name of its sponsor and co-sponsor, if any; and specify the specific curricula that was of benefit to the registered veterinary technician.

(g) Knowing misrepresentation of compliance with the requirements of this article by a registered veterinary technician constitutes unprofessional conduct and grounds for disciplinary action or for the issuance of a citation and the imposition of a civil penalty.

**NOTE:**

Authority cited: Sections 4808 and 4838, Business and Professions Code. Reference: Section 4838, Business and Professions Code.

**HISTORY:**

1. New section filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2086.2. Registration Renewal Requirements.**

(a)(1) On or after July 1, 2013, a registrant applying for renewal, or who is reactivating an inactive license, shall certify in writing that during the preceding renewal period the licensee has completed at least twenty (20) hours of approved continuing education and furnish a full set of fingerprints as required by section 2010.05

(2) Notwithstanding subdivision (a)(1) of this section, a registered veterinary technician shall not be required to comply with the continuing education requirements when applying for his or her first license renewal. Thereafter, such registered veterinary technicians shall be required to meet the continuing education requirement specified herein as a condition for renewal of his or her registration.

**NOTE:**

Authority cited: Sections 4808 and 4838, Business and Professions Code. Reference: Section 4838, Business and Professions Code.



**HISTORY:**

1. New section filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2086.3. Continuing Education Waivers.**

The board, in its discretion, may exempt from the continuing education requirement, any registered veterinary technician who; for reasons of health, military service, or undue hardship, cannot meet those requirements.

(a) A registrant may request a waiver from complying with the continuing education requirements. A request for a waiver from the continuing education requirements shall be submitted to the board on Form No. VMB/CE/1RVT — 04/2011. The application shall include a letter explaining the reason for the waiver request in addition to documents that verify the request for waiver. Supporting documents shall include military orders and letters from treating physicians. The application shall be signed by the licensee under penalty of perjury. The board will notify the licensee, whether the waiver was granted, within seventy-five (75) working days after receipt of the request for waiver and supporting documentation.

(b) If the request for waiver is denied, the registrant shall complete the continuing education requirements as set forth in this article. If the request for waiver is granted, it shall be valid only for the current renewal period. The board may deny the request if granting the requested waiver would pose a risk to the health or safety of animal patients, consumers, or the public.

(c) The board shall grant the waiver if the registrant can provide documents, satisfactory to the board, that:

(1) For at least one year during the registrant's current license period the registrant was or will be absent from California due to military service; or

(2) For at least one year during the registrant's current license period the registrant is prevented from practicing as an RVT and from completing continuing education courses for the following reasons of health or undue hardship, which includes:

(A) A significant physical and/or mental disability of the registered veterinary technician; or

(B) A significant physical and/or mental disability of an individual where the registered veterinary technician has total responsibility for the care of that individual.

**NOTE:**

Authority cited: Sections 4808 and 4838, Business and Professions Code. Reference: Section 4838, Business and Professions Code.

**HISTORY:**

1. New section filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2086.4. Continuing Education Credit.**

(a) Registrants will earn one hour of continuing education credit for each hour of a qualifying course. One credit hour shall consist of not less than 50 minutes of actual instruction. Qualifying course shall be a minimum of one credit hour. Qualifying courses or presentations that are between 25 and 49 minutes in excess of one hour shall be granted credit in half-hour increments.

(b) One academic quarter unit is equal to 10 hours of continuing education credit and one academic semester unit is equal to 15 hours of continuing education credit.

(c) A registrant who teaches a qualifying continuing education course may claim credit for the course only one time during a renewal period.

(d) A registrant who participates as an expert examiner in an examination preparation workshop for the California state registration examination may claim, on an hour for hour basis, up to a maximum of sixteen (16) hours per renewal period, continuing education credit for such participation.

(e) A registrant shall not be allowed to use, for purposes of renewal, more than 15 hours of continuing education credit for courses in business practice management or stress seminars.

(f) A registrant who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.

**NOTE:**

Authority cited: Sections 4808 and 4838, Business and Professions Code. Reference: Sections 4838, Business and Professions Code.

**HISTORY:**

1. New section filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2086.5. Courses Relevant to Veterinary Medicine and/or Veterinary Technology.**

All qualifying continuing education courses shall be relevant to veterinary medicine. A course shall be deemed to be relevant to veterinary medicine if it meets the following standard:

(a) The content of the course shall reflect the educational needs of registered veterinary technicians, contain information that is relevant to the practice of veterinary technology, have written education goals, and shall:

(1) Be related to the scientific knowledge and/or technical skills required for veterinary medicine and/or veterinary technology; or

(2) Be related to direct and/or indirect patient/client care.

(b) Continuing education courses whose content is primarily intended to promote the use of a commercial product or a commercial service are not deemed to be relevant to veterinary medicine.

**NOTE:**

Authority cited: Sections 4808 and 4838, Business and Professions Code. Reference: Section 4838, Business and Professions Code.

**HISTORY:**

1. New section filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2086.6. Course Instructor Qualifications.**

An approved provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

(a) A license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;

(b) A master's or higher degree from an educational institution in an area related to the subject matter of the course;

(c) Training, certification, or experience in teaching the subject matter of the course; or

(d) At least two years' experience in an area related to the subject matter of the course.

**NOTE:**

Authority cited: Sections 4808 and 4838, Business and Professions Code. Reference: Section 4838, Business and Professions Code.

**HISTORY:**

1. New section filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2086.7. Records of Course Completion.**

(a) Upon completion of a qualifying continuing education course, the provider shall issue a record of course completion to a registrant containing the following information:

(1) Name of registrant;

(2) Course title;

(3) Provider name and address;

(4) Provider number issued by the approval entity, if applicable;

(5) Date of course;

- (6) Number of continuing education hours granted for the course; and
- (7) Signature of course instructor, or provider, or provider designee.

(b)(1) For providers that hold continuing education events, with multiple and concurrent courses, the record of course completion must contain the information specified in subsections (a)(1), (a)(3), (a)(4), (a)(5), and (a)(7).

(2) The record of course completion shall also specify the maximum number of hours that an individual attendee can earn, accompanied by a log of the actual courses attended by the licensee. The log of courses attended shall be completed by either the provider or the licensee.

**NOTE:**

Authority cited: Sections 4808 and 4846.5, Business and Professions Code. Reference: Section 4846.5, Business and Professions Code.

**HISTORY:**

1. New section filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2086.8. Licensee and Provider Course Records.**

(a) A registrant shall maintain records of course completion for a qualifying continuing education course for a period of four (4) years from the date the course was completed and shall provide these records to the board upon audit or request.

(b) A provider shall maintain records related to qualifying continuing education courses administered by it for a period of four (4) years from the date the course was completed. Records shall include:

- (1) Syllabi or course outlines for all courses;
- (2) The time and location of all courses;
- (3) Course instructors' vitae or resumes;
- (4) Registration rosters with the names and addresses of registrants who attend the courses;

(5) A sample of the record of course completion form provided to participants for verifying attendance;

- (6) A sample of the evaluation form completed by participants.

(b) All providers of qualifying continuing education courses shall designate a person who is in overall charge of the continuing education programs.

**NOTE:**

Authority cited: Sections 4808 and 4838, Business and Professions Code. Reference: Section 4838, Business and Professions Code.

**HISTORY:**

1. New section filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2086.9. Withdrawal of Approval.**

(a) The board may withdraw its recognition of a statutorily recognized provider or approval of an approved provider or the approval entity for good cause after giving the party in question written notice setting forth its reasons for withdrawal and after affording the respondent a reasonable opportunity to be heard by the board or its designee of the specific charges for withdrawal of the board's recognition or approval. Good cause includes, but is not limited to, the following:

(1) Failure to comply substantially with any provisions of Chapter 11 of Division 2 of the Business and Professions Code commencing with section 4800 or Title 16, Division 20 of the California Code of Regulations commencing with section 2000; or

(2) Any material misrepresentation of fact by the respondent in any information required to be submitted to the board or the board-recognized national continuing education provider approval body.

(b) Withdrawal of board recognition or approval from a provider shall be in writing and state the basis of the withdrawn approval. The notice shall state the date on which the withdrawal will take effect if not contested. If the respondent desires to contest the withdrawal of its approval, it shall, within 15 days after receipt of the written notice,

notify the board's executive officer in writing of its intent to contest. The board or its designee shall afford the provider an opportunity to be heard, in writing or in person at the election of the board, within a reasonable time after notice of the intent to contest the withdrawn approval. The board shall notify the provider of its decision in writing within a reasonable time after the provider has had an opportunity to be heard.

(c) If the respondent fails to notify the board's executive officer in writing and in a timely manner that it desires to contest the withdrawn approval, the decision to withdraw approval shall become effective.

**NOTE:**

Authority cited: Sections 4808 and 4838, Business and Professions Code. Reference: Section 4838, Business and Professions Code.

**HISTORY:**

1. New section filed 4-14-2011; operative 5-14-2011 (Register 2011, No. 15).

**§ 2087. Application.**

(a) An application for a VACSP shall be submitted on an application form provided by the board (Veterinary Assistant Controlled Substances Permit Application, Form No. 4606-1, rev. 6/2015), hereby incorporated by reference, accompanied by such evidence, statements, or documents as therein required. The board shall review the application and notify the applicant of the final approval status.

Once a VACSP has been issued, the permit holder will be authorized to obtain or administer controlled substances only under the direct or indirect supervision of a licensed veterinarian.

**NOTE:**

Authority cited: Sections 4836 and 4836.2, Business and Professions Code. Reference: Sections 4836 and 4836.2, Business and Professions Code.

**HISTORY:**

1. New section filed 8-1-2016; operative 8-1-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 32).

**§ 2087.1. Notification of Licensee Manager.**

(a) Once a permit holder is authorized to obtain or administer controlled substances in an animal hospital setting, the licensee manager shall submit on an application provided by the board (Veterinary Assistant Controlled Substances Permit Holder / Licensee Manager Agreement, Form No. 4606-2, rev. 6/2015), hereby incorporated by reference.

(b) The licensee manager shall submit a signed acknowledgment that he or she has read and agrees to comply with the provisions of the laws and regulations relating to the supervision of the permit holder, as defined in section 2035, on a form provided by the board (Licensee Manager Acknowledgement, Form No. 4606-3, rev. 6/2015), hereby incorporated by reference. The permit holder shall not obtain or administer controlled substances until such time the Permit Holder / Licensee Manager Agreement form has been submitted and approved by the board.

(c) A licensee manager who fails to comply with the laws and regulations relating to the supervision of permit holders shall be subject to disciplinary action by the board.

**NOTE:**

Authority cited: Section 4836.1, Business and Professions Code. Reference: Section 4836.1, Business and Professions Code.

**HISTORY:**

1. New section filed 8-1-2016; operative 8-1-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 32).

**§ 2087.2. Change of Licensee Manager.**

(a) The licensee manager shall notify the board, in writing, within ten (10) days of the termination of a supervisory relationship with a permit holder.

(b) Once the supervisory relationship between the licensee manager and the permit holder has been terminated, the permit holder shall not be authorized to obtain or

administer a controlled substance for which a VACSP is required until a new licensee manager has submitted and approved by the board, in writing, forms required by the board, as defined in section 2087.1.

**NOTE:**

Authority cited: Section 4836.1, Business and Professions Code. Reference: Section 4836.1, Business and Professions Code.

**HISTORY:**

1. New section filed 8-1-2016; operative 8-1-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 32).

**§ 2087.3. Display of Veterinary Assistant Controlled Substances Permit (VACSP).**

(a) Every California permit holder shall wear a name tag in at least 18 point type. The name tag shall include the name that the permit holder has filed with the board and the term “VACSP Number,” followed by the VACSP number issued to the permit holder by the board.

(b) Permit holders need not wear a name tag if their VACSP is prominently displayed in an area of the animal hospital setting that is easily accessible to all members of the public at all times the premise is open. VACSPs shall not be altered in any manner nor shall any information contained on the VACSP be obscured or obliterated.

(c) No person may utilize the term “veterinary assistant controlled substances permit,” or any other words, letters, or symbols, including, but not limited to, the abbreviation “VACSP,” with the intent to represent that the person is authorized to act as a permit holder, unless that person is a permit holder and meets the requirements of this article.

**NOTE:**

Authority cited: Sections 680 and 4836, Business and Professions Code. Reference: Sections 680 and 4836, Business and Professions Code.

**HISTORY:**

1. New section filed 8-1-2016; operative 8-1-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 32).

**Article 11. Compounding in a Veterinary Premises**

Section

2090.	Definitions
2091.	Veterinary Drug Compounding
2092.	Policies and Procedures
2093.	Expiration Dates
2094.	Labeling of Compounded Preparations
2095.	Quality Assurance

**§ 2090. Definitions**

(a) “Compounding” means any of the following activities performed in a registered veterinary premises by a licensed veterinarian that has established the veterinarian-client-patient relationship for the animal patient(s) or a registered veterinary technician under the direct or indirect supervision of that veterinarian:

- (1) Altering the dosage form or delivery system of a drug.
- (2) Altering the strength of a drug.
- (3) Combining components or active ingredients.
- (4) Preparing a compounded drug preparation from chemicals.

(b) “Compounding” also means preparing a compounded drug preparation from bulk substances by a licensed veterinarian, who has established a veterinarian-client-patient relationship for the animal patient or prepares the compounded drug preparation for office stock, or by a registered veterinary technician under the direct supervision of that veterinarian.

(c) “Compounding” does not include:

(1) Reconstitution of a drug pursuant to a manufacturer's direction(s) for oral, rectal, topical, or injectable administration.

(2) The sole act of tablet splitting or crushing, capsule opening.

(3) Addition of flavoring agent(s) to enhance palatability.

(d) "Expiration date" means the date, or date and time, determined from the date the preparation is compounded, after which administration of a compounded drug preparation shall not begin, the preparation shall not be dispensed, and the preparation shall not be stored other than for quarantine purposes.

(e) "Office stock" means a compounded drug prepared without a patient-specific prescription that may be dispensed only to a client, client's representative, or other veterinarian at the same veterinary premises.

**NOTE:**

Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

**HISTORY:**

1. New article 11 (sections 2090-2095) and section filed 1-4-2022; operative 4-1-2022 (Register 2022, No. 1). (OAL review extended 60 calendar days pursuant to Executive Order N-40-20.)

**§ 2091. Veterinary Drug Compounding**

(a) A veterinarian shall ensure the safety and efficacy of a compounded drug preparation, through reliance on drug compounding standards in the profession and in accordance with section 2032.

(b) A veterinarian shall not perform either sterile or non-sterile drug compounding when the complexity of the drug compounding exceeds the veterinarian's knowledge, skill, facilities, or available equipment.

(c) A veterinarian shall not perform either sterile or non-sterile drug compounding unless there are no other human or animal drugs approved by the United States Food and Drug Administration (FDA) and available that satisfy the need for this preparation.

(d) Sterile drug compounding shall be for immediate use except in the following conditions:

(1) A dilution of the ingredients is essential for the safe administration of the preparation.

(2) There is historical documentation of the need, safety, and efficacy of the preparation.

(e) Only sterile drugs approved by the FDA shall be used as the ingredients in a sterile compounded drug preparation.

(f) For non-sterile compounded drug preparations, active pharmaceutical ingredients (APIs) shall be purchased from an FDA-registered facility, and all records of such purchases shall be maintained for three (3) years to prove the origin of the APIs.

**NOTE:**

Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

**HISTORY:**

1. New section filed 1-4-2022; operative 4-1-2022 (Register 2022, No. 1). (OAL review extended 60 calendar days pursuant to Executive Order N-40-20.)

**§ 2092. Policies and Procedures**

(a) A veterinary premises that engages in compounding drug preparations shall develop and maintain a written policies and procedures manual, which shall include:

(1) A list of each of the requirements of subsections (b) and (e) and sections 2093 and 2094.

(2) Policies and procedures for the training of a registered veterinary technician who may perform compounded drug preparations.

(3) Policies and procedures for a quality assurance program established pursuant to section 2095.

(b) For each compounded drug preparation, a formula document shall be maintained and include all of the following:

- (1) Active ingredients to be used.
- (2) Equipment to be used.
- (3) Expiration date of the preparation.
- (4) Inactive ingredients to be used.
- (5) Specific compounding steps to be used to prepare the drug.
- (6) Instructions for storage, handling, and administration of the compounded preparation.

(c) The formula document may be included in the policies and procedures manual maintained pursuant to subsection (a).

(d) If the compounded drug preparation is not routinely compounded, a formula record for the preparation may be kept in the medical record of the patient.

(e) For each compounded drug preparation prepared for a patient, the following information shall be recorded in the patient's medical record:

- (1) Name or initials of the veterinarian who made or supervised the making of a compounded drug preparation and the name or initials of the registered veterinary technician, if any, who made the compounded drug preparation.
- (2) Expiration date of the compounded drug preparation.
- (3) Directions for its storage and administration.
- (4) Name, amount, and strength of the compounded drug preparation.
- (5) Date the drug preparation was compounded.

(f) The veterinarian performing or supervising the compounding of drug preparations is responsible for the following:

- (1) Training and supervision of the registered veterinary technician who is compounding the drug preparation.
- (2) Proper storage of the drugs used in compounding and the compounded drug preparations.

**NOTE:**

Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

**HISTORY:**

1. New section filed 1-4-2022; operative 4-1-2022 (Register 2022, No. 1). (OAL review extended 60 calendar days pursuant to Executive Order N-40-20.)

**§ 2093. Expiration Dates**

(a) For non-sterile compounding, the expiration date shall not exceed either of the following:

- (1) 180 days from the date the preparation is compounded.
- (2) The shortest expiration date of any ingredient in the non-sterile compounded drug preparation.

(b) For sterile compounding, the expiration date shall not exceed either of the following:

- (1) 30 days from the date the preparation is compounded.
- (2) The shortest expiration date or beyond use date of any ingredient in the sterile compounded drug preparation.

**NOTE:**

Authority cited: Section 4826.5, Business and Professions Code Reference: Section 4826.5, Business and Professions Code.

**HISTORY:**

1. New section filed 1-4-2022; operative 4-1-2022 (Register 2022, No. 1). (OAL review extended 60 calendar days pursuant to Executive Order N-40-20.)

**§ 2094. Labeling of Compounded Preparations**

(a) All labeling of any dispensed compounded drug preparation shall comply with subsection (b) of section 2032.2.

(b) All other compounded drug preparations shall be labeled with the following information:

- (1) Name, strength, and quantity of each ingredient.
- (2) Expiration date.
- (3) Lot number or control number assigned by the preparer.
- (4) Name or initials of the preparer.
- (5) Date of drug preparation.

**NOTE:**

Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

**HISTORY:**

1. New section filed 1-4-2022; operative 4-1-2022 (Register 2022, No. 1). (OAL review extended 60 calendar days pursuant to Executive Order N-40-20.)

**§ 2095. Quality Assurance**

(a) A veterinary premises that engages in compounding drug preparations shall establish a quality assurance program that documents and assesses medication errors to determine cause and an appropriate response.

(b) The purpose of the quality assurance program shall be to assess errors that occur in the compounding of drug preparations, as well as to evaluate and document adverse reactions of animal patients to compounded drug preparations.

(c) When a veterinarian determines that a medication error has occurred, the veterinarian shall immediately communicate to the client or the client's representative the fact that a medication error has occurred and the steps required to avoid injury or mitigate the error.

(d) The Board may review records generated for and maintained as a component of the ongoing quality assurance program as necessary to protect the public health and safety or if fraud is alleged by a government agency with jurisdiction over the veterinary premises. Nothing in this section shall be construed to prohibit a client or client's representative from accessing records of the animal patient pursuant to subsection (b) of section 2032.3.

(e) Reports of drug contraindications and adverse reactions may be included in the quality assurance documentation.

**NOTE:**

Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

**HISTORY:**

1. New section filed 1-4-2022; operative 4-1-2022 (Register 2022, No. 1). (OAL review extended 60 calendar days pursuant to Executive Order N-40-20.)



# CALIFORNIA CODE OF REGULATIONS

## TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

### Division 17. California State Board of Pharmacy

#### Article 2. Pharmacies

Section

1718. Current Inventory Defined.

#### § 1718. Current Inventory Defined.

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

NOTE:

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4080, 4081 and 4332, Business and Professions Code.

HISTORY:

1. New section filed 12-21-64; effective thirtieth day thereafter (Register 64, No. 26).
2. New subsection (5) filed 1-12-77; effective thirtieth day thereafter (Register 77, No. 3).
3. Amendment filed 11-16-82; effective thirtieth day thereafter (Register 82, No. 47).
4. Change without regulatory effect amending first paragraph and Note filed 9-11-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 37).

#### Article 5. Dangerous Drugs

Section

1747.1. Veterinary Drugs.

#### § 1747.1. Veterinary Drugs.

NOTE:

Authority cited: Sections 4008, 4008.1, 4008.2, Business and Professions Code. Reference: Sections 4008, 4008.1, 4008.2, 4416, Business and Professions Code, and Sections 11907 and 11991, Health and Safety Code.

HISTORY:

1. New section filed 6-24-71; effective thirtieth day thereafter (Register 71, No. 26).
2. Change without regulatory effect repealing section filed 9-11-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 37).

#### Article 10. Dangerous Drug Distributors

Section

1780. Minimum Standards for Wholesalers and Third-Party Logistics Providers.

1780.1. Minimum Standards for Veterinary Food-Animal Drug Retailers.

#### § 1780. Minimum Standards for Wholesalers and Third-Party Logistics Providers.

The following minimum standards shall apply to all wholesale and third-party logistics provider establishments for which permits have been issued by the Board:

(a) A wholesaler and a third-party logistics provider shall store dangerous drugs in a secured and lockable area.

(b) All wholesaler and third-party logistics provider premises, fixtures and equipment therein shall be maintained in a clean and orderly condition. Wholesale and third-party logistics provider premises shall be well ventilated, free from rodents and insects, and adequately lighted. Plumbing shall be in good repair. Temperature and humidity monitoring shall be conducted to assure compliance with the standards set forth in the latest edition of the United States Pharmacopeia.

(c) Entry into areas where prescription drugs are held shall be limited to authorized personnel.

(1) All facilities shall be equipped with an alarm system to detect entry after hours.

(2) All facilities shall be equipped with a security system that will provide suitable protection against theft and diversion. When appropriate, the security system shall provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.

(3) The outside perimeter of the premises shall be well-lighted.

(d) All materials must be examined upon receipt and before shipment.

(1) Upon receipt, each outside shipping container shall be visually examined for identity and to prevent the acceptance of contaminated prescription drugs or prescription drugs that are otherwise unfit for distribution. This examination shall be adequate to reveal container damage that would suggest possible contamination or other damage to the contents.

(2) Each outgoing shipment shall be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have been damaged in storage or held under improper conditions.

(e) The following procedures must be followed for handling returned, damaged and outdated prescription drugs.

(1) Prescription drugs that are outdated, damaged, deteriorated, misbranded or adulterated shall be placed in a quarantine area and physically separated from other drugs until they are destroyed or returned to their supplier.

(2) Any prescription drugs whose immediate or sealed outer or sealed secondary containers have been opened or used shall be identified as such, and shall be placed in a quarantine area and physically separated from other prescription drugs until they are either destroyed or returned to the supplier.

(3) If the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality or purity, the drug shall be destroyed or returned to the supplier unless testing or other investigation proves that the drug meets the standards set forth in the latest edition of the United States Pharmacopeia.

(f) Policies and procedures must be written and made available upon request by the board.

(1) Each wholesaler and third-party logistics provider shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts, for correcting all errors and inaccuracies in inventories, and for maintaining records to document proper storage.

(2) The records required by paragraph (1) shall be in accordance with Title 21, Code of Federal Regulations, Section 205.50(g). These records shall be maintained for three years after disposition of the drugs.

(3) Each wholesaler and third-party logistics provider shall establish and maintain lists of officers, directors, managers and other persons in charge of drug distribution, storage and handling, including a description of their duties and a summary of their qualifications.

(4) Each wholesaler and third-party logistics provider shall provide adequate training and experience to assure compliance with licensing requirements by all personnel.

(g) The board shall require an applicant for a licensed premise or for renewal of that license to certify under penalty of perjury that it meets the requirements of this section at the time of licensure or renewal.

**NOTE:**

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4025, 4043, 4045, 4051, 4053, 4053.1, 4054, 4059, 4120, 4160, 4161, 4161.5, 4304 and 4342, Business and Professions Code; Sections 109985 and 111280, Health and Safety Code; Section 321, Title 21, U.S. Code; and Section 205.50 Title 21, Code of Federal Regulations.

**HISTORY:**

1. New Article 10 (1780 through 1782) filed 9-14-60; designated effective 1-1-61 (Register 60, No. 20).
2. Amendment filed 7-21-66; effective thirtieth day thereafter (Register 66, No. 23).
3. New subsection (k) filed 6-24-71; effective thirtieth day thereafter (Register 71, No. 26).
4. Amendment filed 3-8-84; effective thirtieth day thereafter (Register 84, No. 10).
5. Amendment of subsection (b), new subsections (c)-(f), and amendment of Note filed 6-23-92; operative 7-22-92 (Register 92, No. 26).
6. Amendment of subsection (a) and new subsection (g) filed 5-20-96; operative 6-19-96 (Register 96, No. 21).
7. Change without regulatory effect filed 2-5-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 6).
8. Change without regulatory effect adding article 10 heading and amending Note filed 9-11-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 37).
9. Amendment of article heading, section heading, section and Note filed 2-22-2021; operative 4-1-2021 (Register 2021, No. 9).

**§ 1780.1. Minimum Standards for Veterinary Food-Animal Drug Retailers.**

In addition to the minimum standards required of wholesalers by section 1780, the following standards shall apply to veterinary food-animal drug retailers.

(a) Drugs dispensed by a veterinary food-animal drug retailer pursuant to a veterinarian's prescription to a veterinarian's client are for use on food-producing animals.

(b) Repackaged within the meaning of Business and Professions Code section 4041 means that a veterinary food-animal drug retailer may break down case lots of dangerous drugs as described in 4022(a), legend drugs or extra label use drugs, so long as the seals on the individual containers are not broken. Veterinary food-animal drug retailers shall not open a container and count out or measure out any quantity of a dangerous, legend or extra label use drug.

(c) Dangerous Drugs, legend drugs or extra label use drugs returned to a veterinary food-animal drug retailer from a client shall be treated as damaged or outdated prescription drugs and stored in the quarantine area specified in section 1780(e)(1). Returned drugs may not be returned to stock, or dispensed, distributed or resold.

(d) A pharmacist or person issued a permit under Business and Professions Code section 4053 (hereafter called a vet retailer designated representative) may dispense drugs for use on food-producing animals on the basis of a written, electronically transmitted or oral order received from a licensed veterinarian. Only a pharmacist or the vet retailer designated representative may receive an oral order for a veterinary food-animal drug from the veterinarian. A written copy of the oral prescription shall be sent or electronically transmitted to the prescribing veterinarian within 72 hours.

(e) When a vet retailer designated representative dispenses a prescription for controlled substances, the labels of the containers shall be countersigned by the prescribing veterinarian before being provided to the client.

(f) Whenever a vet retailer designated representative dispenses to the same client for use on the same production class of food-animals, dangerous drugs, legend drugs or extra label use drugs prescribed by multiple veterinarians, the vet retailer designated representative shall contact the prescribing veterinarians for authorization before dispensing any drugs.

(g) Refilling A Veterinarian's Prescription

(1) A veterinary food-animal drug retailer may refill a prescription only if the initial prescription is issued indicating that a specific number of refills are authorized. If no refills are indicated on the initial prescription, no refills may be dispensed. Instead, a new prescription is needed from the veterinarian.

(2) A veterinary food-animal drug retailer may not refill a veterinarian's prescription order six months after the issuance date of the initial order. Records of any refills shall be retained by the veterinary food-animal drug retailer for three years.

(h) Labels affixed to a veterinary food-animal drug dispensed pursuant to Business and Professions Code section 4041 shall contain the:

- (1) Active ingredients or the generic names(s) of the drug
- (2) Manufacturer of the drug
- (3) Strength of the drug dispensed
- (4) Quantity of the drug dispensed
- (5) Name of the client
- (6) Species of food-producing animals for which the drug is prescribed
- (7) Condition for which the drug is prescribed
- (8) Directions for use
- (9) Withdrawal time
- (10) Cautionary statements, if any
- (11) Name of the veterinarian prescriber
- (12) Date dispensed
- (13) Name and address of the veterinary food-animal drug retailer
- (14) Prescription number or another means of identifying the prescription, and if an order is filled in multiple containers, a sequential numbering system to provide a means to identify multiple units if shipped to the same client from the same prescription (container 1 of 6, container 2 of 6, etc.)
- (15) Manufacturer's expiration date

(i) A record of shipment or an expanded invoice shall be included in the client's shipment, and shall include the names of the drugs, quantity shipped, manufacturer's name and lot number, date of shipment and the name of the pharmacist or vet retailer designated representative who is responsible for the distribution. Copies of the records shall be distributed to the prescribing veterinarian and retained by the veterinary food-animal drug retailer for three years.

(j) If a retailer is unable at any one time to fill the full quantity of drugs prescribed, the retailer may partially ship a portion so long as the full quantity is shipped within 30 days. When partially filling a veterinarian's prescription, a pharmacist or vet retailer designated representative must note on the written prescription for each date the drugs are shipped: the quantity shipped, the date shipped, and number of containers shipped, and if multiple containers are dispensed at one time, each container must be sequentially numbered (e.g., 1 of 6 containers). If a retailer is unable to dispense the full quantity prescribed within 30 days, a new veterinarian's prescription is required to dispense the remainder of the drugs originally prescribed.

(k) Upon delivery of the drugs, the supplier or his or her agent shall obtain the signature of the client or the client's agent on the invoice with notations of any discrepancies, corrections or damage.

(l) If a person, on the basis of whose qualifications a certificate of exemption has been granted under Business and Professions Code Section 4053 (the vet retailer designated representative), leaves the employ of a veterinary food-animal drug retailer, the retailer shall immediately return the certificate of exemption to the board.

(m) Training of Vet Retailer Designated representative:

(1) A course of training that meets the requirements of section 4053(b)(4) shall include at least 240 hours of theoretical and practical instruction, provided that at least 40 hours are theoretical instruction stressing:

(A) Knowledge and understanding of the importance and obligations relative to drug use on food-animals and residue hazards to consumers.

(B) Knowledge and understanding of state and federal law regarding dispensing of drugs, including those prescribed by a veterinarian.

(C) Knowledge and understanding of prescription terminology, abbreviations, dosages and format, particularly for drugs prescribed by a veterinarian.

(D) Understanding of cautionary statements and withdrawal times.

(E) Knowledge and understanding of information contained in package inserts.

(2) As an alternative to the training program specified in paragraph (1), other training programs that satisfy the training requirements of 4053 include fulfillment of one of the following:

(A) Possessing a registration as a registered veterinary technician with the California Veterinary Medical Board.

(B) Being eligible to take the State Board of Pharmacy’s pharmacist licensure exam or the Veterinary Medical Board’s veterinarian licensure examination.

(C) Having worked at least 1,500 hours within the last three years at a veterinary food-animal drug retailer’s premises working under the direct supervision of a vet retailer designated representative. The specific knowledge, skills and abilities listed in sections 1780.1(m)(1)(A-E) shall be learned as part of the 1500 hours of work experience. A vet retailer designated representative who vouches for the qualifying experience earned by an applicant for registration must do so under penalty of perjury.

**NOTE:**

Authority cited: Sections 4005 and 4197, Business and Professions Code. Reference: Sections 4040, 4041, 4053, 4059, 4063, 4070, 4081, 4196, 4197, 4198 and 4199, Business and Professions Code.

**HISTORY:**

1. New section filed 12-12-96; operative 1-11-97 (Register 96, No. 50).
2. Amendment of subsections b., d., h., l, m.(1) and m.(2), new subsection m.(2)(C), and amendment of Note filed 5-1-97; operative 5-31-97 (Register 97, No. 18).
3. Change without regulatory effect amending section filed 12-18-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 51).

# CALIFORNIA CODE OF REGULATIONS

## TITLE 17. PUBLIC HEALTH

### Division 1. State Department of Health Services

#### Chapter 5. Sanitation (Environmental)

#### Subchapter 4. Radiation

#### Group 1. General

#### Article 1. Definitions

Section  
30100. General Definitions.

#### § 30100. General Definitions.

As used in subchapter 4:

(a) "Act" means the "Radiation Control Law," Health and Safety Code, Division 104, Part 9, chapter 8, sections 114960 et seq.

(b) "Agreement State" means any state with which the United States Atomic Energy Commission or Nuclear Regulatory Commission has entered into an effective agreement under section 274b of the Atomic Energy Act of 1954, Title 42, United States Code, section 2021(b) (formerly section 274(b)).

(c) "Decommission" means to remove safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.

(d) "Department" means the California Department of Public Health.

(e) "Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

(f) "Hazardous radioactive material," as used in section 33000 of the California Vehicle Code and 114820(d) of the Health and Safety Code means any "highway route controlled quantity" of radioactive material as such material is defined in title 49, Code of Federal Regulations, section 173.403.

(g) "Human use" means the internal or external administration of radiation or radioactive materials to human beings.

(h) "Installation" means the location where one or more reportable sources of radiation are possessed.

(i) "License," except where otherwise specified, means a license issued pursuant to group 2, Licensing of Radioactive Material.

(j) "Other official agency specifically designated by the Department" means an agency with which the Department has entered into an agreement pursuant to section 114990 of the Health and Safety Code.

(k) "Person" means any individual, corporation, partnership, limited liability company, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, the United States Department of En-

ergy, or any successor thereto, and other than Federal Government agencies licensed by the United States Nuclear Regulatory Commission, under prime contract to the United States Department of Energy, or any successor thereto.

(l) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received by that individual (e.g., film badges, pocket chambers, pocket dosimeters, film rings, etc.).

(m) "Possess" means to receive, possess, use, transfer or dispose of radioactive material pursuant to this regulation.

(n) "Possessing a reportable source of radiation" means having physical possession of, or otherwise having control of, a reportable source of radiation in the State of California.

(o) "Radiation" (ionizing radiation) means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(p) "Radiation machine" means any device capable of producing radiation when the associated control devices are operated, but excluding devices which produce radiation only by the use of radioactive material.

(q) "Radioactive material" means any material which emits radiation spontaneously.

(r) "Registrant" means any person who is registering or who has registered with the Department pursuant to group 1.5, Registration of Sources of Radiation.

(s) "Reportable sources of radiation" means either of the following:

(1) Radiation machines, when installed in such manner as to be capable of producing radiation.

(2) Radioactive material contained in devices possessed pursuant to a general license under provisions of sections 30192.1 and 30192.6.

(t) "Research and development" means theoretical analysis, exploration, experimentation or the extension of investigative findings and scientific or technical theories into practical application for experimental or demonstration purposes, including the experimental production and testing of models, prototype devices, materials and processes; but shall not include human use.

(u) "Sealed source" means any radioactive material that is permanently encapsulated in such manner that the radioactive material will not be released under the most severe conditions likely to be encountered by the source.

(v) "Source of radiation" means a discrete or separate quantity of radioactive material or a single radiation machine.

(w) "Special nuclear material" means:

(1) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Department declares by rule to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or

(2) Any material artificially enriched by any of the foregoing, but does not include source material.

(x) "Specific license" means a license or the equivalent document issued to a named person by the Department or by the Nuclear Regulatory Commission or by any other Agreement State.

(y) "This regulation" means: California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 4.

(z) "User" means any person who is licensed to possess radioactive material or who has registered as possessing a reportable source of radiation pursuant to groups 1.5 and 2 of this subchapter, or who otherwise possesses a source of radiation which is subject to such licensure or registration.

(aa) "Worker" means any individual engaged in activities subject to this regulation and controlled by a user, but does not include the user.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 114985, 115060, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Repealer of group 1 and new group 1 (sections 30100 through 30146) filed 11-29-65; effective thirtieth day thereafter (Register 65, No. 23). For prior histories, see Registers 62, No. 1 and 62, No. 8.
2. Repealer and new section filed 11-25-85; effective thirtieth day thereafter (Register 85, No. 48).
3. Change without regulatory effect of subsection (ac)(2) (Register 88, No. 6).
4. Amendment of subsection (j), relettering of former subsections (p)-(ap) to subsections (q)-(aq), and new subsection (p) filed 9-5-89; operative 10-5-89 (Register 89, No. 36).
5. New subsection (k) and redesignation of former sections (k) through (aq) to subsections (l) through (ar) filed 4-19-91; operative 5-19-91 (Register 91, No. 20).
6. Editorial correction of printing error in subsections (q)-(ar) (Register 91, No. 30).
7. Change without regulatory effect amending subsection (an) filed 11-1-91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 5).
8. Amendment of section and Note filed 3-3-94 as an emergency; operative 3-3-94 (Register 94, No. 9). A Certificate of Compliance must be transmitted to OAL by 7-1-94 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 3-3-94 order transmitted to OAL 6-7-94 and filed 7-14-94 (Register 94, No. 28).
10. Amendment of subsection (q), new subsection (c) and subsection relettering filed 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 10-16-95 order, including amendment of subsections (a), (f) and (k) and of Note, transmitted to OAL 2-9-96 and filed 3-25-96 (Register 96, No. 13).
12. Amendment of subsection (q) and NOTE filed 6-22-2005 as an emergency; operative 6-22-2005 (Register 2005, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-20-2005 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 6-22-2005 order transmitted to OAL 9-20-2005 and filed 10-18-2005 (Register 2005, No. 42).
14. Amendment of subsection (a) filed 7-20-2006; operative 8-19-2006 (Register 2006, No. 29).
15. Amendment of subsections (d) and (f) and Note filed 4-24-2009; operative 5-24-2009 (Register 2009, No. 17).
16. Repealer of subsections (j)-(j)(6), subsection relettering, amendment of newly designated subsections (k), (s)(2), (y) and (aa) and amendment of Note filed 10-13-2010; operative 1-1-2011 (Register 2010, No. 42).

## Article 2. Exemptions and Enforcement

## Section

30104. Exemptions.

**§ 30104. Exemptions.**

(a) The Department may, upon application by any user, or upon its own initiative, grant such exemptions from the requirements of this regulation as it determines are authorized by law and will not result in undue hazard to health, life or property. Applications for exemptions shall specify why such exemption is necessary.

(b) Before granting an exemption, the Department shall determine that there is reasonable and adequate assurance that:

(1) the doses to any individual in any controlled area will not exceed those specified in Section 30265;

(2) the dose to the whole body of any individual in an uncontrolled area will not exceed 0.5 rem in a year;

(3) The deposition of radioactive material in the body of any individual will not likely result in a greater risk to the individual than would be expected from the dose specified in Section 30104 (b)(1) or (2), as appropriate, based on guidance from such bodies as the International Commission on Radiological Protection, and the National Council on Radiation Protection and Measurements; and

(4) there is no significant hazard to life or property.

**NOTE:**

Authority cited: Sections 208 and 25811, Health and Safety Code. Reference: Sections 25815 and 25876, Health and Safety Code.

**HISTORY:**

1. Renumbering and amendment of former section 30345 to article 2 (section 30104) filed 11-25-85; effective thirtieth day thereafter (Register 85, No. 48).
2. Change without regulatory effect of subsection (b)(3) (Register 87, No. 4).



3. Change without regulatory effect amending subsections (b) and (b)(3) filed 11-1-91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 5).
4. Repealer and new Note filed 6-15-2015; operative 6-15-2015. Submitted to OAL for filing and printing only pursuant to Health and Safety Code section 100425 (Register 2015, No. 25).

**Group 1.5. Registration of Sources of Radiation**

**Article 1. Registration Procedure**

Section

- 30108. Registration Requirement.
- 30108.1. Registration and General Provisions for Persons Possessing Devices Under Sections 30192.1 and 30192.6.
- 30110. Initial Registration.
- 30111. Renewal of Registration.
- 30115. Report of Change.

**§ 30108. Registration Requirement.**

Every person possessing a reportable source of radiation shall register with the Department in accordance with the provisions of this Group.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Renumbering and amendment of former Section 30102 to Section 30108 and designation of new Group 1.5 (Sections 30108-30146, not consecutive) filed 11-25-85; effective thirtieth day thereafter (Register 85, No. 48).
2. Amendment of section and Note filed 6-8-2011; operative 7-8-2011 (Register 2011, No. 23).

**§ 30108.1. Registration and General Provisions for Persons Possessing Devices Under Sections 30192.1 and 30192.6.**

(a) A person required to register pursuant to sections 30192.1(d)(1) or 30192.6(c)(1) shall, within 30 calendar days of taking possession of a device or product, submit to the Department the following:

(1) Legal name, mailing address, and telephone number of the registering person. If renewing registration, the registration number previously issued to the registrant shall also be included;

(2) For each device subject to section 30192.1:

(A) The manufacturer’s name, serial number, model number, the radioisotope, and the radioisotope’s activity (as indicated on the device’s label). For devices used in a fixed location, the physical address of each location where a device is used and the total number of devices at each location shall be submitted. For portable devices, the physical address of each primary place of storage and the total number of devices stored at each location shall be submitted. If renewing registration and there has been no change in the previously indicated devices, indicate that no change has occurred;

(B) Name, title, and telephone number, if different than the number specified in subsection (a)(1), of the individual appointed pursuant to section 30192.1(d)(15);

(C) Name and license number of the distributor from whom the device was obtained; and

(D) Signature and date of signature of the individual identified in subsection (a)(2)(B), attesting to the following statement:

“I [insert name as it appears in response to subsection (a)(2)(B)] attest that I am aware of the requirements of the general license specified in section 30192.1 of title 17, California Code of Regulations, and that the information provided concerning the device or product has been verified through a physical inventory and checking of label information.”

(3) For persons possessing devices subject to section 30192.6:

(A) A statement that the registrant has, pursuant to section 30192.6(c)(3), developed, implemented, and will continue to maintain procedures designed to establish physical control over the depleted uranium described in section 30192.6(a), and designed also so as to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

(B) The name, title, and telephone number, if different than the number specified in subsection (a)(1), of the individual appointed pursuant to section 30192.6(c)(4);

(4) Except for persons possessing devices pursuant to section 30192.6, the registration fee specified in section 30145.

(b) Each person shall renew registration annually on or before the current registration's expiration date, by submitting to the Department all required items in subsection (a).

(c) In lieu of the requirements in section 30115, within 30 calendar days of the occurrence of the event, each person registered pursuant to this section shall notify the Department of any change in the information submitted in response to subsection (a), including discontinuance of use of a device or product.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 115000, 115060, 115065, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. New section filed 6-8-2011; operative 7-8-2011 (Register 2011, No. 23).
2. Amendment of subsections (a) and (a)(3)(A)-(B) filed 3-18-2019; operative 7-1-2019 (Register 2019, No. 12).

**§ 30110. Initial Registration.**

(a) Every person not already registered who acquires a reportable source of radiation shall register with and pay the fee as specified in Section 30145 to the Department within 30 days of the date of acquisition.

(b) Every person who intends to acquire a radiation machine capable of operating at a potential in excess of 500 kVp shall notify the Department at least 60 days prior to his/her possession of the machine or at least 60 days prior to the commencement of construction or reconstruction of the room which will house the machine, whichever occurs first. This equipment shall not be used to treat patients until written approval of provisions for radiation safety has been obtained by the user from the Department.

(c) Every person who registers or renews a registration shall complete a separate registration form furnished by the Department for each separate installation.

**NOTE:**

Authority cited: Sections 208 and 25811(c), Health and Safety Code. Reference: Section 25815(b), Health and Safety Code.

**HISTORY:**

1. Amendment filed 6-24-80; effective thirtieth day thereafter (Register 80, No. 26).
2. Amendment filed 11-25-85; effective thirtieth day thereafter (Register 85, No. 48).
3. Amendment of subsection (a) filed 11-1-93 as an emergency; operative 11-1-93 (Register 93, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-1-94 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 11-1-93 order transmitted to OAL 2-24-94; disapproved by OAL 4-7-94 (Register 94, No. 27).
5. Amendment of subsection (a) refiled 7-6-94 as an emergency; operative 7-6-94 (Register 94, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-3-94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 7-6-94 order transmitted to OAL 6-30-94 and filed 7-20-94 (Register 94, No. 29).
7. Repealer and new Note filed 6-15-2015; operative 6-15-2015. Submitted to OAL for filing and printing only pursuant to Health and Safety Code section 100425 (Register 2015, No. 25).

**§ 30111. Renewal of Registration.**

Every person already registered pursuant to 30110 shall renew such registration annually and pay the fee as specified in Section 30145 to the Department on or before the registration renewal date.

**NOTE:**

Authority cited: Sections 100275 and 115000(c), Health and Safety Code. Reference: Section 115060(b), Health and Safety Code.

**HISTORY:**

1. Amendment filed 11-25-85; effective thirtieth day thereafter (Register 85, No. 48).
2. Repealer and new section and amendment of Note filed 1-20-99; operative 2-19-99 (Register 99, No. 4).

**§ 30115. Report of Change.**

Except for persons subject to section 30108.1, the registrant shall report in writing to the Department, within 30 days, any change in: registrant's name, registrant's address, location of the installation, or receipt, sale, transfer, disposal, or discontinuance of use of any reportable source of radiation.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 115060, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Amendment filed 6-24-80; effective thirtieth day thereafter (Register 80, No. 26).
2. Amendment filed 11-25-85; effective thirtieth day thereafter (Register 85, No. 48).
3. Amendment of section and Note filed 6-8-2011; operative 7-8-2011 (Register 2011, No. 23).

**Article 2. Exclusions from Registration**

Section

- 30125. Excluded Material and Devices.
- 30126. Exempt Possessors.

**§ 30125. Excluded Material and Devices.**

The following devices and materials do not require registration:

(a) Electrical equipment that produces radiation incidental to its operation for other purposes, but which does not produce radiation in any area accessible to individuals such that there is a reasonable likelihood that any individual will receive a radiation dose to the whole body, head and trunk, gonads, or lens of the eye or active blood-forming organs in excess of 0.5 rem in a year.

(b) All radioactive materials except as specified in sections 30192.1 and 30192.6.

**NOTE:**

Authority Cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 115060(c), 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. New NOTE filed 7-12-84 (Register 84, No. 28).
2. Editorial renumbering of former article 5 to article 2 (Register 85, No. 48).
3. Change without regulatory effect amending subsection (b) filed 11-1-91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 5).
4. Amendment of section and Note filed 6-8-2011; operative 7-8-2011 (Register 2011, No. 23).

**§ 30126. Exempt Possessors.**

Common and contract carriers are exempt from the requirement to register to the extent that they transport or store reportable sources of radiation in the regular course of their carriage for another or storage incident thereto.

**NOTE:**

Authority cited: Sections 114975, 115000(c) and 131200, Health and Safety Code. Reference: Sections 115060(b), 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Amendment filed 11-25-85; effective thirtieth day thereafter (Register 85, No. 48).
2. Repealer and new Note filed 6-15-2015; operative 6-15-2015. Submitted to OAL for filing and printing only pursuant to Health and Safety Code section 100425 (Register 2015, No. 25).

**Article 4. Fees**

Section

- 30145. Registration Fees.
- 30146. Payment of Fee.

**§ 30145. Registration Fees.**

(a) Each radiation machine that is a reportable source of radiation as defined in section 30100, is classified as one of the following:

(1) "High priority radiation machine," a radiation machine, which has high potential for exposing humans by means of heavy use, high radiation exposure, specialized use for radiosensitive areas of the human body, or misadjustment or malfunction of radiation safety features. A high priority radiation machine is further defined as one of the following machine types, or a machine that is used by any of the following categories of users:

- (A) Orthopedist.
- (B) Radiologist.
- (C) Chiropractor.
- (D) Hospital.
- (E) Medical clinic.
- (F) Portable X-ray service (human use).
- (G) Fluoroscope used on humans.
- (H) Chest photofluorography (minifilm unit).

(I) Non-human use particle accelerator with maximum energy capable of equaling or exceeding 10 MeV.

(J) Non-human use radiation machine used in field radiography, as defined in section 30330.

(2) "Medium priority radiation machine," a radiation machine not covered by subsections (a)(1), (a)(3) or (a)(4).

(3) "Dental priority radiation machine," a radiation machine used exclusively in dental radiography of human beings.

(4) "Special priority radiation machine," a radiation machine used for mammography.

(b) When a radiation machine is equipped with two or more tubes that can be used separately, each tube shall be considered as a single radiation machine.

(c) For registration or renewal of registration as a general licensee pursuant to section 30192.1, the fee shall be \$104.00 for each device in possession, except that persons possessing such devices under a specific license shall be exempt from this fee.

(d) Except as provided in subsection (e), initial registration shall be valid for a period of one year.

(e) The initial registration period for a reportable source of radiation being registered by a person who has a reportable source of radiation already registered with the Department shall be coterminous with the existing registration.

(f) Any fees collected for a radiation machine or a device for any registration period shall be transferred to any replacement radiation machine or device for the remainder of the registration period.

(g) For initial registration or renewal of registration, the fees shall be \$319.00 annually for each high priority radiation machine, \$256.00 annually for each medium priority radiation machine, \$118.00 annually for each dental priority radiation machine and, except as provided in section 30145.1, \$709.00 annually for each special priority radiation machine. Where the initial registration period is less than one year pursuant to subsection (e), the initial registration fee shall be prorated, based on the priority classification and number of full months in the initial registration period in accordance with the following formula:

$$\text{Initial Registration Fee} = A \times [B / (12 \text{ Months})]$$

Where:

A = Annual fee as specified above, dollars per year

B = Number of full months remaining in coterminous period

(h) The total registration fee paid by a registrant for high priority, medium priority, special priority, and dental priority radiation machines, which are at the same installation, shall not exceed \$8,949.00 per year.

(i) A late fee of 25% of the annual fee shall be charged for any registration fee which is 30 days past due.

(j) Fees required by this section shall be nonrefundable.

**NOTE:**

Authority cited: Sections 114975, 115000, 115060, 115065, 115080, 115085 and 131200, Health and Safety Code. Reference: Sections 114980, 115065, 115080, 115085, 115165, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Amendment of subsection (a) filed 7-1-75; effective thirtieth day thereafter (Register 75, No. 27).
2. Amendment filed 4-30-76; effective thirtieth day thereafter (Register 76, No. 18).
3. Amendment filed 7-3-79 as an emergency; effective upon filing (Register 79, No. 27).
4. Certificate of Compliance transmitted to OAL 10-26-79 and filed 11-2-79 (Register 79, No. 44).
5. Amendment filed 11-25-85; effective thirtieth day thereafter (Register 85, No. 48).
6. Change without regulatory effect of subsections (a) and (a)(1)(k) (Register 88, No. 6).
7. Amendment of subsection (a) filed 4-19-91; operative 5-19-91 (Register 91, No. 20).
8. Amendment of subsection (a) and Note, and adoption of subsections (d)-(f) filed 11-1-93 as an emergency; operative 11-1-93 (Register 93, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-1-94 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 11-1-93 order transmitted to OAL 2-24-94; disapproved by OAL 4-7-94 (Register 94, No. 27).
10. Amendment of subsection (a) and Note and new subsections (d)-(f) refiled 7-6-94 as an emergency; operative 7-6-94 (Register 94, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-3-94 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 7-6-94 order transmitted to OAL 6-30-94 and filed 7-20-94 (Register 94, No. 29).
12. Amendment of section and Note filed 1-20-99; operative 2-19-99 (Register 99, No. 4).
13. Amendment of section heading, section and NOTE filed 6-22-2005 as an emergency; operative 6-22-2005 (Register 2005, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-20-2005 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 6-22-2005 order transmitted to OAL 9-20-2005 and filed 10-18-2005 (Register 2005, No. 42).
15. New subsection (c), subsection relettering, amendment of newly designated subsections (d), (f) and (g) and amendment of Note filed 6-8-2011; operative 7-8-2011 (Register 2011, No. 23).
16. Amendment of subsections (a), (c), (g) and (h) filed 6-15-2015; operative 6-15-2015. Submitted to OAL for filing and printing only pursuant to Health and Safety Code section 100425 (Register 2015, No. 25).
17. Amendment of subsections (a)(1)(B), (a)(1)(J), (c), (g) and (h) filed 3-15-2018; operative 3-15-2018. Submitted to OAL for filing and printing only pursuant to Health and Safety Code section 100425 (Register 2018, No. 11).

**§ 30146. Payment of Fee.**

Each registration or registration renewal which reports possession of a radiation machine, and each report of change reporting the receipt of an additional radiation machine, shall be accompanied by an amount to pay the fee for the period to the next regularly scheduled registration renewal date.

**NOTE:**

Authority cited: Sections 114975, 115000(c) and 131200, Health and Safety Code. Reference: Sections 115080, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Amendment filed 7-1-75; effective thirtieth day thereafter (Register 75, No. 27).
2. Amendment filed 4-30-76; effective thirtieth day thereafter (Register 76, No. 18).
3. New NOTE filed 7-12-84 (Register 84, No. 28).
4. Repealer and new Note filed 6-15-2015; operative 6-15-2015. Submitted to OAL for filing and printing only pursuant to Health and Safety Code section 100425 (Register 2015, No. 25).

**Group 2. Licensing of Radioactive Materials**

**Article 4. Licenses**

Section

30195. Special Requirements for Issuance of Specific Licenses.  
30205. Modification, Suspension, Revocation and Termination of Licenses.

**§ 30195. Special Requirements for Issuance of Specific Licenses.**

In addition to the requirements set forth in Section 30194, specific licenses for certain specialized uses will be issued only if the following conditions are met:

(a) For human use of radioactive material limited to medical purposes, the applicant submits documentation demonstrating that they are capable of complying with the regulations governing the medical use of radioactive material in title 10, Code of Federal Regulations, Part 35 (10 CFR 35) (January 1, 2013), which is hereby incorporated by reference with the exceptions listed at subsections (a)(1) through (a)(15) below, and upon issuance of a license maintains compliance with said regulations:

(1) Title 10, Code of Federal Regulations, sections 35.1, 35.5, 35.7, 35.8, 35.10, 35.11(c), 35.12, 35.13, 35.14, 35.15, 35.18, 35.19, 35.26, 35.65, 35.4001, and 35.4002 are not incorporated by reference.

(2) Any references to the United States Nuclear Regulatory Commission (NRC) or any component thereof shall be deemed to be a reference to the "Department" as defined in section 30100 of this regulation.

(3) Any reference to 10 CFR 35, section 35.5 shall be deemed to be a reference to section 30293 of this regulation.

(4) Any reference to "Person" in 10 CFR 35 shall be deemed to be a reference to the term "Person" as defined in section 114985(c) of the Health and Safety Code.

(5) Any reference to "Licensee" in 10 CFR 35 shall be deemed to be a reference to the term "User" as defined in section 30100 of this regulation.

(6) Any reference to "Byproduct material" in 10 CFR 35 is replaced by the term "Radioactive Material" as defined in section 30100 of this regulation.

(7) The definition of the term "Agreement State" in 10 CFR 35, section 35.2 is replaced by the definition of the term "Agreement State" as defined in section 30100 of this regulation.

(8) The definition of the term "Sealed source" in 10 CFR 35, section 35.2 is replaced by the definition of the term "Sealed source" as defined in section 30100 of this regulation.

(9) The definition of the term "Dentist" in 10 CFR 35, section 35.2 is modified to mean an individual possessing a current and valid license to practice as a dentist pursuant to the California Dental Practice Act specified in Business and Professions Code Section 1600 et seq.

(10) The definition of the term "Pharmacist" in 10 CFR 35, section 35.2 is modified to mean an individual possessing a current and valid license to practice as a pharmacist pursuant to the California Pharmacy Law specified in Business and Professions Code Section 4000 et seq.

(11) The definition of the term "Podiatrist" in 10 CFR 35, section 35.2 is modified to mean an individual possessing a current and valid license to practice as a podiatrist pursuant to California Business and Professions Code sections 2460 et seq.

(12) The definition of the term "Physician" in 10 CFR 35, section 35.2 is modified to mean an individual possessing a current and valid license to practice as a physician and surgeon or as an osteopathic physician and surgeon pursuant to the California Medical Practice Act specified in Business and Professions Code Section 2000 et seq.

(13) The reference to section 19.12 found in 10 CFR 35, section 35.27(b)(1) shall be deemed to be a reference to section 30255 of this regulation.

(14) The date January 1, 2011 is substituted for the date October 24, 2002 found in 10 CFR 35, section 35.57(a)(1) and (b)(1). Subdivisions (a)(2) and (b)(2) of 10 CFR 35, section 35.57 are replaced by the following:

(A) "An individual identified as a Radiation Safety Officer, an authorized medical physicist, or an authorized nuclear pharmacist, and physicians, dentists, or podiatrists identified as authorized users for the medical use of radioactive material on a license or an NRC or Agreement State license or a permit issued by a Department, NRC or Agreement State broad scope licensee or NRC master material license permit or by an NRC

master material license permittee of broad scope before January 1, 2011 who perform only those medical uses for which they were authorized, need not comply with the training requirements of 10 CFR 35, sections 35.50, 35.51, or 35.55, and subparts D through H of 10 CFR 35, respectively.”

(15) Nothing in this incorporation by reference shall be construed to authorize the Department to approve of specialty boards or medical specialty boards for meeting training requirements specified in 10 CFR 35.

(b) For use of multiple quantities of types of radioactive material for research and development or for processing for distribution:

(1) The applicant has a radiation safety committee of at least three members which must evaluate all proposals for, and maintain surveillance over, all uses of radioactive material. Committee members shall be knowledgeable and experienced in pertinent kinds of radioactive material use and in radiation safety.

(2) The applicant has a radiation safety officer, who is a member of the radiation safety committee, and who is supported by a staff of a size and degree of competence appropriate to deal with radiation safety problems that might be encountered.

(3) The applicant furnishes a detailed statement of the qualifications, duties, authority, and responsibilities of the radiation safety committee and of the staff radiation safety group.

(c) Except as provided in paragraphs (1), (2), and (3), for use of radioactive material in the form of a sealed source or in a device that contains the sealed source, the application either identifies the source or device by the manufacturer and model number by which the source or device was registered with either the Department, pursuant to section 32.210 of title 10, Code of Federal Regulations, Part 32 (10 CFR 32.210), incorporated by reference in section 30196, the U.S. Nuclear Regulatory Commission (NRC), or an Agreement State other than this state; or provides the information identified in 10 CFR 32.210(c), incorporated by reference in section 30196:

(1) For sources or devices manufactured before October 23, 2012 that are not registered with the Department under 10 CFR 32.210, incorporated by reference in section 30196, or with an Agreement State, and for which the applicant is unable to provide all categories of information specified in 10 CFR 32.210(c), the applicant provides:

(A) All available information identified in 10 CFR 32.210(c), incorporated by reference in section 30196, regarding the source, and, if applicable, the device; and

(B) Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information shall include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience of the applicant, and the results of a recent leak test;

(2) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with 10 CFR 32.210(g)(1), incorporated by reference in section 30196, the applicant may supply only the manufacturer, model number, and radionuclide and quantity; and

(3) If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.

(d) An application from a medical facility or educational institution to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to licensees in its consortium, as defined in section 30195.4(b), that are authorized for medical use pursuant to subsection (a), includes:

(1) A request for authorization for the production of PET radionuclides, or evidence of an existing license issued by the Department, the NRC under 10 CFR 30, or an Agreement State other than this State for a PET radionuclide production facility within its consortium from which it receives PET radionuclides;

(2) Evidence that the applicant is qualified to produce radioactive drugs for medical use by meeting one of the criteria in 10 CFR 32.72(a)(2), incorporated by reference in section 30196;

(3) Information identified in 10 CFR 32.72(a)(3), incorporated by reference in section 30196 regarding the PET drugs to be noncommercially transferred to members of its consortium; and

(4) If the applicant is a pharmacy, in addition to satisfying the requirements in paragraphs (1), (2), and (3), the applicant shall also provide identification of all individuals authorized to prepare the PET radioactive drugs and documentation that each individual meets the requirements of an authorized nuclear pharmacist as specified in 10 CFR 32.72(b)(2), incorporated by reference in section 30196.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115060, 115165, 115235, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Repealer and new subsection (e) filed 10-12-72; effective thirtieth day thereafter (Register 72, No. 42).
2. Repealer of subsection (e) filed 7-7-86; effective thirtieth day thereafter (Register 86, No. 28).
3. Change without regulatory effect amending subsection (d) filed 11-1-91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 5).
4. Repealer of subsections (a)-(b)(2), new subsections (a)-(a)(15), subsection relettering and amendment of Note filed 10-13-2010; operative 1-1-2011 (Register 2010, No. 42).
5. Editorial correction of subsection (a)(14) (Register 2010, No. 45).
6. Amendment subsections (a), (a)(14) and (a)(14)(A), repealer of subsections (c)-(c)(2) and new subsections (c)-(d)(4) filed 12-30-2014; operative 4-1-2015 (Register 2015, No. 1).

**§ 30205. Modification, Suspension, Revocation and Termination of Licenses.**

(a) All licenses shall be subject to modification, suspension, or revocation by regulations or orders issued by the department.

(b) Any license may be modified, suspended, or revoked by the department:

- (1) for any material false statement in the application or in any required report;
- (2) because of conditions revealed by any means which would warrant refusal to grant such a license on an original application; or
- (3) for violation of any terms and conditions of the Act, of the license, or of any relevant regulation or order of the department, including non-payment of license fee pursuant to Sections 30230-30232 of this regulation.

(c) Prior to the institution of proceedings to modify, suspend, or revoke a license, facts or conduct which may warrant such action shall be called to the attention of the licensee in writing and the licensee shall be accorded reasonable opportunity to demonstrate or achieve compliance, except in cases of willful violation or those in which the public health or safety requires otherwise.

(d) A specific license may be terminated by mutual consent between the licensee and the department.

**NOTE:**

Authority cited: Sections 114975, 115000, 115060 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 114980, 115060, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Amendment of subsection (b)(3) filed 10-12-72; effective thirtieth day thereafter (Register 72, No. 42).
2. New NOTE filed 8-22-84 (Register 84, No. 34).
3. Amendment of Note filed 3-15-2018; operative 3-15-2018. Submitted to OAL for filing and printing only pursuant to Health and Safety Code section 100425 (Register 2018, No. 11).

**Article 6. Physical Protection of Radioactive Material (Refs & Annos)**

Section

30220. Special Requirements for Issuance of Specific Licenses - Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.



**§30220. Special Requirements for Issuance of Specific Licenses - Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.**

(a) In addition to meeting the requirements set forth in sections 30194, 30194.1, 30195, 30195.1, 30195.2, 30195.3 and 30196, specific licenses shall be issued only if the applicant submits documentation demonstrating that it is capable of complying, and following issuance of the license will continue to comply, with the regulations governing the physical protection of category 1 and category 2 quantities of radioactive material in Title 10, Code of Federal Regulations (10 CFR), Part 37 and Appendix A of 10 CFR Part 37 (January 1, 2021), which are hereby incorporated by reference with the following exceptions.

(1) Title 10, CFR sections 37.1, 37.3, 37.7, 37.9, 37.11(a) & (b), 37.13, 37.105, 37.107, and 37.109 are not incorporated by reference.

(2) The term “government agency” found in 10 CFR 37.5 is not incorporated by reference.

(3) Part 73, as referenced in sections 37.21, 37.25, and 37.27 of 10 CFR 37, is not incorporated by reference, except that a licensee may meet the applicable provision by compliance with Part 73 as referenced.

(4) Except as follows, any reference to the United States Nuclear Regulatory Commission (NRC) or any component thereof shall be deemed to be a reference to the Department:

(A) Section 37.5 of 10 CFR 37. The reference to the NRC found in the term “fingerprint orders” shall be deemed to include both the NRC and the Department, as applicable. The term “agreement state” found within the definition of “fingerprint orders” shall be as defined in paragraph (6);

(B) Section 37.25 of 10 CFR 37, subject to paragraph (3). The reference to the NRC found in the definition of “security orders” in Section 37.25(b)(2) shall remain a reference to the NRC;

(C) Section 37.27 of 10 CFR 37, subject to paragraph (3). Licensees shall comply with all submittals and processes specified in 10 CFR 37.27 by submitting and corresponding directly to the NRC as required by 10 CFR 37.27, except that “Mail Stop T-07D04M” shall be used in lieu of “Mail Stop T-8B20” found in § 37.27(c); and (D) Section 37.71 of 10 CFR 37. Any reference to the NRC shall be deemed to include the NRC, the Department, and any Agreement State, as applicable, except that any reference to “NRC’s license verification system” remains a reference to the NRC.

(5) Reference to 10 CFR 30.41(d) found in 10 CFR 37.71 shall be deemed to be a reference to section 30210(c).

(6) For purposes of this section, any reference to the below identified federal term found within 10 CFR 37.5 shall be deemed to be a reference to the below identified Department term that is defined as specified in the following table:

<b>Federal term found within 10 CFR 37.5</b>	<b>Department term</b>
Act	“Act” as defined in section 30100.
Agreement State	“Agreement State” as defined in section 30100.
Becquerel	“Becquerel” as defined in 10 CFR 20.1005 incorporated by reference in section 30253.
Byproduct material	“Radioactive material” as defined in section 30100.

Federal term found within 10 CFR 37.5	Department term
Curie	“Curie” as defined in 10 CFR 20.1005 incorporated by reference in section 30253.
License	“License” as defined in section 30100.
Person	“Person” as defined in section 30100.

(7) Title 10, CFR sections 37.101 and 37.103 are substituted with section 30293.

(8) The mathematical formula for calculations concerning multiple sources or multiple radionuclides found in the Note to Appendix A of 10 CFR 37 shall read as published on November 30, 2021 in Volume 86, Number 227 of the Federal Register at page 67842, which is hereby incorporated by reference.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115060, 115165, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Amendment of article heading and new section filed 3-18-2019; operative 7-1-2019 (Register 2019, No. 12). For prior history, see Register 87, No. 29.
2. Amendment of subsections (a), (a)(4)(C) and (a)(5) and new subsection (a)(8) filed 3-30-2022; operative 7-1-2022 (Register 2022, No. 13).

**Article 7. Reciprocal Recognition of Licenses**

Section

- 30225. Persons Specifically Licensed by Other Agencies.
- 30226. Persons Generally Licensed by Other Agencies.

**§ 30225. Persons Specifically Licensed by Other Agencies.**

(a) Any person who holds a specific license issued by the United States Nuclear Regulatory Commission (NRC), by any other Agreement State, or by any state that has been either provisionally or finally designated as a Licensing State by the Conference of Radiation Control Program Directors, Inc. (CRCPD), other than this State, may conduct activities of the kind therein authorized within this State for a period not in excess of 180 days in any calendar year without obtaining a specific license from the Department, provided that:

(1) The person maintains an office for directing the licensed activity, at which radiation safety records are normally maintained, in a location under jurisdiction of the agency which issued the specific license;

(2) The license does not limit the authorized activity to specified installations or locations;

(3) The person provides written notice to the Department at least three days prior to engaging in such activity. Such notice shall indicate the location, specific time period, and type of proposed possession and use within this state, and shall be accompanied by a copy of the pertinent license. If, for a specific case, the 3-day period would impose an undue hardship on the person, the person may make application to the Department to proceed sooner;

(4) The person complies with all applicable regulations of the Department and with all the terms and conditions of the license, except such terms and conditions as may be inconsistent with said regulations;

(5) The person supplies such other information as the Department may request; and

(6) The person pays a fee in accordance with section 30230(f) to the Department, prior to the engagement of activities within the state.

(b) Any person who holds a specific license issued by the NRC, by any other Agreement State or by any state that has been either provisionally or finally designated as a Licensing State by the CRCPD, other than this State, authorizing the holder to manufacture, install or service a device described in section 30192.1(a), is hereby issued a general license to install or service such device in this State, provided that:

(1) The person files a report with the Department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State, identifying each device recipient by name and address, identifying the type of device transferred or installed, and identifying the quantity and type of radioactive material contained in each device;

(2) The device has been manufactured and labeled and is installed and serviced in accordance with applicable provisions of the specific license;

(3) The person assures that any labels required to be affixed to the device, under regulations of the authority which licensed manufacture of the device, are affixed and bear a statement that "Removal of this label is prohibited;" and

(4) The person furnishes to each device recipient in this State to whom he or she transfers such a device, or on whose premises he or she installs the device, a copy of the regulations contained in Group 1.5 of this subchapter and sections 30192.1, 30254, 30257, 30293(a)(2) and 30295 of Group 3 of this subchapter, and sections 20.2201 and 20.2202 of title 10, Code of Federal Regulations, Part 20, incorporated by reference in section 30253.

(c) The Department may withdraw, limit, or qualify its acceptance of any license specified in subsection (a) or (b) upon determining that such action is necessary to protect health or to minimize danger to life or property.

(d) Authorization granted pursuant to this section does not authorize a person to conduct activities in areas within this State that are under exclusive federal jurisdiction.

**NOTE:**

Authority cited: Sections 114975, 115000, 115060 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 114985, 114990, 115060, 115065, 115090, 115093, 115105, 115110, 115120, 115165, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Repealer of article 7 (section ) and new article 7 (section 30225) filed 11-29-65; effective thirtieth day thereafter (Register 65, No. 23). For prior history, see Register 62, No. 21.
2. Amendment of subsection (a) filed 7-22-71; effective thirtieth day thereafter (Register 71, No. 30).
3. Amendment of subsection (a) filed 10-12-72; effective thirtieth day thereafter (Register 72, No. 42).
4. New NOTE filed 8-22-84 (Register 84, No. 34).
5. Amendment filed 7-7-86; effective thirtieth day thereafter (Register 86, No. 28).
6. New subsection (a)(6) and amendment of Note filed 10-23-91; operative 11-22-91 (Register 92, No. 5).
7. Amendment of section and Note filed 10-15-2001; operative 11-14-2001 (Register 2001, No. 42).
8. Amendment of subsection (a)(6) filed 6-22-2005 as an emergency; operative 6-22-2005 (Register 2005, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-20-2005 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 6-22-2005 order transmitted to OAL 9-20-2005 and filed 10-18-2005 (Register 2005, No. 42).
10. Amendment of section heading, section and Note filed 6-8-2011; operative 7-8-2011 (Register 2011, No. 23).

**§ 30226. Persons Generally Licensed by Other Agencies.**

(a) A person generally licensed by the United States Nuclear Regulatory Commission (NRC), or an Agreement State other than this State, is not subject to the registration requirements specified in section 30192.1(d)(1) if the device is used in areas subject to the Department's jurisdiction for a period less than 180 days in any calendar year.

(b) Authorization granted pursuant to this section shall not authorize a person to conduct activities in areas within this State that are under exclusive federal jurisdiction within this State.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 115060, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. New section filed 6-8-2011; operative 7-8-2011 (Register 2011, No. 23).

**Group 3. Standards for Protection Against Radiation****Article 2. Notices, Instructions, and Reports to Workers; Inspections and Investigations**

## Section

30254. Inspection.

30255. Notices, Instructions, and Reports to Personnel.

**§ 30254. Inspection.**

(a) Each user shall afford to the Department or other official agency specifically designated by the Department, at all reasonable times, opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to these regulations.

(b) During an inspection, inspectors may consult privately with workers as specified below. The user may accompany inspectors during other phases of an inspection.

(1) Inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of Department regulations and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

(2) During the course of an inspection any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which he has reason to believe may have contributed to or caused any violation of the Radiation Control Law, these regulations, or license condition, or any unnecessary exposure of an individual to radiation from licensed radioactive material or a registered radiation machine under the user's control. Any such notice in writing shall comply with the requirements of subsection (h) hereof.

(3) The provision of paragraph (b)(2) of this section shall not be interpreted as authorization to disregard instructions pursuant to Section 30255(b)(1).

(c) If, at the time of inspection, an individual has been authorized by the workers to represent them during inspections, the user shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(d) Each worker's representative shall be routinely engaged in work under control of the user and shall have received instructions as specified in Section 30255(b)(1).

(e) Different representatives of users and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(f) With the approval of the user and the workers' representative, an individual who is not routinely engaged in work under control of the user, for example, a consultant to the user or to the workers' representative, shall be afforded the opportunity to accompany inspectors during the inspection of physical working conditions.

(g) Notwithstanding the other provisions of this section, inspectors are authorized to refuse to permit accompaniment by an individual who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the user to enter that area.

(h) Any worker or representative of workers who believes that a violation of the Radiation Control Law, these regulations or license conditions exists, or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Department or other official agency specifically designated by the

Department. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the user by the Department no later than at the time of inspection except that, upon the request of the worker giving such notice, his name and the name of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the Department except for good cause shown.

(i) If, upon receipt of such notice, the Chief, Radiologic Health Branch, of the Department, determines that the complaint meets the requirements set forth in subsection (h) hereof, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, he shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

(j) No user shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under these regulations or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this section.

(k) If the Chief, Radiologic Health Branch, of the Department, determines with respect to a complaint under subsection (h) hereof that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the complainant shall be notified in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position to the Director of the Department, who will provide the user with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The user may submit an opposing written statement of position with the Director of the Department who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Director of the Department, or his designee, may hold an informal conference in which the complainant and the user may orally present their views. An informal conference may also be held at the request of the user, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the Director of the Department shall affirm, modify, or reverse the determination of the Chief, Radiologic Health Branch, of the Department, and furnish the complainant and the user a written notification of his decision and the reason therefor.

(l) If the Department determines that an inspection is not warranted because the requirements of subsection (h) hereof have not been met, it shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of subsection (h) hereof.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115060, 115165, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Repealer and new section filed 8-19-75 as an emergency; effective upon filing (Register 75, No. 34). Approved by CAL/OSHA Standards Board 12-16-75.
2. Certificate of Compliance filed 11-28-75 (Register 75, No. 48).
3. Amendment of subsections (b)(3) and (d) filed 8-23-76; effective thirtieth day thereafter (Register 76, No. 35).
4. Amendment of subsections (h), (i) and (k) filed 6-18-87; operative 7-18-87 (Register 87, No. 28).
5. New article 2 heading and amendment of subsection (b)(3) filed 3-3-94 as an emergency; operative 3-3-94 (Register 94, No. 9). A Certificate of Compliance must be transmitted to OAL by 7-1-94 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 3-3-94 order transmitted to OAL 6-7-94 and filed 7-14-94 (Register 94, No. 28).
7. Amendment of subsection (d) and amendment of Note filed 12-30-2014; operative 4-1-2015 (Register 2015, No. 1).

**§ 30255. Notices, Instructions, and Reports to Personnel.**

(a) This section establishes requirements for notices, instructions, and reports by users to individuals engaged in work under a license or registration; and options available to such individuals in connection with Department inspections of licensees or reg-

istrants to ascertain compliance with the provisions of the Radiation Control Law and regulations, orders, and licenses issued thereunder regarding radiological working conditions. The requirements in this section apply to all persons who receive, possess, use, own or transfer material licensed by or registered with the Department.

(b) Each user shall:

(1) Inform all individuals working in or frequenting any portion of a controlled area of the storage, transfer, or use of radioactive materials or of radiation in such portions of the controlled area; instruct such individuals in the health protection problems associated with exposure to such radioactive materials or radiation, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; instruct such individuals in, and instruct them to observe, to the extent within their control, the applicable provisions of Department regulations and license conditions for the protection of personnel from exposures to radiation or radioactive materials occurring in such areas; instruct such individuals of their responsibility to report promptly to the licensee or registrant any condition which may lead to or cause a violation of department regulations or license conditions or unnecessary exposure to radiation or radioactive material, and of the inspection provisions of Section 30254; instruct such individuals in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive materials; and advise such individuals as to the radiation exposure reports which they may request pursuant to this section. The extent of these instructions shall be commensurate with potential radiological health protection problems in the controlled area.

(2) Conspicuously post a current copy of this regulation, a copy of applicable licenses for radioactive material, and a copy of operating and emergency procedures applicable to work with sources of radiation. If posting of documents specified in this paragraph is not practicable the user may post a notice which describes the document and states where it may be examined.

(3) Conspicuously post a current copy of Department Form RH-2364 (Notice to Employees) in a sufficient number of places to permit individuals working in or frequenting any portion of a controlled area to observe a copy on the way to or from such area.

(4) Conspicuously post any notice of violation involving radiological working conditions or any order issued pursuant to the Radiation Control Law and any required response from the user. Department documents posted pursuant to this paragraph shall be posted within two working days after receipt of the documents from the Department; the user's response, if any, shall be posted within two working days after dispatch by the user. Such documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

(5) Assure that documents, notices, or forms posted pursuant to this section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(6) Provide reports to any individual of their radiation exposure data and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of that individual as specified in this section. The information reported shall include data and results obtained pursuant to Department regulations, orders, or license conditions, as shown in records maintained by the user pursuant to Department regulations. Each notification and report shall: be in writing; include appropriate identifying data such as the name of the user, the name of the individual, the individual's Social Security number; include the individual's exposure information; and contain the following statement:

"This report is furnished to you under the provisions of the California State Department of Public Health Regulations: Standards for Protection Against Radiation. You should preserve this report for future reference."

These reports shall be provided as follows:

(A) Each user shall advise each worker annually of the worker's dose as shown in records maintained by the user pursuant to title 10, Code of Federal Regulations, part 20, (10 CFR 20), section 20.2106 as incorporated by reference in section 30253. The user shall provide an annual report to each monitored individual pursuant to section 20.1502, incorporated by reference in section 30253, of the dose received in that monitoring year if:

1. The individual's occupational dose exceeds 100 mrem total effective dose equivalent or 100 mrem to any individual organ or tissue; or
2. The individual requests his or her annual dose report.

(B) At the request of a worker formerly engaged in work controlled by the user, the user shall furnish to the worker a report of the worker's exposure to radiation or radioactive material as shown in records maintained by the user pursuant to 10 CFR 20, section 20.2106 that has been incorporated by reference in section 30253, for each year the worker was required to be monitored pursuant to section 20.1502 and for each year the worker was required to be monitored under the monitoring requirements in effect prior to March 3, 1994. Such report shall be furnished within 30 days from the time the request is made, or within 30 days after the exposure of the individual has been determined by the user, whichever is later. This report shall cover the period of time that the worker's activities involved exposure to radiation from radioactive material licensed by, or radiation machines registered with, the Department and shall include the dates and locations of work under the license or registration in which the worker participated during this period.

(C) When a user is required pursuant to 10 CFR 20, sections 20.2202, 20.2203, or 20.2204, as incorporated by reference in section 30253, to report to the Department any exposure of an individual to radiation or radioactive material, the user shall also provide the individual a report on his exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the Department.

(D) At the request of a worker who is terminating employment with the user that involved exposure to radiation or radioactive materials, during the current calendar quarter or the current year, each user shall provide at termination to each worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the user during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose must be provided together with a clear indication that this is an estimate.

**NOTE:**

Authority cited: Sections 114975, 115000, 131051, 131052, 131055 and 131200, Health and Safety Code. Reference: Sections 114940, 114965, 115000, 115060, 115110, 115230 and 115235, Health and Safety Code.

**HISTORY:**

1. Renumbering and amendment of former section 30280 to section 30255 filed 3-3-94 as an emergency; operative 3-3-94 (Register 94, No. 9). A Certificate of Compliance must be transmitted to OAL by 7-1-94 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-3-94 order transmitted to OAL 6-7-94 and filed 7-14-94 (Register 94, No. 28).
3. Amendment of subsections (a)(6)-(a)(6)(D) and amendment of Note filed 11-9-2010; operative 12-9-2010 (Register 2010, No. 46).

**Article 3.1. Records and Notification**

Section

30293. Records.

30295. Notification of Incidents.

**§ 30293. Records.**

(a) Each user shall keep records showing the receipt, transfer, and disposal of each source of radiation which is subject to licensure or registration pursuant to groups 1.5 and 2 of this subchapter as follows:

(1) The user shall retain each record of receipt of a source of radiation as long as the source of radiation is possessed and for three years following transfer or disposal of the source of radiation.

(2) The user who transferred the source of radiation shall retain each record of transfer for three years after each transfer unless a specific requirement in another part of the regulations in this subchapter dictates otherwise, except that if the source of radiation is source material, as defined in Health and Safety Code section 114985(e), the user shall retain each record of transfer until the Department terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(3) The user who disposed of the radioactive material shall retain each record of disposal of the radioactive material until the Department terminates each license that authorizes disposal of the radioactive material.

(b) The user shall retain each record that is required by the regulations in this subchapter or by license condition for the period specified by the appropriate regulation or license condition. If a retention period is not otherwise specified by regulation or license condition, the record shall be retained until the Department terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(c) Records which shall be maintained pursuant to this subchapter may be the original or a reproduced copy or microform if such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by department regulations. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, specifications, shall include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

(d) If there is a conflict between the Department's regulations in this subchapter, license condition, or other written Department approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the regulations in this subchapter for such records shall apply unless the Department, pursuant to 30104, has granted a specific exemption from the record retention requirements specified in the regulations in this subchapter.

(e) Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in an unsealed form, or source material in an unsealed form, or special nuclear material shall forward the following records to the Department:

(1) Records of disposal of licensed material made under Title 10, Code of Federal Regulations (10 CFR 20), sections 20.2002, 20.2003, 20.2004, 20.2005, incorporated by reference in section 30253;

(2) Records required by 10 CFR 20 section 20.2103(b)(4), incorporated by reference in section 30253; and

(3) If the specific license authorized possession of special nuclear material, records required by section 30256(a).

(f) If licensed activities are transferred or assigned in accordance with section 30194(c), each licensee authorized to possess radioactive material, with a half-life greater than 120 days, in an unsealed form, or source material in an unsealed form, or special nuclear material shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(1) Records of disposal of licensed material made under 10 CFR 20 sections 20.2002, 20.2003, 20.2004, 20.2005, incorporated by reference in section 30253;

(2) Records required by 10 CFR 20 section 20.2103(b)(4), incorporated by reference in section 30253; and

(3) If the specific license authorized possession of special nuclear material, records required by section 30256(a).



(g) Prior to license termination, each licensee shall forward the records required by section 30256(a) to the Department.

**NOTE:**

Authority cited: Sections 100275 and 115000, Health and Safety Code. Reference: Sections 114965, 114970, 115105, 115110, 115230 and 115235, Health and Safety Code.

**HISTORY:**

1. New article 3.1 (sections 30293 and 30295) and section filed 9-9-97; operative 10-9-97 (Register 97, No. 37). For prior HISTORY, see Register 94, No. 28.
2. Amendment of subsection (a)(2) and amendment of Note filed 3-18-2019; operative 7-1-2019 (Register 2019, No. 12).
3. Amendment of subsections (e)-(e)(2), (f)-(f)(3) and (g) and new subsections (e)(3) and (f)(3) filed 8-7-2019; operative 10-1-2019 (Register 2019, No. 32).

**§ 30295. Notification of Incidents.**

(a) Each user shall notify the Department as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (events may include but are not limited to fires, explosions, and toxic gas releases).

(b) Each user shall notify the Department within 24 hours after the discovery of any of the following events involving radiation or radioactive materials:

(1) An unplanned contamination event involving licensed radioactive material that:

(A) Requires access to the contaminated area by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

(B) Involves a quantity of material greater than five times the lowest annual limit on intake specified in Appendix B of Title 10, Code of Federal Regulations, part 20, incorporated by reference in section 30253 for the material; and

(C) Has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.

(2) An event in which equipment is disabled or fails to function as designed when:

(A) The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

(B) The equipment is required to be available and operable when it is disabled or fails to function; and

(C) No redundant equipment is available and operable to perform the required safety function.

(3) An event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body.

(4) An unplanned fire or explosion damaging any licensed material or any device, container, or equipment containing licensed material when:

(A) The quantity of material involved is greater than five times the lowest annual limit on intake specified in Appendix B of Title 10, Code of Federal Regulations, part 20, incorporated by reference in section 30253 for the material; and

(B) The damage affects the integrity of the licensed material or its container.

(c) Reports made by users in response to the requirements of this section shall be made as follows:

Each user shall make reports required by subsections (a) and (b) by telephone to the Department. To the extent that the information is available at the time of notification, the information provided in these reports shall include:

(1) The caller's name and call back telephone number;

(2) A description of the event, including date and time;

(3) The exact location of the event;

(4) The isotopes, quantities, and chemical and physical form of the licensed material involved; and

- (5) Any personnel radiation exposure data available.
- (d) Each user who makes a report required by this section shall submit a written follow-up report within 30 days of the initial report. These written reports shall be sent to the Department and include:
  - (1) A description of the event, including the probable cause and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;
  - (2) The exact location of the event;
  - (3) The isotopes, quantities, and chemical and physical form of the licensed material involved;
  - (4) Date and time of the event;
  - (5) Corrective actions taken or planned and the results of any evaluation or assessment; and
  - (6) The extent of exposure of individuals to radiation or to radioactive materials without identification of individuals by name..

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115105, 115110, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. New section filed 9-9-97; operative 10-9-97 (Register 97, No. 37). For prior history, see Register 94, No. 28.
2. Amendment of section and Note filed 4-11-2008; operative 5-11-2008 (Register 2008, No. 15).
3. Amendment of subsection (a) and amendment of Note filed 3-18-2019; operative 7-1-2019 (Register 2019, No. 12).

#### **Article 4. Special Requirements for the Use of X-Ray in the Healing Arts**

**Section**

- 30305. General Provisions.
- 30305.1. Quality Assurance General Provisions.
- 30306. Definitions.
- 30307. Fluoroscopic Installations.
- 30308.1. Quality Assurance for Radiographic Installations (Other Than Mammography, Dental, and Veterinary Medicine).
- 30309. Special Requirements for Mobile Radiographic Equipment.
- 30311.1. Quality Assurance for Dental Radiography.
- 30312. Therapeutic X-Ray Installations.
- 30313. Special Requirements for Therapeutic X-Ray Equipment Operated at Potentials of 50 kV and Below.
- 30314. Veterinary Medicine Radiographic Installations.

#### **§ 30305. General Provisions.**

(a)(1) This article pertains to use of X-rays in medicine, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine. The provisions of this article are in addition to, and not in substitution for, other applicable provisions of this regulation and of Group 1 of this subchapter.

(2) Any existing machine or installation need not be replaced or substantially modified to conform to the requirements of this regulation provided that the user demonstrates to the Department's satisfaction achievement of equivalent protection through other means.

(3) No person shall make, sell, lease, transfer, lend, or install X-ray or fluoroscopic equipment or the supplies used in connection with such equipment unless such supplies and equipment, when properly placed in operation or properly used, will meet the requirements of this regulation. This includes responsibility for the delivery of cones or collimators, filters, adequate timers and fluoroscopic shutters (where applicable).

(4) For X-ray equipment manufactured after July 31, 1974, the user shall provide sufficient maintenance to keep the equipment in compliance with all applicable radiation protection sections of the Code of Federal Regulations, Title 21, Chapter 1, Subchapter J, Part 1020, Sections 1020.30, 1020.31, and 1020.32.

(5) Each installation shall be provided with such primary barriers and/or secondary barriers as are necessary to ensure compliance with title 10, Code of Federal Regulations, part 20, (10 CFR 20) subparts C and D incorporated by reference in section 30253. Special requirements are contained in title 24, California Code of Regulations, Part 2, Chapter 31C, sections 3101C through 3104C.

(b) Use.

(1) The user shall assure that all X-ray equipment under his jurisdiction is operated only by persons adequately instructed in safe operating procedures and competent in safe use of the equipment.

(2) The user shall provide safety rules to each individual operating X-ray equipment under his control, including any restrictions of the operating technique required for the safe operation of the particular X-ray apparatus, and require that the operator demonstrate familiarity with these rules.

(3) No user shall operate or permit the operation of X-ray equipment unless the equipment and installation meet the applicable requirements of these regulations and are appropriate for the procedures to be performed.

(4) Deliberate exposure of an individual to the useful beam for training or demonstration purposes shall not be permitted unless there is also a medical or dental indication for the exposure and the exposure is prescribed by a physician or dentist.

(c) Areas or rooms that contain permanently installed X-ray machines as the only source of radiation shall be posted with a sign or signs

**CAUTION  
X-RAY**

in lieu of other signs required by the United States, title 10, Code of Federal Regulations, part 20, section 20.1902 as incorporated by reference in section 30253.

(d) High radiation areas caused by radiographic and fluoroscopic machines used solely in the healing arts and which are in compliance with the access control and signal requirements of title 24, California Code of Regulations, Part 2, Chapter 31C, sections 3101C through 3104C shall be exempt from the access control and signal requirements of 10 CFR 20, section 20.1601 as incorporated by reference in section 30253.

(e) The user shall publically display at each installation where an individual performs, or supervises the performance of, radiologic technology, as defined in section 30400, either:

- (1) A copy of each of the individual's applicable current and valid certificate or permit issued pursuant to subchapter 4.5 (commencing at section 30400) of this chapter; or
- (2) A list of all such persons containing:

(A) For each individual, the individual's name, the applicable certificate or permit number, and the expiration date as indicated on the Department issued document. This information shall be in a font size no less than 12 points; and

(B) The statement "A copy of the individual's certificate or permit is available for viewing upon request." in a font size no less than 14 points.

(f) If a user elects to post the list specified in subsection (e)(2), the user shall maintain the certificate or permit or a copy thereof for all individuals identified on the list.

**NOTE:**

Authority cited: Sections 114975, 115000, 115060 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115060, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

- 1. Amendment filed 3-5-71; effective thirtieth day thereafter. Approved by State Building Standards Commission 2-26-71. (Register 71, No. 10).
- 2. Renumbering and amendment filed 9-4-73 as an emergency; effective upon filing (Register 73, No. 36). Approved by State Building Standards Commission 11-30-73.
- 3. Certificate of Compliance filed 12-28-73 (Register 73, No. 52).
- 4. Amendment filed 6-24-80; effective thirtieth day thereafter (Register 80, No. 26).
- 5. New subsection (a)(5) and repealer of subsection (c) filed 6-18-87; operative 7-18-87 (Register 87, No. 28).

6. Amendment of article heading and new subsections (c) and (d) filed 3-3-94 as an emergency; operative 3-3-94 (Register 94, No. 9). A Certificate of Compliance must be transmitted to OAL by 7-1-94 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 3-3-94 order transmitted to OAL 6-7-94 and filed 7-14-94 (Register 94, No. 28).
8. Change without regulatory effect amending subsections (a)(5) and (d) and amending Note filed 11-12-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 46).
9. New subsections (e)-(f) and amendment of Note filed 7-19-2018; operative 10-1-2018 (Register 2018, No. 29).

#### § 30305.1. Quality Assurance General Provisions.

(a) Each user subject to this article, as specified in section 30305(a)(1), who performs radiography shall assure that:

(1) Radiographic films are stored, handled, and processed in accordance with manufacturers' recommendations. Expired film may not be used for clinical purposes.

(2) Intensifying screens, grids, viewers, film processing equipment, chemicals, and solutions are stored, used, and maintained in accordance with manufacturers' recommendations.

(3) For each X-ray machine, a technique chart is provided which establishes for each view commonly performed:

- (A) Patient size versus selectable exposure factors;
- (B) Source-to-Image distance (if not fixed);
- (C) Grid data;
- (D) Film/Screen combination; and
- (E) Patient shielding (if appropriate).

#### NOTE:

Authority cited: Sections 114975, 115000, 115060, 115061, 131051, 131052, 131055 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115060 and 115061, Health and Safety Code.

#### HISTORY:

1. New section filed 9-4-2012; operative 10-4-2012 (Register 2012, No. 36).

#### § 30306. Definitions.

- (a) The definitions in section 30100 shall apply to this article.
- (b) As used in this article:

(1) "Approved continuing education credit" means 50 to 60 minutes of instruction received in subjects related to medical or health physics, as applicable, and accepted for purposes of credentialing, assigning professional status, or certification by:

(A) The Commission on Accreditation of Medical Physicists Educational Programs, Inc.; or

(B) American Academy of Health Physics.

(2) "Automatic exposure control" means a device which automatically controls one or more technique factors in order to obtain at a preselected location(s) a required quantity of radiation.

(3) "Cineradiography" means the making of a motion picture record of the successive images appearing on a fluorescent screen.

(4) "Contact therapy" means irradiation of accessible lesions, usually employing a very short source-skin distance and potentials of 40-50 KV.

(5) "Dead-man switch" means a switch so constructed that a circuit-closing contact can only be maintained by continuous pressure by the operator.

(6) "Diagnostic-type tube housing" means an X-ray tube housing so constructed that the leakage radiation measured at a distance of one meter from the source cannot exceed 100 milliroentgens in one hour when the tube is operated at its maximum continuous rate of current for the maximum rated tube potential.

(7) "Direct supervision" means that the supervising individual is physically present and available within the facility during the performance of tasks by the supervised individual.

(8) "Filter" means material placed in the useful beam to absorb preferentially the less penetrating radiations.

(9) "Interlock" means a device for precluding access to an area of radiation hazard, either by preventing entry or by automatically removing the hazard.

(10) "Leakage radiation" means all radiation coming from within the tube housing except the useful beam.

(11) "Personal supervision" means that the supervising individual is physically present to observe, and correct, as needed, the performance of the individual performing the activities.

(12) "Primary protective barrier" means a barrier sufficient to attenuate the useful beam to the required degree.

(13) "Protective barrier" means a barrier of attenuating materials used to reduce radiation exposure.

(14) "Scattered radiation" means radiation that, during passage through matter, has been deviated in direction.

(15) "Secondary protective barrier" means a barrier sufficient to attenuate stray radiation to the required degree.

(16) "Shutter" means a device, generally of lead, fixed to an X-ray tube housing to intercept the useful beam.

(17) "Stray radiation" means radiation not serving any useful purpose. It includes leakage and scattered radiation.

(18) "Supervision" means responsibility for, and control of the quality, radiation safety, and technical aspects of activities being supervised, and being available to the supervised individual.

(19) "TCP" means a therapeutic calibration physicist.

(20) "Therapeutic calibration physicist" means an individual who meets the requirements of section 30313.10.

(21) "Therapeutic-type tube housing" means:

(A) For therapeutic X-ray equipment not capable of operating at 500 kilovolt peak (kVp) or above, an X-ray tube housing so constructed that the leakage radiation at a distance of one meter from the source does not exceed one roentgen in one hour when the tube is operated at its maximum rated continuous current for the maximum rated tube potential.

(B) For therapeutic X-ray equipment capable of operating at 500 kVp or above, an X-ray tube housing so constructed that the leakage radiation at a distance of one meter from the source does not exceed either one roentgen in one hour or 0.1 percent of the useful beam dose rate at one meter from the source, whichever is greater, when the machine is operated at its maximum rated continuous current for the maximum rated accelerating potential.

(C) In either case, small areas of reduced protection are acceptable, provided the average reading over any 100 square centimeters area at one meter distance from the source does not exceed the values given above.

(22) "Therapeutic survey physicist" means an individual who meets the requirements of section 30313.05.

(23) "TSP" means a therapeutic survey physicist.

(24) "Useful beam" means that part of the radiation which passes through the window, aperture, cone, or other collimating device of the tube housing.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115060, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Renumbering and amendment filed 9-4-73 as an emergency; effective upon filing (Register 73, No. 36). Approved by State Building Standards Commission 11-30-73.
2. Certificate of Compliance filed 12-28-73 (Register 73, No. 52).
3. Amendment of subsection (e) filed 6-18-87; operative 7-18-87 (Register 87, No. 28).
4. Repealer and new section and amendment of Note filed 5-13-2020; operative 10-1-2020 pursuant to Government Code section 11343.4(b)(2) (Register 2020, No. 20).

**§ 30307. Fluoroscopic Installations.**

- (a) The user shall ensure fluoroscopic equipment meets the following:
- (1) The tube housing shall be of diagnostic type.
  - (2) The target-to-panel or target-to-table top distance should not be less than 18 inches and shall not be less than 12 inches.
  - (3) The total filtration permanently in the useful beam shall not be less than 2.5 millimeters aluminum equivalent. This requirement may be assumed to have been met if the half-value layer is not less than 2.5 millimeters aluminum at normal operating voltages.
  - (4) The equipment shall be so constructed that the entire cross-section of the useful beam is attenuated by a primary protective barrier. This barrier is usually the viewing device, either a conventional fluoroscopic screen or an image intensification mechanism.
    - (A) The lead equivalent of the barrier of conventional fluoroscopes shall be at least 1.5 millimeters for equipment capable of operating up to 100 kVp, at least 1.8 millimeters for equipment whose maximum operating potential is greater than 100 kVp and less than 125 kVp, and at least 2.0 millimeters for equipment whose maximum operating potential is 125 kVp or greater. Special attention must be paid to the shielding of image intensifiers so that neither the useful beam nor scattered radiation from the intensifier can produce a radiation hazard to the operator or personnel. With the fluorescent screen 14 inches (35 cm) from the panel or table top, the exposure rate 2 inches (5 cm) beyond the viewing surface of the screen shall not exceed 30 mR/hr for each R per minute at the table top with the screen in the useful beam without a patient and with the fluoroscope operating at the highest potential employed.
    - (B) Collimators shall be provided to restrict the size of the useful beam to less than the area of the barrier. For conventional fluoroscopes this requirement is met if, when the adjustable diaphragm is opened to its fullest extent, an unilluminated margin is left at all edges of the fluorescent screen with the screen centered in the beam at a distance of 35 cm (14 inches) from the panel or table top.

For image intensified fluoroscopy, shutters shall be provided which can be adjusted to restrict the X-ray field to the visible portion of the image receptor during fluoroscopy. For systems employing rectangular X-ray fields and circular image receptors, this requirement is met if the collimated beam forms a square which circumscribes, and is tangent to, the circular margin of the image receptor.
    - (C) The tube mounting and the carrier shall be so linked together that the carrier always intercepts the entire useful beam. The X-ray exposure shall automatically terminate when the carrier is removed from the useful beam.
    - (D) Collimators and adjustable diaphragms or shutters to restrict the size of the useful beam shall provide the same degree of protection as is required of the tube housing.
  - (5) The exposure switch shall be of the dead-man type.
  - (6) Each fluoroscopic unit shall be equipped with a manual-reset cumulative timing device, activated by the exposure switch, which will either indicate elapsed exposure time by a signal audible to the fluorocopist or turn off the apparatus when the total exposure exceeds a predetermined limit not exceeding five minutes in one or a series of exposures.
  - (7) Useful beam exposure rate.
    - (A) All fluoroscopic equipment. For routine fluoroscopy, the exposure rate measured at the point where the center of the useful beam enters a typical patient shall be as low as is practicable and shall not exceed 5roentgens per minute under the conditions specified herein. This limit shall not apply during magnification procedures or the recording of fluoroscopic images where higher exposure rates are required. Compliance with this paragraph shall be determined using the measuring specifications of subsection (a)(7)(D), plus the following procedures when the automatic exposure rate control is used:

1. The useful beam exposure rate shall be measured with a phantom equivalent to 9 inches of water or 7 7/8 inches of lucite, intercepting the entire useful beam.

2. If the X-ray source is below the table, the X-ray exposure rate shall be measured with the nearest part of the imaging assembly located at 14 inches above the table top.

3. The field size at the point of exposure rate measurement shall be at least 6 1/4 square inches in area in the plane perpendicular to the central ray.

(B) Fluoroscopic equipment manufactured after August 1, 1974, and equipped with automatic exposure rate controls. Fluoroscopic equipment which is provided with automatic exposure rate control shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 10 roentgens per minute at the point where the center of the useful beam enters the patient, except during recording of fluoroscopic images, or when an optional high level control is provided. When so provided, the equipment shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 5 roentgens per minute at the point where the center of the useful beam enters the patient unless the high level control is activated. Special means of activation of high level controls shall be required. The high level control shall only be operable when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(C) Fluoroscopic equipment manufactured after August 1, 1974, without automatic exposure rate controls. Fluoroscopic equipment which is not provided with automatic exposure rate control shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 5 roentgens per minute at the point where the center of the useful beam enters the patient, except during recording of fluoroscopic images, or when an optional high level control is activated. Special means of activation of high level controls shall be required. The high level control shall only be operable when continuous manual activation is provided by the operator. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(D) Measuring useful beam exposure rate compliance.

1. If the X-ray tube is below the table, the exposure rate shall be measured 1 centimeter above the tabletop or cradle.

2. If the X-ray tube is above the table, the exposure rate shall be measured at 30 centimeters above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

3. In a C-arm type of fluoroscope, the exposure rate shall be measured at 30 centimeters from the input surface of the fluoroscopic imaging assembly.

(8) Mobile fluoroscopic equipment shall meet the requirements of this section where applicable, except that:

(A) Inherent provisions shall be made so that the machine is not operated at a source-skin distance of less than 30 cm (12 inches).

(B) Image intensification shall always be provided. Conventional fluoroscopic screens shall not be used.

(C) It shall be impossible to operate a machine when the collimating cone or diaphragm is not in place.

(D) It shall be impossible to energize the useful beam of a mobile fluoroscope unless the entire useful beam is intercepted by the image receptor.

(9) Devices which indicate the X-ray tube potential and current shall be provided, and should be located in such a manner that the operator may monitor the tube potential and current during fluoroscopy.

(10) A shielding device of at least 0.25 millimeters lead equivalent shall be provided for covering the bucky-slot during fluoroscopy.

(11) Whenever practicable, protective drapes, or hinged or sliding panels, of at least 0.25 millimeters lead equivalent shall be provided between the patient and the fluoroscopist to intercept scattered radiation which would otherwise reach the fluoroscopist and

others near the machine. Such devices shall not substitute for wearing of a protective apron.

(b) The user shall ensure the following:

(1) Protective aprons of at least 0.25 mm lead equivalent shall be worn in the fluoroscopy room by each person, except the patient, whose body is likely to be exposed to 5 mR/hr or more.

(2) On fluoroscopes with automatic exposure controls the operator shall monitor the tube current and potential at least once each week to ascertain that they are in their usual ranges for a given set of operating parameters. This requirement may be met by adjusting the controls to usual settings for fluoroscopying an average patient, and using a phantom of any suitable material with attenuation roughly equivalent to six to ten inches of water. Whenever the monitored tube current or potential vary in a way which could increase the patient X-ray exposure rate by more than 25% over the latest exposure rate measurement required by subsection (b)(3), the cause(s) for the change shall be determined promptly and the patient exposure rate shall be remeasured. On fluoroscopes with manual exposure control only, the operator shall monitor the tube current and potential at least once each day during use to ascertain that they are within the normal ranges used by the facility. A written log shall be kept of all monitored readings and shall include at least the tube current and potential, the date, identification of the fluoroscope, and name of the person who did the monitoring. Records of all monitored readings shall be preserved at the facility for at least three years.

(3) Measurements of the table top or patient exposure rate shall be made at least once each year for units with automatic exposure control, and at least once each 3 years for units without automatic exposure control, and immediately following alteration or replacement of a major component, such as the X-ray tube, the exposure controls, the imaging assembly, and the power source.

(4) On the cineradiography equipment, the exposure rates to which patients are normally subjected shall be determined at least once each year, and immediately following alterations or replacement of a major component, such as the X-ray tube, the exposure controls, the imaging assembly, and the power source.

(c) The user shall record for each patient the cumulative air kerma, if provided by the equipment, or, if it is not provided, the total fluoroscopic irradiation time. The terms "cumulative air kerma" and "fluoroscopic irradiation time" are as defined in title 21, Code of Federal Regulations, Part 1020.30(b) referenced in section 30305(a)(4). This record shall be maintained for three years and made available for inspection by the Department. The recorded value shall be trackable to the particular patient but need not be retained in the patient's medical record.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115060, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Renumbering and amendment filed 9-4-73 as an emergency; effective upon filing (Register 73, No. 36). Approved by State Building Standards Commission 11-30-73.
2. Certificate of Compliance filed 12-28-73 (Register 73, No. 52).
3. Amendment filed 6-24-80; effective thirtieth day thereafter (Register 80, No. 26).
4. Amendment filed 6-18-87; operative 7-18-87 (Register 87, No. 28).
5. Amendment of subsections (a), (a)(4), (a)(7)(A), (b) and (b)(2) and amendment of Note filed 5-13-2020; operative 10-1-2020 pursuant to Government Code section 11343.4(b)(2) (Register 2020, No. 20).
6. New subsection (c) filed 8-18-2020; operative 10-1-2020 (Register 2020, No. 34).

**§ 30308.1. Quality Assurance for Radiographic Installations (Other Than Mammography, Dental, and Veterinary Medicine).**

(a) Each user subject to this article, as specified in section 30305(a)(1), who develops clinical radiographs for diagnostic purposes with automatic film processors for other than mammographic, dental, or veterinary use, shall assure all of the following:



(1) Each processor used to develop clinical radiographs is adjusted and maintained to meet the manufacturer's processing specifications for the highest speed radiographic film used clinically.

(2) Measurements are performed each day before clinical radiographs are processed, so as to determine that the processor is operating within the following limits:

(A) The base-plus-fog density is within plus 0.05 of the operating level established with the highest speed radiographic film used clinically;

(B) The mid-density is within plus or minus 0.15 of the operating level established with the highest speed radiographic film used clinically; and

(C) The density-difference is within plus or minus 0.15 of the operating level established with the highest speed radiographic film used clinically.

(3) Tests are performed at intervals not to exceed three months to determine that the residual fixer level retained in clinical radiographic films is not more than 5.0 micrograms per square centimeter.

(4) Tests are performed at intervals not to exceed six months to determine that the optical density attributable to darkroom fog is not more than 0.05 when the highest speed of each type radiographic film used clinically, which has a mid-density of no less than 1.20 optical density, is exposed on the counter top for one minute under typical darkroom conditions with the safelight on.

(5) For any test result falling outside the criteria specified in this section, the problem is identified and corrective action is taken before clinical radiographs are processed.

(6) Records of the tests specified in this section, including the problems detected, corrective actions taken, and the effectiveness of those corrective actions, are maintained for at least one year from the date the test was performed.

**NOTE:**

Authority cited: Sections 114975, 115000, 115060, 115061, 131051, 131052, 131055 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115060 and 115061, Health and Safety Code.

**HISTORY:**

1. New section filed 9-4-2012; operative 10-4-2012 (Register 2012, No. 36).

**§ 30309. Special Requirements for Mobile Radiographic Equipment.**

(a) Equipment.

(1) All requirements of Section 30308(a) apply except 30308 (a)(5) and 30308 (a)(9).

(2) The exposure control switch shall be of the dead-man type and shall be so arranged that the operator can stand at least 6 feet from the patient and well away from the useful beam.

(3) Inherent provisions shall be made so that the equipment is not operated at source-skin distances of less than 12 inches.

(b) Operating Procedures.

(1) All provisions of Section 30308(b) apply except 30308(b)(5).

(2) The target-to-skin distance shall be not less than 12 inches.

(3) Personnel monitoring shall be required for all individuals operating mobile X-ray equipment.

**NOTE:**

Authority cited: Sections 114975, 115000, 115060 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115060, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Amendment filed 3-5-71; effective thirtieth day thereafter. Approved by State Building Standards Commission 2-26-71. (Register 71, No. 10).
2. Renumbering and amendment filed 9-4-73 as an emergency; effective upon filing (Register 73, No. 36). Approved by State Building Standards Commission 11-30-73.
3. Certificate of Compliance filed 12-28-73 (Register 73, No. 52).
4. Amendment of subsection (b)(1) filed 6-18-87; operative 7-18-87 (Register 87, No. 28).
5. Amendment of Note filed 3-15-2018; operative 3-15-2018. Submitted to OAL for filing and printing only pursuant to Health and Safety Code section 100425 (Register 2018, No. 11).

**§ 30311.1. Quality Assurance for Dental Radiography.**

(a) Each user subject to this article, as specified in section 30305(a)(1), using intra-oral film for dental radiography of human beings shall assure all of the following:

(1) A reference film meeting the interpreting dentists' criteria for image density, contrast, sharpness and overall quality is selected for use in daily comparisons of dental radiographs.

(2) For each day dental radiographs are processed, clinical radiographs are compared to the selected reference film for density, contrast, sharpness, and overall image quality.

(3) Corrective action is taken when observable changes occur in clinical radiographic image density, contrast, sharpness and overall quality.

(4) Records of the corrective actions taken, and the effectiveness of those corrective actions, are maintained for a minimum of one year from the date the corrective action was taken.

(5) Corrective action, as directed by the Department, is taken if the entrance exposure to an adult patient for a routine intraoral bitewing exam is found by the Department to be outside the ranges specified in the following table.

<i>Tube Potential<sup>1</sup> (kVp)<sup>2</sup></i>	<i>"D" Speed Film (mR)<sup>3</sup></i>	<i>"E or F" Speed Film (mR)<sup>3</sup></i>
50	425-575	220-320
55	350-500	190-270
60	310-440	165-230
65	270-400	140-200
70	240-350	120-170
75	170-260	100-140
80	150-230	90-120
85	130-200	80-105
90	120-180	70-90
95	110-160	60-80
100	100-140	50-70

<sup>1</sup> Linear extrapolation or interpolation shall be used for an x-ray tube potential (kVp) not listed in the table.

<sup>2</sup> The kVp shall be measured to determine the correct exposure limit to be applied.

<sup>3</sup> Exposures values are specified as free-in-air exposures without backscatter.

**NOTE:**

Authority cited: Sections 114975, 115000, 115060, 115061, 131051, 131052, 131055 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115060 and 115061, Health and Safety Code.

**HISTORY:**

1. New section filed 9-4-2012; operative 10-4-2012 (Register 2012, No. 36).

**§ 30312. Therapeutic X-Ray Installations.**

(a) The user shall ensure therapeutic X-ray equipment meets the following:

(1) The tube housing shall be of therapeutic type.

(2) For equipment installed on or before August 1, 1979, permanent diaphragms or cones used for collimating the useful beam shall afford the same degree of protection as the housing. Adjustable or removable beam-defining diaphragms or cones shall transmit not more than 5 percent of the useful beam obtained at the maximum kilovoltage and with maximum treatment filter.

(3) For equipment installed after August 1, 1979, permanent beam-defining devices or diaphragms shall afford the same degree of protection as the housing. Adjustable or interchangeable beam-defining devices shall transmit no more than 2 percent of the useful beam for the portion of the useful beam which is to be attenuated by the beam limiting device. Measurements shall be averaged over an area up to but not exceeding 100 square centimeters at the normal treatment distance.

(4) Filters shall be secured in place to prevent them from dropping out during treatment. A filter indication system shall be used on all therapy machines using interchangeable filters. It shall indicate, from the control panel, or from the control station, the presence or absence of any filter except compensating filters, and it shall be designed to permit easy identification of the filter in place. The filter slot shall be so constructed that the radiation escaping through it does not exceed 1 roentgen per hour at 1 meter, or, if the patient is likely to be exposed to radiation escaping from the slot, 30 roentgens per hour at 5 centimeters from the external opening. Each interchangeable filter shall be marked with its thickness and material.

(5) The X-ray tube shall be so mounted that it cannot turn or slide with respect to the aperture.

(6) Means shall be provided to immobilize the tube housing during stationary portal treatment.

(7) A suitable exposure control device such as an automatic timer, exposure meter, or dose meter shall be provided to terminate the exposure after a preset time interval or preset exposure or dose limit. A timer shall be provided to terminate the exposure after a preset time regardless of what other exposure limiting devices are present. Means shall be provided for the operator to terminate the exposure at any time.

(8) Equipment utilizing shutters to control the useful beam shall have a shutter position indicator on the control.

(9) An easily discernible indicator which shows whether or not X-rays are being produced shall be on the control panel.

(10) Mechanical and/or electrical stops shall be provided on X-ray machines capable of operating at 150 kVp or above to insure that the useful beam is oriented only toward primary barriers.

(11) When the relationship between the beam interceptor (when present) and the useful beam is not permanently fixed, mechanical or electrical stops shall be provided to insure that the beam is oriented only toward primary barriers.

(b) The user shall ensure the following:

(1) When a patient must be held in position for radiation therapy, patient immobilization devices shall be used.

(2) No patient other than the one being treated shall be in the treatment room during exposure.

(3) No person other than the patient shall be in the treatment room when the tube is operated at potentials exceeding 150 kVp. At operating potentials of 150 kVp or below, persons other than the patient and operator may be in the treatment room for good reason but only if they are adequately protected and their radiation exposure is appropriately monitored.

(4) A calibration of the output of each therapeutic X-ray system shall be performed before the system is first used for irradiation of a patient, and thereafter at intervals not to exceed 24 months. Therapeutic X-ray equipment shall not be used for any therapy treatments except at those combinations of effective energy, field size, and treatment distance for which the equipment has been calibrated. The calibration shall be performed by or under the direct supervision of a TCP. After any change which might significantly alter the output, spatial distribution, or other characteristics of the therapy beam, the parameters which might be affected shall be measured.

(A) For therapy systems operating at potentials above 500 kVp, the determinations included in the calibration shall be provided in sufficient detail so that the absorbed dose in tissue in the useful beam may be calculated to within 5 percent. The calibration shall include, but shall not be limited to, the following determinations:

1. Verification that the equipment is operating in compliance with the design specifications concerning the light localizer, the side light and back-pointer alignment with the isocenter when these specifications are known and applicable, variation in the axis of rotation for the table, gantry and jaw system, and beam flatness and symmetry at specified depths.

2. The relative dose at various depths in a tissue equivalent phantom for each effective energy and the ranges of field sizes and treatment distances used for radiation therapy.

3. The congruence between the radiation field and the field indicated by the localizing device.

4. The uniformity of the radiation field and its dependency upon the direction of the useful beam.

5. The absolute dose per unit time and dose per monitor setting.

(B) For therapy systems operating at potentials between 150 kVp and 500 kVp inclusive, the calibration shall include, but shall not be limited to, the following determinations:

1. The exposure rates and/or dose rates for each combination of field size, technique factors, filter, and treatment distance used.

2. The degree of congruence between the radiation field and the field indicated by the localizing device if such device is present.

3. An evaluation of the uniformity of the radiation field symmetry for the field sizes used, and any dependence upon tube housing assembly orientation.

(5) All new installations and existing installations not previously surveyed shall have a radiation protection survey performed by or under the supervision of a TSP or a TCP. If the survey shows that supplementary shielding is required, a resurvey shall be performed by or under the supervision of a TSP or a TCP after its installation. In addition, a resurvey shall be made after every change which might decrease radiation protection significantly. The surveyor shall report his findings in writing to the user. The report shall indicate whether or not the installation is in compliance with all applicable radiation protection requirements of this section. The user shall report the findings of the survey in writing to the Department within 15 days of his receipt of the survey report.

(6) The exposure rate or dose rate of the useful beam and the size and shape of the useful beam shall be known with reasonable certainty at all times during operation of the therapeutic X-ray systems for medical purposes.

(7) Spot checks shall be performed at least once each week for therapeutic X-ray systems operating at potentials above 500 kVp, and at least once each month for therapeutic X-ray systems operating at 500 kVp or below.

(A) The measurements taken during spot checks shall demonstrate the degree of consistency of the operating characteristics which can affect the radiation output of the system or the radiation delivered to a patient during a therapy procedure.

(B) For systems in which the calibrating person believes beam quality can vary significantly, spot checks shall include beam quality checks.

(C) The spot check procedures shall be in writing and shall have been developed or approved by a TCP. The written spot check procedures shall specify when measurements and determinations indicate an inconsistency or potential change in radiation output. When more than the minimum frequency of spot checking is necessary, the spot check procedures shall specify the frequency at which spot checks are to be performed.

(D) When spot check results are erratic or inconsistent with calibration data, a TCP shall be consulted immediately and the cause of the inconsistency corrected before the system is used for patient irradiation.

(8) Calibration of the therapy beam shall be performed with a measurement instrument which has been calibrated within the preceding two years directly, or through no more than one exchange, at the National Institute of Standards and Technology, or facility determined acceptable by the Department. In addition, indirect spot checks or intercomparisons of measurement instruments with secondary standards shall be made at least each six months.

(9) Reports of each radiation safety survey spot check and calibration performed pursuant to this section shall be maintained at the facility for at least three years. A copy of the treatment data developed from the latest calibration shall be available for use by the operator at the treatment control station.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115060, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Renumbering and amendment filed 9-4-73 as an emergency; effective upon filing (Register 73, No. 36). Approved by State Building Standards Commission 11-30-73.
2. Certificate of Compliance filed 12-28-73 (Register 73, No. 52).
3. Amendment of subsection (c)(5) filed 12-12-75; effective thirtieth day thereafter (Register 75, No. 50).
4. Amendment filed 6-24-80; effective thirtieth day thereafter (Register 80, No. 26).
5. Amendment filed 6-18-87; operative 7-18-87 (Register 87, No. 28).
6. Change without regulatory effect amending subsection (b)(7)(C) and (b)(8) filed 11-1-91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 5).
7. Amendment of subsections (a), (b)-(b)(1), (b)(4), (b)(5)-(7) and (b)(7)(C)-(D) and amendment of Note filed 5-13-2020; operative 10-1-2020 pursuant to Government Code section 11343.4(b)(2) (Register 2020, No. 20).

**§ 30313. Special Requirements for Therapeutic X-Ray Equipment Operated at Potentials of 50 kV and Below.**

(a) The user shall ensure therapeutic X-ray equipment shall meet the following:

(1) All provisions of Section 30312(a) apply.

(2) A therapeutic-type protective tube housing shall be used. Contact therapy machines shall meet the additional requirement that the leakage radiation at 2 inches from the surface of the housing not exceed 0.1 R/hr.

(3) Automatic timers shall be provided which will permit accurate presetting and determination of exposures as short as one second.

(b) The user shall comply with the following:

(1) All provisions of section 30312(b) apply except 30312(b)(1) and 30312(b)(7).

(2) In the therapeutic application of apparatus constructed with beryllium or other low-filtration windows adequate shielding shall be required to protect against unnecessary exposure from the useful beam, and special safeguards are essential to avoid accidental exposures to the useful beam. There shall be on the control panel some easily discernible device which will give positive information as to whether or not the tube is energized.

(3) Machines having an output of more than 1,000 roentgens per minute at any accessible place shall not be left unattended without the power being shut off at the primary disconnecting source.

(4) If the X-ray tube of a contact therapy machine is hand-held during irradiation, the operator shall wear protective gloves and apron.

**NOTE:**

Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115060, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Amendment filed 3-5-71; effective thirtieth day thereafter. Approved by State Building Standards Commission 2-26-71 (Register 71, No. 10).
2. Renumbering and amendment filed 9-4-73 as an emergency; effective upon filing (Register 73, No. 36). Approved by State Building Standards Commission 11-30-73.
3. Certificate of Compliance filed 12-28-73 (Register 73, No. 52).
4. Amendment of subsections (a)(1), (b)(1) and (b)(4) filed 6-18-87; operative 7-18-87 (Register 87, No. 28).
5. Change without regulatory effect amending subsection (b)(3) filed 11-1-91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 5).
6. Amendment of section heading filed 3-3-94 as an emergency; operative 3-3-94 (Register 94, No. 9). A Certificate of Compliance must be transmitted to OAL by 7-1-94 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 3-3-94 order transmitted to OAL 6-7-94 and filed 7-14-94 (Register 94, No. 28).
8. Amendment of section heading, subsections (a) and (b)-(b)(1) and Note filed 5-13-2020; operative 10-1-2020 pursuant to Government Code section 11343.4(b)(2) (Register 2020, No. 20).

**§ 30314. Veterinary Medicine Radiographic Installations.**

(a) Equipment.

(1) The tube housing shall be of diagnostic type.

(2) Diaphragms or cones shall be provided for collimating the useful beam to the area of clinical interest and shall provide the same degree of protection as is required of the housing.

(3) The total filtration permanently in the useful beam shall not be less than 1.5 millimeters aluminum-equivalent for equipment operating up to 70 kvp and 2.0 millimeters aluminum-equivalent for machines operated in excess of 70 kvp.

(4) A device shall be provided to terminate the exposure after a pre-set time or exposure.

(5) A dead-man type of exposure switch shall be provided, together with an electrical cord of sufficient length so that the operator can stand out of the useful beam and at least 6 feet from the animal during all X-ray exposures.

(b) Operating Procedures.

(1) The operator shall stand well away from the tube housing and the animal during radiographic exposures. The operator shall not stand in the useful beam. If film must be held, it shall be held by individuals not occupationally exposed to radiation. Hand-held fluoroscopic screens shall not be used. The tube housing shall not be held by the operator. No individuals other than the operator shall be in the X-ray room while exposures are being made unless such person's assistance is required.

(2) In any application in which the operator is not located behind a protective barrier, clothing consisting of a protective apron having a lead-equivalent of not less than 0.25 millimeter shall be worn by the operator and any other individuals in the room during exposures.

(3) No individual shall be regularly employed to hold or support animals during radiation exposures. Operating personnel shall not perform this service except very infrequently and then only in cases in which no other method is available. Any individual holding or supporting an animal during radiation exposure shall wear protective gloves and apron having a lead-equivalent of not less than 0.25 millimeter.

**NOTE:**

Authority cited: Sections 114975, 115000, 115060 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115060, 131050, 131051 and 131052, Health and Safety Code.

**HISTORY:**

1. Amendment filed 3-5-71; effective thirtieth day thereafter. Approved by State Building Standards Commission 2-26-71. (Register 71, No. 10).
2. Renumbering filed 9-4-73 as an emergency; effective upon filing (Register 73, No. 36). Approved by State Building Standards Commission 11-30-73.
3. Certificate of Compliance filed 12-28-73 (Register 73, No. 52).
4. Amendment filed 6-18-87; operative 7-18-87 (Register 87, No. 28).
5. Amendment of Note filed 3-15-2018; operative 3-15-2018. Submitted to OAL for filing and printing only pursuant to Health and Safety Code section 100425 (Register 2018, No. 11).



**GENERAL LAWS  
RELATED TO  
VETERINARY MEDICINE**





# BUSINESS & PROFESSIONS CODE

## GENERAL PROVISIONS

### Section

- 7.5. "Conviction"; When action by board following establishment of conviction may be taken; Prohibition against denial of licensure; Application of section.
- 12.5. Violation of regulation adopted pursuant to code provision; Issuance of citation.
- 14.1. Legislative intent.
- 22. "Board".
- 23.6. "Appointing power".
- 26. Rules and regulations regarding building standards.
- 27. Information to be provided on internet; Entities in Department of Consumer Affairs required to comply.
- 27.5. Update to licensee or registrant legal name or gender.
- 29.5. Additional qualifications for licensure.
- 30. Provision of federal employer identification number or social security number by licensee.
- 31. Compliance with judgment or order for support upon issuance or renewal of license.
- 32. Legislative findings; AIDS training for health care professionals.

**HISTORY:** Enacted Stats 1937 ch 399.

### **§ 7.5. "Conviction"; When action by board following establishment of conviction may be taken; Prohibition against denial of licensure; Application of section**

(a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b)(1) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (A) The State Athletic Commission.
- (B) The Bureau for Private Postsecondary Education.
- (C) The California Horse Racing Board.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

(d) This section shall become operative on July 1, 2020.

### **HISTORY:**

Added Stats 2018 ch 995 § 2 (AB 2138), effective January 1, 2019, operative July 1, 2020.

### **§ 12.5. Violation of regulation adopted pursuant to code provision; Issuance of citation**

Whenever in any provision of this code authority is granted to issue a citation for a violation of any provision of this code, that authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to any provision of this code.

### **HISTORY:**

Added Stats 1986 ch 1379 § 1.

### **§ 14.1. Legislative intent**

The Legislature hereby declares its intent that the terms "man" or "men" where appropriate shall be deemed "person" or "persons" and any references to the terms "man"

or “men” in sections of this code be changed to “person” or “persons” when such code sections are being amended for any purpose. This act is declaratory and not amendatory of existing law.

**HISTORY:**

Added Stats 1976 ch 1171 § 1.

**§ 22. “Board”**

“Board,” as used in any provision of this code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.”

**HISTORY:**

Enacted Stats 1937. Amended Stats 1947 ch 1350 § 1; Stats 1980 ch 676 § 1; Stats 1991 ch 654 § 1 (AB 1893); Stats 1999 ch 656 § 1 (SB 1306); Stats 2004 ch 33 § 1 (AB 1467), effective April 13, 2004; Stats 2010 ch 670 § 1 (AB 2130), effective January 1, 2011.

**§ 23.6. “Appointing power”**

“Appointing power,” unless otherwise defined, refers to the Director of Consumer Affairs.

**HISTORY:**

Added Stats 1945 ch 1276 § 1. Amended Stats 1971 ch 716 § 3.

**§ 26. Rules and regulations regarding building standards**

Wherever, pursuant to this code, any state department, officer, board, agency, committee, or commission is authorized to adopt rules and regulations, such rules and regulations which are building standards, as defined in Section 18909 of the Health and Safety Code, shall be adopted pursuant to the provisions of Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code unless the provisions of Sections 18930, 18933, 18938, 18940, 18943, 18944, and 18945 of the Health and Safety Code are expressly excepted in the provision of this code under which the authority to adopt the specific building standard is delegated. Any building standard adopted in violation of this section shall have no force or effect. Any building standard adopted prior to January 1, 1980, pursuant to this code and not expressly excepted by statute from such provisions of the State Building Standards Law shall remain in effect only until January 1, 1985, or until adopted, amended, or superseded by provisions published in the State Building Standards Code, whichever occurs sooner.

**HISTORY:**

Added Stats 1979 ch 1152 § 1.

**§ 27. Information to be provided on internet; Entities in Department of Consumer Affairs required to comply**

(a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal

information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee's home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as the licensee's address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the internet.

(b) In providing information on the internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including automotive repair dealers, smog check stations, smog check inspectors and repair technicians, and vehicle safety systems inspection stations and technicians..

(3) The Bureau of Household Goods and Services shall disclose information on its licensees, registrants, and permitholders.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The Acupuncture Board shall disclose information on its licensees.

(13) The Board of Behavioral Sciences shall disclose information on its licensees and registrants.

(14) The Dental Board of California shall disclose information on its licensees.

(15) The California State Board of Optometry shall disclose information on its licensees and registrants.

(16) The Board of Psychology shall disclose information on its licensees, including psychologists and registered psychological associates.

(17) The Veterinary Medical Board shall disclose information on its licensees, registrants, and permitholders.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation,

general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

**HISTORY:**

Added Stats 1997 ch 661 § 1 (SB 492). Amended Stats 1998 ch 59 § 1 (AB 969); Stats 1999 ch 655 § 1 (SB 1308); Stats 2000 ch 927 § 1 (SB 1889); Stats 2001 ch 159 § 1 (SB 662); Stats 2003 ch 849 § 1 (AB 1418); Stats 2009 ch 308 § 1 (SB 819), effective January 1, 2010, ch 310 § 1.5 (AB 48), effective January 1, 2010; Stats 2011 ch 381 § 2 (SB 146), effective January 1, 2012, ch 712 § 1 (SB 706), effective January 1, 2012; Stats 2014 ch 316 § 1 (SB 1466), effective January 1, 2015; Stats 2015 ch 689 § 1 (AB 266), effective January 1, 2016; Stats 2016 ch 32 § 1 (SB 837), effective June 27, 2016; Stats 2016 ch 489 § 1 (SB 1478), effective January 1, 2017; Stats 2017 ch 429 § 1 (SB 547), effective January 1, 2018; Stats 2018 ch 578 § 1 (SB 1483), effective January 1, 2019; Stats 2018 ch 599 § 1 (SB 3261), effective January 1, 2019; Stats 2018 ch 703 § 1.3 (SB 1491), effective January 1, 2019 (ch 703 prevails); Stats 2019 ch 351 § 4 (AB 496), effective January 1, 2020; Stats 2020 ch 312 § 1 (SB 1474), effective January 1, 2021; Stats 2021 ch 70 § 1 (AB 141), effective July 12, 2021; Stats 2021 ch 188 § 1 (SB 826), effective January 1, 2022; Stats 2021 ch 630 § 1 (AB 1534), effective January 1, 2022; Stats 2021 ch 647 § 1.3 (SB 801), effective January 1, 2022 (ch 647 prevails); Stats 2022 ch 28 § 1 (SB 1380), effective January 1, 2023; Stats 2023 ch 681 § 1 (AB 1263), effective January 1, 2024.

**§ 27.5. Update to licensee or registrant legal name or gender**

(a)(1) Notwithstanding any other law, if a board within the Department of Consumer Affairs receives government-issued documentation, as described in subdivision (b), from a licensee or registrant demonstrating that the licensee's or registrant's legal name or gender has been changed, the board, upon request by the licensee or registrant, shall update the individual's license or registration by replacing references to the former name or gender on the license or registration, as applicable, with references to the current name or gender.

(2)(A) If the board operates an online license verification system, upon request by a licensee or registrant whose name or gender was updated pursuant to paragraph (1), the board shall replace references to the licensee's or registrant's former name or gender with the individual's current name or gender, as applicable, on the publicly viewable information displayed on the internet about the licensee or registrant. The licensee's or registrant's former name or gender, as applicable, shall not be published online.

(B) Notwithstanding any other law, for licensees or registrants subject to subparagraph (A) who were previously subject to an enforcement action referencing the individual's former name or gender, as applicable, the board shall not post enforcement records online, but shall instead post online a statement stating that the individual previously was subject to enforcement action and directing the public to contact the board for more information about the licensee's or registrant's prior enforcement action. The board shall ensure compliance with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) in implementing this section, including, but not limited to, responding to a request for records within 10 days from receipt of the request, as specified in Section 7922.535 of the Government Code.

(C) If a public search of the online license verification system is performed using a licensee's or registrant's former name that was replaced pursuant to subparagraph (A), the board shall post an online statement directing the public to contact the board for more information about the licensee or registrant.

(3) If requested by the licensee or registrant, the board shall reissue the license created by the board and conferred upon the licensee or registrant by the board. A board shall not charge a higher fee for reissuing a document with an updated legal name or gender than the fee it regularly charges for reissuing a document with other updated information.

(b)(1) The documentation identified in either of the following is required to demonstrate a legal name change of a licensee or registrant:

(A) A certified court order issued pursuant to a proceeding authorized by subdivision (b) of Section 1277 of the Code of Civil Procedure and a copy of the

certificate issued under the Secretary of State's Safe at Home program authorized by Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code reflecting the licensee's or registrant's updated name.

(B) A certified court order issued pursuant to a proceeding authorized by Section 1277.5 of the Code of Civil Procedure or Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of the Health and Safety Code reflecting the licensee's or registrant's updated name.

(2) Any of the following documents are sufficient to demonstrate a gender change of a licensee or registrant:

(A) State-issued driver's license or identification card.

(B) Birth certificate.

(C) Passport.

(D) Social security card.

(E) Court order indicating a gender change from a court of this state, another state, the District of Columbia, any territory of the United States, or any foreign court.

(c) Notwithstanding any other law, all records related to a request by a licensee or registrant for a board to update the individual's license or registration pursuant to this section, including, but not limited to, all documentation described in subdivision (b), are confidential and not subject to public inspection or disclosure.

**HISTORY:**

Added Stats 2023 ch 225 § 1 (SB 372), effective January 1, 2024.

**§ 29.5. Additional qualifications for licensure**

In addition to other qualifications for licensure prescribed by the various acts of boards under the department, applicants for licensure and licensees renewing their licenses shall also comply with Section 17520 of the Family Code.

**HISTORY:**

Added Stats 1991 ch 542 § 1 (SB 1161). Amended Stats 2003 ch 607 § 1 (SB 1077).

**§ 30. Provision of federal employer identification number or social security number by licensee**

(a)(1) Notwithstanding any other law, any board, as defined in Section 22, the State Bar of California, and the Department of Real Estate shall, at the time of issuance of the license, require that the applicant provide its federal employer identification number, if the applicant is a partnership, or the applicant's social security number for all other applicants.

(2)(A) In accordance with Section 135.5, a board, as defined in Section 22, the State Bar of California, and the Department of Real Estate shall require either the individual taxpayer identification number or social security number if the applicant is an individual for a license or certificate, as defined in subparagraph (2) of subdivision (e), and for purposes of this subdivision.

(B) In implementing the requirements of subparagraph (A), a licensing board shall not require an individual to disclose either citizenship status or immigration status for purposes of licensure.

(C) A licensing board shall not deny licensure to an otherwise qualified and eligible individual based solely on the individual's citizenship status or immigration status.

(D) The Legislature finds and declares that the requirements of this subdivision are consistent with subsection (d) of Section 1621 of Title 8 of the United States Code.

(b) A licensee failing to provide the federal employer identification number, or the individual taxpayer identification number or social security number shall be reported by

the licensing board to the Franchise Tax Board. If the licensee fails to provide that information after notification pursuant to paragraph (1) of subdivision (b) of Section 19528 of the Revenue and Taxation Code, the licensee shall be subject to the penalty provided in paragraph (2) of subdivision (b) of Section 19528 of the Revenue and Taxation Code.

(c) In addition to the penalty specified in subdivision (b), a licensing board shall not process an application for an initial license unless the applicant provides its federal employer identification number, or individual taxpayer identification number or social security number where requested on the application.

(d) A licensing board shall, upon request of the Franchise Tax Board or the Employment Development Department, furnish to the board or the department, as applicable, the following information with respect to every licensee:

- (1) Name.
- (2) Address or addresses of record.
- (3) Federal employer identification number if the licensee is a partnership, or the licensee's individual taxpayer identification number or social security number for all other licensees.
- (4) Type of license.
- (5) Effective date of license or a renewal.
- (6) Expiration date of license.
- (7) Whether license is active or inactive, if known.
- (8) Whether license is new or a renewal.

(e) For the purposes of this section:

(1) "Licensee" means a person or entity, other than a corporation, authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(2) "License" includes a certificate, registration, or any other authorization needed to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(3) "Licensing board" means any board, as defined in Section 22, the State Bar of California, and the Department of Real Estate.

(f) The reports required under this section shall be filed on magnetic media or in other machine-readable form, according to standards furnished by the Franchise Tax Board or the Employment Development Department, as applicable.

(g) Licensing boards shall provide to the Franchise Tax Board or the Employment Development Department the information required by this section at a time that the board or the department, as applicable, may require.

(h) Notwithstanding Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code, a federal employer identification number, individual taxpayer identification number, or social security number furnished pursuant to this section shall not be deemed to be a public record and shall not be open to the public for inspection.

(i) A deputy, agent, clerk, officer, or employee of a licensing board described in subdivision (a), or any former officer or employee or other individual who, in the course of their employment or duty, has or has had access to the information required to be furnished under this section, shall not disclose or make known in any manner that information, except as provided pursuant to this section, to the Franchise Tax Board, the Employment Development Department, the Office of the Chancellor of the California Community Colleges, a collections agency contracted to collect funds owed to the State Bar by licensees pursuant to Sections 6086.10 and 6140.5, or as provided in subdivisions (j) and (k).

(j) It is the intent of the Legislature in enacting this section to utilize the federal employer identification number, individual taxpayer identification number, or social security number for the purpose of establishing the identification of persons affected by state tax laws, for purposes of compliance with Section 17520 of the Family Code, for purposes of measuring employment outcomes of students who participate in career

technical education programs offered by the California Community Colleges, and for purposes of collecting funds owed to the State Bar by licensees pursuant to Section 6086.10 and Section 6140.5 and, to that end, the information furnished pursuant to this section shall be used exclusively for those purposes.

(k) If the board utilizes a national examination to issue a license, and if a reciprocity agreement or comity exists between the State of California and the state requesting release of the individual taxpayer identification number or social security number, any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a) may release an individual taxpayer identification number or social security number to an examination or licensing entity, only for the purpose of verification of licensure or examination status.

(l) For the purposes of enforcement of Section 17520 of the Family Code, and notwithstanding any other law, a board, as defined in Section 22, the State Bar of California, and the Department of Real Estate shall at the time of issuance of the license require that each licensee provide the individual taxpayer identification number or social security number of each individual listed on the license and any person who qualifies for the license. For the purposes of this subdivision, "licensee" means an entity that is issued a license by any board, as defined in Section 22, the State Bar of California, the Department of Real Estate, and the Department of Motor Vehicles.

(m) The department shall, upon request by the Office of the Chancellor of the California Community Colleges, furnish to the chancellor's office, as applicable, the following information with respect to every licensee:

(1) Name.

(2) Federal employer identification number if the licensee is a partnership, or the licensee's individual taxpayer identification number or social security number for all other licensees.

(3) Date of birth.

(4) Type of license.

(5) Effective date of license or a renewal.

(6) Expiration date of license.

(n) The department shall make available information pursuant to subdivision (m) only to allow the chancellor's office to measure employment outcomes of students who participate in career technical education programs offered by the California Community Colleges and recommend how these programs may be improved. Licensure information made available by the department pursuant to this section shall not be used for any other purpose.

(o) The department may make available information pursuant to subdivision (m) only to the extent that making the information available complies with state and federal privacy laws.

(p) The department may, by agreement, condition or limit the availability of licensure information pursuant to subdivision (m) in order to ensure the security of the information and to protect the privacy rights of the individuals to whom the information pertains.

(q) All of the following apply to the licensure information made available pursuant to subdivision (m):

(1) It shall be limited to only the information necessary to accomplish the purpose authorized in subdivision (n).

(2) It shall not be used in a manner that permits third parties to personally identify the individual or individuals to whom the information pertains.

(3) Except as provided in subdivision (n), it shall not be shared with or transmitted to any other party or entity without the consent of the individual or individuals to whom the information pertains.

(4) It shall be protected by reasonable security procedures and practices appropriate to the nature of the information to protect that information from unauthorized access, destruction, use, modification, or disclosure.



(5) It shall be immediately and securely destroyed when no longer needed for the purpose authorized in subdivision (n).

(r) The department or the chancellor's office may share licensure information with a third party who contracts to perform the function described in subdivision (n), if the third party is required by contract to follow the requirements of this section.

**HISTORY:**

Added Stats 2017 ch 828 § 2 (SB 173), effective January 1, 2018, operative July 1, 2018. Amended Stats 2018 ch 659 § 1 (AB 3249), effective January 1, 2019; Stats 2018 ch 838 § 2.5 (SB 695), effective January 1, 2019 (ch 838 prevails); Stats 2019 ch 351 § 6 (AB 496), effective January 1, 2020; Stats 2021 ch 615 §§ 2, 463 (AB 474), effective January 1, 2022, operative January 1, 2023.

**§ 31. Compliance with judgment or order for support upon issuance or renewal of license**

(a) As used in this section, "board" means any entity listed in Section 101, the entities referred to in Sections 1000 and 3600, the State Bar, the Department of Real Estate, and any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

(b) Each applicant for the issuance or renewal of a license, certificate, registration, or other means to engage in a business or profession regulated by a board who is not in compliance with a judgment or order for support shall be subject to Section 17520 of the Family Code.

(c) "Compliance with a judgment or order for support" has the meaning given in paragraph (4) of subdivision (a) of Section 17520 of the Family Code.

(d) Each licensee or applicant whose name appears on a list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code shall be subject to Section 494.5.

(e) Each application for a new license or renewal of a license shall indicate on the application that the law allows the California Department of Tax and Fee Administration and the Franchise Tax Board to share taxpayer information with a board and requires the licensee to pay the licensee's state tax obligation and that the licensee's license may be suspended if the state tax obligation is not paid.

(f) For purposes of this section, "tax obligation" means the tax imposed under, or in accordance with, Part 1 (commencing with Section 6001), Part 1.5 (commencing with Section 7200), Part 1.6 (commencing with Section 7251), Part 1.7 (commencing with Section 7280), Part 10 (commencing with Section 17001), or Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

**HISTORY:**

Added Stats 1991 ch 110 § 4 (SB 101). Amended Stats 1991 ch 542 § 3 (SB 1161); Stats 2010 ch 328 § 1 (SB 1330), effective January 1, 2011; Stats 2011 ch 455 § 1 (AB 1424), effective January 1, 2012; Stats 2013 ch 352 § 2 (AB 1317), effective September 26, 2013, operative July 1, 2013; Stats 2019 ch 351 § 7 (AB 496), effective January 1, 2020.

**§ 32. Legislative findings; AIDS training for health care professionals**

(a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have or intend to have significant contact with patients who have, or are at risk to be exposed to, acquired immune deficiency syndrome (AIDS) are provided with training in the form of continuing education regarding the characteristics and methods of assessment and treatment of the condition.

(b) A board vested with the responsibility of regulating the following licensees shall consider including training regarding the characteristics and method of assessment and treatment of acquired immune deficiency syndrome (AIDS) in any continuing education or training requirements for those licensees: chiropractors, medical laboratory technicians, dentists, dental hygienists, dental assistants, physicians and surgeons, podiatrists, registered nurses, licensed vocational nurses, psychologists, physician assistants,

respiratory therapists, acupuncturists, marriage and family therapists, licensed educational psychologists, clinical social workers, and professional clinical counselors.

**HISTORY:**

Added Stats 1988 ch 1213 § 1. Amended Stats 1994 ch 26 § 2 (AB 1807), effective March 30, 1994; Stats 2002 ch 1013 § 4 (SB 2026); Stats 2011 ch 381 § 4 (SB 146), effective January 1, 2012.

**DIVISION 2**  
**HEALING ARTS**  
**CHAPTER 1**  
**GENERAL PROVISIONS**  
**ARTICLE 9**  
**INACTIVE LICENSE**

## Section

700. Legislative intent.

701. Issuance.

702. Holder prohibited from engaging in active license activity.

703. Renewal; Fees.

704. Restoration to active status.

**HISTORY:** Added Stats 1977 ch 410 § 1, effective August 27, 1977.

**§ 700. Legislative intent**

It is the intent of the Legislature to establish in this article an inactive category of health professionals' licensure. Such inactive licenses or certificates are intended to allow a person who has a license or certificate in one of the healing arts, but who is not actively engaged in the practice of his or her profession, to maintain licensure or certification in a nonpracticing status.

**HISTORY:**

Added Stats 1977 ch 410 § 1, effective August 27, 1977.

**§ 701. Issuance**

(a) As used in this article, "board" refers to any healing arts board, division, or examining committee which licenses or certifies health professionals.

(b) Each healing arts board referred to in this division shall issue, upon application and payment of the normal renewal fee, an inactive license or certificate to a current holder of an active license or certificate whose license or certificate is not suspended, revoked, or otherwise punitively restricted by that board.

**HISTORY:**

Added Stats 1977 ch 410 § 1, effective August 27, 1977. Amended Stats 2018 ch 249 § 1 (AB 1659), effective January 1, 2019.

**§ 702. Holder prohibited from engaging in active license activity**

The holder of an inactive healing arts license or certificate issued pursuant to this article shall not do any of the following:

(a) Engage in any activity for which an active license or certificate is required.

(b) Represent that he or she has an active license.

**HISTORY:**

Added Stats 1977 ch 410 § 1, effective August 27, 1977. Amended Stats 2018 ch 249 § 2 (AB 1659), effective January 1, 2019.

**§ 703. Renewal; Fees**

(a) An inactive healing arts license or certificate issued pursuant to this article shall be renewed during the same time period at which an active license or certificate is renewed. In order to renew a license or certificate issued pursuant to this article, the holder thereof need not comply with any continuing education requirement for renewal of an active license or certificate.

(b) The renewal fee for a license or certificate in an active status shall apply also for renewal of a license or certificate in an inactive status, unless a lower fee has been established by the issuing board.

**HISTORY:**

Added Stats 1977 ch 410 § 1, effective August 27, 1977. Amended Stats 2018 ch 249 § 3 (AB 1659), effective January 1, 2019.

**§ 704. Restoration to active status**

In order for the holder of an inactive license or certificate issued pursuant to this article to restore his or her license or certificate to an active status, the holder of an inactive license or certificate shall comply with all the following:

(a) Pay the renewal fee; provided, that the renewal fee shall be waived for a physician and surgeon who certifies to the Medical Board of California that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation which provides medical services to indigent patients in medically underserved or critical-need population areas of the state.

(b) If the board requires completion of continuing education for renewers of an active license or certificate, complete continuing education equivalent to that required for a single license renewal period.

**HISTORY:**

Added Stats 1977 ch 410 § 1, effective August 27, 1977. Amended Stats 1999 ch 631 § 2 (SB 450).

**CHAPTER 2  
CHIROPRACTORS  
ARTICLE 1  
GENERAL**

GENERAL LAWS

Section

1000. Applicable law.

**HISTORY:** Heading amended Stats 1970 ch 1110 § 1, operative July 1, 1971.

**§ 1000. Applicable law**

(a) The law governing practitioners of chiropractic is found in an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its

powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," adopted by the electors November 7, 1922.

(b) The State Board of Chiropractic Examiners is within the Department of Consumer Affairs.

(c) Notwithstanding any other law, the powers and duties of the State Board of Chiropractic Examiners, as set forth in this article and under the act creating the board, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2027.

**HISTORY:**

Enacted Stats 1937. See this section as modified in Governor's Reorganization Plan No. 2§6 of 2012. Amended Stats 2013 ch 352 § 7 (AB 1317), effective September 26, 2013, operative July 1, 2013, ch 516 § 2 (SB 305), effective January 1, 2014; Stats 2017 ch 454 § 2 (AB 1706), effective January 1, 2018; Stats 2020 ch 312 § 10 (SB 1474), effective January 1, 2021; Stats 2022 ch 623 § 1 (SB 1434), effective January 1, 2023, operative January 1, 2024.

## CHAPTER 8

### OSTEOPATHIC MEDICINE

Section  
3600. Governing provisions.

**HISTORY:** Enacted Stats 1937 ch 399. The heading of Article 8, which formerly read "Osteopathy," was amended to read as above by Stats 1993 ch 226 § 3.

**§ 3600. Governing provisions**

The law governing licentiates of the Osteopathic Medical Board of California is found in the Osteopathic Act and in Chapter 5 of Division 2, relating to medicine.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1991 ch 359 § 28 (AB 1332).

GENERAL LAWS

# BUSINESS & PROFESSIONS CODE

## DIVISION 1

### DEPARTMENT OF CONSUMER AFFAIRS

#### CHAPTER 1

#### THE DEPARTMENT

##### Section

- 100. Establishment.
- 101. Composition of department.
  - 101.1. [Section repealed 2011.]
  - 101.2. [Section repealed 2009.]
  - 101.5. [Section repealed 1977.]
  - 101.6. Purpose.
  - 101.7. Meetings of boards: Regular and special.
- 102. Assumption of duties of board created by initiative.
  - 102.1. [Section repealed 2014.]
  - 102.2. [Section repealed 2014.]
  - 102.3. Interagency agreement to delegate duties of certain repealed boards: Technical committees for regulation of professions under delegated authority: Renewal of agreement.
- 103. Compensation and reimbursement for expenses.
- 104. Display of licenses or registrations.
- 105. Oath of office.
- 105.5. Tenure of members of boards, etc., within department.
- 106. Removal of board members.
- 106.5. Removal of member of licensing board for disclosure of examination information.
- 107. Executive officers.
- 107.5. Official seals.
- 108. Status and powers of boards.
  - 108.5. Witness fees and expenses.
- 109. Review of decisions: Investigations.
- 110. Records and property.
  - 110.5. [Section repealed 1961.]
  - 110.6. [Section repealed 1961.]
  - 110.7. [Section repealed 1961.]
- 111. Commissioners on examination.
- 112. Publication and sale of directories of authorized persons.
- 113. Conferences: Traveling expenses.
- 114. Reinstatement of expired license of licensee serving in military.
  - 114.3. Waiver of fees and requirements for active duty members of armed forces and national guard.
  - 114.5. Military service: Posting of information on Web site about application of military experience and training towards licensure.
- 115. Applicability of Section 114.
  - 115.4. Licensure process expedited for honorably discharged veterans of Armed Forces.
  - 115.5. Board required to expedite licensure process for certain applicants: Adoption of regulations.
  - 115.6. Temporary licensure process for spouses of active duty members of Armed Forces.
  - 115.8. Annual report on military, veteran, and spouse licensure.
  - 115.9. Publishing information on licensing options available to military spouses.
  - 115.10. Relocated servicemember or servicemember spouse with professional license: Registration requirements.
- 116. Audit and review of disciplinary proceedings: Report to Legislature.
- 117. [Section repealed 1997.]
- 118. Effect of withdrawal of application: Effect of suspension, forfeiture, etc., of license.
- 119. Misdemeanors pertaining to use of licenses.
- 120. Possession by surviving spouse of canceled certificates.
- 121. Practice during period between renewal and receipt of evidence of renewal.
  - 121.5. Application of fees to licenses or registrations lawfully inactivated.
- 122. Fee for issuance of duplicate certificate.
- 123. Conduct constituting subversion of licensing examination: Penalties and damages.
  - 123.5. Enjoining violations.
- 124. Manner of notice.
- 125. Misdemeanor offenses by licensees.

Section

- 125.3. Direction to licensee violating licensing act to pay costs of investigation and enforcement.
- 125.5. Enjoining violations; Restitution orders.
- 125.6. Unlawful discrimination by licensees.
- 125.7. Restraining orders.
- 125.8. Temporary order restraining licensee engaged or about to engage in violation of law.
- 125.9. System for issuance of citations to licensees; Contents; Fines.
- 125.95. [Section repealed 1993.]
- 126. Submission of reports to Governor.
- 127. Submission of reports to director.
- 128. Sale of equipment, supplies, or services for use in violation of licensing requirements.
- 128.5. Reduction of license fees in event of surplus funds.
- 129. Handling of complaints; Reports to Legislature.
- 130. Terms of office of agency members.
- 131. Maximum number of terms.
- 132. Requirements for institution or joinder of legal action by state agency against other state or federal agency.
- 134. Proration of license fees.
- 135. Reexamination of applicants.
- 135.4. Refugees, asylees, and special immigrant visa holders; professional licensing; initial licensure process.
- 135.5. Licensure and citizenship or immigration status.
- 136. Notification of change of address; Punishment for failure to comply.
- 137. Regulations requiring inclusion of license numbers in advertising, etc.
- 138. Notice that practitioner is licensed; Evaluation of licensing examination.
- 139. Policy for examination development and validation, and occupational analysis.
- 139.5. Quarterly internet website posting requirements.
- 140. Disciplinary action; Licensee's failure to record cash transactions in payment of employee wages.
- 141. Disciplinary action by foreign jurisdiction; Grounds for disciplinary action by state licensing board.
- 142. Authority to synchronize renewal dates of licenses; Abandonment date for application; Delinquency fee.
- 143. Proof of license as condition of bringing action for collection of compensation.
- 143.5. Provision in agreements to settle certain causes of action prohibited; Adoption of regulations; Exemptions.
- 144. Requirement of fingerprints for criminal record checks; Applicability.
- 144.5. Board authority.

**HISTORY:** Enacted Stats 1937 ch 399.

**§ 100. Establishment**

There is in the state government, in the Business, Consumer Services, and Housing Agency, a Department of Consumer Affairs.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1969 ch 138 § 5; Stats 1971 ch 716 § 4; Stats 1984 ch 144 § 1. See this section as modified in Governor's Reorganization Plan No. 2 § 1 of 2012; Amended Stats 2012 ch 147 § 1 (SB 1039), effective January 1, 2013, operative July 1, 2013 (ch 147 prevails).

**§ 101. Composition of department**

The department is comprised of the following:

- (a) The Dental Board of California.
- (b) The Medical Board of California.
- (c) The California State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The California Board of Accountancy.
- (g) The California Architects Board.
- (h) The State Board of Barbering and Cosmetology.
- (i) The Board for Professional Engineers, Land Surveyors, and Geologists.
- (j) The Contractors State License Board.
- (k) The Bureau for Private Postsecondary Education.
- (l) The Bureau of Household Goods and Services.
- (m) The Board of Registered Nursing.
- (n) The Board of Behavioral Sciences.
- (o) The State Athletic Commission.
- (p) The Cemetery and Funeral Bureau.

- (q) The Bureau of Security and Investigative Services.
- (r) The Court Reporters Board of California.
- (s) The Board of Vocational Nursing and Psychiatric Technicians.
- (t) The Landscape Architects Technical Committee.
- (u) The Division of Investigation.
- (v) The Bureau of Automotive Repair.
- (w) The Respiratory Care Board of California.
- (x) The Acupuncture Board.
- (y) The Board of Psychology.
- (z) The Podiatric Medical Board of California.
- (aa) The Physical Therapy Board of California.
- (ab) The Arbitration Review Program.
- (ac) The Physician Assistant Board.
- (ad) The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (ae) The California Board of Occupational Therapy.
- (af) The Osteopathic Medical Board of California.
- (ag) The California Board of Naturopathic Medicine.
- (ah) The Dental Hygiene Board of California.
- (ai) The Professional Fiduciaries Bureau.
- (aj) The State Board of Chiropractic Examiners.
- (ak) The Bureau of Real Estate Appraisers.
- (al) The Structural Pest Control Board.
- (am) Any other boards, offices, or officers subject to its jurisdiction by law.

**HISTORY:**

Added Stats 2017 ch 823 § 4 (SB 173), effective January 1, 2018, operative July 1, 2018. Amended Stats 2018 ch 578 § 2 (SB 1483), effective January 1, 2019; Stats 2018 ch 858 § 1.5 (SB 1482), effective January 1, 2019 (ch 858 prevails); Stats 2019 ch 351 § 8 (AB 496), effective January 1, 2020; Stats 2020 ch 312 § 2 (SB 1474), effective January 1, 2021; Stats 2021 ch 70 § 2 (AB 141), effective July 12, 2021; Stats 2021 ch 630 § 2 (AB 1534), effective January 1, 2022; Stats 2022 ch 414 § 1 (AB 2685), effective January 1, 2023.

**§ 101.1. [Section repealed 2011.]****HISTORY:**

Added Stats 1994 ch 908 § 2 (SB 2036). Amended Stats 1999 ch 983 § 1 (SB 1307). Repealed Stats 2010 ch 670 § 2 (AB 2130), effective January 1, 2011. The repealed section related to legislative intent regarding existing and proposed consumer-related boards.

**§ 101.2. [Section repealed 2009.]****HISTORY:**

Added Stats 2008 ch 33 § 1 (SB 797), effective June 23, 2008. Repealed January 1, 2009, by its own terms. The repealed section related to effect of inoperation or repeal of certain boards.

**§ 101.5. [Section repealed 1977.]****HISTORY:**

Added Stats 1971 ch 1593 § 23.02, operative July 1, 1977. Repealed Stats 1977 ch 141 § 3, effective June 29, 1977. The repealed section related to boards in the State Department of Health.

**§ 101.6. Purpose**

The boards, bureaus, and commissions in the department are established for the purpose of ensuring that those private businesses and professions deemed to engage in activities which have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California.

To this end, they establish minimum qualifications and levels of competency and license persons desiring to engage in the occupations they regulate upon determining



that such persons possess the requisite skills and qualifications necessary to provide safe and effective services to the public, or register or otherwise certify persons in order to identify practitioners and ensure performance according to set and accepted professional standards. They provide a means for redress of grievances by investigating allegations of unprofessional conduct, incompetence, fraudulent action, or unlawful activity brought to their attention by members of the public and institute disciplinary action against persons licensed or registered under the provisions of this code when such action is warranted. In addition, they conduct periodic checks of licensees, registrants, or otherwise certified persons in order to ensure compliance with the relevant sections of this code.

**HISTORY:**

Added Stats 1980 ch 375 § 1.

**§ 101.7. Meetings of boards; Regular and special**

(a) Notwithstanding any other provision of law, boards shall meet at least two times each calendar year. Boards shall meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

(b) The director has discretion to exempt any board from the requirement in subdivision (a) upon a showing of good cause that the board is not able to meet at least two times in a calendar year.

(c) The director may call for a special meeting of the board when a board is not fulfilling its duties.

(d) An agency within the department that is required to provide a written notice pursuant to subdivision (a) of Section 11125 of the Government Code, may provide that notice by regular mail, email, or by both regular mail and email. An agency shall give a person who requests a notice the option of receiving the notice by regular mail, email, or by both regular mail and email. The agency shall comply with the requester's chosen form or forms of notice.

(e) An agency that plans to webcast a meeting shall include in the meeting notice required pursuant to subdivision (a) of Section 11125 of the Government Code a statement of the board's intent to webcast the meeting. An agency may webcast a meeting even if the agency fails to include that statement of intent in the notice.

**HISTORY:**

Added Stats 2007 ch 354 § 1 (SB 1047), effective January 1, 2008. Amended Stats 2014 ch 395 § 1 (SB 1243), effective January 1, 2015; Stats 2018 ch 571 § 1 (SB 1480), effective January 1, 2019; Stats 2019 ch 351 § 9 (AB 496), effective January 1, 2020.

**§ 102. Assumption of duties of board created by initiative**

Upon the request of any board regulating, licensing, or controlling any professional or vocational occupation created by an initiative act, the Director of Consumer Affairs may take over the duties of the board under the same conditions and in the same manner as provided in this code for other boards of like character. Such boards shall pay a proportionate cost of the administration of the department on the same basis as is charged other boards included within the department. Upon request from any such board which has adopted the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code as rules of procedure in proceedings before it, the director shall assign hearing officers for such proceedings in accordance with Section 110.5.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1945 ch 869 § 1; Stats 1971 ch 716 § 6.

**§ 102.1. [Section repealed 2014.]****HISTORY:**

Added Stats 1995 ch 381 § 1 (AB 910), effective August 4, 1995, operative term contingent. Repealed Stats 2013 ch

319 § 1 (SB 822), effective January 1, 2014. The repealed section related to cemetery board and funeral directors and embalmers board not consolidated; succession of duties and powers to Department of Consumer Affairs.

**§ 102.2. [Section repealed 2014.]**

**HISTORY:**

Added Stats 1995 ch 381 § 2 (AB 910), effective August 4, 1995. Repealed Stats 2013 ch 319 § 2 (SB 822), effective January 1, 2014. The repealed section related to structural pest control board not in compliance with budget act; succession of duties and powers to department of consumer affairs.

**§ 102.3. Interagency agreement to delegate duties of certain repealed boards; Technical committees for regulation of professions under delegated authority; Renewal of agreement**

(a) The director may enter into an interagency agreement with an appropriate entity within the Department of Consumer Affairs as provided for in Section 101 to delegate the duties, powers, purposes, responsibilities, and jurisdiction that have been succeeded and vested with the department, of a board, as defined in Section 477, which became inoperative and was repealed in accordance with Chapter 908 of the Statutes of 1994.

(b)(1) Where, pursuant to subdivision (a), an interagency agreement is entered into between the director and that entity, the entity receiving the delegation of authority may establish a technical committee to regulate, as directed by the entity, the profession subject to the authority that has been delegated. The entity may delegate to the technical committee only those powers that it received pursuant to the interagency agreement with the director. The technical committee shall have only those powers that have been delegated to it by the entity.

(2) Where the entity delegates its authority to adopt, amend, or repeal regulations to the technical committee, all regulations adopted, amended, or repealed by the technical committee shall be subject to the review and approval of the entity.

(3) The entity shall not delegate to a technical committee its authority to discipline a licensee who has violated the provisions of the applicable chapter of the Business and Professions Code that is subject to the director's delegation of authority to the entity.

(c) An interagency agreement entered into, pursuant to subdivision (a), shall continue until such time as the licensing program administered by the technical committee has undergone a review by the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development to evaluate and determine whether the licensing program has demonstrated a public need for its continued existence. Thereafter, at the director's discretion, the interagency agreement may be renewed.

**HISTORY:**

Added Stats 1997 ch 475 § 1 (AB 1546). Amended Stats 2004 ch 33 § 2 (AB 1467), effective April 13, 2004; Stats 2019 ch 351 § 10 (AB 496), effective January 1, 2020.

**§ 103. Compensation and reimbursement for expenses**

Each member of a board, commission, or committee created in the various chapters of Division 2 (commencing with Section 500) and Division 3 (commencing with Section 5000), and in Chapter 2 (commencing with Section 18600) and Chapter 3 (commencing with Section 19000) of Division 8, shall receive the moneys specified in this section when authorized by the respective provisions.

Each such member shall receive a per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money.

Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, or committees

on any day when the officer or employee also received compensation for the officer or employee's regular public employment.

**HISTORY:**

Added Stats 1959 ch 1645 § 1. Amended Stats 1978 ch 1141 § 1; Stats 1985 ch 502 § 1; Stats 1987 ch 850 § 1; Stats 1993 ch 1264 § 1 (SB 574); Stats 2019 ch 351 § 11 (AB 496), effective January 1, 2020.

**§ 104. Display of licenses or registrations**

All boards or other regulatory entities within the department's jurisdiction that the department determines to be health-related may adopt regulations to require licensees to display their licenses or registrations in the locality in which they are treating patients, and to inform patients as to the identity of the regulatory agency they may contact if they have any questions or complaints regarding the licensee. In complying with this requirement, those boards may take into consideration the particular settings in which licensees practice, or other circumstances which may make the displaying or providing of information to the consumer extremely difficult for the licensee in their particular type of practice.

**HISTORY:**

Added Stats 1998 ch 991 § 1 (SB1980).

**§ 105. Oath of office**

Members of boards in the department shall take an oath of office as provided in the Constitution and the Government Code.

**HISTORY:**

Added Stats 1949 ch 829 § 1.

**§ 105.5. Tenure of members of boards, etc., within department**

Notwithstanding any other provision of this code, each member of a board, commission, examining committee, or other similarly constituted agency within the department shall hold office until the appointment and qualification of that member's successor or until one year shall have elapsed since the expiration of the term for which the member was appointed, whichever first occurs.

**HISTORY:**

Added Stats 1967 ch 524 § 1. Amended Stats 2019 ch 351 § 12 (AB 496), effective January 1, 2020.

**§ 106. Removal of board members**

The appointing authority has power to remove from office at any time any member of any board appointed by the appointing authority for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct. Nothing in this section shall be construed as a limitation or restriction on the power of the appointing authority conferred on the appointing authority by any other provision of law to remove any member of any board.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1945 ch 1276 § 3; Stats 2019 ch 351 § 13 (AB 496), effective January 1, 2020.

**§ 106.5. Removal of member of licensing board for disclosure of examination information**

Notwithstanding any other provision of law, the Governor may remove from office a member of a board or other licensing entity in the department if it is shown that such member has knowledge of the specific questions to be asked on the licensing entity's next examination and directly or indirectly discloses any such question or questions in advance of or during the examination to any applicant for that examination.

The proceedings for removal shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the Governor shall have all the powers granted therein.

**HISTORY:**

Added Stats 1977 ch 482 § 1.

**§ 107. Executive officers**

Pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution, each board may appoint a person exempt from civil service, who shall be designated as an executive officer unless the licensing act of the particular board designates the person as a registrar, and may fix that person's salary, with the approval of the Department of Human Resources pursuant to Section 19825 of the Government Code.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1984 ch 47 § 2, effective March 21, 1984; Stats 1987 ch 850 § 2. See this section as modified in Governor's Reorganization Plan No. 1 § 1 of 2011; Amended Stats 2012 ch 665 § 1 (SB 1308), effective January 1, 2013; Stats 2019 ch 351 § 14 (AB 496), effective January 1, 2020; Stats 2020 ch 370 § 1 (SB 1371), effective January 1, 2021.

**§ 107.5. Official seals**

If any board in the department uses an official seal pursuant to any provision of this code, the seal shall contain the words "State of California" and "Department of Consumer Affairs" in addition to the title of the board, and shall be in a form approved by the director.

**HISTORY:**

Added Stats 1967 ch 1272 § 1. Amended Stats 1971 ch 716 § 7.

**§ 108. Status and powers of boards**

Each of the boards comprising the department exists as a separate unit, and has the functions of setting standards, holding meetings, and setting dates thereof, preparing and conducting examinations, passing upon applicants, conducting investigations of violations of laws under its jurisdiction, issuing citations and holding hearings for the revocation of licenses, and the imposing of penalties following those hearings, insofar as these powers are given by statute to each respective board.

**HISTORY:**

Enacted Stats 1937. Amended Stats 2008 ch 179 § 1 (SB 1498), effective January 1, 2009.

**§ 108.5. Witness fees and expenses**

In any investigation, proceeding, or hearing that any board, commission, or officer in the department is empowered to institute, conduct, or hold, any witness appearing at the investigation, proceeding, or hearing whether upon a subpoena or voluntarily, may be paid the sum of twelve dollars (\$12) per day for every day in actual attendance at the investigation, proceeding, or hearing and for the witness's actual, necessary, and reasonable expenses and those sums shall be a legal charge against the funds of the respective board, commission, or officer; provided further, that no witness appearing other than at the instance of the board, commission, or officer may be compensated out of the fund.

The board, commission, or officer shall determine the sums due to any witness and enter the amount on its minutes.

**HISTORY:**

Added Stats 1943 ch 1035 § 1. Amended Stats 1957 ch 1908 § 6; Stats 1970 ch 1061 § 1; Stats 2019 ch 351 § 15 (AB 496), effective January 1, 2020.

**§ 109. Review of decisions; Investigations**

(a) The decisions of any of the boards comprising the department with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are not subject to review by the director, but are final within the limits provided by this code which are applicable to the particular board, except as provided in this section.

(b) The director may initiate an investigation of any allegations of misconduct in the preparation, administration, or scoring of an examination which is administered by a board, or in the review of qualifications which are a part of the licensing process of any board. A request for investigation shall be made by the director to the Division of Investigation through the chief of the division or to any law enforcement agency in the jurisdiction where the alleged misconduct occurred.

(c) The director may intervene in any matter of any board where an investigation by the Division of Investigation discloses probable cause to believe that the conduct or activity of a board, or its members or employees constitutes a violation of criminal law.

The term "intervene," as used in paragraph (c) of this section may include, but is not limited to, an application for a restraining order or injunctive relief as specified in Section 123.5, or a referral or request for criminal prosecution. For purposes of this section, the director shall be deemed to have standing under Section 123.5 and shall seek representation of the Attorney General, or other appropriate counsel in the event of a conflict in pursuing that action.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1991 ch 1013 § 1 (SB 961).

**§ 110. Records and property**

The department shall have possession and control of all records, books, papers, offices, equipment, supplies, funds, appropriations, land and other property—real or personal—now or hereafter held for the benefit or use of all of the bodies, offices or officers comprising the department. The title to all property held by any of these bodies, offices or officers for the use and benefit of the state, is vested in the State of California to be held in the possession of the department. Except as authorized by a board, the department shall not have the possession and control of examination questions prior to submission to applicants at scheduled examinations.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1996 ch 829 § 1 (AB 3473).

**§ 110.5. [Section repealed 1961.]****HISTORY:**

Added Stats 1945 ch 869 § 2. Amended Stats 1949 ch 395 § 1; Stats 1959 ch 996 § 1, effective June 16, 1959. Repealed Stats 1961 ch 2048 § 11. See Gov C § 11370.3.

**§ 110.6. [Section repealed 1961.]****HISTORY:**

Added Stats 1945 ch 869 § 3. Amended Stats 1951 ch 1216 § 1. Repealed Stats 1961 ch 2048 § 12. See Gov C § 11370.5.

**§ 110.7. [Section repealed 1961.]****HISTORY:**

Added Stats 1959 ch 966 § 2, effective June 16, 1959. Repealed Stats 1961 ch 2048 § 13. See Gov C § 11370.4.

**§ 111. Commissioners on examination**

Unless otherwise expressly provided, any board may, with the approval of the appointing power, appoint qualified persons, who shall be designated as commissioners

on examination, to give the whole or any portion of any examination. A commissioner on examination need not be a member of the board but shall have the same qualifications as one and shall be subject to the same rules.

**HISTORY:**

Added Stats 1937 ch 474. Amended Stats 1947 ch 1350 § 3; Stats 1978 ch 1161 § 1; Stats 2019 ch 351 § 16 (AB 496), effective January 1, 2020.

**§ 112. Publication and sale of directories of authorized persons**

Notwithstanding any other provision of this code, no agency in the department, with the exception of the Board for Professional Engineers and Land Surveyors, shall be required to compile, publish, sell, or otherwise distribute a directory. When an agency deems it necessary to compile and publish a directory, the agency shall cooperate with the director in determining its form and content, the time and frequency of its publication, the persons to whom it is to be sold or otherwise distributed, and its price if it is sold. Any agency that requires the approval of the director for the compilation, publication, or distribution of a directory, under the law in effect at the time the amendment made to this section at the 1970 Regular Session of the Legislature becomes effective, shall continue to require that approval. As used in this section, "directory" means a directory, roster, register, or similar compilation of the names of persons who hold a license, certificate, permit, registration, or similar indicia of authority from the agency.

**HISTORY:**

Added Stats 1937 ch 474. Amended Stats 1968 ch 1345 § 1; Stats 1970 ch 475 § 1; Stats 1998 ch 59 § 3 (AB 969).

**§ 113. Conferences; Traveling expenses**

Upon recommendation of the director, officers, and employees of the department, and the officers, members, and employees of the boards, committees, and commissions comprising it or subject to its jurisdiction may confer, in this state or elsewhere, with officers or employees of this state, its political subdivisions, other states, or the United States, or with other persons, associations, or organizations as may be of assistance to the department, board, committee, or commission in the conduct of its work. The officers, members, and employees shall be entitled to their actual traveling expenses incurred in pursuance hereof, but when these expenses are incurred with respect to travel outside of the state, they shall be subject to the approval of the Governor and the Director of Finance.

**HISTORY:**

Added Stats 1937 ch 474. Amended Stats 1941 ch 885 § 1; Stats 2000 ch 277 § 1 (AB 2697); Stats 2001 ch 159 § 2 (SB 662).

**§ 114. Reinstatement of expired license of licensee serving in military**

(a) Notwithstanding any other provision of this code, any licensee or registrant of any board, commission, or bureau within the department whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces, may, upon application, reinstate their license or registration without examination or penalty, provided that all of the following requirements are satisfied:

- (1) The licensee or registrant's license or registration was valid at the time they entered the California National Guard or the United States Armed Forces.
- (2) The application for reinstatement is made while serving in the California National Guard or the United States Armed Forces, or not later than one year from the date of discharge from active service or return to inactive military status.
- (3) The application for reinstatement is accompanied by an affidavit showing the date of entrance into the service, whether still in the service, or date of discharge, and the renewal fee for the current renewal period in which the application is filed is paid.

(b) If application for reinstatement is filed more than one year after discharge or return to inactive status, the applicant, in the discretion of the licensing agency, may be required to pass an examination.

(c) If application for reinstatement is filed and the licensing agency determines that the applicant has not actively engaged in the practice of the applicant’s profession while on active duty, then the licensing agency may require the applicant to pass an examination.

(d) Unless otherwise specifically provided in this code, any licensee or registrant who, either part time or full time, practices in this state the profession or vocation for which the licensee or registrant is licensed or registered shall be required to maintain their license in good standing even though the licensee or registrant is in military service.

For the purposes in this section, time spent by a licensee in receiving treatment or hospitalization in any veterans’ facility during which the licensee is prevented from practicing the licensee’s profession or vocation shall be excluded from said period of one year.

**HISTORY:**

Added Stats 1951 ch 185 § 2. Amended Stats 1953 ch 423 § 1; Stats 1961 ch 1253 § 1; Stats 2010 ch 389 § 1 (AB 2500), effective January 1, 2011; Stats 2011 ch 296 § 1 (AB 1023), effective January 1, 2012; Stats 2019 ch 351 § 17 (AB 496), effective January 1, 2020.

**§ 114.3. Waiver of fees and requirements for active duty members of armed forces and national guard**

(a) Notwithstanding any other law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for a licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

- (1) The licensee or registrant possessed a current and valid license with the board at the time the licensee or registrant was called to active duty.
- (2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.
- (3) Written documentation that substantiates the licensee or registrant’s active duty service is provided to the board.

(b) For purposes of this section, the phrase “called to active duty” shall have the same meaning as “active duty” as defined in Section 101 of Title 10 of the United States Code and shall additionally include individuals who are on active duty in the California National Guard, whether due to proclamation of a state of insurrection pursuant to Section 143 of the Military and Veterans Code or due to a proclamation of a state extreme emergency or when the California National Guard is otherwise on active duty pursuant to Section 146 of the Military and Veterans Code.

(c)(1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which the licensee or registrant is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted.

(d) In order to engage in any activities for which the licensee or registrant is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee’s or registrant’s date of discharge from active duty service.

(e) After a licensee or registrant receives notice of the licensee or registrant’s discharge date, the licensee or registrant shall notify the board of their discharge from active duty within 60 days of receiving their notice of discharge.

(f) A board may adopt regulations to carry out the provisions of this section.

(g) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.

**HISTORY:**

Added Stats 2012 ch 742 § 1 (AB 1588), effective January 1, 2013. Amended Stats 2019 ch 351 § 18 (AB 496), effective January 1, 2020; Stats 2022 ch 386 § 1 (SB 1237), effective January 1, 2023.

**§ 114.5. Military service; Posting of information on Web site about application of military experience and training towards licensure**

(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.

**HISTORY:**

Added Stats 2013 ch 693 § 1 (AB 1057), effective January 1, 2014. Amended Stats 2016 ch 174 § 1 (SB 1348), effective January 1, 2017.

**§ 115. Applicability of Section 114**

The provisions of Section 114 of this code are also applicable to a licensee or registrant whose license or registration was obtained while in the armed services.

**HISTORY:**

Added Stats 1951 ch 1577 § 1.

**§ 115.4. Licensure process expedited for honorably discharged veterans of Armed Forces**

(a) Notwithstanding any other law, on and after July 1, 2016, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged.

(b) Notwithstanding any other law, on and after July 1, 2024, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code.

(c) A board may adopt regulations necessary to administer this section in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

**HISTORY:**

Added Stats 2014 ch 657 § 1 (SB 1226), effective January 1, 2015. Amended Stats 2023 ch 348 § 1 (AB 883), effective January 1, 2024.

**§ 115.5. Board required to expedite licensure process for certain applicants; Adoption of regulations**

(a) A board within the department shall expedite the licensure process and waive the licensure application fee and the initial or original license fee charged by the board for an applicant who meets both of the following requirements:

(1) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.



- (2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license from the board.
- (b) A board may adopt regulations necessary to administer this section.
- (c) This section shall become operative on July 1, 2022.

**HISTORY:**

Added Stats 2021 ch 367 § 2 (SB 607), effective January 1, 2022, operative July 1, 2022.

**§ 115.6. Temporary licensure process for spouses of active duty members of Armed Forces**

(a)(1) Except as provided in subdivision (j), a board within the department shall, after appropriate investigation, issue a temporary license to practice a profession or vocation to an applicant who meets the requirements set forth in subdivisions (c) and (d).

(2) Revenues from fees for temporary licenses issued by the California Board of Accountancy shall be credited to the Accountancy Fund in accordance with Section 5132.

(b) The board may conduct an investigation of an applicant for purposes of denying or revoking a temporary license issued pursuant to this section. This investigation may include a criminal background check.

(c) An applicant seeking a temporary license pursuant to this section shall meet the following requirements:

(1) The applicant shall supply evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) The applicant shall hold a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation within the same scope for which the applicant seeks a temporary license from the board.

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that the applicant meets all of the requirements for the temporary license, and that the information submitted in the application is accurate, to the best of the applicant’s knowledge. The application shall also include written verification from the applicant’s original licensing jurisdiction stating that the applicant’s license is in good standing in that jurisdiction.

(4) The applicant shall not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under this code at the time the act was committed. A violation of this paragraph may be grounds for the denial or revocation of a temporary license issued by the board.

(5) The applicant shall not have been disciplined by a licensing entity in another jurisdiction and shall not be the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6)(A) The applicant shall, upon request by a board, furnish a full set of fingerprints for purposes of conducting a criminal background check.

(B) The board shall request a fingerprint-based criminal history information check from the Department of Justice in accordance with subdivision (u) of Section 11105 of the Penal Code and the Department of Justice shall furnish state or federal criminal history information in accordance with subdivision (p) of Section 11105 of the Penal Code.

(d) The applicant shall pass a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure.

(e) Except as specified in subdivision (g), a board shall issue a temporary license pursuant to this section within 30 days of receiving documentation that the applicant

has met the requirements specified in subdivisions (c) and (d) if the results of the criminal background check do not show grounds for denial.

(f)(1) A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in subdivision (c) or (d) or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary licenseholder to immediately cease the practice of the licensed profession upon receipt.

(2) Notwithstanding any other law, if, after notice and an opportunity to be heard, a board finds that a temporary licenseholder engaged in unprofessional conduct or any other act that is a cause for discipline by the board, the board shall revoke the temporary license.

(g) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists. The board shall issue a temporary license pursuant to this subdivision within 30 days of receiving documentation that the applicant has met the requirements specified in this subdivision and subdivisions (c) and (d) if the results of the criminal background check do not show grounds for denial.

(h) A temporary license issued pursuant to this section is nonrenewable and shall expire 12 months after issuance, upon issuance or denial of a standard license, upon issuance or denial of a license by endorsement, or upon issuance or denial of an expedited license pursuant to Section 115.5, whichever occurs first.

(i) A board shall submit to the department for approval, if necessary to implement this section, draft regulations necessary to administer this section. These regulations shall be adopted pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(j)(1) This section shall not apply to a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year or is able to receive an expedited license by endorsement with no additional requirements superseding those described in subdivisions (c) and (d).

(2) This section shall apply only to the extent that it does not amend an initiative or violate constitutional requirements.

(k) This section shall become operative on July 1, 2023.

**HISTORY:**

Added Stats 2021 ch 693 § 2 (AB 107), effective January 1, 2022, operative July 1, 2023.

**§ 115.8. Annual report on military, veteran, and spouse licensure**

The Department of Consumer Affairs shall compile information on military and spouse licensure into an annual report for the Legislature, which shall be submitted in conformance with Section 9795 of the Government Code. The report shall include all of the following for each license type of each board:

(a) The number of applications for a temporary license submitted by military spouses per fiscal year, pursuant to Section 115.6.

(b) The number of applications for expedited licenses received from honorably discharged military members and military spouses pursuant to Sections 115.4 and 115.5.

(c) The number of licenses issued and denied per fiscal year pursuant to Sections 115.4, 115.5, and 115.6.

(d) The number of licenses issued pursuant to Section 115.6 that were suspended or revoked per fiscal year.

(e) The number of applications for waived renewal fees received and granted pursuant to Section 114.3 per fiscal.

(f) The average length of time between application and issuance of licenses pursuant to Sections 115.4, 115.5, and The average length of time between application and issuance of licenses pursuant to Sections 115.4, 115.5, and 115.6.

**HISTORY:**

Added Stats 2021 ch 693 § 3 (AB 107), effective January 1, 2022. Amended Stats 2023 ch 510 § 1 (SB 887), effective January 1, 2024.

**§ 115.9. Publishing information on licensing options available to military spouses**

The department and each board within the department shall publish information pertinent to all licensing options available to military spouses on the home page of the internet website of the department or board, as applicable, including, but not limited to, the following:

(a) The process for expediting applications for military spouses.

(b) The availability of temporary licensure, the requirements for obtaining a temporary license, and length of time a temporary license is active.

(c) The requirements for full, permanent licensure by endorsement or credential for out-of-state applicants.

**HISTORY:**

Added Stats 2021 ch 693 § 4 (AB 107), effective January 1, 2022.

**§ 115.10. Relocated servicemember or servicemember spouse with professional license; Registration requirements**

(a) For purposes of this section, the following definitions apply:

(1) “Applicant” means a servicemember or a spouse of a servicemember.

(2) “Board” means an entity described in Section 101.

(3) “Professional license” means an individual professional license and does not include a business or entity license.

(4) “Registering authority” means a board or the Department of Real Estate, as applicable.

(5) “Spouse” means an individual who is married to, or who is in a domestic partnership or other legal union with, a military servicemember.

(b) Notwithstanding any other law, a registering authority shall register an applicant who satisfies all of the following requirements:

(1) The applicant holds a professional license in good standing in another state, district, or territory of the United States that confers on the applicant the authority to practice a profession or vocation within a similar scope of practice as that regulated by the registering authority.

(2) The applicant relocated to this state because of military orders for military service within this state and the applicant submits to the registering authority a copy of the military orders.

(3) The applicant performed at least one activity within the scope and under the authority of their professional license during the two years immediately preceding the relocation to this state.

(4) For an applicant who is licensed within the same professional discipline in more than one jurisdiction, both of the following:

(A) The applicant maintains each license in good standing.

(B) The applicant submits to the registering authority written verification from, or documentation printed from an online licensing system for, each jurisdiction that the applicant's license is in good standing in the jurisdiction.

(5) The applicant submits to the registering authority written verification from, or documentation printed from an online licensing system for, the applicant's original licensing jurisdiction that the applicant's license is in good standing in that jurisdiction.

(6) For an applicant that is a spouse, the applicant submits evidence to the registering authority that the applicant is married to, or in a domestic partnership or other legal union with, a servicemember who is subject to military orders described in paragraph (2).

(7) The applicant submits to the registering authority their California address of record and an affidavit attesting to both of the following:

(A) The applicant meets all of the requirements for registration under this section.

(B) The information submitted to the registering authority pursuant to this section is accurate to the best of the applicant's knowledge.

(c)(1) The registering authority shall register an applicant within 30 days of receiving all applicable documentation described in subdivision (b).

(2) The registering authority shall not register an applicant who fails to provide all applicable documentation described in subdivision (b) and shall deem the applicant's request for registration incomplete.

(d) For each person registered pursuant to this section, the registering authority shall post all of the following on the registering authority's internet website:

(1) The person's name.

(2) The person's California address of record.

(3) The person's registration status.

(4) The state name and license number of each license from each original licensing jurisdiction.

(e) A person registered pursuant to this section shall be deemed to be a licensee of the registering authority for purposes of the laws administered by that registering authority relating to standards of practice, discipline, and continuing education for the duration of the military orders described in paragraph (2) of subdivision (b), and the registration shall expire when those military orders expire.

(f) A registering authority may take appropriate enforcement action against a person registered pursuant to this section, including, but not limited to, revoking or suspending the registration of a person who does not meet the requirements of subdivision (b) or the laws applicable to licensees pursuant to subdivision (e).

(g) A registering authority shall not collect or require a fee for registration pursuant to this section.

(h) A registering authority may develop and publish guidance to implement this section.

**HISTORY:**

Added Stats 2023 ch 196 § 1 (SB 143), effective September 13, 2023.

**§ 116. Audit and review of disciplinary proceedings; Report to Legislature**

(a) The director may audit and review, upon the director's own initiative, or upon the request of a consumer or licensee, inquiries and complaints regarding licensees, dismissals of disciplinary cases, the opening, conduct, or closure of investigations, informal conferences, and discipline short of formal accusation by the Medical Board of California, the allied health professional boards, and the Podiatric Medical Board of California. The director may make recommendations for changes to the disciplinary system to the appropriate board, the Legislature, or both.

(b) The director shall report to the Chairpersons of the Senate Business, Professions and Economic Development Committee and the Assembly Business and Professions Committee annually, commencing March 1, 1995, regarding the director's findings from any audit, review, or monitoring and evaluation conducted pursuant to this section.

**HISTORY:**

Added Stats 1993 ch 1267 § 1 (SB 916). Amended Stats 2019 ch 351 § 21 (AB 496), effective January 1, 2020.

**§ 117. [Section repealed 1997.]**

**HISTORY:**

Added Stats 1996 ch 191 § 1 (SB 1763), effective July 22, 1996. Repealed July 1, 1997, by its own terms. The repealed section related to powers and duties of the Department of Consumer Affairs.

**§ 118. Effect of withdrawal of application; Effect of suspension, forfeiture, etc., of license**

(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

**HISTORY:**

Added Stats 1961 ch 1079 § 1.

**§ 119. Misdemeanors pertaining to use of licenses**

Any person who does any of the following is guilty of a misdemeanor:

(a) Displays or causes or permits to be displayed or has in the person's possession either of the following:

(1) A canceled, revoked, suspended, or fraudulently altered license.

(2) A fictitious license or any document simulating a license or purporting to be or have been issued as a license.

(b) Lends the person's license to any other person or knowingly permits the use thereof by another.

(c) Displays or represents any license not issued to the person as being the person's license.

(d) Fails or refuses to surrender to the issuing authority upon its lawful written demand any license, registration, permit, or certificate which has been suspended, revoked, or canceled.

(e) Knowingly permits any unlawful use of a license issued to the person.

(f) Photographs, photostats, duplicates, manufactures, or in any way reproduces any license or facsimile thereof in a manner that it could be mistaken for a valid license, or displays or has in the person's possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by this code.

(g) Buys or receives a fraudulent, forged, or counterfeited license knowing that it is fraudulent, forged, or counterfeited. For purposes of this subdivision, “fraudulent” means containing any misrepresentation of fact.

As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration” or any other indicia giving authorization to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

**HISTORY:**

Added Stats 1965 ch 1083 § 1. Amended Stats 1990 ch 350 § 1 (SB 2084) (ch 1207 prevails), ch 1207 § 1 (AB 3242); Stats 1994 ch 1206 § 1 (SB 1775); Stats 2000 ch 568 § 1 (AB 2888); Stats 2019 ch 351 § 22 (AB 496), effective January 1, 2020.

**§ 120. Possession by surviving spouse of canceled certificates**

(a) Subdivision (a) of Section 119 shall not apply to a surviving spouse having in the surviving spouse’s possession or displaying a deceased spouse’s canceled certified public accountant certificate or canceled public accountant certificate that has been canceled by official action of the California Board of Accountancy.

(b) Notwithstanding Section 119, any person who has received a certificate of certified public accountant or a certificate of public accountant from the board may possess and may display the certificate received unless the person’s certificate, permit, or registration has been suspended or revoked.

**HISTORY:**

Added Stats 1967 ch 497 § 1. Amended Stats 1998 ch 878 § 1 (SB 2239); Stats 2000 ch 1055 § 1 (AB 2889), effective September 30, 2000; Stats 2019 ch 351 § 23 (AB 496), effective January 1, 2020.

**§ 121. Practice during period between renewal and receipt of evidence of renewal**

No licensee who has complied with the provisions of this code relating to the renewal of the licensee’s license prior to expiration of such license shall be deemed to be engaged illegally in the practice of the licensee’s business or profession during any period between such renewal and receipt of evidence of such renewal which may occur due to delay not the fault of the applicant.

As used in this section, “license” includes “certificate,” “permit,” “authorization,” and “registration,” or any other indicia giving authorization, by any agency, board, bureau, commission, committee, or entity within the Department of Consumer Affairs, to engage in a business or profession regulated by this code or by the board referred to in the Chiropractic Act or the Osteopathic Act.

**HISTORY:**

Added Stats 1979 ch 77 § 1. Amended Stats 2019 ch 351 § 24 (AB 496), effective January 1, 2020.

**§ 121.5. Application of fees to licenses or registrations lawfully inactivated**

Except as otherwise provided in this code, the application of delinquency fees or accrued and unpaid renewal fees for the renewal of expired licenses or registrations shall not apply to licenses or registrations that have lawfully been designated as inactive or retired.

**HISTORY:**

Added Stats 2001 ch 435 § 1 (SB 349).

**§ 122. Fee for issuance of duplicate certificate**

Except as otherwise provided by law, the department and each of the boards, bureaus, committees, and commissions within the department may charge a fee for the processing and issuance of a duplicate copy of any certificate of licensure or other form evidencing licensure or renewal of licensure. The fee shall be in an amount sufficient to cover all

costs incident to the issuance of the duplicate certificate or other form but shall not exceed twenty-five dollars (\$25).

**HISTORY:**

Added Stats 1986 ch 951 § 1.

**§ 123. Conduct constituting subversion of licensing examination; Penalties and damages**

It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

(a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.

(b) Communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars (\$10,000) and the costs of litigation.

(c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

**HISTORY:**

Added Stats 1989 ch 1022 § 1. Amended Stats 1991 ch 647 § 1 (SB 879).

**§ 123.5. Enjoining violations**

Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of Section 123, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of a board, the Attorney General or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other provision of law.

**HISTORY:**

Added Stats 1983 ch 95 § 2, as B & P C § 497. Amended and renumbered by Stats 1989 ch 1022 § 4.

**§ 124. Manner of notice**

Notwithstanding subdivision (c) of Section 11505 of the Government Code, whenever written notice, including a notice, order, or document served pursuant to Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), or Chapter 5 (commencing with Section 11500), of Part 1 of Division 3 of Title 2 of the Government Code, is required to be given by any board in the department, the notice may be given by regular mail addressed to the last known address of the licensee or by personal service, at the option of the board.

**HISTORY:**

Added Stats 1961 ch 1253 § 2. Amended Stats 1994 ch 26 § 4 (AB 1807), effective March 30, 1994; Stats 1995 ch 938 § 1 (SB 523), operative July 1, 1997; Stats 2019 ch 351 § 25 (AB 496), effective January 1, 2020.

**§ 125. Misdemeanor offenses by licensees**

Any person, licensed under Division 1 (commencing with Section 100), Division 2 (commencing with Section 500), or Division 3 (commencing with Section 5000) is guilty of a misdemeanor and subject to the disciplinary provisions of this code applicable to them, who conspires with a person not so licensed to violate any provision of this code, or who, with intent to aid or assist that person in violating those provisions does either of the following:

- (a) Allows their license to be used by that person.
- (b) Acts as their agent or partner.

**HISTORY:**

Added Stats 1949 ch 308 § 1. Amended Stats 1994 ch 1206 § 2 (SB 1775); Stats 2019 ch 351 § 26 (AB 496), effective January 1, 2020.

**§ 125.3. Direction to licensee violating licensing act to pay costs of investigation and enforcement**

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee to pay costs.



(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

**HISTORY:**

Added Stats 1992 ch 1289 § 1 (AB 2743), effective January 1, 1993. Amended Stats 2001 ch 728 § 1 (SB 724); Stats 2005 ch 674 § 2 (SB 231), effective January 1, 2006; Stats 2006 ch 223 § 2 (SB 1438), effective January 1, 2007; Stats 2019 ch 351 § 27 (AB 496), effective January 1, 2020; Stats 2021 ch 649 § 1 (SB 806), effective January 1, 2022.

**§ 125.5. Enjoining violations; Restitution orders**

(a) The superior court for the county in which any person has engaged or is about to engage in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department may, upon a petition filed by the board with the approval of the director, issue an injunction or other appropriate order restraining such conduct. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. As used in this section, "board" includes commission, bureau, division, agency and a medical quality review committee.

(b) The superior court for the county in which any person has engaged in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department may, upon a petition filed by the board with the approval of the director, order such person to make restitution to persons injured as a result of such violation.

(c) The court may order a person subject to an injunction or restraining order, provided for in subdivision (a) of this section, or subject to an order requiring restitution pursuant to subdivision (b), to reimburse the petitioning board for expenses incurred by the board in its investigation related to its petition.

(d) The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other section of this code.

**HISTORY:**

Added Stats 1972 ch 1238 § 1. Amended Stats 1973 ch 632 § 1; Stats 1975 2nd Ex Sess ch 1 § 2; Stats 1982 ch 517 § 1.

**§ 125.6. Unlawful discrimination by licensees**

(a)(1) With regard to an applicant, every person who holds a license under the provisions of this code is subject to disciplinary action under the disciplinary provisions of this code applicable to that person if, because of any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code, the person refuses to perform the licensed activity or aids or incites the refusal to perform that licensed activity by another licensee, or if, because of any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code, the person makes any discrimination, or restriction in the performance of the licensed activity.

(2) Nothing in this section shall be interpreted to prevent a physician or health care professional licensed pursuant to Division 2 (commencing with Section 500) from considering any of the characteristics of a patient listed in subdivision (b) or (e) of Section 51 of the Civil Code if that consideration is medically necessary and for the sole purpose of determining the appropriate diagnosis or treatment of the patient.

(3) Nothing in this section shall be interpreted to apply to discrimination by employers with regard to employees or prospective employees, nor shall this section authorize action against any club license issued pursuant to Article 4 (commencing with Section 23425) of Chapter 3 of Division 9 because of discriminatory membership policy.

(4) The presence of architectural barriers to an individual with physical disabilities that conform to applicable state or local building codes and regulations shall not constitute discrimination under this section.

(b)(1) Nothing in this section requires a person licensed pursuant to Division 2 (commencing with Section 500) to permit an individual to participate in, or benefit from, the licensed activity of the licensee where that individual poses a direct threat to the health or safety of others. For this purpose, the term “direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids and services.

(2) Nothing in this section requires a person licensed pursuant to Division 2 (commencing with Section 500) to perform a licensed activity for which the person is not qualified to perform.

(c)(1) “Applicant,” as used in this section, means a person applying for licensed services provided by a person licensed under this code.

(2) “License,” as used in this section, includes “certificate,” “permit,” “authority,” and “registration” or any other indicia giving authorization to engage in a business or profession regulated by this code.

**HISTORY:**

Added Stats 1974 ch 1350 § 1. Amended Stats 1977 ch 293 § 1; Stats 1980 ch 191 § 1; Stats 1992 ch 913 § 2 (AB 1077); Stats 2007 ch 568 § 2 (AB 14), effective January 1, 2008; Stats 2019 ch 351 § 28 (AB 496), effective January 1, 2020.

**§ 125.7. Restraining orders**

In addition to the remedy provided for in Section 125.5, the superior court for the county in which any licensee licensed under Division 2 (commencing with Section 500), or any initiative act referred to in that division, has engaged or is about to engage in any act that constitutes a violation of a chapter of this code administered or enforced by a board referred to in Division 2 (commencing with Section 500), may, upon a petition filed by the board and accompanied by an affidavit or affidavits in support thereof and a memorandum of points and authorities, issue a temporary restraining order or other appropriate order restraining the licensee from engaging in the business or profession for which the person is licensed or from any part thereof, in accordance with this section.

(a) If the affidavits in support of the petition show that the licensee has engaged or is about to engage in acts or omissions constituting a violation of a chapter of this code and if the court is satisfied that permitting the licensee to continue to engage in the business or profession for which the license was issued will endanger the public health, safety, or welfare, the court may issue an order temporarily restraining the licensee from engaging in the profession for which he or she is licensed.

(b) The order may not be issued without notice to the licensee unless it appears from facts shown by the affidavits that serious injury would result to the public before the matter can be heard on notice.

(c) Except as otherwise specifically provided by this section, proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

(d) When a restraining order is issued pursuant to this section, or within a time to be allowed by the superior court, but in any case not more than 30 days after the restraining order is issued, an accusation shall be filed with the board pursuant to Section 11503 of the Government Code or, in the case of a licensee of the State Department of Health Services, with that department pursuant to Section 100171 of the Health and Safety Code. The accusation shall be served upon the licensee as provided by Section 11505 of the Government Code. The licensee shall have all of the rights and privileges available as specified in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. However, if the licensee requests a hearing on the accusation, the board shall provide the licensee with a hearing within 30 days of the request and a decision within 15 days of the date the decision is received from the administrative law judge, or the court may nullify the restraining order previously issued. Any restraining order issued pursuant to this section shall be dissolved by operation of law at the time the board's decision is subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

(e) The remedy provided for in this section shall be in addition to, and not a limitation upon, the authority provided by any other provision of this code.

**HISTORY:**

Added Stats 1977 ch 292 § 1. Amended Stats 1982 ch 517 § 2; Stats 1994 ch 1206 § 3 (SB 1775); Stats 1997 ch 220 § 1 (SB 68), effective August 4, 1997; Stats 1998 ch 878 § 1.5 (SB 2239).

**§ 125.8. Temporary order restraining licensee engaged or about to engage in violation of law**

In addition to the remedy provided for in Section 125.5, the superior court for the county in which any licensee licensed under Division 3 (commencing with Section 5000) or Chapter 2 (commencing with Section 18600) or Chapter 3 (commencing with Section 19000) of Division 8 has engaged or is about to engage in any act which constitutes a violation of a chapter of this code administered or enforced by a board referred to in Division 3 (commencing with Section 5000) or Chapter 2 (commencing with Section 18600) or Chapter 3 (commencing with Section 19000) of Division 8 may, upon a petition filed by the board and accompanied by an affidavit or affidavits in support thereof and a memorandum of points and authorities, issue a temporary restraining order or other appropriate order restraining the licensee from engaging in the business or profession for which the person is licensed or from any part thereof, in accordance with the provisions of this section.

(a) If the affidavits in support of the petition show that the licensee has engaged or is about to engage in acts or omissions constituting a violation of a chapter of this code and if the court is satisfied that permitting the licensee to continue to engage in the business or profession for which the license was issued will endanger the public health, safety, or welfare, the court may issue an order temporarily restraining the licensee from engaging in the profession for which he is licensed.

(b) Such order may not be issued without notice to the licensee unless it appears from facts shown by the affidavits that serious injury would result to the public before the matter can be heard on notice.

(c) Except as otherwise specifically provided by this section, proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

(d) When a restraining order is issued pursuant to this section, or within a time to be allowed by the superior court, but in any case not more than 30 days after the restraining order is issued, an accusation shall be filed with the board pursuant to Section 11503 of the Government Code. The accusation shall be served upon the licensee as provided by Section 11505 of the Government Code. The licensee shall have all of the rights and privileges available as specified in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code; however, if the

licensee requests a hearing on the accusation, the board must provide the licensee with a hearing within 30 days of the request and a decision within 15 days of the date of the conclusion of the hearing, or the court may nullify the restraining order previously issued. Any restraining order issued pursuant to this section shall be dissolved by operation of law at such time the board's decision is subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

**HISTORY:**

Added Stats 1977 ch 443 § 1. Amended Stats 1982 ch 517 § 3.

**§ 125.9. System for issuance of citations to licensees; Contents; Fines**

(a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the State Board of Chiropractic Examiners, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) Whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars (\$5,000) for each inspection or each investigation made with respect to the violation, or five thousand dollars (\$5,000) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if the licensee desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission 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.

(5) Failure of a licensee to pay a fine or comply with an order of abatement, or both, within 30 days of the date of assessment or order, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. 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.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine and compliance with the order of abatement, if applicable, shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

**HISTORY:**

Added Stats 1986 ch 1379 § 2. Amended Stats 1987 ch 1088 § 1; Stats 1991 ch 521 § 1 (SB 650); Stats 1995 ch 381 § 4 (AB 910), effective August 4, 1995, ch 708 § 1 (SB 609); Stats 2000 ch 197 § 1 (SB 1636); Stats 2001 ch 309 § 1 (AB 761), ch 728 § 1.2 (SB 724); Stats 2003 ch 788 § 1 (SB 362); Stats 2012 ch 291 § 1 (SB 1077), effective January 1, 2013; Stats 2019 ch 351 § 29 (AB 496), effective January 1, 2020; Stats 2020 ch 312 § 3 (SB 1474), effective January 1, 2021.

**§ 125.95. [Section repealed 1993.]**

**HISTORY:**

Added Stats 1986 ch 1379 § 2. Repealed Stats 1992 ch 1135 § 1 (SB 2044), effective January 1, 1993. See B & P C § 145.

**§ 126. Submission of reports to Governor**

Notwithstanding any other provision of this code, any board, commission, examining committee, or other similarly constituted agency within the department required prior to the effective date of this section to submit reports to the Governor under any provision of this code shall not be required to submit such reports.

**HISTORY:**

Added Stats 1967 ch 660 § 1.

**§ 127. Submission of reports to director**

Notwithstanding any other provision of this code, the director may require such reports from any board, commission, examining committee, or other similarly constituted agency within the department as the director deems reasonably necessary on any phase of their operations.

**HISTORY:**

Added Stats 1967 ch 660 § 2. Amended Stats 2019 ch 351 § 30 (AB 496), effective January 1, 2020.

**§ 128. Sale of equipment, supplies, or services for use in violation of licensing requirements**

Notwithstanding any other provision of law, it is a misdemeanor to sell equipment, supplies, or services to any person with knowledge that the equipment, supplies, or services are to be used in the performance of a service or contract in violation of the licensing requirements of this code.

The provisions of this section shall not be applicable to cash sales of less than one hundred dollars (\$100).

For the purposes of this section, “person” includes, but is not limited to, a company, partnership, limited liability company, firm, or corporation.

For the purposes of this section, “license” includes certificate or registration.

A violation of this section shall be punishable by a fine of not less than one thousand dollars (\$1,000) and by imprisonment in the county jail not exceeding six months.

**HISTORY:**

Added Stats 1971 ch 1052 § 1. Amended Stats 1994 ch 1010 § 1 (SB 2053).

**§ 128.5. Reduction of license fees in event of surplus funds**

(a) Notwithstanding any other provision of law, if at the end of any fiscal year, an agency within the Department of Consumer Affairs, except the agencies referred to in subdivision (b), has unencumbered funds in an amount that equals or is more than the agency’s operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an

amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

(b) Notwithstanding any other provision of law, if at the end of any fiscal year, the California Architects Board, the Board of Behavioral Sciences, the Veterinary Medical Board, the Court Reporters Board of California, the Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians, or the Bureau of Security and Investigative Services has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

**HISTORY:**

Added Stats 1972 ch 938 § 2, effective August 16, 1972, as B & P C § 128. Amended Stats 1973 ch 863 § 3. Amended and renumbered by Stats 1978 ch 1161 § 4. Amended Stats 1987 ch 850 § 3; Stats 1989 ch 886 § 2; Stats 1993 ch 1263 § 2 (AB 936); Stats 1994 ch 26 § 5 (AB 1807), effective March 30, 1994; Stats 1995 ch 60 § 2 (SB 42), effective July 6, 1995; Stats 1997 ch 759 § 2 (SB 827); Stats 2000 ch 1054 § 1 (SB 1863); Stats 2009 ch 308 § 3 (SB 819), effective January 1, 2010.

**§ 129. Handling of complaints; Reports to Legislature**

(a) As used in this section, "board" means every board, bureau, commission, committee, and similarly constituted agency in the department that issues licenses.

(b) Each board shall, upon receipt of any complaint respecting an individual licensed by the board, notify the complainant of the initial administrative action taken on the complainant's complaint within 10 days of receipt. Each board shall notify the complainant of the final action taken on the complainant's complaint. There shall be a notification made in every case in which the complainant is known. If the complaint is not within the jurisdiction of the board or if the board is unable to dispose satisfactorily of the complaint, the board shall transmit the complaint together with any evidence or information it has concerning the complaint to the agency, public or private, whose authority in the opinion of the board will provide the most effective means to secure the relief sought. The board shall notify the complainant of this action and of any other means that may be available to the complainant to secure relief.

(c) The board shall, when the board deems it appropriate, notify the person against whom the complaint is made of the nature of the complaint, may request appropriate relief for the complainant, and may meet and confer with the complainant and the licensee in order to mediate the complaint. Nothing in this subdivision shall be construed as authorizing or requiring any board to set or to modify any fee charged by a licensee.

(d) It shall be the continuing duty of the board to ascertain patterns of complaints and to report on all actions taken with respect to those patterns of complaints to the director and to the Legislature at least once per year. The board shall evaluate those complaints dismissed for lack of jurisdiction or no violation and recommend to the director and to the Legislature at least once per year the statutory changes it deems necessary to implement the board's functions and responsibilities under this section.

(e) It shall be the continuing duty of the board to take whatever action it deems necessary, with the approval of the director, to inform the public of its functions under this section.

(f) Notwithstanding any other law, upon receipt of a child custody evaluation report submitted to a court pursuant to Chapter 6 (commencing with Section 3110) of Part 2 of Division 8 of the Family Code, the board shall notify the noncomplaining party in the underlying custody dispute, who is a subject of that report, of the pending investigation.

**HISTORY:**

Added Stats 1972 ch 1041 § 1. Amended Stats 2014 ch 283 § 1 (AB 1843), effective January 1, 2015; Stats 2019 ch 351 § 31 (AB 496), effective January 1, 2020.

**§ 130. Terms of office of agency members**

(a) Notwithstanding any other law, the term of office of any member of an agency designated in subdivision (b) shall be for a term of four years expiring on June 1.

(b) Subdivision (a) applies to the following boards or committees:

- (1) The Medical Board of California.
- (2) The Podiatric Medical Board of California.
- (3) The Physical Therapy Board of California.
- (4) The Board of Registered Nursing, except as provided in subdivision (c) of Section 2703.
- (5) The Board of Vocational Nursing and Psychiatric Technicians.
- (6) The California State Board of Optometry.
- (7) The California State Board of Pharmacy.
- (8) The Veterinary Medical Board.
- (9) The California Architects Board.
- (10) The Landscape Architect Technical Committee.
- (11) The Board for Professional Engineers and Land Surveyors.
- (12) The Contractors State License Board.
- (13) The Board of Behavioral Sciences.
- (14) The Court Reporters Board of California.
- (15) The State Athletic Commission.
- (16) The Osteopathic Medical Board of California.
- (17) The Respiratory Care Board of California.
- (18) The Acupuncture Board.
- (19) The Board of Psychology.
- (20) The Structural Pest Control Board.

**HISTORY:**

Added Stats 1969 ch 465 § 1. Amended Stats 1971 ch 716 § 8; Stats 1978 ch 1161 § 5; Stats 1983 ch 150 § 2; Stats 1986 ch 655 § 1; Stats 1987 ch 850 § 4; Stats 1989 ch 886 § 3; Stats 1990 ch 1256 § 2 (AB 2649); Stats 1991 ch 359 § 2 (AB 1332); Stats 1994 ch 26 § 6 (AB 1807), effective March 30, 1994, ch 1274 § 1.3 (SB 2039); Stats 1995 ch 60 § 3 (SB 42), effective July 6, 1995; Stats 1997 ch 759 § 3 (SB 827); Stats 1998 ch 59 § 4 (AB 969), ch 970 § 1 (AB 2802), ch 971 § 1 (AB 2721); Stats 2000 ch 1054 § 2 (SB 1863); Stats 2001 ch 159 § 3 (SB 662); Stats 2009 4th Ex Sess 2009–2010 ch 18 § 2 (ABX4-20), effective October 23, 2009; Stats 2012 ch 4 § 1 (SB 98), effective February 14, 2012. See this section as modified in Governor’s Reorganization Plan No. 2 § 3 of 2012; Amended Stats 2013 ch 352 § 4 (AB 1317), effective September 26, 2013, operative July 1, 2013; Stats 2019 ch 351 § 32 (AB 496), effective January 1, 2020; Stats 2020 ch 312 § 4 (SB 1474), effective January 1, 2021; Stats 2021 ch 630 § 3 (AB 1534), effective January 1, 2022.

**§ 131. Maximum number of terms**

Notwithstanding any other provision of law, no member of an agency designated in subdivision (b) of Section 130 or member of a board, commission, committee, or similarly constituted agency in the department shall serve more than two consecutive full terms.

**HISTORY:**

Added Stats 1970 ch 1394 § 1, operative July 1, 1971. Amended Stats 1987 ch 850 § 5.

**§ 132. Requirements for institution or joinder of legal action by state agency against other state or federal agency**

No board, commission, examining committee, or any other agency within the department may institute or join any legal action against any other agency within the state or federal government without the permission of the director.

Prior to instituting or joining in a legal action against an agency of the state or federal government, a board, commission, examining committee, or any other agency within the department shall present a written request to the director to do so.

Within 30 days of receipt of the request, the director shall communicate the director’s approval or denial of the request and the director’s reasons for approval or denial to the requesting agency in writing. If the director does not act within 30 days, the request shall be deemed approved.

A requesting agency within the department may override the director's denial of its request to institute or join a legal action against a state or federal agency by a two-thirds vote of the members of the board, commission, examining committee, or other agency, which vote shall include the vote of at least one public member of that board, commission, examining committee, or other agency.

**HISTORY:**

Added Stats 1990 ch 285 § 1 (AB 2984). Amended Stats 2019 ch 351 § 33 (AB 496), effective January 1, 2020.

**§ 134. Proration of license fees**

When the term of any license issued by any agency in the department exceeds one year, initial license fees for licenses which are issued during a current license term shall be prorated on a yearly basis.

**HISTORY:**

Added Stats 1974 ch 743 § 1. Amended Stats 1978 ch 1161 § 6.

**§ 135. Reexamination of applicants**

No agency in the department shall, on the basis of an applicant's failure to successfully complete prior examinations, impose any additional limitations, restrictions, prerequisites, or requirements on any applicant who wishes to participate in subsequent examinations except that any examining agency which allows an applicant conditional credit for successfully completing a divisible part of an examination may require that an applicant be reexamined in those parts successfully completed if such applicant has not successfully completed all parts of the examination within a required period of time established by the examining agency. Nothing in this section, however, requires the exemption of such applicant from the regular fees and requirements normally associated with examinations.

**HISTORY:**

Added Stats 1974 ch 743 § 2.

**§ 135.4. Refugees, asylees, and special immigrant visa holders; professional licensing; initial licensure process**

(a) Notwithstanding any other law, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they have been admitted to the United States as a refugee under Section 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to Section 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under Section 1244 of Public Law 110-181, under Public Law 109-163, or under Section 602(b) of Title VI of Division F of Public Law 111-8.

(b) Nothing in this section shall be construed as changing existing licensure requirements. A person applying for expedited licensure under subdivision (a) shall meet all applicable statutory and regulatory licensure requirements.

(c) A board may adopt regulations necessary to administer this section.

**HISTORY:**

Added Stats 2020 ch 186 § 1 (AB 2113), effective January 1, 2021.

**§ 135.5. Licensure and citizenship or immigration status**

(a) The Legislature finds and declares that it is in the best interests of the State of California to provide persons who are not lawfully present in the United States with the state benefits provided by all licensing acts of entities within the department, and therefore enacts this section pursuant to subsection (d) of Section 1621 of Title 8 of the United States Code.



(b) Notwithstanding subdivision (a) of Section 30, and except as required by subdivision (e) of Section 7583.23, no entity within the department shall deny licensure to an applicant based on his or her citizenship status or immigration status.

(c) Every board within the department shall implement all required regulatory or procedural changes necessary to implement this section no later than January 1, 2016. A board may implement the provisions of this section at any time prior to January 1, 2016.

**HISTORY:**

Added Stats 2014 ch 752 § 2 (SB 1159), effective January 1, 2015.

**§ 136. Notification of change of address; Punishment for failure to comply**

(a) Each person holding a license, certificate, registration, permit, or other authority to engage in a profession or occupation issued by a board within the department shall notify the issuing board at its principal office of any change in the person’s mailing address within 30 days after the change, unless the board has specified by regulations a shorter time period.

(b) Except as otherwise provided by law, failure of a licensee to comply with the requirement in subdivision (a) constitutes grounds for the issuance of a citation and administrative fine, if the board has the authority to issue citations and administrative fines.

**HISTORY:**

Added Stats 1994 ch 26 § 7 (AB 1807), effective March 30, 1994. Amended Stats 2019 ch 351 § 34 (AB 496), effective January 1, 2020.

**§ 137. Regulations requiring inclusion of license numbers in advertising, etc.**

Any agency within the department may promulgate regulations requiring licensees to include their license numbers in any advertising, soliciting, or other presentments to the public.

However, nothing in this section shall be construed to authorize regulation of any person not a licensee who engages in advertising, solicitation, or who makes any other presentment to the public on behalf of a licensee. Such a person shall incur no liability pursuant to this section for communicating in any advertising, soliciting, or other presentment to the public a licensee’s license number exactly as provided by the licensee or for failure to communicate such number if none is provided by the licensee.

**HISTORY:**

Added Stats 1974 ch 743 § 3. Amended Stats 2019 ch 351 § 35 (AB 496), effective January 1, 2020.

**§ 138. Notice that practitioner is licensed; Evaluation of licensing examination**

Every board in the department, as defined in Section 22, shall initiate the process of adopting regulations on or before June 30, 1999, to require its licensees, as defined in Section 23.8, to provide notice to their clients or customers that the practitioner is licensed by this state. A board shall be exempt from the requirement to adopt regulations pursuant to this section if the board has in place, in statute or regulation, a requirement that provides for consumer notice of a practitioner’s status as a licensee of this state.

**HISTORY:**

Added Stats 1998 ch 879 § 1 (SB 2238). Amended Stats 1999 ch 67 § 1 (AB 1105), effective July 6, 1999; Stats 2019 ch 351 § 36 (AB 496), effective January 1, 2020.

**§ 139. Policy for examination development and validation, and occupational analysis**

(a) The Legislature finds and declares that occupational analyses and examination validation studies are fundamental components of licensure programs. It is the intent of

the Legislature that the policy developed by the department pursuant to subdivision (b) be used by the fiscal, policy, and sunset review committees of the Legislature in their annual reviews of these boards, programs, and bureaus.

(b) Notwithstanding any other provision of law, the department shall develop, in consultation with the boards, programs, bureaus, and divisions under its jurisdiction, and the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners, a policy regarding examination development and validation, and occupational analysis. The department shall finalize and distribute this policy by September 30, 1999, to each of the boards, programs, bureaus, and divisions under its jurisdiction and to the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners. This policy shall be submitted in draft form at least 30 days prior to that date to the appropriate fiscal, policy, and sunset review committees of the Legislature for review. This policy shall address, but shall not be limited to, the following issues:

(1) An appropriate schedule for examination validation and occupational analyses, and circumstances under which more frequent reviews are appropriate.

(2) Minimum requirements for psychometrically sound examination validation, examination development, and occupational analyses, including standards for sufficient number of test items.

(3) Standards for review of state and national examinations.

(4) Setting of passing standards.

(5) Appropriate funding sources for examination validations and occupational analyses.

(6) Conditions under which boards, programs, and bureaus should use internal and external entities to conduct these reviews.

(7) Standards for determining appropriate costs of reviews of different types of examinations, measured in terms of hours required.

(8) Conditions under which it is appropriate to fund permanent and limited term positions within a board, program, or bureau to manage these reviews.

(c) Every regulatory board and bureau, as defined in Section 22, and every program and bureau administered by the department, the Osteopathic Medical Board of California, and the State Board of Chiropractic Examiners, shall submit to the director on or before December 1, 1999, and on or before December 1 of each subsequent year, its method for ensuring that every licensing examination administered by or pursuant to contract with the board is subject to periodic evaluation. The evaluation shall include (1) a description of the occupational analysis serving as the basis for the examination; (2) sufficient item analysis data to permit a psychometric evaluation of the items; (3) an assessment of the appropriateness of prerequisites for admittance to the examination; and (4) an estimate of the costs and personnel required to perform these functions. The evaluation shall be revised and a new evaluation submitted to the director whenever, in the judgment of the board, program, or bureau, there is a substantial change in the examination or the prerequisites for admittance to the examination.

(d) The evaluation may be conducted by the board, program, or bureau, the Office of Professional Examination Services of the department, the Osteopathic Medical Board of California, or the State Board of Chiropractic Examiners or pursuant to a contract with a qualified private testing firm. A board, program, or bureau that provides for development or administration of a licensing examination pursuant to contract with a public or private entity may rely on an occupational analysis or item analysis conducted by that entity. The department shall compile this information, along with a schedule specifying when examination validations and occupational analyses shall be performed, and submit it to the appropriate fiscal, policy, and sunset review committees of the Legislature by September 30 of each year. It is the intent of the Legislature that the method specified in this report be consistent with the policy developed by the department pursuant to subdivision (b).

**HISTORY:**

Added Stats 1999 ch 67 § 2 (AB 1105), effective July 6, 1999. Amended Stats 2009 ch 307 § 1 (SB 821), effective January 1, 2010.

**§ 139.5. Quarterly internet website posting requirements**

Beginning July 1, 2021, each board, as defined in Section 22, within the department that issues a license shall do both of the following on at least a quarterly basis:

- (a) Prominently display on its internet website one of the following:
  - (1) The current average timeframes for processing initial and renewal license applications.
  - (2) The combined current average timeframe for processing both initial and renewal license applications.
- (b) Prominently display on its internet website one of the following:
  - (1) The current average timeframes for processing each license type that the board administers.
  - (2) The combined current average timeframe for processing all license types that the board administers.

**HISTORY:**  
 Added Stats 2020 ch 131 § 1 (SB 878), effective January 1, 2021.

**§ 140. Disciplinary action; Licensee’s failure to record cash transactions in payment of employee wages**

Any board, as defined in Section 22, which is authorized under this code to take disciplinary action against a person who holds a license may take disciplinary action upon the ground that the licensee has failed to record and preserve for not less than three years, any and all cash transactions involved in the payment of employee wages by a licensee. Failure to make these records available to an authorized representative of the board may be made grounds for disciplinary action. In any action brought and sustained by the board which involves a violation of this section and any regulation adopted thereto, the board may assess the licensee with the actual investigative costs incurred, not to exceed two thousand five hundred dollars (\$2,500). Failure to pay those costs may result in revocation of the license. Any moneys collected pursuant to this section shall be deposited in the respective fund of the board.

**HISTORY:**  
 Added Stats 1984 ch 1490 § 2, effective September 27, 1984.

**§ 141. Disciplinary action by foreign jurisdiction; Grounds for disciplinary action by state licensing board**

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

**HISTORY:**  
 Added Stats 1994 ch 1275 § 2 (SB 2101).

**§ 142. Authority to synchronize renewal dates of licenses; Abandonment date for application; Delinquency fee**

This section shall apply to the bureaus and programs under the direct authority of the director, and to any board that, with the prior approval of the director, elects to have the department administer one or more of the licensing services set forth in this section.

(a) Notwithstanding any other provision of law, each bureau and program may synchronize the renewal dates of licenses granted to applicants with more than one license issued by the bureau or program. To the extent practicable, fees shall be prorated or adjusted so that no applicant shall be required to pay a greater or lesser fee than he or she would have been required to pay if the change in renewal dates had not occurred.

(b) Notwithstanding any other provision of law, the abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application.

(c) Notwithstanding any other provision of law, a delinquency, penalty, or late fee shall be assessed if the renewal fee is not postmarked by the renewal expiration date.

**HISTORY:**

Added Stats 1998 ch 970 § 2 (AB 2802).

**§ 143. Proof of license as condition of bringing action for collection of compensation**

(a) No person engaged in any business or profession for which a license is required under this code governing the department or any board, bureau, commission, committee, or program within the department, may bring or maintain any action, or recover in law or equity in any action, in any court of this state for the collection of compensation for the performance of any act or contract for which a license is required without alleging and proving that he or she was duly licensed at all times during the performance of that act or contract, regardless of the merits of the cause of action brought by the person.

(b) The judicial doctrine of substantial compliance shall not apply to this section.

(c) This section shall not apply to an act or contract that is considered to qualify as lawful practice of a licensed occupation or profession pursuant to Section 121.

**HISTORY:**

Added Stats 1990 ch 1207 § 1.5 (AB 3242).

**§ 143.5. Provision in agreements to settle certain causes of action prohibited; Adoption of regulations; Exemptions**

(a) No licensee who is regulated by a board, bureau, or program within the Department of Consumer Affairs, nor an entity or person acting as an authorized agent of a licensee, shall include or permit to be included a provision in an agreement to settle a civil dispute, whether the agreement is made before or after the commencement of a civil action, that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program within the Department of Consumer Affairs that regulates the licensee or that requires the other party to withdraw a complaint from the department, board, bureau, or program within the Department of Consumer Affairs that regulates the licensee. A provision of that nature is void as against public policy, and any licensee who includes or permits to be included a provision of that nature in a settlement agreement is subject to disciplinary action by the board, bureau, or program.

(b) Any board, bureau, or program within the Department of Consumer Affairs that takes disciplinary action against a licensee or licensees based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee or licensees to pay any additional sums to the benefit of any plaintiff in the civil action.

(c) As used in this section, “board” shall have the same meaning as defined in Section 22, and “licensee” means a person who has been granted a license, as that term is defined in Section 23.7.

(d) Notwithstanding any other law, upon granting a petition filed by a licensee or authorized agent of a licensee pursuant to Section 11340.6 of the Government Code, a board, bureau, or program within the Department of Consumer Affairs may, based upon evidence and legal authorities cited in the petition, adopt a regulation that does both of the following:

(1) Identifies a code section or jury instruction in a civil cause of action that has no relevance to the board's, bureau's, or program's enforcement responsibilities such that an agreement to settle such a cause of action based on that code section or jury instruction otherwise prohibited under subdivision (a) will not impair the board's, bureau's, or program's duty to protect the public.

(2) Exempts agreements to settle such a cause of action from the requirements of subdivision (a).

(e) This section shall not apply to a licensee subject to Section 2220.7.

**HISTORY:**

Added Stats 2012 ch 561 § 1 (AB 2570), effective January 1, 2013.

**§ 144. Requirement of fingerprints for criminal record checks; Applicability**

(a) Notwithstanding any other law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) Dental Board of California.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (10) Respiratory Care Board of California.
- (11) Physical Therapy Board of California.
- (12) Physician Assistant Board.
- (13) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (14) Medical Board of California.
- (15) California State Board of Optometry.
- (16) Acupuncture Board.
- (17) Cemetery and Funeral Bureau.
- (18) Bureau of Security and Investigative Services.
- (19) Division of Investigation.
- (20) Board of Psychology.
- (21) California Board of Occupational Therapy.
- (22) Structural Pest Control Board.
- (23) Contractors State License Board.
- (24) Naturopathic Medicine Committee.
- (25) Professional Fiduciaries Bureau.
- (26) Board for Professional Engineers, Land Surveyors, and Geologists.
- (27) Podiatric Medical Board of California.
- (28) Osteopathic Medical Board of California.
- (29) California Architects Board, beginning January 1, 2021.
- (30) Landscape Architects Technical Committee, beginning January 1, 2022.

(31) Bureau of Household Goods and Services with respect to household movers as described in Chapter 3.1 (commencing with Section 19225) of Division 8.

(c) For purposes of paragraph (26) of subdivision (b), the term “applicant” shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

**HISTORY:**

Added Stats 1997 ch 758 § 2 (SB 1346). Amended Stats 2000 ch 697 § 1.2 (SB 1046), operative January 1, 2001; Stats 2001 ch 159 § 4 (SB 662), Stats 2001 ch 687 § 2 (AB 1409) (ch 687 prevails); Stats 2002 ch 744 § 1 (SB 1953), Stats 2002 ch 825 § 1 (SB 1952); Stats 2003 ch 485 § 2 (SB 907), Stats 2003 ch 789 § 1 (SB 364), Stats 2003 ch 874 § 1 (SB 363); Stats 2004 ch 909 § 1.2 (SB 136), effective September 30, 2004; Stats 2009 ch 308 § 4 (SB 819), effective January 1, 2010; Stats 2011 ch 448 § 1 (SB 543), effective January 1, 2012; Stats 2015 ch 719 § 1 (SB 643), effective January 1, 2016; Stats 2016 ch 32 § 3 (SB 837), effective June 27, 2016; Stats 2017 ch 775 § 3 (SB 798), effective January 1, 2018; Stats 2018 ch 6 § 1 (AB 106), effective March 13, 2018; Stats 2019 ch 351 § 37 (AB 496), effective January 1, 2020; Stats 2019 ch 376 § 1 (SB 608), effective January 1, 2020; Stats 2019 ch 865 § 1.3 (AB 1519), effective January 1, 2020 (ch 865 prevails); Stats 2020 ch 312 § 5 (SB 1474), effective January 1, 2021; Stats 2021 ch 70 § 3 (AB 141), effective July 12, 2021; Stats 2021 ch 188 § 2 (SB 826), effective January 1, 2022; Stats 2021 ch 630 § 4.5 (AB 1534), effective January 1, 2022 (ch 630 prevails).

**§ 144.5. Board authority**

Notwithstanding any other law, a board described in Section 144 may request, and is authorized to receive, from a local or state agency certified records of all arrests and convictions, certified records regarding probation, and any and all other related documentation needed to complete an applicant or licensee investigation. A local or state agency may provide those records to the board upon request.

**HISTORY:**

Added Stats 2013 ch 516 § 1 (SB 305), effective January 1, 2014.

**CHAPTER 1.5****UNLICENSED ACTIVITY ENFORCEMENT**

**HISTORY:** Added Stats 1992 ch 1135 § 2.

**§ 145. Legislative findings and declarations**

The Legislature finds and declares that:

(a) Unlicensed activity in the professions and vocations regulated by the Department of Consumer Affairs is a threat to the health, welfare, and safety of the people of the State of California.

(b) The law enforcement agencies of the state should have sufficient, effective, and responsible means available to enforce the licensing laws of the state.

(c) The criminal sanction for unlicensed activity should be swift, effective, appropriate, and create a strong incentive to obtain a license.

**HISTORY:**

Added Stats 1992 ch 1135 § 2 (SB 2044).

**§ 146. Violations of specified authorization statutes as infractions; Punishment**

(a) Notwithstanding any other provision of law, a violation of any code section listed in subdivision (c) is an infraction subject to the procedures described in Sections 19.6 and 19.7 of the Penal Code when either of the following applies:

(1) A complaint or a written notice to appear in court pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code is filed in court charging the offense as an infraction unless the defendant, at the time they are

arraigned, after being advised of their rights, elects to have the case proceed as a misdemeanor.

(2) The court, with the consent of the defendant and the prosecution, determines that the offense is an infraction in which event the case shall proceed as if the defendant has been arraigned on an infraction complaint.

(b) Subdivision (a) does not apply to a violation of the code sections listed in subdivision (c) if the defendant has had their license, registration, or certificate previously revoked or suspended.

(c) The following sections require registration, licensure, certification, or other authorization in order to engage in certain businesses or professions regulated by this code:

- (1) Section 2474.
- (2) Sections 2052 and 2054.
- (3) Section 2570.3.
- (4) Section 2630.
- (5) Section 2903.
- (6) Section 3575.
- (7) Section 3660.
- (8) Sections 3760 and 3761.
- (9) Section 4080.
- (10) Section 4825.
- (11) Section 4935.
- (12) Section 4980.
- (13) Section 4989.50.
- (14) Section 4996.
- (15) Section 4999.30.
- (16) Section 5536.
- (17) Section 6530 or 6532.
- (18) Section 6704.
- (19) Section 6980.10..
- (20) Section 7317.
- (21) Section 7502 or 7592.
- (22) Section 7520..
- (23) Section 7617 or 7641.
- (24) Subdivision (a) of Section 7872.
- (25) Section 8016.
- (26) Section 8505.
- (27) Section 8725.
- (28) Section 9681.
- (29) Section 9840.
- (30) Subdivision (c) of Section 9891.24.
- (31) Section 19049.

(d) Notwithstanding any other law, a violation of any of the sections listed in subdivision (c), which is an infraction, is punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000). No portion of the minimum fine may be suspended by the court unless as a condition of that suspension the defendant is required to submit proof of a current valid license, registration, or certificate for the profession or vocation that was the basis for their conviction.

**HISTORY:**

Added Stats 1992 ch 1135 § 2 (SB 2044). Amended Stats 1993 ch 1264 § 2 (SB 574), ch 1267 § 2.5 (SB 916); Stats 1994 ch 26 § 8 (AB 1807), effective March 30, 1994; Stats 1997 ch 78 § 2 (AB 71); Stats 2001 ch 357 § 1 (AB 1560); Stats 2003 ch 485 § 3 (SB 907); Stats 2009 ch 308 § 5 (SB 819), effective January 1, 2010, Stats 2009 ch 310 § 3.5 (AB 48), effective January 1, 2010; Stats 2015 ch 426 § 2 (SB 800), effective January 1, 2016; Stats 2017 ch 454 § 1 (AB 1706), effective January 1, 2018; Stats 2017 ch 775 § 4.5 (SB 798), effective January 1, 2018 (ch 775 prevails); Stats 2023 ch 680 § 1 (AB 1262), effective January 1, 2024.

**§ 146.5. [Section repealed 2008.]****HISTORY:**

Added Stats 1993 ch 1265 § 1 (SB 798). Amended Stats 1997 ch 401 § 1 (SB 780); Stats 2001 ch 357 § 2 (AB 1560); Stats 2002 ch 405 § 2 (AB 2973). Repealed January 1, 2008, by its own terms. The repealed section related to violations of specified authorization statutes.

**§ 147. Authority to issue written notice to appear in court**

(a) Any employee designated by the director shall have the authority to issue a written notice to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. Employees so designated are not peace officers and are not entitled to safety member retirement benefits, as a result of such designation. The employee's authority is limited to the issuance of written notices to appear for infraction violations of provisions of this code and only when the violation is committed in the presence of the employee.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any person, acting pursuant to subdivision (a) and within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the person, at the time of such arrest, had reasonable cause to believe was lawful.

**HISTORY:**

Added Stats 1992 ch 1135 § 2 (SB 2044).

**§ 148. Establishment of administrative citation system**

Any board, bureau, or commission within the department may, in addition to the administrative citation system authorized by Section 125.9, also establish, by regulation, a similar system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. The administrative citation system authorized by this section shall meet the requirements of Section 125.9 and may not be applied to an unlicensed person who is otherwise exempted from the provisions of the applicable licensing act. The establishment of an administrative citation system for unlicensed activity does not preclude the use of other enforcement statutes for unlicensed activities at the discretion of the board, bureau, or commission.

**HISTORY:**

Added Stats 1992 ch 1135 § 2 (SB 2044).

**§ 149. Notice to cease advertising in telephone directory; Contest and hearing; Disconnection of service**

(a) If, upon investigation, an agency designated in Section 101 has probable cause to believe that a person is advertising with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following:

(1) Cease the unlawful advertising.

(2) Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(b) This action is stayed if the person to whom a citation is issued under subdivision (a) notifies the agency in writing that he or she intends to contest the citation. The agency shall afford an opportunity for a hearing, as specified in Section 125.9.

(c) If the person to whom a citation and order of correction is issued under subdivision (a) fails to comply with the order of correction after that order is final, the agency shall inform the Public Utilities Commission of the violation and the Public Utilities



Commission shall require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(d) The good faith compliance by a telephone corporation with an order of the Public Utilities Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.

**HISTORY:**

Added Stats 1992 ch 1135 § 2 (SB 2044). Amended Stats 1993 ch 1263 § 3 (AB 936); Stats 1994 ch 26 § 9 (AB 1807), effective March 30, 1994, ch 1274 § 1.5 (SB 2039); Stats 1995 ch 60 § 4 (SB 42), effective July 6, 1995; Stats 1998 ch 59 § 5 (AB 969); Stats 2000 ch 1054 § 3 (SB 1863), ch 1055 § 2 (AB 2889), effective September 30, 2000, ch 1055 § 2.5 (AB 2889), effective September 30, 2000; Stats 2003 ch 485 § 4 (SB 907); Stats 2009 4th Ex Sess 2009–2010 ch 18 § 3 (ABX4-20), effective October 23, 2009; Stats 2009 ch 308 § 6 (SB 819), effective January 1, 2010, ch 309 § 2 (AB 1535), effective January 1, 2010, ch 310 § 4.7 (AB 48), effective January 1, 2010. See this section as modified in Governor’s Reorganization Plan No. 2 § 4 of 2012; Amended Stats 2013 ch 352 § 5 (AB 1317), effective September 26, 2013, operative July 1, 2013, ch 436 § 1 (SB 269), effective January 1, 2014; Stats 2014 ch 395 § 2 (SB 1243), effective January 1, 2015.

## CHAPTER 2

### THE DIRECTOR OF CONSUMER AFFAIRS

Section

- 150. Designation.
- 151. Appointment and tenure; Salary and traveling expenses.
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- 152.6. Establishment of license periods and renewal dates.
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- 162. Evidentiary effect of certificate of records officer as to license, etc.
- 163. Fee for certification of records, etc.
- 163.5. Delinquency fees; Reinstatement fees.
- 163.6. [Section repealed 1992.]
- 164. Form and content of license, certificate, permit, or similar indicia of authority.
- 165. Prohibition against submission of fiscal impact analysis relating to pending legislation without prior submission to director for comment.
- 166. Development of guidelines for mandatory continuing education programs.

**HISTORY:** Enacted Stats 1937 ch 399. The heading of Chapter 2, amended to read as above by Stats 1973 ch 77 § 2.

**§ 150. Designation**

The department is under the control of a civil executive officer who is known as the Director of Consumer Affairs.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1971 ch 716 § 9.

**§ 151. Appointment and tenure; Salary and traveling expenses**

The director is appointed by the Governor and holds office at the Governor's pleasure. The director shall receive the annual salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code, and the director's necessary traveling expenses.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1943 ch 1029 § 1; Stats 1945 ch 1185 § 2; Stats 1947 ch 1442 § 1; Stats 1951 ch 1613 § 14; Stats 1984 ch 144 § 2, ch 268 § 0.1, effective June 30, 1984; Stats 1985 ch 106 § 1; Stats 2019 ch 351 § 38 (AB 496), effective January 1, 2020.

**§ 152. Departmental organization**

For the purpose of administration, the reregistration and clerical work of the department is organized by the director, subject to the approval of the Governor, in such manner as the director deems necessary to properly segregate and conduct the work of the department.

**HISTORY:**

Enacted Stats 1937. Amended Stats 2019 ch 351 § 39 (AB 496), effective January 1, 2020; Stats 2020 ch 370 § 2 (SB 1371), effective January 1, 2021.

**§ 152.5. Extension of renewal dates**

For purposes of distributing the reregistration work of the department uniformly throughout the year as nearly as practicable, the boards in the department may, with the approval of the director, extend by not more than six months the date fixed by law for the renewal of any license, certificate or permit issued by them, except that in such event any renewal fee which may be involved shall be prorated in such manner that no person shall be required to pay a greater or lesser fee than would have been required had the change in renewal dates not occurred.

**HISTORY:**

Added Stats 1959 ch 1707 § 1.

**§ 152.6. Establishment of license periods and renewal dates**

Notwithstanding any other provision of this code, each board within the department shall, in cooperation with the director, establish such license periods and renewal dates for all licenses in such manner as best to distribute the renewal work of all boards throughout each year and permit the most efficient, and economical use of personnel and equipment. To the extent practicable, provision shall be made for the proration or other adjustment of fees in such manner that no person shall be required to pay a greater or lesser fee than the person would have been required to pay if the change in license periods or renewal dates had not occurred.

As used in this section "license" includes "certificate," "permit," "authority," "registration," and similar indicia of authority to engage in a business or profession, and "board" includes "board," "bureau," "commission," "committee," and an individual who is authorized to renew a license.

**HISTORY:**

Added Stats 1968 ch 1248 § 1. Amended Stats 2019 ch 351 § 40 (AB 496), effective January 1, 2020.

**§ 153. Investigations**

The director may investigate the work of the boards in the department and may obtain a copy of all records and full and complete data in all official matters in possession of the

boards and their members, officers, or employees, other than examination questions prior to submission to applicants at scheduled examinations.

**HISTORY:**

Enacted Stats 1937. Amended Stats 2019 ch 351 § 41 (AB 496), effective January 1, 2020.

**§ 153.5. Interim executive officer**

In the event that a newly authorized board replaces an existing or a previous board, the director may appoint an interim executive officer for the board who shall serve temporarily until the new board appoints a permanent executive officer.

**HISTORY:**

Added Stats 2002 ch 1079 § 1 (SB 1244), effective September 29, 2002.

**§ 154. Matters relating to employees of boards**

Any and all matters relating to employment, tenure or discipline of employees of any board, agency or commission, shall be initiated by said board, agency or commission, but all such actions shall, before reference to the State Personnel Board, receive the approval of the appointing power.

To effect the purposes of Division 1 of this code and each agency of the department, employment of all personnel shall be in accord with Article XXIV of the Constitution, the law and rules and regulations of the State Personnel Board. Each board, agency or commission, shall select its employees from a list of eligibles obtained by the appointing power from the State Personnel Board. The person selected by the board, agency or commission to fill any position or vacancy shall thereafter be reported by the board, agency or commission, to the appointing power.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1945 ch 1276 § 4.

**§ 154.1. Legislative findings and declarations**

(a) The Legislature hereby finds and declares all of the following:

(1) The department is currently providing opportunities for employees of agencies comprising the department who perform enforcement functions to attend an entry level enforcement academy.

(2) It is in the best interest of consumers in the state for the department to continue to provide ongoing training opportunities for employees performing enforcement functions for each agency comprising the department.

(b) The department shall continue to develop and make available training courses for employees who perform enforcement functions. The purpose of the training courses is to develop knowledge of enforcement practices for all employees who perform enforcement functions. The department shall encourage an agency executive officer, registrar, executive director, bureau chief, enforcement manager, supervisor, or staff member to attend enforcement training courses.

(c) The department shall develop the enforcement training curricula in consultation and cooperation with the office of the Attorney General and the Office of Administrative Hearings.

**HISTORY:**

Added Stats 2014 ch 395 § 3 (SB 1243), effective January 1, 2015.

**§ 154.2. Authority to employ individuals to perform investigative services or to serve as experts**

(a) The healing arts boards within Division 2 (commencing with Section 500) may employ individuals, other than peace officers, to perform investigative services.

(b) The healing arts boards within Division 2 (commencing with Section 500) may employ individuals to serve as experts.

**HISTORY:**

Added Stats 2010 ch 719 § 1 (SB 856), effective October 19, 2010.

**§ 154.5. Legal assistance for experts aiding in investigations of licensees**

If a person, not a regular employee of a board under this code, including the Board of Chiropractic Examiners and the Osteopathic Medical Board of California, is hired or under contract to provide expertise to the board in the evaluation of an applicant or the conduct of a licensee, and that person is named as a defendant in a civil action arising out of the evaluation or any opinions rendered, statements made, or testimony given to the board or its representatives, the board shall provide for representation required to defend the defendant in that civil action. The board shall not be liable for any judgment rendered against the person. The Attorney General shall be utilized in the action and his or her services shall be a charge against the board.

**HISTORY:**

Added Stats 1986 ch 1205 § 1, as B & P C § 483. Amended and renumbered by Stats 1987 ch 850 § 8; Amended Stats 1991 ch 359 § 3 (AB 1332).

**§ 155. Employment of investigators; Inspectors as employees or under contract**

(a) In accordance with Section 159.5, the director may employ such investigators, inspectors, and deputies as are necessary properly to investigate and prosecute all violations of any law, the enforcement of which is charged to the department or to any board, agency, or commission in the department.

(b) It is the intent of the Legislature that inspectors used by boards, bureaus, or commissions in the department shall not be required to be employees of the Division of Investigation, but may either be employees of, or under contract to, the boards, bureaus, or commissions. Contracts for services shall be consistent with Article 4.5 (commencing with Section 19130) of Chapter 6 of Part 2 of Division 5 of Title 2 of the Government Code. All civil service employees currently employed as inspectors whose functions are transferred as a result of this section shall retain their positions, status, and rights in accordance with Section 19994.10 of the Government Code and the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code).

(c) Nothing in this section limits the authority of, or prohibits, investigators in the Division of Investigation in the conduct of inspections or investigations of any licensee, or in the conduct of investigations of any officer or employee of a board or the department at the specific request of the director or his or her designee.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1945 ch 1276 § 5; Stats 1971 ch 716 § 10; Stats 1985 ch 1382 § 1.

**§ 156. Contractual authority**

(a) The director may, for the department and at the request and with the consent of a board within the department on whose behalf the contract is to be made, enter into contracts pursuant to Chapter 3 (commencing with Section 11250) of Part 1 of Division 3 of Title 2 of the Government Code or Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code for and on behalf of any board within the department.

(b) In accordance with subdivision (a), the director may, in his or her discretion, negotiate and execute contracts for examination purposes, which include provisions that hold harmless a contractor where liability resulting from a contract between a board in

the department and the contractor is traceable to the state or its officers, agents, or employees.

(c) The director shall report progress on release 3 entities' transition to a new licensing technology platform to all the appropriate committees of the Legislature by December 31 of each year. Progress reports shall include updated plans and timelines for completing all of the following:

- (1) Business process documentation.
- (2) Cost benefit analyses of information technology options.
- (3) Information technology system development and implementation.
- (4) Any other relevant steps needed to meet the IT needs of release 3 entities.
- (5) Any other information as the Legislature may request.

**HISTORY:**

Added Stats 1953 ch 864 § 1. Amended Stats 1984 ch 144 § 3; Stats 1988 ch 1448 § 1; Stats 2017 ch 429 § 2 (SB 547), effective January 1, 2018.

**§ 156.1. Retention of records by providers of services related to treatment of alcohol or drug impairment**

(a) Notwithstanding any other law, individuals or entities contracting with the department or any board within the department for the provision of services relating to the treatment and rehabilitation of licensees impaired by alcohol or dangerous drugs shall retain all records and documents pertaining to those services until such time as these records and documents have been reviewed for audit by the department. These records and documents shall be retained for three years from the date of the last treatment or service rendered to that licensee, after which time the records and documents may be purged and destroyed by the contract vendor. This provision shall supersede any other law relating to the purging or destruction of records pertaining to those treatment and rehabilitation programs.

(b) Unless otherwise expressly provided by statute or regulation, all records and documents pertaining to services for the treatment and rehabilitation of licensees impaired by alcohol or dangerous drugs provided by any contract vendor to the department or to any board within the department shall be kept confidential and are not subject to discovery or subpoena.

(c) With respect to all other contracts for services with the department, or any board within the department other than those set forth in subdivision (a), the director or chief deputy director may request an examination and audit by the department's internal auditor of all performance under the contract. For this purpose, all documents and records of the contract vendor in connection with such performance shall be retained by the vendor for a period of three years after final payment under the contract. Nothing in this section shall affect the authority of the State Auditor to conduct any examination or audit under the terms of Section 8546.7 of the Government Code.

**HISTORY:**

Added Stats 1991 ch 654 § 3 (AB 1893). Amended Stats 2003 ch 107 § 1 (AB 569); Stats 2010 ch 517 § 1 (SB 1172), effective January 1, 2011; Stats 2019 ch 351 § 42 (AB 496), effective January 1, 2020.

**§ 156.5. Leases for examination or meeting purposes**

The director may negotiate and execute for the department and for its component agencies, rental agreements for short-term hiring of space and furnishings for examination or meeting purposes. The director may, in his or her discretion, negotiate and execute contracts for that space which include provisions which hold harmless the provider of the space where liability resulting from use of the space under the contract is traceable to the state or its officers, agents, or employees. Notwithstanding any other provision of law, the director may, in his or her discretion, advance payments as deposits to reserve and hold examination or meeting space. Any such agreement is subject to the approval of the legal office of the Department of General Services.

**HISTORY:**

Added Stats 1967 ch 1235 § 1. Amended Stats 1988 ch 1448 § 1.5.

**§ 157. Expenses in criminal prosecutions and unprofessional conduct proceedings**

Expenses incurred by any board or on behalf of any board in any criminal prosecution or unprofessional conduct proceeding constitute proper charges against the funds of the board.

**HISTORY:**

Added Stats 1937 ch 474.

**§ 158. Refunds to applicants**

With the approval of the Director of Consumer Affairs, the boards and commissions comprising the department or subject to its jurisdiction may make refunds to applicants who are found ineligible to take the examinations or whose credentials are insufficient to entitle them to certificates or licenses.

Notwithstanding any other law, any application fees, license fees, or penalties imposed and collected illegally, by mistake, inadvertence, or error shall be refunded. Claims authorized by the department shall be filed with the State Controller, and the Controller shall draw a warrant against the fund of the agency in payment of the refund.

**HISTORY:**

Added Stats 1937 ch 474. Amended Stats 1945 ch 1378 § 1; Stats 1971 ch 716 § 11; Stats 2019 ch 351 § 43 (AB 496), effective January 1, 2020.

**§ 159. Administration of oaths**

The members and the executive officer of each board, agency, bureau, division, or commission have power to administer oaths and affirmations in the performance of any business of the board, and to certify to official acts.

**HISTORY:**

Added Stats 1947 ch 1350 § 5.

**§ 159.5. Division of Investigation; Appointments; Health Quality Investigation Unit**

(a)(1) There is in the department the Division of Investigation. The division is in the charge of a person with the title of chief of the division.

(2) Except as provided in Section 160, investigators who have the authority of peace officers, as specified in subdivision (a) of Section 160 and in subdivision (a) of Section 830.3 of the Penal Code, shall be in the division and shall be appointed by the director.

(b)(1) There is in the Division of Investigation the Health Quality Investigation Unit. The primary responsibility of the unit is to investigate violations of law or regulation within the jurisdiction of the Medical Board of California, the Podiatric Medical Board of California, the Board of Psychology, the Osteopathic Medical Board of California, the Physician Assistant Board, or any entities under the jurisdiction of the Medical Board of California.

(2) The Medical Board of California shall not be charged an hourly rate for the performance of investigations by the unit.

**HISTORY:**

Added Stats 1971 ch 716 § 12. Amended Stats 1985 ch 1382 § 2; Stats 2010 ch 719 § 2 (SB 856), effective October 19, 2010; Stats 2013 ch 515 § 1 (SB 304), effective January 1, 2014; Stats 2019 ch 351 § 44 (AB 496), effective January 1, 2020.

**§ 160. Division of Investigation of the department and Dental Board of California**

(a) The chief and all investigators of the Division of Investigation of the department

and all investigators of the Dental Board of California have the authority of peace officers while engaged in exercising the powers granted or performing the duties imposed upon them or the division in investigating the laws administered by the various boards comprising the department or commencing directly or indirectly any criminal prosecution arising from any investigation conducted under these laws. All persons herein referred to shall be deemed to be acting within the scope of employment with respect to all acts and matters set forth in this section.

(b) The Division of Investigation of the department and the Dental Board of California may employ individuals, who are not peace officers, to provide investigative services.

(c) This section shall become operative on July 1, 2014.

**HISTORY:**

Added Stats 2013 ch 515 § 3 (SB 304), effective January 1, 2014, operative July 1, 2014.

**§ 160.5. Transfer of employees and functions**

(a) All civil service employees currently employed by the Board of Dental Examiners of the Department of Consumer Affairs, whose functions are transferred as a result of the act adding this section shall retain their positions, status, and rights pursuant to Section 19050.9 of the Government Code and the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code). The transfer of employees as a result of the act adding this section shall occur no later than July 1, 1999.

(b)(1) All civil service employees currently employed by the Medical Board of California of the Department of Consumer Affairs, whose functions are transferred as a result of the act adding this subdivision shall retain their positions, status, and rights pursuant to Section 19050.9 of the Government Code and the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code). The transfer of employees as a result of the act adding this subdivision shall occur no later than July 1, 2014.

(2) The transfer of employees pursuant to this subdivision shall include all peace officer and medical consultant positions and all staff support positions for those peace officer and medical consultant positions.

**HISTORY:**

Added Stats 1997 ch 704 § 1 (SB 826). Amended Stats 2013 ch 515 § 4 (SB 304), effective January 1, 2014.

**§ 161. Availability of public records at charge sufficient to pay costs**

The department, or any board in the department, may, in accordance with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), make available to the public copies of any part of its respective public records, or compilations, extracts, or summaries of information contained in its public records, at a charge sufficient to pay the actual cost thereof. That charge shall be determined by the director with the approval of the Department of General Services.

**HISTORY:**

Added Stats 1949 ch 704 § 1. Amended Stats 1963 ch 590 § 1; Stats 1965 ch 371 § 9; Stats 2019 ch 351 § 45 (AB 496), effective January 1, 2020; Stats 2021 ch 615 §§ 3, 463 (AB 474), effective January 1, 2022, operative January 1, 2023.

**§ 162. Evidentiary effect of certificate of records officer as to license, etc.**

The certificate of the officer in charge of the records of any board in the department that any person was or was not on a specified date, or during a specified period of time, licensed, certified or registered under the provisions of law administered by the board, or that the license, certificate or registration of any person was revoked or under suspension, shall be admitted in any court as prima facie evidence of the facts therein recited.

**HISTORY:**

Added Stats 1949 ch 355 § 1.

**§ 163. Fee for certification of records, etc.**

Except as otherwise expressly provided by law, the department and each board in the department shall charge a fee of two dollars (\$2) for the certification of a copy of any record, document, or paper in its custody or for the certification of any document evidencing the content of any such record, document or paper.

**HISTORY:**

Added Stats 1961 ch 1858 § 1. Amended Stats 1963 ch 590 § 2.

**§ 163.5. Delinquency fees; Reinstatement fees**

Except as otherwise provided by law, the delinquency, penalty, or late fee for any licensee within the Department of Consumer Affairs shall be 50 percent of the renewal fee for such license in effect on the date of the renewal of the license, but not less than twenty-five dollars (\$25) nor more than one hundred fifty dollars (\$150).

A delinquency, penalty, or late fee shall not be assessed until 30 days have elapsed from the date that the licensing agency mailed a notice of renewal to the licensee at the licensee's last known address of record. The notice shall specify the date for timely renewal, and that failure to renew in a timely fashion shall result in the assessment of a delinquency, penalty, or late fee.

In the event a reinstatement or like fee is charged for the reinstatement of a license, the reinstatement fee shall be 150 percent of the renewal fee for such license in effect on the date of the reinstatement of the license, but not more than twenty-five dollars (\$25) in excess of the renewal fee, except that in the event that such a fee is fixed by statute at less than 150 percent of the renewal fee and less than the renewal fee plus twenty-five dollars (\$25), the fee so fixed shall be charged.

**HISTORY:**

Added Stats 1974 ch 743 § 4. Amended Stats 1985 ch 587 § 1.

**§ 163.6. [Section repealed 1992.]****HISTORY:**

Added Stats 1985 ch 587 § 2. Inoperative June 30, 1991. Repealed January 1, 1992, by its own terms. The repealed section related to reduction in license renewal fees to offset increase in revenue.

**§ 164. Form and content of license, certificate, permit, or similar indicia of authority**

The form and content of any license, certificate, permit, or similar indicia of authority issued by any agency in the department, including any document evidencing renewal of a license, certificate, permit, or similar indicia of authority, shall be determined by the director after consultation with and consideration of the views of the agency concerned.

**HISTORY:**

Added Stats 1971 ch 716 § 15. Amended Stats 1987 ch 850 § 6.

**§ 165. Prohibition against submission of fiscal impact analysis relating to pending legislation without prior submission to director for comment**

Notwithstanding any other provision of law, no board, bureau, committee, commission, or program in the Department of Consumer Affairs shall submit to the Legislature any fiscal impact analysis relating to legislation pending before the Legislature until the analysis has been submitted to the Director of Consumer Affairs, or his or her designee, for review and comment. The boards, bureaus, committees, commissions, and programs shall include the comments of the director when submitting any fiscal impact analysis to



the Legislature. This section shall not be construed to prohibit boards, bureaus, committees, commissions, and programs from responding to direct requests for fiscal data from Members of the Legislature or their staffs. In those instances it shall be the responsibility of boards, bureaus, committees, commissions, and programs to also transmit that information to the director, or his or her designee, within five working days.

**HISTORY:**

Added Stats 1984 ch 268 § 0.2, effective June 30, 1984.

**§ 166. Development of guidelines for mandatory continuing education programs**

The director shall, by regulation, develop guidelines to prescribe components for mandatory continuing education programs administered by any board within the department.

(a) The guidelines shall be developed to ensure that mandatory continuing education is used as a means to create a more competent licensing population, thereby enhancing public protection. The guidelines shall require mandatory continuing education programs to address, at least, the following:

- (1) Course validity.
- (2) Occupational relevancy.
- (3) Effective presentation.
- (4) Actual attendance.
- (5) Material assimilation.
- (6) Potential for application.

(b) The director shall consider educational principles, and the guidelines shall prescribe mandatory continuing education program formats to include, but not be limited to, the following:

- (1) The specified audience.
- (2) Identification of what is to be learned.
- (3) Clear goals and objectives.
- (4) Relevant learning methods (participatory, hands-on, or clinical setting).
- (5) Evaluation, focused on the learner and the assessment of the intended learning outcomes (goals and objectives).

(c) Any board within the department that, after January 1, 1993, proposes a mandatory continuing education program for its licensees shall submit the proposed program to the director for review to assure that the program contains all the elements set forth in this section and complies with the guidelines developed by the director.

(d) Any board administering a mandatory continuing education program that proposes to amend its current program shall do so in a manner consistent with this section.

(e) Any board currently administering a mandatory continuing education program shall review the components and requirements of the program to determine the extent to which they are consistent with the guidelines developed under this section. The board shall submit a report of their findings to the director. The report shall identify the similarities and differences of its mandatory continuing education program. The report shall include any board-specific needs to explain the variation from the director's guidelines.

(f) Any board administering a mandatory continuing education program, when accepting hours for credit which are obtained out of state, shall ensure that the course for which credit is given is administered in accordance with the guidelines addressed in subdivision (a).

(g) Nothing in this section or in the guidelines adopted by the director shall be construed to repeal any requirements for continuing education programs set forth in any other provision of this code.

**HISTORY:**

Added Stats 1992 ch 1135 § 2.2 (SB 2044). Amended Stats 1994 ch 146 § 1 (AB 3601).

## CHAPTER 3

### FUNDS OF THE DEPARTMENT

## Section

201. Levy for administrative expenses.

208. CURES fee; CURES fund; Contracting with medical boards.

211. Assessment of department's operations by third-party consultant.

**HISTORY:** Enacted Stats 1937 ch 399.

**§ 201. Levy for administrative expenses**

(a)(1) A charge for the estimated administrative expenses of the department, not to exceed the available balance in any appropriation for any one fiscal year, may be levied in advance on a pro rata share basis against any of the boards, bureaus, commissions, divisions, and agencies, at the discretion of the director and with the approval of the Department of Finance.

(2) The department shall submit a report of the accounting of the pro rata calculation of administrative expenses to the appropriate policy committees of the Legislature on or before July 1, 2015, and on or before July 1 of each subsequent year.

(b) The department shall conduct a one-time study of its current system for prorating administrative expenses to determine if that system is the most productive, efficient, and cost-effective manner for the department and the agencies comprising the department. The study shall include consideration of whether some of the administrative services offered by the department should be outsourced or charged on an as-needed basis and whether the agencies should be permitted to elect not to receive and be charged for certain administrative services. The department shall include the findings in its report pursuant to paragraph (2) of subdivision (a) that it is required to submit on or before July 1, 2015.

**HISTORY:**

Enacted Stats 1937. Amended Stats 1947 ch 1350 § 4; Stats 1965 ch 371 § 10; Stats 1974 ch 1221 § 1; Stats 2014 ch 395 § 4 (SB 1243), effective January 1, 2015.

**§ 208. CURES fee; CURES fund; Contracting with medical boards**

(a) Beginning April 1, 2023, a Controlled Substance Utilization Review and Evaluation System (CURES) fee of nine dollars (\$9) shall be assessed annually on each of the licensees specified in subdivision (b) to pay the reasonable costs associated with operating and maintaining CURES for the purpose of regulating those licensees. The fee assessed pursuant to this subdivision shall be billed and collected by the regulating agency of each licensee at the time of the licensee's license renewal. If the reasonable regulatory cost of operating and maintaining CURES is less than nine dollars (\$9) per licensee, the Department of Consumer Affairs may, by regulation, reduce the fee established by this section to the reasonable regulatory cost.

(b)(1) Licensees authorized pursuant to Section 11150 of the Health and Safety Code to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, or Schedule IV controlled substances or pharmacists licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2.

(2) Licensees issued a license that has been placed in a retired or inactive status pursuant to a statute or regulation are exempt from the CURES fee requirement in subdivision (a). This exemption shall not apply to licensees whose license has been placed in a retired or inactive status if the licensee is at any time authorized to

prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, or Schedule IV controlled substances.

(3) Wholesalers, third-party logistics providers, nonresident wholesalers, and nonresident third-party logistics providers of dangerous drugs licensed pursuant to Article 11 (commencing with Section 4160) of Chapter 9 of Division 2.

(4) Nongovernmental clinics licensed pursuant to Article 13 (commencing with Section 4180) and Article 14 (commencing with Section 4190) of Chapter 9 of Division 2.

(5) Nongovernmental pharmacies licensed pursuant to Article 7 (commencing with Section 4110) of Chapter 9 of Division 2.

(c) The funds collected pursuant to subdivision (a) shall be deposited in the CURES Fund, which is hereby created within the State Treasury. Moneys in the CURES Fund shall, upon appropriation by the Legislature, be available to the Department of Consumer Affairs to reimburse the Department of Justice for costs to operate and maintain CURES for the purposes of regulating the licensees specified in subdivision (b).

(d) The Department of Consumer Affairs shall contract with the Department of Justice on behalf of the Medical Board of California, the Dental Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Registered Nursing, the Physician Assistant Board, the Osteopathic Medical Board of California, the Naturopathic Medicine Committee of the Osteopathic Medical Board, the California State Board of Optometry, and the Podiatric Medical Board of California to operate and maintain CURES for the purposes of regulating the licensees specified in subdivision (b).

(e) This section shall become operative on April 1, 2023.

**HISTORY:**

Added Stats 2020 ch 359 § 3 (AB 3330), effective January 1, 2021, operative April 1, 2023. Amended Stats 2021 ch 630 § 6 (AB 1534), effective January 1, 2022, operative April 1, 2023.

**§ 211. Assessment of department’s operations by third-party consultant**

If the department hires a third-party consultant to assess the department’s operations, the department shall, promptly upon receipt of the consultant’s final report on that assessment, submit that report to the appropriate policy committees of the Legislature after omitting any information that is not subject to disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

**HISTORY:**

Added Stats 2014 ch 395 § 5 (SB 1243), effective January 1, 2015. Amended Stats 2021 ch 615 §§ 4, 463 (AB 474), effective January 1, 2022, operative January 1, 2023.

**CHAPTER 4  
CONSUMER AFFAIRS**

**HISTORY:** Added Stats 1970 ch 1394 § 3, operative July 1, 1971.

**ARTICLE 3  
POWERS AND DUTIES**

Section

310. Director’s powers and duties.

312. Report to Governor and Legislature.

312.1. Office of Administrative Hearings report.

## Section

313.1. Compliance with section as requirement for effectiveness of specified rules or regulations; Submission of records; Authority for disapproval.

313.2. Adoption of regulations in conformance with Americans with Disabilities Act.

**HISTORY:** Added Stats 1970 ch 1394 § 3, operative July 1, 1971.

### § 310. Director's powers and duties

The director shall have the following powers and it shall be his duty to:

- (a) Recommend and propose the enactment of such legislation as necessary to protect and promote the interests of consumers.
- (b) Represent the consumer's interests before federal and state legislative hearings and executive commissions.
- (c) Assist, advise, and cooperate with federal, state, and local agencies and officials to protect and promote the interests of consumers.
- (d) Study, investigate, research, and analyze matters affecting the interests of consumers.
- (e) Hold public hearings, subpoena witnesses, take testimony, compel the production of books, papers, documents, and other evidence, and call upon other state agencies for information.
- (f) Propose and assist in the creation and development of consumer education programs.
- (g) Promote ethical standards of conduct for business and consumers and undertake activities to encourage public responsibility in the production, promotion, sale and lease of consumer goods and services.
- (h) Advise the Governor and Legislature on all matters affecting the interests of consumers.
- (i) Exercise and perform such other functions, powers and duties as may be deemed appropriate to protect and promote the interests of consumers as directed by the Governor or the Legislature.
- (j) Maintain contact and liaison with consumer groups in California and nationally.

**HISTORY:**

Added Stats 1970 ch 1394 § 3, operative July 1, 1971. Amended Stats 1975 ch 1262 § 4.

### § 312. Report to Governor and Legislature

(a) The director shall submit to the Governor and the Legislature on or before January 1, 2003, and annually thereafter, a report of programmatic and statistical information regarding the activities of the department and its constituent entities for the previous fiscal year. The report shall include information concerning the director's activities pursuant to Section 326, including the number and general patterns of consumer complaints and the action taken on those complaints.

(b) The report shall include information relative to the performance of each constituent entity, including, but not limited to, length of time for a constituent entity to reach each of the following milestones in the enforcement process:

- (1) Average number of days from when a constituent entity receives a complaint until the constituent entity assigns an investigator to the complaint.
- (2) Average number of days from a constituent entity opening an investigation conducted by the constituent entity staff or the Division of Investigation to closing the investigation regardless of outcome.
- (3) Average number of days from a constituent entity closing an investigation to imposing formal discipline.

(c) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

**HISTORY:**

Added Stats 1970 ch 1394 § 3, operative July 1, 1971. Amended Stats 1975 ch 1262 § 5; Stats 1998 ch 829 § 1 SB 1652; Stats 2002 ch 405 § 3 (AB 2973); Stats 2014 ch 395 § 6 (SB 1243), effective January 1, 2015.

**§ 312.1. Office of Administrative Hearings report**

The Office of Administrative Hearings shall submit a report to the department, the Governor, and the Legislature on or before January 1, 2016, and on or before January 1 of each subsequent year that includes, at a minimum, all of the following for the previous fiscal year:

- (a) Number of cases referred by each constituent entity to each office of the Office of Administrative Hearings for a hearing.
- (b) Average number of days from receiving a request to setting a hearing date at each office of the Office of Administrative Hearings.
- (c) Average number of days from setting a hearing to conducting the hearing.
- (d) Average number of days after conducting a hearing to transmitting the proposed decision by each office of the Office of Administrative Hearings.

**HISTORY:**

Added Stats 2014 ch 395 § 7 (SB 1243), effective January 1, 2015.

**§ 313.1. Compliance with section as requirement for effectiveness of specified rules or regulations; Submission of records; Authority for disapproval**

(a) Notwithstanding any other provision of law to the contrary, no rule or regulation, except those relating to examinations and qualifications for licensure, and no fee change proposed or promulgated by any of the boards, commissions, or committees within the department, shall take effect pending compliance with this section.

(b) The director shall be formally notified of and shall be provided a full opportunity to review, in accordance with the requirements of Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, and this section, all of the following:

- (1) All notices of proposed action, any modifications and supplements thereto, and the text of proposed regulations.
- (2) Any notices of sufficiently related changes to regulations previously noticed to the public, and the text of proposed regulations showing modifications to the text.
- (3) Final rulemaking records.

(c) The submission of all notices and final rulemaking records to the director and the completion of the director's review, as authorized by this section, shall be a precondition to the filing of any rule or regulation with the Office of Administrative Law. The Office of Administrative Law shall have no jurisdiction to review a rule or regulation subject to this section until after the completion of the director's review and only then if the director has not disapproved it. The filing of any document with the Office of Administrative Law shall be accompanied by a certification that the board, commission, or committee has complied with the requirements of this section.

(d) Following the receipt of any final rulemaking record subject to subdivision (a), the director shall have the authority for a period of 30 days to disapprove a proposed rule or regulation on the ground that it is injurious to the public health, safety, or welfare.

(e) Final rulemaking records shall be filed with the director within the one-year notice period specified in Section 11346.4 of the Government Code. If necessary for compliance with this section, the one-year notice period may be extended, as specified by this subdivision.

(1) In the event that the one-year notice period lapses during the director's 30-day review period, or within 60 days following the notice of the director's disapproval, it may be extended for a maximum of 90 days.

(2) If the director approves the final rulemaking record or declines to take action on it within 30 days, the board, commission, or committee shall have five days from the

receipt of the record from the director within which to file it with the Office of Administrative Law.

(3) If the director disapproves a rule or regulation, it shall have no force or effect unless, within 60 days of the notice of disapproval, (A) the disapproval is overridden by a unanimous vote of the members of the board, commission, or committee, and (B) the board, commission, or committee files the final rulemaking record with the Office of Administrative Law in compliance with this section and the procedures required by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(f) Nothing in this section shall be construed to prohibit the director from affirmatively approving a proposed rule, regulation, or fee change at any time within the 30-day period after it has been submitted to him or her, in which event it shall become effective upon compliance with this section and the procedures required by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

**HISTORY:**

Added Stats 1972 ch 1251 § 1, as B & P C § 313. Amended and renumbered by Stats 1973 ch 40 § 1, effective May 10, 1973; Amended Stats 1984 ch 144 § 4; Stats 1991 ch 654 § 4 (AB 1893); Stats 1992 ch 1289 § 2 (AB 2743); Stats 1994 ch 26 § 13 (AB 1807), effective March 30, 1994.

**§ 313.2. Adoption of regulations in conformance with Americans with Disabilities Act**

The director shall adopt regulations to implement, interpret, and make specific the provisions of the Americans with Disabilities Act (P.L. 101-336), as they relate to the examination process for professional licensing and certification programs under the purview of the department.

**HISTORY:**

Added Stats 1992 ch 1289 § 3 (AB 2743).

## ARTICLE 3.6

### UNIFORM STANDARDS REGARDING SUBSTANCE-ABUSING HEALING ARTS LICENSEES

Section

315. Establishment of Substance Abuse Coordination Committee; Members; Duties.

315.2. Cease practice order.

315.4. Cease practice order for violation of probation or diversion program.

**HISTORY:** Added Stats 2008 ch 548 § 3, effective January 1, 2009.

**§ 315. Establishment of Substance Abuse Coordination Committee; Members; Duties**

(a) For the purpose of determining uniform standards that will be used by healing arts boards in dealing with substance-abusing licensees, there is established in the Department of Consumer Affairs the Substance Abuse Coordination Committee. The committee shall be comprised of the executive officers of the department's healing arts boards established pursuant to Division 2 (commencing with Section 500), the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and a designee of the State Department of Health Care Services. The Director of Consumer Affairs shall chair the committee and may invite individuals or stakeholders who have particular expertise in the area of substance abuse to advise the committee.

(b) The committee shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Division 3 of Title 2 of the Government Code).

(c) By January 1, 2010, the committee shall formulate uniform and specific standards in each of the following areas that each healing arts board shall use in dealing with substance-abusing licensees, whether or not a board chooses to have a formal diversion program:

(1) Specific requirements for a clinical diagnostic evaluation of the licensee, including, but not limited to, required qualifications for the providers evaluating the licensee.

(2) Specific requirements for the temporary removal of the licensee from practice, in order to enable the licensee to undergo the clinical diagnostic evaluation described in paragraph (1) and any treatment recommended by the evaluator described in paragraph (1) and approved by the board, and specific criteria that the licensee must meet before being permitted to return to practice on a full-time or part-time basis.

(3) Specific requirements that govern the ability of the licensing board to communicate with the licensee's employer about the licensee's status and condition.

(4) Standards governing all aspects of required testing, including, but not limited to, frequency of testing, randomness, method of notice to the licensee, number of hours between the provision of notice and the test, standards for specimen collectors, procedures used by specimen collectors, the permissible locations of testing, whether the collection process must be observed by the collector, backup testing requirements when the licensee is on vacation or otherwise unavailable for local testing, requirements for the laboratory that analyzes the specimens, and the required maximum timeframe from the test to the receipt of the result of the test.

(5) Standards governing all aspects of group meeting attendance requirements, including, but not limited to, required qualifications for group meeting facilitators, frequency of required meeting attendance, and methods of documenting and reporting attendance or nonattendance by licensees.

(6) Standards used in determining whether inpatient, outpatient, or other type of treatment is necessary.

(7) Worksite monitoring requirements and standards, including, but not limited to, required qualifications of worksite monitors, required methods of monitoring by worksite monitors, and required reporting by worksite monitors.

(8) Procedures to be followed when a licensee tests positive for a banned substance.

(9) Procedures to be followed when a licensee is confirmed to have ingested a banned substance.

(10) Specific consequences for major violations and minor violations. In particular, the committee shall consider the use of a "deferred prosecution" stipulation similar to the stipulation described in Section 1000 of the Penal Code, in which the licensee admits to self-abuse of drugs or alcohol and surrenders his or her license. That agreement is deferred by the agency unless or until the licensee commits a major violation, in which case it is revived and the license is surrendered.

(11) Criteria that a licensee must meet in order to petition for return to practice on a full-time basis.

(12) Criteria that a licensee must meet in order to petition for reinstatement of a full and unrestricted license.

(13) If a board uses a private-sector vendor that provides diversion services, standards for immediate reporting by the vendor to the board of any and all noncompliance with any term of the diversion contract or probation; standards for the vendor's approval process for providers or contractors that provide diversion services, including, but not limited to, specimen collectors, group meeting facilitators, and worksite monitors; standards requiring the vendor to disapprove and discontinue the use of providers or contractors that fail to provide effective or timely diversion services; and standards for a licensee's termination from the program and referral to enforcement.

(14) If a board uses a private-sector vendor that provides diversion services, the extent to which licensee participation in that program shall be kept confidential from the public.

(15) If a board uses a private-sector vendor that provides diversion services, a schedule for external independent audits of the vendor's performance in adhering to the standards adopted by the committee.

(16) Measurable criteria and standards to determine whether each board's method of dealing with substance-abusing licensees protects patients from harm and is effective in assisting its licensees in recovering from substance abuse in the long term.

(d) Notwithstanding any other law, by January 1, 2019, the committee shall review the existing criteria for Uniform Standard #4 established pursuant to paragraph (4) of subdivision (c). The committee's review and findings shall determine whether the existing criteria for Uniform Standard #4 should be updated to reflect recent developments in testing research and technology. The committee shall consider information from, but not limited to, the American Society of Addiction Medicine, and other sources of best practices.

**HISTORY:**

Added Stats 2008 ch 548 § 3 (SB 1441), effective January 1, 2009. Amended Stats 2009 ch 140 § 1 (AB 1164), effective January 1, 2010; Stats 2013 ch 22 § 1 (AB 75), effective June 27, 2013, operative July 1, 2013; Stats 2017 ch 600 § 1 (SB 796), effective January 1, 2018.

**§ 315.2. Cease practice order**

(a) A board, as described in Section 315, shall order a licensee of the board to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee's probation or diversion program.

(b) An order to cease practice under this section shall not be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A cease practice order under this section shall not constitute disciplinary action.

(d) This section shall have no effect on the Board of Registered Nursing pursuant to Article 3.1 (commencing with Section 2770) of Chapter 6 of Division 2.

**HISTORY:**

Added Stats 2010 ch 517 § 2 (SB 1172), effective January 1, 2011.

**§ 315.4. Cease practice order for violation of probation or diversion program**

(a) A board, as described in Section 315, may adopt regulations authorizing the board to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation pursuant to the uniform and specific standards adopted and authorized under Section 315.

(b) An order to cease practice under this section shall not be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A cease practice order under this section shall not constitute disciplinary action.

(d) This section shall have no effect on the Board of Registered Nursing pursuant to Article 3.1 (commencing with Section 2770) of Chapter 6 of Division 2.

**HISTORY:**

Added Stats 2010 ch 517 § 3 (SB 1172), effective January 1, 2011.

## CHAPTER 6

### PUBLIC MEMBERS

Section  
450. Qualifications generally.



Section

- 450.2. Avoiding conflict of interest.
- 450.3. Conflicting pecuniary interests.
- 450.4. [Section repealed 2004.]
- 450.5. Prior industrial and professional pursuits.
- 450.6. Age.
- 451. Delegation of duties.
- 452. "Board".
- 453. Training and orientation program for new board members.

**HISTORY:** Added Stats 1961 ch 2232 § 2.

**§ 450. Qualifications generally**

In addition to the qualifications provided in the respective chapters of this code, a public member or a lay member of any board shall not be, nor shall they have been within the period of five years immediately preceding their appointment, any of the following:

- (a) An employer, or an officer, director, or substantially full-time representative of an employer or group of employers, of any licensee of a board, except that this subdivision shall not preclude the appointment of a person who maintains infrequent employer status with a licensee, or maintains a client, patient, or customer relationship with a licensee that does not constitute more than 2 percent of the practice or business of the licensee.
- (b) A person maintaining a contractual relationship with a licensee of a board that would constitute more than 2 percent of the practice or business of the licensee, or an officer, director, or substantially full-time representative of that person or group of persons.
- (c) An employee of a licensee of a board, or a representative of the employee, except that this subdivision shall not preclude the appointment of a person who maintains an infrequent employee relationship or renders professional or related services to a licensee if the employment or service does not constitute more than 2 percent of the employment or practice of the member of the board.

**HISTORY:**

Added Stats 1961 ch 2232 § 2. Amended Stats 2019 ch 351 § 48 (AB 496), effective January 1, 2020.

**§ 450.2. Avoiding conflict of interest**

In order to avoid a potential for a conflict of interest, a public member of a board shall not:

- (a) Be a current or past licensee of that board.
- (b) Be a close family member of a licensee of that board.

**HISTORY:**

Added Stats 2002 ch 1150 § 1.2 (SB 1955).

**§ 450.3. Conflicting pecuniary interests**

No public member shall either at the time of their appointment or during their tenure in office have any financial interest in any organization subject to regulation by the board, commission, or committee of which they are a member.

**HISTORY:**

Added Stats 1972 ch 1032 § 1. Amended Stats 2019 ch 351 § 49 (AB 496), effective January 1, 2020.

**§ 450.4. [Section repealed 2004.]**

**HISTORY:**

Added Stats 1976 ch 1188 § 1. Repealed Stats 2003 ch 563 § 1 (AB 827), effective January 1, 2004. The repealed section related to expertise required by board members.

**§ 450.5. Prior industrial and professional pursuits**

A public member, or a lay member, at any time within five years immediately preceding his or her appointment, shall not have been engaged in pursuits which lie within the field of the industry or profession, or have provided representation to the industry or profession, regulated by the board of which he or she is a member, nor shall he or she engage in those pursuits or provide that representation during his or her term of office.

**HISTORY:**

Added Stats 1961 ch 2232 § 2. Amended Stats 2003 ch 563 § 2 (AB 827).

**§ 450.6. Age**

Notwithstanding any other section of law, a public member may be appointed without regard to age so long as the public member has reached the age of majority prior to appointment.

**HISTORY:**

Added Stats 1976 ch 1188 § 1.3.

**§ 451. Delegation of duties**

If any board shall as a part of its functions delegate any duty or responsibility to be performed by a single member of such board, such delegation shall not be made solely to any public member or any lay member of the board in any of the following instances:

(a) The actual preparation of, the administration of, and the grading of, examinations.

(b) The inspection or investigation of licentiates, the manner or method of practice or doing business, or their place of practice or business.

Nothing in this section shall be construed as precluding a public member or a lay member from participating in the formation of policy relating to the scope of the activities set forth in subdivisions (a) and (b) or in the approval, disapproval or modification of the action of its individual members, nor preclude such member from participating as a member of a subcommittee consisting of more than one member of the board in the performance of any duty.

**HISTORY:**

Added Stats 1961 ch 2232 § 2.

**§ 452. "Board"**

"Board," as used in this chapter, includes a board, advisory board, commission, examining committee, committee or other similarly constituted body exercising powers under this code.

**HISTORY:**

Added Stats 1961 ch 2232 § 2. Amended Stats 1976 ch 1188 § 1.5.

**§ 453. Training and orientation program for new board members**

Every newly appointed board member shall, within one year of assuming office, complete a training and orientation program offered by the department regarding, among other things, his or her functions, responsibilities, and obligations as a member of a board. The department shall adopt regulations necessary to establish this training and orientation program and its content.

**HISTORY:**

Added Stats 2002 ch 1150 § 1.4 (SB 1955).

**CHAPTER 7  
LICENSEE**

Section

- 460. Powers of local governmental entities.
- 461. Asking applicant to reveal arrest record prohibited.
- 462. Inactive category of licensure.
- 464. Retired category of licensure.

**HISTORY:** Added Stats 1967 ch 1095 § 1.

**§ 460. Powers of local governmental entities**

(a) No city, county, or city and county shall prohibit a person or group of persons, authorized by one of the agencies in the Department of Consumer Affairs or an entity established pursuant to this code by a license, certificate, or other means to engage in a particular business, from engaging in that business, occupation, or profession or any portion of that business, occupation, or profession.

(b)(1) No city, county, or city and county shall prohibit a healing arts professional licensed with the state under Division 2 (commencing with Section 500) or licensed or certified by an entity established pursuant to this code from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.

(2) This subdivision shall not be construed to prohibit the enforcement of a local ordinance in effect prior to January 1, 2010, related to any act or procedure that falls within the professionally recognized scope of practice of a healing arts professional licensed under Division 2 (commencing with Section 500).

(c) This section shall not be construed to prevent a city, county, or city and county from adopting or enforcing any local ordinance governing zoning, business licensing, or reasonable health and safety requirements for establishments or businesses of a healing arts professional licensed under Division 2 (commencing with Section 500) or licensed or certified by an entity established under this code or a person or group of persons described in subdivision (a).

(d) Nothing in this section shall prohibit any city, county, or city and county from levying a business license tax solely for revenue purposes, nor any city or county from levying a license tax solely for the purpose of covering the cost of regulation.

**HISTORY:**

Added Stats 1967 ch 1095 § 1. Amended Stats 1971 ch 716 § 24; Stats 2009 ch 16 § 1 (SB 762), effective January 1, 2010; Stats 2014 ch 406 § 1 (AB 1147), effective January 1, 2015.

**§ 461. Asking applicant to reveal arrest record prohibited**

No public agency, state or local, shall, on an initial application form for any license, certificate or registration, ask for or require the applicant to reveal a record of arrest that did not result in a conviction or a plea of nolo contendere. A violation of this section is a misdemeanor.

This section shall apply in the case of any license, certificate or registration provided for by any law of this state or local government, including, but not limited to, this code, the Corporations Code, the Education Code, and the Insurance Code.

**HISTORY:**

Added Stats 1975 ch 883 § 1.

**§ 462. Inactive category of licensure**

(a) Any of the boards, bureaus, commissions, or programs within the department may establish, by regulation, a system for an inactive category of licensure for persons who are not actively engaged in the practice of their profession or vocation.

(b) The regulation shall contain the following provisions:

(1) The holder of an inactive license issued pursuant to this section shall not engage in any activity for which a license is required.

(2) An inactive license issued pursuant to this section shall be renewed during the same time period in which an active license is renewed. The holder of an inactive license need not comply with any continuing education requirement for renewal of an active license.

(3) The renewal fee for a license in an active status shall apply also for a renewal of a license in an inactive status, unless a lesser renewal fee is specified by the board.

(4) In order for the holder of an inactive license issued pursuant to this section to restore his or her license to an active status, the holder of an inactive license shall comply with all the following:

(A) Pay the renewal fee.

(B) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.

(c) This section shall not apply to any healing arts board as specified in Section 701.

**HISTORY:**

Added Stats 1994 ch 26 § 14 (AB 1807), effective March 30, 1994.

**§ 464. Retired category of licensure**

(a) Any of the boards within the department may establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of their profession or vocation.

(b) The regulation shall contain the following:

(1) A retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons.

(2) The holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation.

(3) The holder of a retired license shall not be required to renew that license.

(4) The board shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license.

(5) In order for the holder of a retired license issued pursuant to this section to restore his or her license to an active status, the holder of that license shall meet all the following:

(A) Pay a fee established by statute or regulation.

(B) Certify, in a manner satisfactory to the board, that he or she has not committed an act or crime constituting grounds for denial of licensure.

(C) Comply with the fingerprint submission requirements established by regulation.

(D) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.

(E) Complete any other requirements as specified by the board by regulation.

(c) A board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of that person in his or her profession or vocation, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.

(d) Subdivisions (a) and (b) shall not apply to a board that has other statutory authority to establish a retired license.

**HISTORY:**

Added Stats 2016 ch 473 § 1 (AB 2859), effective January 1, 2017.

**DIVISION 1.2**

**JOINT COMMITTEE ON BOARDS, COMMISSIONS,  
AND CONSUMER PROTECTION [REPEALED.]**

**CHAPTER 1**

**REVIEW OF BOARDS UNDER THE DEPARTMENT  
OF CONSUMER AFFAIRS [REPEALED.]**

Section

473. [Section repealed 2011.]

**HISTORY:** Heading of Chapter 1, consisting of §§ 473–473.6, was added to precede § 473 by Stats 2003 ch 789 § 2. Repealed Stats 2010 ch 670 § 3, effective January 1, 2011.

**§ 473. [Section repealed 2011.]**

**HISTORY:**

Added Stats 1994 ch 908 § 5 (SB 2036). Amended Stats 1998 ch 991 § 2 (SB 1980); Stats 2003 ch 874 § 2 (SB 363); Stats 2004 ch 33 § 3 (AB 1467), effective April 13, 2004. Repealed Stats 2010 ch 670 § 3 (AB 2130), effective January 1, 2011. The repealed section related to the establishment of the Joint Committee on Boards, Commissions, and Consumer Protection, powers and duties, designation of staff, and termination of Committee.

**DIVISION 1.5**

**DENIAL, SUSPENSION AND REVOCATION OF  
LICENSES**

Chapter

- 1. General Provisions.
- 2. Denial of Licenses.
- 3. Suspension and Revocation of Licenses.
- 4. Public Repeals.
- 5. Examination Security.

**CHAPTER 1**

**GENERAL PROVISIONS**

Section

- 475. Applicability of division.
- 476. Exemptions.
- 477. "Board"; "License".
- 478. "Application"; "Material".

**HISTORY:** Added Stats 1972 ch 903 § 1.

**§ 475. Applicability of division**

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

- (1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

**HISTORY:**

Added Stats 1972 ch 903 § 1. Amended Stats 1974 ch 1321 § 1; Stats 1992 ch 1289 § 5 (AB 2743).

**§ 476. Exemptions**

(a) Except as provided in subdivision (b), nothing in this division shall apply to the licensure or registration of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3, or pursuant to Division 9 (commencing with Section 23000) or pursuant to Chapter 5 (commencing with Section 19800) of Division 8.

(b) Section 494.5 shall apply to the licensure of persons authorized to practice law pursuant to Chapter 4 (commencing with Section 6000) of Division 3, and the licensure or registration of persons pursuant to Chapter 5 (commencing with Section 19800) of Division 8 or pursuant to Division 9 (commencing with Section 23000).

**HISTORY:**

Added Stats 1972 ch 903 § 1. Amended Stats 1983 ch 721 § 1; Stats 2011 ch 455 § 2 (AB 1424), effective January 1, 2012.

**§ 477. "Board"; "License"**

As used in this division:

(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

**HISTORY:**

Added Stats 1972 ch 903 § 1. Amended Stats 1974 ch 1321 § 2; Stats 1983 ch 95 § 1; Stats 1991 ch 654 § 5 (AB 1893).

**§ 478. "Application"; "Material"**

(a) As used in this division, "application" includes the original documents or writings filed and any other supporting documents or writings including supporting documents provided or filed contemporaneously, or later, in support of the application whether provided or filed by the applicant or by any other person in support of the application.

(b) As used in this division, "material" includes a statement or omission substantially related to the qualifications, functions, or duties of the business or profession.

**HISTORY:**

Added Stats 1992 ch 1289 § 6 (AB 2743).

## CHAPTER 2

### DENIAL OF LICENSES

Section

480. Grounds for denial by board; Effect of obtaining certificate of rehabilitation.

Section

- 480.2. Grounds for denial of license by Bureau for Private Postsecondary Education, State Athletic Commission, and California Horse Racing Board.
- 480.5. Completion of licensure requirements while incarcerated.
- 481. Crime and job-fitness criteria.
- 482. Rehabilitation criteria.
- 483. [Section renumbered 1987.]
- 484. Attestation to good moral character of applicant.
- 485. Procedure upon denial.
- 486. Contents of decision or notice.
- 487. Hearing; Time.
- 488. Hearing request [Repealed].
- 489. Denial of application without a hearing.

**HISTORY:** Added Stats 1972 ch 903 § 1.

**§ 480. Grounds for denial by board; Effect of obtaining certificate of rehabilitation**

(a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

- (i) Chapter 6 (commencing with Section 6500) of Division 3.
- (ii) Chapter 9 (commencing with Section 7000) of Division 3.
- (iii) Chapter 11.3 (commencing with Section 7512) of Division 3.
- (iv) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.
- (v) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable dismissal or expungement. Formal discipline that occurred earlier than seven years preceding the date of application may be grounds for denial of a license only if the formal discipline was for conduct that, if committed in this state by a physician and

surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2, would have constituted an act of sexual abuse, misconduct, or relations with a patient pursuant to Section 726 or sexual exploitation as defined in subdivision (a) of Section 729.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that the person has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if that person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of the applicant's complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g)(1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided



to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3)(A) Each board under this code shall annually make available to the public through the board's internet website and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

**HISTORY:**

Added Stats 2018 ch 995 § 4 (AB 2138), effective January 1, 2019, operative July 1, 2020. Amended Stats 2019 ch 359 § 1 (AB 1521), effective January 1, 2020, operative July 1, 2020; Stats 2019 ch 578 § 2.5 (AB 1076), effective January 1, 2020, operative July 1, 2020 (ch 578 prevails); Stats 2022 ch 453 § 1 (AB 1636), effective January 1, 2023.

**§ 480.2. Grounds for denial of license by Bureau for Private Postsecondary Education, State Athletic Commission, and California Horse Racing Board**

(a) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the grounds that the applicant has one of the following:

- (1) Been convicted of a crime.
- (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit themselves or another, or substantially injure another.
- (3)(A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that the person has been convicted of a felony if that person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that the person has been convicted of a misdemeanor if the person has met all applicable requirements of the criteria of rehabilitation developed by the Bureau for Private Postsecondary Education, the State

Athletic Commission, and the California Horse Racing Board to evaluate the rehabilitation of a person when considering the denial of a license under paragraph (1) of subdivision (f).

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.425 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(f)(1) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to evaluate the rehabilitation of a person either when:

(A) Considering the denial of a license under this section.

(B) Considering suspension or revocation of a license under Section 490.

(2) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(g) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board, in its discretion, may deem proper.

(h) Notwithstanding any other law, in a proceeding conducted by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(i) Notwithstanding Section 7.5, a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board is permitted to take following the establishment of a

conviction may be taken when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, 1203.41, or 1203.425 of the Penal Code.

(j) This section shall become operative on July 1, 2020.

**HISTORY:**

Added Stats 2018 ch 995 § 5 (AB 2138), effective January 1, 2019, operative July 1, 2020. Amended Stats 2019 ch 578 § 3 (AB 1076), effective January 1, 2020, operative July 1, 2020.

**§ 480.5. Completion of licensure requirements while incarcerated**

(a) An individual who has satisfied any of the requirements needed to obtain a license regulated under this division while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing his or her application or a denial of the license solely on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.

(b) Nothing in this section shall be construed to apply to a petition for reinstatement of a license or to limit the ability of a board to deny a license pursuant to Section 480.

(c) This section shall not apply to the licensure of individuals under the initiative act referred to in Chapter 2 (commencing with Section 1000) of Division 2.

**HISTORY:**

Added Stats 2014 ch 410 § 1 (AB 1702), effective January 1, 2015.

**§ 481. Crime and job-fitness criteria**

(a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

- (1) The nature and gravity of the offense.
- (2) The number of years elapsed since the date of the offense.
- (3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation submitted by an applicant pursuant to any process established in the practice act or regulations of the particular board and as directed by Section 482.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

(e) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(f) This section shall become operative on July 1, 2020.

**HISTORY:**

Added Stats 2018 ch 995 § 7 (AB 2138), effective January 1, 2019, operative July 1, 2020.

**§ 482. Rehabilitation criteria**

(a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

- (1) Considering the denial of a license by the board under Section 480.
- (2) Considering suspension or revocation of a license under Section 490.
- (b) Each board shall consider whether an applicant or licensee has made a showing of rehabilitation if either of the following are met:
  - (1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.
  - (2) The board, applying its criteria for rehabilitation, finds that the applicant is rehabilitated.
- (c) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:
  - (1) The State Athletic Commission.
  - (2) The Bureau for Private Postsecondary Education.
  - (3) The California Horse Racing Board.
- (d) This section shall become operative on July 1, 2020.

**HISTORY:**

Added Stats 2018 ch 995 § 9 (AB 2138), effective January 1, 2019, operative July 1, 2020.

**§ 483. [Section renumbered 1987.]****HISTORY:**

Added Stats 1986 ch 1205 § 1. Amended and renumbered B & P C § 154.5 by Stats 1987 ch 850 § 8.

**§ 484. Attestation to good moral character of applicant**

No person applying for licensure under this code shall be required to submit to any licensing board any attestation by other persons to his good moral character.

**HISTORY:**

Added Stats 1972 ch 903 § 1. Amended Stats 1974 ch 1321 § 9.

**§ 485. Procedure upon denial**

Upon denial of an application for a license under this chapter or Section 496, the board shall do either of the following:

- (a) File and serve a statement of issues in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (b) Notify the applicant that the application is denied, stating (1) the reason for the denial, and (2) that the applicant has the right to a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if written request for hearing is made within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, the applicant's right to a hearing is deemed waived.

Service of the notice of denial may be made in the manner authorized for service of summons in civil actions, or by registered mail addressed to the applicant at the latest address filed by the applicant in writing with the board in his or her application or otherwise. Service by mail is complete on the date of mailing.

**HISTORY:**

Added Stats 1972 ch 903 § 1. Amended Stats 1997 ch 758 § 2.3 (SB 1346).

**§ 486. Contents of decision or notice**

Where the board has denied an application for a license under this chapter or Section 496, it shall, in its decision, or in its notice under subdivision (b) of Section 485, inform the applicant of the following:

- (a) The earliest date on which the applicant may reapply for a license which shall be one year from the effective date of the decision, or service of the notice under

subdivision (b) of Section 485, unless the board prescribes an earlier date or a later date is prescribed by another statute.

(b) That all competent evidence of rehabilitation presented will be considered upon a reapplication.

Along with the decision, or the notice under subdivision (b) of Section 485, the board shall serve a copy of the criteria relating to rehabilitation formulated under Section 482.

**HISTORY:**

Added Stats 1972 ch 903 § 1. Amended Stats 1974 ch 1321 § 9.5; Stats 1997 ch 758 § 2.4 (SB 1346).

**§ 487. Hearing; Time**

If a hearing is requested by the applicant, the board shall conduct such hearing within 90 days from the date the hearing is requested unless the applicant shall request or agree in writing to a postponement or continuance of the hearing. Notwithstanding the above, the Office of Administrative Hearings may order, or on a showing of good cause, grant a request for, up to 45 additional days within which to conduct a hearing, except in cases involving alleged examination or licensing fraud, in which cases the period may be up to 180 days. In no case shall more than two such orders be made or requests be granted.

**HISTORY:**

Added Stats 1972 ch 903 § 1. Amended Stats 1974 ch 1321 § 10; Stats 1986 ch 220 § 1, effective June 30, 1986.

**§ 488. Hearing request [Repealed]**

**HISTORY:**

Added Stats 2000 ch 568 § 2 (AB 2888). Amended Stats 2018 ch 995 § 10 (AB 2138), effective January 1, 2019, inoperative July 1, 2020, repealed January 1, 2021.

**§ 489. Denial of application without a hearing**

Any agency in the department which is authorized by law to deny an application for a license upon the grounds specified in Section 480 or 496, may without a hearing deny an application upon any of those grounds, if within one year previously, and after proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that agency has denied an application from the same applicant upon the same ground.

**HISTORY:**

Added Stats 1955 ch 1151 § 1, as B & P C § 116. Amended Stats 1978 ch 1161 § 2. Renumbered by Stats 1989 ch 1104 § 1. Amended Stats 1997 ch 758 § 2.5 (SB 1346).

**CHAPTER 3**  
**SUSPENSION AND REVOCATION OF LICENSES**

Section

490. Grounds for suspension or revocation; Discipline for substantially related crimes; Conviction; Legislative findings.

491. Procedure upon suspension or revocation.

492. Effect of completion of drug diversion program on disciplinary action or denial of license.

493. Evidentiary effect of record of conviction of crime substantially related to licensee's qualifications, functions, and duties.

**HISTORY:** Added Stats 1972 ch 903 § 1.

**§ 490. Grounds for suspension or revocation; Discipline for substantially related crimes; Conviction; Legislative findings**

(a) In addition to any other action that a board is permitted to take against a licensee,

a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law.

**HISTORY:**

Added Stats 1974 ch 1321 § 13. Amended Stats 1979 ch 876 § 3; Stats 1980 ch 548 § 1; Stats 1992 ch 1289 § 7 (AB 2743); Stats 2008 ch 33 § 2 (SB 797) (ch 33 prevails), effective June 23, 2008, ch 179 § 3 (SB 1498), effective January 1, 2009; Stats 2010 ch 328 § 2 (SB 1330), effective January 1, 2011.

**§ 491. Procedure upon suspension or revocation**

Upon suspension or revocation of a license by a board on one or more of the grounds specified in Section 490, the board shall:

(a) Send a copy of the provisions of Section 11522 of the Government Code to the ex-licensee.

(b) Send a copy of the criteria relating to rehabilitation formulated under Section 482 to the ex-licensee.

**HISTORY:**

Added Stats 1972 ch 903 § 1. Amended Stats 1974 ch 1321 § 14; Stats 1975 ch 678 § 1.

**§ 492. Effect of completion of drug diversion program on disciplinary action or denial of license**

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.

**HISTORY:**

Added Stats 1987 ch 1183 § 1. Amended Stats 1994 ch 26 § 15 (AB 1807), effective March 30, 1994.

**§ 493. Evidentiary effect of record of conviction of crime substantially related to licensee’s qualifications, functions, and duties**

(a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b)(1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

- (A) The nature and gravity of the offense.
- (B) The number of years elapsed since the date of the offense.
- (C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

(d) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(e) This section shall become operative on July 1, 2020.

**HISTORY:**

Added Stats 2018 ch 995 § 13 (AB 2138), effective January 1, 2019, operative July 1, 2020.

**CHAPTER 4**

**PUBLIC REPROVALS**

Section

495. Public reproval of licentiate or certificate holder for act constituting grounds for suspension or revocation of license or certificate; Proceedings.

**HISTORY:** Added Stats 1977 ch 886 § 1.

**§ 495. Public reproval of licentiate or certificate holder for act constituting grounds for suspension or revocation of license or certificate; Proceedings**

Notwithstanding any other provision of law, any entity authorized to issue a license or certificate pursuant to this code may publicly reprove a licentiate or certificate holder thereof, for any act that would constitute grounds to suspend or revoke a license or certificate. Any proceedings for public reproval, public reproval and suspension, or public reproval and revocation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, or, in the case of a licensee or certificate holder under the jurisdiction of the State Department of Health Services, in accordance with Section 100171 of the Health and Safety Code.

**HISTORY:**

Added Stats 1977 ch 886 § 1. Amended Stats 1997 ch 220 § 2 (SB 68), effective August 4, 1997.

**CHAPTER 5  
EXAMINATION SECURITY**

Section

496. Grounds for denial, suspension, or revocation of license.

498. Fraud, deceit or misrepresentation as grounds for action against license.

499. Action against license based on licentiate's actions regarding application of another.

**HISTORY:** Added Stats 1983 ch 95 § 2.

**§ 496. Grounds for denial, suspension, or revocation of license**

A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to subversion of licensing examinations.

**HISTORY:**

Added Stats 1989 ch 1022 § 3.

**§ 498. Fraud, deceit or misrepresentation as grounds for action against license**

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.

**HISTORY:**

Added Stats 1992 ch 1289 § 8 (AB 2743).

**§ 499. Action against license based on licentiate's actions regarding application of another**

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee, in support of another person's application for license, knowingly made a false statement of a material fact or knowingly omitted to state a material fact to the board regarding the application.

**HISTORY:**

Added Stats 1992 ch 1289 § 9 (AB 2743).

**DIVISION 2  
HEALING ARTS  
CHAPTER 1  
GENERAL PROVISIONS**

**ARTICLE 6  
UNEARNED REBATES, REFUNDS, AND  
DISCOUNTS**

Section

650. Rebates for patient referrals: Consideration between supplier and health facility.



Section

650.1. Percentage arrangements.

651. Dissemination of false or misleading information concerning professional services or products; Permissible advertising.

652. Violations by licensees.

652.5. Violation of article.

653. "Person".

654. Licensees' co-ownership arrangements.

654.2. Referrals to organization in which licensee or family has significant beneficial interest; Required disclosure statement.

654.3. Health care services; Third party credit; Notice; Written treatment plan [Repealed].

**HISTORY:** Added Stats 1949 ch 899 § 1.

**§ 650. Rebates for patient referrals; Consideration between supplier and health facility**

(a) Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code, the offer, delivery, receipt, or acceptance by any person licensed under this division or the Chiropractic Initiative Act of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest, or coownership in or with any person to whom these patients, clients, or customers are referred is unlawful.

(b) The payment or receipt of consideration for services other than the referral of patients that is based on a percentage of gross revenue or similar type of contractual arrangement shall not be unlawful if the consideration is commensurate with the value of the services furnished or with the fair rental value of any premises or equipment leased or provided by the recipient to the payer.

(c) The offer, delivery, receipt, or acceptance of any consideration between a federally qualified health center, as defined in Section 1396d(l)(2)(B) of Title 42 of the United States Code, and any individual or entity providing goods, items, services, donations, loans, or a combination thereof to the health center pursuant to a contract, lease, grant, loan, or other agreement, if that agreement contributes to the ability of the health center entity to maintain or increase the availability, or enhance the quality, of services provided to a medically underserved population served by the health center, shall be authorized only to the extent sanctioned or permitted by federal law.

(d) Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code and in Sections 654.1 and 654.2 of this code, it shall not be unlawful for any person licensed under this division to refer a person to any laboratory, pharmacy, clinic, including entities exempt from licensure pursuant to Section 1206 of the Health and Safety Code, or health care facility solely because the licensee has a proprietary interest or coownership in the laboratory, pharmacy, clinic, or health care facility, provided, however, that the licensee's return on investment for that proprietary interest or coownership shall be based upon the amount of the capital investment or proportional ownership of the licensee which ownership interest is not based on the number or value of any patients referred. Any referral excepted under this section shall be unlawful if the prosecutor proves that there was no valid medical need for the referral.

(e) Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code and in Sections 654.1 and 654.2 of this code, it shall not be unlawful to provide nonmonetary remuneration, in the form of hardware, software, or information technology and training services, as described in subsections (x) and (y) of Section 1001.952 of Title 42 of the Code of Federal Regulations, as amended October 4, 2007, as published in the Federal Register (72 Fed. Reg. 56632 and 56644), and as subsequently amended.

(f) "Health care facility" means a general acute care hospital, acute psychiatric hospital, skilled nursing facility, intermediate care facility, and any other health facility

licensed by the State Department of Public Health under Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

(g) Notwithstanding this section or any other law, the payment or receipt of consideration for advertising, wherein a licensee offers or sells services through a third-party advertiser, shall not constitute a referral of patients when the third-party advertiser does not itself recommend, endorse, or otherwise select a licensee. The fee paid to the third-party advertiser shall be commensurate with the service provided by the third-party advertiser. If the licensee determines, after consultation with the purchaser of the service, that the service provided by the licensee is inappropriate for the purchaser or if the purchaser elects not to receive the service for any reason and requests a refund, the purchaser shall receive a refund of the full purchase price as determined by the terms of the advertising service agreement between the third-party advertiser and the licensee. The licensee shall disclose in the advertisement that a consultation is required and that the purchaser will receive a refund if ineligible to receive the service. This subdivision shall not apply to basic health care services, as defined in subdivision (b) of Section 1345 of the Health and Safety Code, or essential health benefits, as defined in Section 1367.005 of the Health and Safety Code and Section 10112.27 of the Insurance Code. The entity that provides the advertising shall be able to demonstrate that the licensee consented in writing to the requirements of this subdivision. A third-party advertiser shall make available to prospective purchasers advertisements for services of all licensees then advertising through the third-party advertiser in the applicable geographic region. In any advertisement offering a discount price for a service, the licensee shall also disclose the regular, nondiscounted price for that service.

(h) To the extent consistent with federal law, regulations, or guidance, the payment or receipt of consideration for internet-based advertising, appointment booking, or any service that provides information and resources to prospective patients of licensees shall not constitute a referral of a patient if the internet-based service provider does not recommend or endorse a specific licensee to a prospective patient.

(i) A violation of this section is a public offense and is punishable upon a first conviction by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or by a fine not exceeding fifty thousand dollars (\$50,000), or by both that imprisonment and fine. A second or subsequent conviction is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or by that imprisonment and a fine of fifty thousand dollars (\$50,000).

**HISTORY:**

Added Stats 1949 ch 899 § 1. Amended Stats 1971 ch 1568 § 1; Stats 1973 ch 142 § 5, effective June 30, 1973, operative July 1, 1973, ch 924 § 1, operative July 1, 1974; Stats 1975 ch 303 § 1; Stats 1977 ch 1252 § 4, operative July 1, 1978; Stats 1981 ch 610 § 1; Stats 1990 ch 1532 § 1 (SB 2365); Stats 2000 ch 843 § 1 (AB 2594); Stats 2001 ch 728 § 1.4 (SB 724); Stats 2006 ch 698 § 1 (AB 225), ch 772 § 1.5 (AB 2282), effective January 1, 2007; Stats 2007 ch 130 § 1 (AB 299), effective January 1, 2008, ch 483 § 1 (SB 1039), effective January 1, 2008 (ch 483 prevails); Stats 2008 ch 179 § 4 (SB 1498), effective January 1, 2009, ch 290 § 1 (AB 55), effective September 25, 2008 (ch 290 prevails); Stats 2009 ch 140 § 2 (AB 1164), effective January 1, 2010; Stats 2011 ch 15 § 3 (AB 109), effective April 4, 2011, operative October 1, 2011; Stats 2016 ch 360 § 1 (AB 2744), effective January 1, 2017; Stats 2021 ch 439 § 3 (AB 457), effective January 1, 2022.

**§ 650.1. Percentage arrangements**

(a) Any amount payable to any hospital, as defined in Section 4028, or any person or corporation prohibited from pharmacy permit ownership by subdivision (a) of Section 4111 under any rental, lease or service arrangement with respect to the furnishing or supply of pharmaceutical services and products, which is determined as a percentage, fraction, or portion of (1) the charges to patients or of (2) any measure of hospital or pharmacy revenue or cost, for pharmaceuticals and pharmaceutical services is prohibited.

(b) Any lease or rental arrangement existing on the effective date of this section shall be in full compliance with subdivision (a) by January 1, 1986.

(c) Any lease or rental agreement entered into prior to January 1, 1980, that extends beyond the effective date of this section shall be construed to be in compliance with this section until its expiration or the expiration of any option which is contained in any such lease or rental agreement provided that the lease or rental agreement contains provisions which limit pharmacy charges to the amounts not in excess of the prevailing charges in similar hospitals in the general geographic area.

(d) The California State Board of Pharmacy, the Medical Board of California, and the State Department of Health Services shall enforce this section and may require information from any person as is necessary for the enforcement of this section. It shall be the duty of the licensees of the respective regulatory agencies to produce the requisite evidence to show compliance with this section. Violations of this section shall be deemed to be the mutual responsibility of both lessee and lessor, and shall be grounds for disciplinary action or other sanctions against both.

**HISTORY:**

Added Stats 1980 ch 495 § 1. Amended Stats 1984 ch 1347 § 1; Stats 1989 ch 886 § 7; Stats 2000 ch 836 § 1 (SB 1554).

**§ 651. Dissemination of false or misleading information concerning professional services or products; Permissible advertising**

(a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed. A "public communication" as used in this section includes, but is not limited to, communication by means of mail, television, radio, motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or other electronic communication.

(b) A false, fraudulent, misleading, or deceptive statement, claim, or image includes a statement or claim that does any of the following:

- (1) Contains a misrepresentation of fact.
- (2) Is likely to mislead or deceive because of a failure to disclose material facts.
- (3)(A) Is intended or is likely to create false or unjustified expectations of favorable results, including the use of any photograph or other image that does not accurately depict the results of the procedure being advertised or that has been altered in any manner from the image of the actual subject depicted in the photograph or image.

(B) Use of any photograph or other image of a model without clearly stating in a prominent location in easily readable type the fact that the photograph or image is of a model is a violation of subdivision (a). For purposes of this paragraph, a model is anyone other than an actual patient, who has undergone the procedure being advertised, of the licensee who is advertising for his or her services.

(C) Use of any photograph or other image of an actual patient that depicts or purports to depict the results of any procedure, or presents "before" and "after" views of a patient, without specifying in a prominent location in easily readable type size what procedures were performed on that patient is a violation of subdivision (a). Any "before" and "after" views (i) shall be comparable in presentation so that the results are not distorted by favorable poses, lighting, or other features of presentation, and (ii) shall contain a statement that the same "before" and "after" results may not occur for all patients.

(4) Relates to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully and specifically disclosing all variables and other material factors.

(5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) Makes a claim either of professional superiority or of performing services in a superior manner, unless that claim is relevant to the service being performed and can be substantiated with objective scientific evidence.

(7) Makes a scientific claim that cannot be substantiated by reliable, peer reviewed, published scientific studies.

(8) Includes any statement, endorsement, or testimonial that is likely to mislead or deceive because of a failure to disclose material facts.

(c) Any price advertisement shall be exact, without the use of phrases, including, but not limited to, “as low as,” “and up,” “lowest prices,” or words or phrases of similar import. Any advertisement that refers to services, or costs for services, and that uses words of comparison shall be based on verifiable data substantiating the comparison. Any person so advertising shall be prepared to provide information sufficient to establish the accuracy of that comparison. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discount, premiums, gifts, or any statements of a similar nature. In connection with price advertising, the price for each product or service shall be clearly identifiable. The price advertised for products shall include charges for any related professional services, including dispensing and fitting services, unless the advertisement specifically and clearly indicates otherwise.

(d) Any person so licensed shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity unless the fact of compensation is made known in that publicity.

(e) Any person so licensed may not use any professional card, professional announcement card, office sign, letterhead, telephone directory listing, medical list, medical directory listing, or a similar professional notice or device if it includes a statement or claim that is false, fraudulent, misleading, or deceptive within the meaning of subdivision (b).

(f) Any person so licensed who violates this section is guilty of a misdemeanor. A bona fide mistake of fact shall be a defense to this subdivision, but only to this subdivision.

(g) Any violation of this section by a person so licensed shall constitute good cause for revocation or suspension of his or her license or other disciplinary action.

(h) Advertising by any person so licensed may include the following:

(1) A statement of the name of the practitioner.

(2) A statement of addresses and telephone numbers of the offices maintained by the practitioner.

(3) A statement of office hours regularly maintained by the practitioner.

(4) A statement of languages, other than English, fluently spoken by the practitioner or a person in the practitioner’s office.

(5)(A) A statement that the practitioner is certified by a private or public board or agency or a statement that the practitioner limits his or her practice to specific fields.

(B) A statement of certification by a practitioner licensed under Chapter 7 (commencing with Section 3000) shall only include a statement that he or she is certified or eligible for certification by a private or public board or parent association recognized by that practitioner’s licensing board.

(C) A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California may include a statement that he or she limits his or her practice to specific fields, but shall not include a statement that he or she is certified or eligible for certification by a private or public board or parent association, including, but not limited to, a multidisciplinary board or association, unless that board or association is (i) an American Board of Medical Specialties member board, (ii) a board or association with equivalent requirements approved by that physician’s and surgeon’s licensing board prior to January 1, 2019, or (iii) a board or association with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in that

specialty or subspecialty. A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by an organization other than a board or association referred to in clause (i), (ii), or (iii) shall not use the term “board certified” in reference to that certification, unless the physician and surgeon is also licensed under Chapter 4 (commencing with Section 1600) and the use of the term “board certified” in reference to that certification is in accordance with subparagraph (A). A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by a board or association referred to in clause (i), (ii), or (iii) shall not use the term “board certified” unless the full name of the certifying board is also used and given comparable prominence with the term “board certified” in the statement.

For purposes of this subparagraph, a “multidisciplinary board or association” means an educational certifying body that has a psychometrically valid testing process, as determined by the Medical Board of California, for certifying medical doctors and other health care professionals that is based on the applicant’s education, training, and experience. A multidisciplinary board or association approved by the Medical Board of California prior to January 1, 2019, shall retain that approval.

For purposes of the term “board certified,” as used in this subparagraph, the terms “board” and “association” mean an organization that is an American Board of Medical Specialties member board, an organization with equivalent requirements approved by a physician’s and surgeon’s licensing prior to January 1, 2019, or an organization with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in a specialty or subspecialty.

(D) A doctor of podiatric medicine licensed under Article 22 (commencing with Section 2460) of Chapter 5 by the California Board of Podiatric Medicine may include a statement that he or she is certified or eligible or qualified for certification by a private or public board or parent association, including, but not limited to, a multidisciplinary board or association, if that board or association meets one of the following requirements: (i) is approved by the Council on Podiatric Medical Education, (ii) is a board or association with equivalent requirements approved by the California Board of Podiatric Medicine, or (iii) is a board or association with the Council on Podiatric Medical Education approved postgraduate training programs that provide training in podiatric medicine and podiatric surgery. A doctor of podiatric medicine licensed under Article 22 (commencing with Section 2460) of Chapter 5 by the California Board of Podiatric Medicine who is certified by a board or association referred to in clause (i), (ii), or (iii) shall not use the term “board certified” unless the full name of the certifying board is also used and given comparable prominence with the term “board certified” in the statement. A doctor of podiatric medicine licensed under Article 22 (commencing with Section 2460) of Chapter 5 by the California Board of Podiatric Medicine who is certified by an organization other than a board or association referred to in clause (i), (ii), or (iii) shall not use the term “board certified” in reference to that certification.

For purposes of this subparagraph, a “multidisciplinary board or association” means an educational certifying body that has a psychometrically valid testing process, as determined by the California Board of Podiatric Medicine, for certifying doctors of podiatric medicine that is based on the applicant’s education, training, and experience. For purposes of the term “board certified,” as used in this subparagraph, the terms “board” and “association” mean an organization that is a Council on Podiatric Medical Education approved board, an organization with equivalent requirements approved by the California Board of Podiatric Medicine, or an organization with a Council on Podiatric Medical Education approved postgraduate training program that provides training in podiatric medicine and podiatric surgery.

The California Board of Podiatric Medicine shall adopt regulations to establish and collect a reasonable fee from each board or association applying for recognition

pursuant to this subparagraph, to be deposited in the State Treasury in the Podiatry Fund, pursuant to Section 2499. The fee shall not exceed the cost of administering this subparagraph.

(6) A statement that the practitioner provides services under a specified private or public insurance plan or health care plan.

(7) A statement of names of schools and postgraduate clinical training programs from which the practitioner has graduated, together with the degrees received.

(8) A statement of publications authored by the practitioner.

(9) A statement of teaching positions currently or formerly held by the practitioner, together with pertinent dates.

(10) A statement of his or her affiliations with hospitals or clinics.

(11) A statement of the charges or fees for services or commodities offered by the practitioner.

(12) A statement that the practitioner regularly accepts installment payments of fees.

(13) Otherwise lawful images of a practitioner, his or her physical facilities, or of a commodity to be advertised.

(14) A statement of the manufacturer, designer, style, make, trade name, brand name, color, size, or type of commodities advertised.

(15) An advertisement of a registered dispensing optician may include statements in addition to those specified in paragraphs (1) to (14), inclusive, provided that any statement shall not violate subdivision (a), (b), (c), or (e) or any other section of this code.

(16) A statement, or statements, providing public health information encouraging preventive or corrective care.

(17) Any other item of factual information that is not false, fraudulent, misleading, or likely to deceive.

(i) Each of the healing arts boards and examining committees within Division 2 shall adopt appropriate regulations to enforce this section in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Each of the healing arts boards and committees and examining committees within Division 2 shall, by regulation, define those efficacious services to be advertised by businesses or professions under their jurisdiction for the purpose of determining whether advertisements are false or misleading. Until a definition for that service has been issued, no advertisement for that service shall be disseminated. However, if a definition of a service has not been issued by a board or committee within 120 days of receipt of a request from a licensee, all those holding the license may advertise the service. Those boards and committees shall adopt or modify regulations defining what services may be advertised, the manner in which defined services may be advertised, and restricting advertising that would promote the inappropriate or excessive use of health services or commodities. A board or committee shall not, by regulation, unreasonably prevent truthful, nondeceptive price or otherwise lawful forms of advertising of services or commodities, by either outright prohibition or imposition of onerous disclosure requirements. However, any member of a board or committee acting in good faith in the adoption or enforcement of any regulation shall be deemed to be acting as an agent of the state.

(j) The Attorney General shall commence legal proceedings in the appropriate forum to enjoin advertisements disseminated or about to be disseminated in violation of this section and seek other appropriate relief to enforce this section. Notwithstanding any other provision of law, the costs of enforcing this section to the respective licensing boards or committees may be awarded against any licensee found to be in violation of any provision of this section. This shall not diminish the power of district attorneys, county counsels, or city attorneys pursuant to existing law to seek appropriate relief.

(k) A physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) by the Medical Board of California or a doctor of podiatric medicine licensed pursuant to Article 22 (commencing with Section 2460) of Chapter 5 by the California Board of Podiatric Medicine who knowingly and intentionally violates this section may be cited and assessed an administrative fine not to exceed ten thousand dollars (\$10,000) per event. Section 125.9 shall govern the issuance of this citation and fine except that the fine limitations prescribed in paragraph (3) of subdivision (b) of Section 125.9 shall not apply to a fine under this subdivision.

**HISTORY:**

Added Stats 1955 ch 1050 § 1. Amended Stats 1972 ch 1361 § 1; Stats 1979 ch 653 § 2; Stats 1983 ch 691 § 1; Stats 1990 ch 1660 § 1 (SB 2036), operative January 1, 1993; Stats 1992 ch 783 § 1 (AB 2180); Stats 1998 ch 736 § 2 (SB 1981); Stats 1999 ch 631 § 1 (SB 450), ch 856 § 2 (SB 836); Stats 2000 ch 135 § 1 (AB 2539); Stats 2002 ch 313 § 1 (AB 1026); Stats 2011 ch 385 § 1 (SB 540), effective January 1, 2012; Stats 2017 ch 775 § 6 (SB 798), effective January 1, 2018.

**§ 652. Violations by licensees**

Violation of this article in the case of a licensed person constitutes unprofessional conduct and grounds for suspension or revocation of his or her license by the board by whom he or she is licensed, or if a license has been issued in connection with a place of business, then for the suspension or revocation of the place of business in connection with which the violation occurs. The proceedings for suspension or revocation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and each board shall have all the powers granted therein. However, in the case of a licensee of the State Department of Health Services, the proceedings shall be conducted in accordance with Section 110171 of the Health and Safety Code. In addition, any violation constitutes a misdemeanor as to any and all persons offering, delivering, receiving, accepting, or participating in any rebate, refund, commission, preference, patronage dividend, unearned discount, or consideration, whether or not licensed under this division, and is punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both the imprisonment and fine.

**HISTORY:**

Added Stats 1949 ch 899 § 1. Amended Stats 1976 ch 1125 § 1; Stats 1994 ch 1206 § 5 (SB 1775); Stats 1997 ch 220 § 3 (SB 68), effective August 4, 1997.

**§ 652.5. Violation of article**

Except as otherwise provided in this article, any violation of this article constitutes a misdemeanor as to any and all persons, whether or not licensed under this division, and is punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both the imprisonment and fine.

**HISTORY:**

Added Stats 1969 ch 1158 § 2. Amended Stats 1976 ch 1125 § 2; Stats 1994 ch 1206 § 6 (SB 1775).

**§ 653. “Person”**

The word “person” as used in this article includes an individual, firm, partnership, association, corporation, limited liability company, or cooperative association.

**HISTORY:**

Added Stats 1949 ch 899 § 1. Amended Stats 1994 ch 1010 § 3 (SB 2053).

**§ 654. Licensees’ co-ownership arrangements**

No person licensed under Chapter 5 (commencing with Section 2000) of this division may have any membership, proprietary interest or coownership in any form in or with

any person licensed under Chapter 5.5 (commencing with Section 2550) of this division to whom patients, clients or customers are referred or any profit-sharing arrangements.

**HISTORY:**

Added Stats 1949 ch 899 § 1. Amended Stats 1963 ch 1303 § 1; Stats 1979 ch 688 § 1.

**§ 654.2. Referrals to organization in which licensee or family has significant beneficial interest; Required disclosure statement**

(a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to charge, bill, or otherwise solicit payment from a patient on behalf of, or refer a patient to, an organization in which the licensee, or the licensee's immediate family, has a significant beneficial interest, unless the licensee first discloses in writing to the patient, that there is such an interest and advises the patient that the patient may choose any organization for the purpose of obtaining the services ordered or requested by the licensee.

(b) The disclosure requirements of subdivision (a) may be met by posting a conspicuous sign in an area which is likely to be seen by all patients who use the facility or by providing those patients with a written disclosure statement. Where referrals, billings, or other solicitations are between licensees who contract with multispecialty clinics pursuant to subdivision (l) of Section 1206 of the Health and Safety Code or who conduct their practice as members of the same professional corporation or partnership, and the services are rendered on the same physical premises, or under the same professional corporation or partnership name, the requirements of subdivision (a) may be met by posting a conspicuous disclosure statement at a single location which is a common area or registration area or by providing those patients with a written disclosure statement.

(c) On and after July 1, 1987, persons licensed under this division or under any initiative act referred to in this division shall disclose in writing to any third-party payer for the patient, when requested by the payer, organizations in which the licensee, or any member of the licensee's immediate family, has a significant beneficial interest and to which patients are referred. The third-party payer shall not request this information from the provider more than once a year.

Nothing in this section shall be construed to serve as the sole basis for the denial or delay of payment of claims by third party payers.

(d) For the purposes of this section, the following terms have the following meanings:

(1) "Immediate family" includes the spouse and children of the licensee, the parents of the licensee and licensee's spouse, and the spouses of the children of the licensee.

(2) "Significant beneficial interest" means any financial interest that is equal to or greater than the lesser of the following:

(A) Five percent of the whole.

(B) Five thousand dollars (\$5,000).

(3) A third-party payer includes any health care service plan, self-insured employee welfare benefit plan, disability insurer, nonprofit hospital service plan, or private group or indemnification insurance program.

A third party payer does not include a prepaid capitated plan licensed under the Knox-Keene Health Care Service Plan Act of 1975 or Chapter 11a (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code.

(e) This section shall not apply to a "significant beneficial interest" which is limited to ownership of a building where the space is leased to the organization at the prevailing rate under a straight lease agreement or to any interest held in publicly traded stocks.

(f)(1) This section does not prohibit the acceptance of evaluation specimens for proficiency testing or referral of specimens or assignment from one clinical laboratory to another clinical laboratory, either licensed or exempt under this chapter, if the report indicates clearly the name of the laboratory performing the test.

(2) This section shall not apply to relationships governed by other provisions of this article nor is this section to be construed as permitting relationships or interests that are prohibited by existing law on the effective date of this section.



(3) The disclosure requirements of this section shall not be required to be given to any patient, customer, or his or her representative, if the licensee, organization, or entity is providing or arranging for health care services pursuant to a prepaid capitated contract with the State Department of Health Services.

**HISTORY:**

Added Stats 1984 ch 639 § 1. Amended Stats 1985 ch 1542 § 1; Stats 1986 ch 881 § 1.

**§ 654.3. Health care services; Third party credit; Notice; Written treatment plan [Repealed]**

**HISTORY:**

Added Stats 2014 ch 256 § 2 (SB 1256), effective January 1, 2015. Amended Stats 2019 ch 856 § 1 (SB 639), effective January 1, 2020, inoperative July 1, 2020, repealed January 1, 2021.

**ARTICLE 7.5**

**HEALTH CARE PRACTITIONERS**

Section

688. Health care practitioners; Prescriptions; Electronic data transmission.

**HISTORY:** Added Stats 1998 ch 1013 § 1.

**§ 688. Health care practitioners; Prescriptions; Electronic data transmission**

(a) A health care practitioner authorized to issue a prescription pursuant to Section 4040 shall have the capability to issue an electronic data transmission prescription, as defined under Section 4040, on behalf of a patient and to transmit that electronic data transmission prescription to a pharmacy selected by the patient.

(b)(1) A pharmacy, pharmacist, or other practitioner authorized under California law to dispense or furnish a prescription pursuant to Section 4040 shall have the capability to receive an electronic data transmission prescription on behalf of a patient.

(2) A pharmacy, pharmacist, or other practitioner authorized under California law to dispense or furnish a prescription pursuant to Section 4040 shall not refuse to dispense or furnish an electronic data transmission prescription solely because the prescription was not submitted via, or is not compatible with, the proprietary software of the pharmacy, pharmacist, or other dispensing practitioner.

(3) A pharmacy, pharmacist, or other practitioner authorized under California law to dispense or furnish a prescription pursuant to Section 4040 may decline to dispense or furnish an electronic data transmission prescription submitted via a software that fails to meet any of the following:

(A) Adheres to the National Council for Prescription Drug Programs SCRIPT standard, as modified from time to time.

(B) Complies with the prescription content requirements set forth in Section 4040.

(C) For a controlled substance prescription, complies with Parts 1300, 1304, 1306, and 1311 of Title 21 of the Code of Federal Regulations, as amended from time to time.

(D) Complies with the federal Health Insurance Portability and Accountability Act of 1996, the California Confidentiality of Medical Information Act, or the security and confidentiality requirements prescribed to by the pharmacy, pharmacist, or other practitioner authorized pursuant to Section 4040.

(c) For a prescription for a controlled substance, as defined by Section 4021, generation and transmission of the electronic data transmission prescription shall comply with

Parts 1300, 1304, 1306, and 1311 of Title 21 of the Code of Federal Regulations, as amended from time to time.

(d) A prescription prescribed by a health care practitioner shall be issued as an electronic data transmission prescription. This subdivision shall not apply to prescriptions issued pursuant to subdivision (e).

(e) Subdivision (d) shall not apply to any of the following:

(1) The prescription is issued pursuant to Section 11159.2 of the Health and Safety Code.

(2) An electronic data transmission prescription is unavailable due to a temporary technological or electrical failure. For purposes of this paragraph, "temporary technological or electrical failure" means failure of a computer system, application, or device, or the loss of electrical power to that system, application, or device, or any other service interruption affecting the certified electronic data transmission prescription application used to transmit the prescription.

(3) The prescribing health care practitioner is issuing a prescription to be dispensed by a pharmacy located outside California.

(4)(A) The prescription is issued in a hospital emergency department or urgent care clinic and one or more of the following conditions are present:

(i) The patient resides outside California.

(ii) The patient resides outside the geographic area of the hospital.

(iii) The patient is homeless or indigent and does not have a preferred pharmacy.

(iv) The prescription is issued at a time when a patient's regular or preferred pharmacy is likely to be closed.

(B) Under any of the conditions described in subparagraph (A), a prescription shall be electronically issued but does not require electronic transmission and may be provided directly to the patient.

(5) The prescription is issued by a veterinarian.

(6) The prescription is for eyeglasses or contact lenses.

(7) The prescription is issued by a prescribing health care practitioner serving as a volunteer in a free clinic and receives no remuneration for their services.

(8) The prescribing health care practitioner and the dispenser are the same entity.

(9) The prescription is issued by a prescribing health care practitioner under circumstances whereby the practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by an electronic data transmission prescription in a timely manner, and the delay would adversely impact the patient's medical condition.

(10) The prescription that is issued includes elements not covered by the latest version of the National Council for Prescription Drug Programs' SCRIPT standard, as amended from time to time.

(11)(A) The prescriber registers with the California State Board of Pharmacy in a manner and format determined by the board, stating that they meet one or more of the following criteria:

(i) Their practice is located in the area of an emergency or disaster declared by a federal, state, or local government.

(ii) They issue 100 or fewer prescriptions per calendar year.

(iii) They are unable to issue electronic data transmission prescriptions due to circumstances beyond their control.

(B) The prescriber shall annually submit the registration required in subparagraph (A) to the California State Board of Pharmacy and maintain documentation of the circumstances qualifying them for exemption under subparagraph (A).

(C) The California State Board of Pharmacy shall post a list of prescribers meeting the requirements of subparagraph (A) on its internet website.

(f) A health care practitioner who issues a prescription for a controlled substance but does not transmit the prescription as an electronic data transmission prescription shall

document the reason in the patient’s medical record as soon as practicable and within 72 hours of the end of the technological or electrical failure that prevented the electronic data transmission of the prescription.

(g)(1) A pharmacy that receives an electronic data transmission prescription from a prescribing health care practitioner who has issued the prescription but has not dispensed the medication to the patient shall, at the request of the patient or a person authorized to make a request on behalf of the patient, immediately transfer or forward the electronic data transmission prescription to an alternative pharmacy designated by the requester, unless one of the following applies:

(A) The action would result in a violation of any state or federal law.

(B) The action is not supported by the latest version of the National Council for Prescription Drug Programs SCRIPT standard, as amended from time to time.

(2) If a pharmacy is prohibited from transferring or forwarding electronic data transmission prescriptions, as specified in paragraph (1), to a designated alternative pharmacy, and that prohibition is subsequently removed, then that pharmacy shall implement, within one year from the date the prohibition is removed, the necessary provisions to allow for the transferring or forwarding of an electronic data transmission prescription.

(h) If a pharmacy, or its staff, is aware that an attempted transmission of an electronic data transmission prescription failed, is incomplete, or is otherwise not appropriately received, the pharmacy shall immediately notify the prescribing health care practitioner.

(i) A pharmacist who receives a written, oral, or faxed prescription shall not be required to verify that the prescription properly falls under one of the exceptions in subdivision (e). Pharmacists may continue to dispense medications from legally valid written, oral, or fax prescriptions pursuant to this division.

(j) A health care practitioner, pharmacist, or pharmacy who fails to meet the applicable requirements of this section shall be referred to the appropriate state professional licensing board solely for administrative sanctions, as deemed appropriate by that board. This section does not create a private right of action against a health care practitioner. This section does not limit a health care practitioner’s liability for the negligent failure to diagnose or treat a patient.

(k) This section shall not apply to a health care practitioner, pharmacist, or pharmacy when providing health care services to an inmate, individual on parole, or youth under the jurisdiction of the Department of Corrections and Rehabilitation.

**HISTORY:**

Added Stats 2018 ch 438 § 1 (AB 2789), effective January 1, 2019. Amended Stats 2022 ch 518 § 1 (AB 852), effective January 1, 2023.

**ARTICLE 11**

**PROFESSIONAL REPORTING**

Section

- 800. Central files of licensees’ individual historical records.
- 801. Insurers’ reports of malpractice settlements or arbitration awards; Insured’s written consent to settlement.
- 801.01. Report of settlement of arbitration award over a specified amount in case of alleged negligence, error, or omission in practice or the licensee’s rendering of unauthorized professional services; Procedure.
- 801.1. Report of settlement or arbitration award where state or local government acts as self-insurer in cases of negligence, error, omission in practice, or rendering of unauthorized services resulting in death or personal injury.
- 802. Reports of malpractice settlements or arbitration awards involving uninsured licensees; Penalties for noncompliance.
- 806. Statistical reports and recommendations to Legislature.
- 809.1. Notice.

**HISTORY:** Added Stats 2d Ex Sess 1975 ch 1 § 2.3. Former Article 11, consisting of §§ 800–803, relating to reporting of malpractice actions, was added Stats 1970 ch 1111 § 1, operative January 1, 1971, and repealed Stats 2d Ex Sess 1975 ch 1 § 2.2.

**§ 800. Central files of licensees' individual historical records**

(a) The Medical Board of California, the Podiatric Medical Board of California, the Board of Psychology, the Dental Board of California, the Dental Hygiene Board of California, the Osteopathic Medical Board of California, the State Board of Chiropractic Examiners, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the California State Board of Optometry, the Veterinary Medical Board, the Board of Behavioral Sciences, the Physical Therapy Board of California, the California State Board of Pharmacy, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, the California Board of Occupational Therapy, the Acupuncture Board, and the Physician Assistant Board shall each separately create and maintain a central file of the names of all persons who hold a license, certificate, or similar authority from that board. Each central file shall be created and maintained to provide an individual historical record for each licensee with respect to the following information:

(1) Any conviction of a crime in this or any other state that constitutes unprofessional conduct pursuant to the reporting requirements of Section 803.

(2) Any judgment or settlement requiring the licensee or the licensee's insurer to pay any amount of damages in excess of three thousand dollars (\$3,000) for any claim that injury or death was proximately caused by the licensee's negligence, error, or omission in practice, or by rendering unauthorized professional services, pursuant to the reporting requirements of Section 801 or 802.

(3) Any public complaints for which provision is made pursuant to subdivision (b).

(4) Disciplinary information reported pursuant to Section 805, including any additional exculpatory or explanatory statements submitted by the licensee pursuant to subdivision (f) of Section 805. If a court finds, in a final judgment, that the peer review resulting in the 805 report was conducted in bad faith and the licensee who is the subject of the report notifies the board of that finding, the board shall include that finding in the central file. For purposes of this paragraph, "peer review" has the same meaning as defined in Section 805.

(5) Information reported pursuant to Section 805.01, including any explanatory or exculpatory information submitted by the licensee pursuant to subdivision (b) of that section.

(b)(1) Each board shall prescribe and promulgate forms on which members of the public and other licensees or certificate holders may file written complaints to the board alleging any act of misconduct in, or connected with, the performance of professional services by the licensee.

(2) If a board, or division thereof, a committee, or a panel has failed to act upon a complaint or report within five years, or has found that the complaint or report is without merit, the central file shall be purged of information relating to the complaint or report.

(3) Notwithstanding this subdivision, the Board of Psychology, the Board of Behavioral Sciences, and the Respiratory Care Board of California shall maintain complaints or reports as long as each board deems necessary.

(c)(1) The contents of any central file that are not public records under any other provision of law shall be confidential except that the licensee involved, or the licensee's counsel or representative, may inspect and have copies made of the licensee's complete file except for the provision that may disclose the identity of an information source. For the purposes of this section, a board may protect an information source by providing a copy of the material with only those deletions necessary to protect the identity of the source or by providing a summary of the substance of the material. Whichever method is used, the board shall ensure that full disclosure is made to the subject of any

personal information that could reasonably in any way reflect or convey anything detrimental, disparaging, or threatening to a licensee's reputation, rights, benefits, privileges, or qualifications, or be used by a board to make a determination that would affect a licensee's rights, benefits, privileges, or qualifications. The information required to be disclosed pursuant to Section 803.1 shall not be considered among the contents of a central file for the purposes of this subdivision.

(2) The licensee may, but is not required to, submit any additional exculpatory or explanatory statement or other information that the board shall include in the central file.

(3) Each board may permit any law enforcement or regulatory agency when required for an investigation of unlawful activity or for licensing, certification, or regulatory purposes to inspect and have copies made of that licensee's file, unless the disclosure is otherwise prohibited by law.

(4) These disclosures shall effect no change in the confidential status of these records.

**HISTORY:**

Added Stats 1975 2nd Ex Sess ch 1 § 2.3. Amended Stats 1975 2nd Ex Sess ch 2 § 1.005, effective September 24, 1975, operative December 12, 1975; Stats 1976 ch 1185 § 1; Stats 1980 ch 1313 § 1; Stats 1987 ch 721 § 1; Stats 1989 ch 354 § 1, ch 886 § 10 (ch 354 prevails); Stats 1991 ch 359 § 5 (AB 1332), ch 1091 § 1 (AB 1487) (ch 359 prevails); Stats 1994 ch 26 § 15.5 (AB 1807), effective March 30, 1994; Stats 1995 ch 60 § 6 (SB 42), effective July 6, 1995, and ch 5 § 1 (SB 158), ch 708 § 1.5 (SB 609), ch 796 § 1 (SB 45) (ch 708 prevails), effective January 1, 1996; Stats 1997 ch 759 § 9 (SB 827); Stats 1999 ch 252 § 1 (AB 352), ch 655 § 2 (SB 1308); Stats 2002 ch 1085 § 1 (SB 1950), ch 1150 § 2.5 (SB 1955); Stats 2006 ch 659 § 2 (SB 1475), effective January 1, 2007; Stats 2009 ch 308 § 9 (SB 819), effective January 1, 2010; Stats 2010 ch 505 § 1 (SB 700), effective January 1, 2011; Stats 2012 ch 332 § 1 (SB 1236), effective January 1, 2013; Stats 2015 ch 426 § 5 (SB 800), effective January 1, 2016; Stats 2017 ch 775 § 9 (SB 798), effective January 1, 2018; Stats 2018 ch 858 § 2 (SB 1482), effective January 1, 2019; Stats 2019 ch 849 § 1 (SB 425), effective January 1, 2020; Stats 2021 ch 630 § 14 (AB 1534), effective January 1, 2022.

**§ 801. Insurers' reports of malpractice settlements or arbitration awards; Insured's written consent to settlement**

(a) Except as provided in Section 801.01 and subdivisions (b), (c), (d), and (e) of this section, every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from or under any agency specified in subdivision (a) of Section 800 shall send a complete report to that agency as to any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(b) Every insurer providing professional liability insurance to a person licensed pursuant to Chapter 13 (commencing with Section 4980), Chapter 14 (commencing with Section 4990), or Chapter 16 (commencing with Section 4999.10) shall send a complete report to the Board of Behavioral Sciences as to any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(c) Every insurer providing professional liability insurance to a dentist licensed pursuant to Chapter 4 (commencing with Section 1600) shall send a complete report to the Dental Board of California as to any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional services. The report shall be sent within 30 days after the

written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(d) Every insurer providing liability insurance to a veterinarian licensed pursuant to Chapter 11 (commencing with Section 4800) shall send a complete report to the Veterinary Medical Board of any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional service. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(e) Every insurer providing professional liability insurance to a person licensed pursuant to Chapter 6 (commencing with Section 2700) shall send a complete report to the Board of Registered Nursing as to any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(f) The insurer shall notify the claimant, or if the claimant is represented by counsel, the insurer shall notify the claimant's attorney, that the report required by subdivision (a), (b), or (c) has been sent to the agency. If the attorney has not received this notice within 45 days after the settlement was reduced to writing and signed by all of the parties, the arbitration award was served on the parties, or the date of entry of the civil judgment, the attorney shall make the report to the agency.

(g) Notwithstanding any other provision of law, no insurer shall enter into a settlement without the written consent of the insured, except that this prohibition shall not void any settlement entered into without that written consent. The requirement of written consent shall only be waived by both the insured and the insurer.

(h) For purposes of this section, "insurer" means the following:

(1) The insurer providing professional liability insurance to the licensee.

(2) The licensee, or his or her counsel, if the licensee does not possess professional liability insurance.

(3) A state or local governmental agency, including, but not limited to, a joint powers authority, that self-insures the licensee. As used in this paragraph, "state governmental agency" includes, but is not limited to, the University of California.

**HISTORY:**

Added Stats 1975 2nd Ex Sess ch 1 § 2.3. Amended Stats 1979 ch 923 § 1; Stats 1989 ch 398 § 1, ch 886 § 11 (ch 398 prevails); Stats 1991 ch 359 § 6 (AB 1332), ch 1091 § 2 (AB 1487) (ch 359 prevails); Stats 1994 ch 468 § 1 (AB 559), ch 1206 § 8 (SB 1775); Stats 1995 ch 5 § 2 (SB 158); Stats 1997 ch 359 § 1 (AB 103); Stats 2002 ch 1085 § 2 (SB 1950); Stats 2004 ch 467 § 1 (SB 1548); Stats 2006 ch 223 § 3 (SB 1438) (ch 223 prevails), effective January 1, 2007, ch 538 § 2 (SB 1852); Stats 2009 ch 308 § 10 (SB 819), effective January 1, 2010; Stats 2011 ch 381 § 6 (SB 146), effective January 1, 2012; Stats 2017 ch 520 § 1 (SB 799), effective January 1, 2018.

**§ 801.01. Report of settlement of arbitration award over a specified amount in case of alleged negligence, error, or omission in practice or the licensee's rendering of unauthorized professional services; Procedure**

The Legislature finds and declares that the filing of reports with the applicable state agencies required under this section is essential for the protection of the public. It is the intent of the Legislature that the reporting requirements set forth in this section be interpreted broadly in order to expand reporting obligations.

(a) A complete report shall be sent to the Medical Board of California, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, or the Physician Assistant Board with respect to a licensee of the board as to the following:

(1) A settlement over thirty thousand dollars (\$30,000) or arbitration award of any amount or a civil judgment of any amount, whether or not vacated by a settlement after entry of the judgment, that was not reversed on appeal, of a claim or action for damages for death or personal injury caused by the licensee's alleged negligence, error, or omission in practice, or by the licensee's rendering of unauthorized professional services.

(2) A settlement over thirty thousand dollars (\$30,000), if the settlement is based on the licensee's alleged negligence, error, or omission in practice, or on the licensee's rendering of unauthorized professional services, and a party to the settlement is a corporation, medical group, partnership, or other corporate entity in which the licensee has an ownership interest or that employs or contracts with the licensee.

(b) The report shall be sent by any of the following:

- (1) The insurer providing professional liability insurance to the licensee.
- (2) The licensee, or the licensee's counsel.

(3) A state or local governmental agency that self-insures the licensee. For purposes of this section, "state governmental agency" includes, but is not limited to, the University of California.

(c) The entity, person, or licensee obligated to report pursuant to subdivision (b) shall send the complete report if the judgment, settlement agreement, or arbitration award is entered against or paid by the employer of the licensee and not entered against or paid by the licensee. "Employer," as used in this paragraph, means a professional corporation, a group practice, a health care facility or clinic licensed or exempt from licensure under the Health and Safety Code, a licensed health care service plan, a medical care foundation, an educational institution, a professional institution, a professional school or college, a general law corporation, a public entity, or a nonprofit organization that employs, retains, or contracts with a licensee referred to in this section. Nothing in this paragraph shall be construed to authorize the employment of, or contracting with, any licensee in violation of Section 2400.

(d) The report shall be sent to the Medical Board of California, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, or the Physician Assistant Board as appropriate, within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto, within 30 days after service of the arbitration award on the parties, or within 30 days after the date of entry of the civil judgment.

(e) The entity, person, or licensee required to report under subdivision (b) shall notify the claimant or the claimant's counsel, if the claimant is represented by counsel, that the report has been sent to the Medical Board of California, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, or the Physician Assistant Board. If the claimant or the claimant's counsel has not received this notice within 45 days after the settlement was reduced to writing and signed by all of the parties or the arbitration award was served on the parties or the date of entry of the civil judgment, the claimant or the claimant's counsel shall make the report to the appropriate board.

(f) Failure to substantially comply with this section is a public offense punishable by a fine of not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000).

(g)(1) The Medical Board of California, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, and the Physician Assistant Board may develop a prescribed form for the report.

(2) The report shall be deemed complete only if it includes the following information:

- (A) The name and last known business and residential addresses of every plaintiff or claimant involved in the matter, whether or not the person received an award under the settlement, arbitration, or judgment.

(B) The name and last known business and residential addresses of every licensee who was alleged to have acted improperly, whether or not that person was a named defendant in the action and whether or not that person was required to pay any damages pursuant to the settlement, arbitration award, or judgment.

(C) The name, address, and principal place of business of every insurer providing professional liability insurance to any person described in subparagraph (B), and the insured's policy number.

(D) The name of the court in which the action or any part of the action was filed, and the date of filing and case number of each action.

(E) A description or summary of the facts of each claim, charge, or allegation, including the date of occurrence and the licensee's role in the care or professional services provided to the patient with respect to those services at issue in the claim or action.

(F) The name and last known business address of each attorney who represented a party in the settlement, arbitration, or civil action, including the name of the client the attorney represented.

(G) The amount of the judgment, the date of its entry, and a copy of the judgment; the amount of the arbitration award, the date of its service on the parties, and a copy of the award document; or the amount of the settlement and the date it was reduced to writing and signed by all parties and a copy of the settlement agreement. If an otherwise reportable settlement is entered into after a reportable judgment or arbitration award is issued, the report shall include both a copy of the settlement agreement and a copy of the judgment or award.

(H) The specialty or subspecialty of the licensee who was the subject of the claim or action.

(I) Any other information the Medical Board of California, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, or the Physician Assistant Board may, by regulation, require.

(3) Every professional liability insurer, self-insured governmental agency, or licensee or the licensee's counsel that makes a report under this section and has received a copy of any written or electronic patient medical or hospital records prepared by the treating physician and surgeon, podiatrist, or physician assistant, or the staff of the treating physician and surgeon, podiatrist, or hospital, describing the medical condition, history, care, or treatment of the person whose death or injury is the subject of the report, or a copy of any deposition in the matter that discusses the care, treatment, or medical condition of the person, shall include with the report, copies of the records and depositions, subject to reasonable costs to be paid by the Medical Board of California, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, or the Physician Assistant Board. If confidentiality is required by court order and, as a result, the reporter is unable to provide the records and depositions, documentation to that effect shall accompany the original report. The applicable board may, upon prior notification of the parties to the action, petition the appropriate court for modification of any protective order to permit disclosure to the board. A professional liability insurer, self-insured governmental agency, or licensee or the licensee's counsel shall maintain the records and depositions referred to in this paragraph for at least one year from the date of filing of the report required by this section.

(h) If the board, within 60 days of its receipt of a report filed under this section, notifies a person named in the report, that person shall maintain for the period of three years from the date of filing of the report any records that person has as to the matter in question and shall make those records available upon request to the board to which the report was sent.

(i) Notwithstanding any other provision of law, no insurer shall enter into a settlement without the written consent of the insured, except that this prohibition shall not void any settlement entered into without that written consent. The



requirement of written consent shall only be waived by both the insured and the insurer.

(j)(1) A state or local governmental agency that self-insures licensees shall, prior to sending a report pursuant to this section, do all of the following with respect to each licensee who will be identified in the report:

(A) Before deciding that a licensee will be identified, provide written notice to the licensee that the agency intends to submit a report in which the licensee may be identified, based on the licensee’s role in the care or professional services provided to the patient that were at issue in the claim or action. This notice shall describe the reasons for notifying the licensee. The agency shall include with this notice a reasonable opportunity for the licensee to review a copy of records to be used by the agency in deciding whether to identify the licensee in the report.

(B) Provide the licensee with a reasonable opportunity to provide a written response to the agency and written materials in support of the licensee’s position. If the licensee is identified in the report, the agency shall include this response and materials in the report submitted to a board under this section if requested by the licensee.

(C) At least 10 days prior to the expiration of the 30-day reporting requirement under subdivision (d), provide the licensee with the opportunity to present arguments to the body that will make the final decision or to that body’s designee. The body shall review the care or professional services provided to the patient with respect to those services at issue in the claim or action and determine the licensee or licensees to be identified in the report and the amount of the settlement to be apportioned to the licensee.

(2) Nothing in this subdivision shall be construed to modify either the content of a report required under this section or the timeframe for filing that report.

(k) For purposes of this section, “licensee” means a licensee of the Medical Board of California, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, or the Physician Assistant Board.

**HISTORY:**

Added Stats 2006 ch 223 § 4 (SB 1438), effective January 1, 2007. Amended Stats 2009 ch 505 § 1 (AB 1070), effective January 1, 2010; Stats 2012 ch 332 § 2 (SB 1236), effective January 1, 2013; Stats 2021 ch 649 § 2 (SB 806), effective January 1, 2022.

**§ 801.1. Report of settlement or arbitration award where state or local government acts as self-insurer in cases of negligence, error, omission in practice, or rendering of unauthorized services resulting in death or personal injury**

(a) Every state or local governmental agency that self-insures a person who holds a license, certificate, or similar authority from or under any agency specified in subdivision (a) of Section 800 (except a person licensed pursuant to Chapter 3 (commencing with Section 1200) or Chapter 5 (commencing with Section 2000) or the Osteopathic Initiative Act) shall send a complete report to that agency as to any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person’s negligence, error, or omission in practice, or rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(b) Every state or local governmental agency that self-insures a person licensed pursuant to Chapter 13 (commencing with Section 4980), Chapter 14 (commencing with Section 4990), or Chapter 16 (commencing with Section 4999.10) shall send a complete report to the Board of Behavioral Science Examiners as to any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by that person’s negligence, error, or omission in practice, or

rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

**HISTORY:**

Added Stats 1995 ch 708 § 2 (SB 609). Amended Stats 2002 ch 1085 § 3 (SB 1950); Stats 2006 ch 223 § 5 (SB 1438), effective January 1, 2007; Stats 2011 ch 381 § 7 (SB 146), effective January 1, 2012.

**§ 802. Reports of malpractice settlements or arbitration awards involving uninsured licensees; Penalties for noncompliance**

(a) Every settlement, judgment, or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a person who holds a license, certificate, or other similar authority from an agency specified in subdivision (a) of Section 800 (except a person licensed pursuant to Chapter 3 (commencing with Section 1200) or Chapter 5 (commencing with Section 2000) or the Osteopathic Initiative Act) who does not possess professional liability insurance as to that claim shall, within 30 days after the written settlement agreement has been reduced to writing and signed by all the parties thereto or 30 days after service of the judgment or arbitration award on the parties, be reported to the agency that issued the license, certificate, or similar authority. A complete report shall be made by appropriate means by the person or his or her counsel, with a copy of the communication to be sent to the claimant through his or her counsel if the person is so represented, or directly if he or she is not. If, within 45 days of the conclusion of the written settlement agreement or service of the judgment or arbitration award on the parties, counsel for the claimant (or if the claimant is not represented by counsel, the claimant himself or herself) has not received a copy of the report, he or she shall himself or herself make the complete report. Failure of the licensee or claimant (or, if represented by counsel, their counsel) to comply with this section is a public offense punishable by a fine of not less than fifty dollars (\$50) or more than five hundred dollars (\$500). Knowing and intentional failure to comply with this section or conspiracy or collusion not to comply with this section, or to hinder or impede any other person in the compliance, is a public offense punishable by a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000).

(b) Every settlement, judgment, or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a marriage and family therapist, a clinical social worker, or a professional clinical counselor licensed pursuant to Chapter 13 (commencing with Section 4980), Chapter 14 (commencing with Section 4990), or Chapter 16 (commencing with Section 4999.10), respectively, who does not possess professional liability insurance as to that claim shall within 30 days after the written settlement agreement has been reduced to writing and signed by all the parties thereto or 30 days after service of the judgment or arbitration award on the parties be reported to the agency that issued the license, certificate, or similar authority. A complete report shall be made by appropriate means by the person or his or her counsel, with a copy of the communication to be sent to the claimant through his or her counsel if he or she is so represented, or directly if he or she is not. If, within 45 days of the conclusion of the written settlement agreement or service of the judgment or arbitration award on the parties, counsel for the claimant (or if he or she is not represented by counsel, the claimant himself or herself) has not received a copy of the report, he or she shall himself or herself make a complete report. Failure of the marriage and family therapist, clinical social worker, or professional clinical counselor or claimant (or, if represented by counsel, his or her counsel) to comply with this section is a public offense punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). Knowing and intentional failure to comply

with this section, or conspiracy or collusion not to comply with this section or to hinder or impede any other person in that compliance, is a public offense punishable by a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000).

**HISTORY:**

Added Stats 1975 2nd Ex Sess ch 1 § 2.3. Amended Stats 1979 ch 923 § 2; Stats 1989 ch 398 § 2; Stats 1997 ch 359 § 2 (AB 103); Stats 2001 ch 728 § 1.5 (SB 724); Stats 2002 ch 1085 § 4 (SB 1950); Stats 2005 ch 674 § 4 (SB 231), effective January 1, 2006; Stats 2006 ch 223 § 6 (SB 1438), effective January 1, 2007; Stats 2011 ch 381 § 8 (SB 146), effective January 1, 2012.

**§ 806. Statistical reports and recommendations to Legislature**

Each agency in the department receiving reports pursuant to the preceding sections shall prepare a statistical report based upon these records for presentation to the Legislature not later than 30 days after the commencement of each regular session of the Legislature, including by the type of peer review body, and, where applicable, type of health care facility, the number of reports received and a summary of administrative and disciplinary action taken with respect to these reports and any recommendations for corrective legislation if the agency considers legislation to be necessary.

**HISTORY:**

Added Stats 2nd Ex Sess 1975 ch 1 § 2.3. Amended Stats 2001 ch 614 § 8 (SB 16).

**§ 809.1. Notice**

(a) A licentiate who is the subject of a final proposed action of a peer review body for which a report is required to be filed under Section 805 shall be entitled to written notice as set forth in subdivisions (b) and (c). For the purposes of this section, the “final proposed action” shall be the final decision or recommendation of the peer review body after informal investigatory activity or prehearing meetings, if any.

(b) The peer review body shall give the licentiate written notice of the final proposed action. This notice shall include all the following information:

(1) That an action against the licentiate has been proposed by the peer review body which, if adopted, shall be taken and reported pursuant to Section 805.

(2) The final proposed action.

(3) That the licentiate has the right to request a hearing on the final proposed action.

(4) The time limit, within which to request such a hearing.

(c) If a hearing is requested on a timely basis, the peer review body shall give the licentiate a written notice stating all of the following:

(1) The reasons for the final proposed action taken or recommended, including the acts or omissions with which the licentiate is charged.

(2) The place, time, and date of the hearing.

**HISTORY:**

Added Stats 1989 ch 336 § 2, effective September 8, 1989, operative January 1, 1990.

**ARTICLE 12  
INSURANCE FRAUD**

Section

810. Grounds for disciplinary action against health care professional.

**HISTORY:** Added Stats 1978 ch 174 § 1, effective May 31, 1978.

**§ 810. Grounds for disciplinary action against health care professional**

(a) It shall constitute unprofessional conduct and grounds for disciplinary action,

including suspension or revocation of a license or certificate, for a health care professional to do any of the following in connection with their professional activities:

(1) Knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance.

(2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

(b) It shall constitute cause for revocation or suspension of a license or certificate for a health care professional to engage in any conduct prohibited under Section 1871.4 of the Insurance Code or Section 549 or 550 of the Penal Code.

(c)(1) It shall constitute cause for automatic suspension of a license or certificate issued pursuant to Chapter 4 (commencing with Section 1600), Chapter 5 (commencing with Section 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7 (commencing with Section 3000), or Chapter 9 (commencing with Section 4000), or pursuant to the Chiropractic Act or the Osteopathic Act, if a licensee or certificate holder has been convicted of any felony involving fraud committed by the licensee or certificate holder in conjunction with providing benefits covered by worker's compensation insurance, or has been convicted of any felony involving Medi-Cal fraud committed by the licensee or certificate holder in conjunction with the Medi-Cal program, including the Denti-Cal element of the Medi-Cal program, pursuant to Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200), of Part 3 of Division 9 of the Welfare and Institutions Code. The board shall convene a disciplinary hearing to determine whether or not the license or certificate shall be suspended, revoked, or some other disposition shall be considered, including, but not limited to, revocation with the opportunity to petition for reinstatement, suspension, or other limitations on the license or certificate as the board deems appropriate.

(2) It shall constitute cause for automatic suspension and for revocation of a license or certificate issued pursuant to Chapter 4 (commencing with Section 1600), Chapter 5 (commencing with Section 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7 (commencing with Section 3000), or Chapter 9 (commencing with Section 4000), or pursuant to the Chiropractic Act or the Osteopathic Act, if a licensee or certificate holder has more than one conviction of any felony arising out of separate prosecutions involving fraud committed by the licensee or certificate holder in conjunction with providing benefits covered by worker's compensation insurance, or in conjunction with the Medi-Cal program, including the Denti-Cal element of the Medi-Cal program pursuant to Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200), of Part 3 of Division 9 of the Welfare and Institutions Code. The board shall convene a disciplinary hearing to revoke the license or certificate and an order of revocation shall be issued unless the board finds mitigating circumstances to order some other disposition.

(3) It is the intent of the Legislature that paragraph (2) apply to a licensee or certificate holder who has one or more convictions prior to January 1, 2004, as provided in this subdivision.

(4) Nothing in this subdivision shall preclude a board from suspending or revoking a license or certificate pursuant to any other provision of law.

(5) "Board," as used in this subdivision, means the Dental Board of California, the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, the California State Board of Optometry, the California State Board of Pharmacy, the Osteopathic Medical Board of California, and the State Board of Chiropractic Examiners.

(6) "More than one conviction," as used in this subdivision, means that the licensee or certificate holder has one or more convictions prior to January 1, 2004, and at least one conviction on or after that date, or the licensee or certificate holder has two or more convictions on or after January 1, 2004. However, a licensee or certificate holder who

has one or more convictions prior to January 1, 2004, but who has no convictions and is currently licensed or holds a certificate after that date, does not have “more than one conviction” for the purposes of this subdivision.

(d) As used in this section, health care professional means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act.

**HISTORY:**

Added Stats 1978 ch 174 § 1, effective May 31, 1978. Amended Stats 1991 ch 116 § 1 (SB 1218); Stats 1997 ch 758 § 2.6 (SB 1346); Stats 2003 ch 595 § 1 (SB 359), ch 659 § 1.5 (AB 747); Stats 2004 ch 333 § 1 (AB 2835); Stats 2017 ch 775 § 16 (SB 798), effective January 1, 2018; Stats 2021 ch 630 § 15 (AB 1534), effective January 1, 2022.

**ARTICLE 12.5**

**MENTAL ILLNESS OR PHYSICAL ILLNESS**

Section

- 820. Examination of licentiate for mental illness or physical illness affecting competency.
- 821. Effect of licentiate’s failure to comply with order for examination.
- 821.5. [Section repealed 2010.]
- 821.6. [Section repealed 2010.]
- 822. Action by licensing agency.
- 823. Reinstatement of licentiate.
- 824. Options open to licensing agency when proceeding against licentiate.
- 825. “Licensing agency”.
- 826. Format of proceedings under Sections 821 and 822; Rights and powers.
- 827. Authority of licensing agency to convene in closed session.
- 828. Determination of insufficient evidence to bring action against licentiate; Effect on records of proceedings.

**HISTORY:** Added Stats 1982 ch 1183 § 1.

**§ 820. Examination of licentiate for mental illness or physical illness affecting competency**

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate’s ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

**HISTORY:**

Added Stats 1982 ch 1183 § 1. Amended Stats 1989 ch 1104 § 1.7.

**§ 821. Effect of licentiate’s failure to comply with order for examination**

The licentiate’s failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate’s certificate or license.

**HISTORY:**

Added Stats 1982 ch 1183 § 1.

**§ 821.5. [Section repealed 2010.]**

**HISTORY:**

Added Stats 1996 ch 644 § 1 (AB 1974), effective September 19, 1996. Repealed Stats 2009 ch 307 § 3 (SB 821), effective January 1, 2010. The repealed section related to formal investigation of a physician and surgeon’s ability to

practice medicine safely based upon information indicating that the physician and surgeon may be suffering from a disabling mental or physical condition that poses a threat to patient care.

**§ 821.6. [Section repealed 2010.]**

**HISTORY:**

Added Stats 1996 ch 644 § 2 (AB 1974), effective September 19, 1996. Repealed Stats 2009 ch 307 § 4 (SB 821), effective January 1, 2010. The repealed section related to regulations to implement the monitoring responsibility of the diversion program administrator.

**§ 822. Action by licensing agency**

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

**HISTORY:**

Added Stats 1982 ch 1183 § 1.

**§ 823. Reinstatement of licentiate**

Notwithstanding any other provisions of law, reinstatement of a licentiate against whom action has been taken pursuant to Section 822 shall be governed by the procedures in this article. In reinstating a certificate or license which has been revoked or suspended under Section 822, the licensing agency may impose terms and conditions to be complied with by the licentiate after the certificate or license has been reinstated. The authority of the licensing agency to impose terms and conditions includes, but is not limited to, the following:

- (a) Requiring the licentiate to obtain additional professional training and to pass an examination upon the completion of the training.
- (b) Requiring the licentiate to pass an oral, written, practical, or clinical examination, or any combination thereof to determine his or her present fitness to engage in the practice of his or her profession.
- (c) Requiring the licentiate to submit to a complete diagnostic examination by one or more physicians and surgeons or psychologists appointed by the licensing agency. If the licensing agency requires the licentiate to submit to such an examination, the licensing agency shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons or psychologists of the licentiate's choice.
- (d) Requiring the licentiate to undergo continuing treatment.
- (e) Restricting or limiting the extent, scope or type of practice of the licentiate.

**HISTORY:**

Added Stats 1982 ch 1183 § 1.

**§ 824. Options open to licensing agency when proceeding against licentiate**

The licensing agency may proceed against a licentiate under either Section 820, or 822, or under both sections.

**HISTORY:**

Added Stats 1982 ch 1183 § 1.

**§ 825. “Licensing agency”**

As used in this article with reference to persons holding licenses as physicians and surgeons, “licensing agency” means a panel of the Division of Medical Quality.

**HISTORY:**

Added Stats 1982 ch 1183 § 1. Amended Stats 1993 ch 1267 § 9 (SB 916).

**§ 826. Format of proceedings under Sections 821 and 822; Rights and powers**

The proceedings under Sections 821 and 822 shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the licensing agency and the licentiate shall have all the rights and powers granted therein.

**HISTORY:**

Added Stats 1982 ch 1183 § 1.

**§ 827. Authority of licensing agency to convene in closed session**

Notwithstanding the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, the licensing agency may convene in closed session to consider any evidence relating to the licentiate’s mental or physical illness obtained pursuant to the proceedings under Section 820. The licensing agency shall only convene in closed session to the extent that it is necessary to protect the privacy of a licentiate.

**HISTORY:**

Added Stats 1982 ch 1183 § 1.

**§ 828. Determination of insufficient evidence to bring action against licentiate; Effect on records of proceedings**

If the licensing agency determines, pursuant to proceedings conducted under Section 820, that there is insufficient evidence to bring an action against the licentiate pursuant to Section 822, then all licensing agency records of the proceedings, including the order for the examination, investigative reports, if any, and the report of the physicians and surgeons or psychologists, shall be kept confidential and are not subject to discovery or subpoena. If no further proceedings are conducted to determine the licentiate’s fitness to practice during a period of five years from the date of the determination by the licensing agency of the proceeding pursuant to Section 820, then the licensing agency shall purge and destroy all records pertaining to the proceedings. If new proceedings are instituted during the five-year period against the licentiate by the licensing agency, the records, including the report of the physicians and surgeons or psychologists, may be used in the proceedings and shall be available to the respondent pursuant to the provisions of Section 11507.6 of the Government Code.

**HISTORY:**

Added Stats 1982 ch 1183 § 1.

**ARTICLE 13**

**STANDARDS FOR LICENSURE OR CERTIFICATION**

Section

850. Delegation of licensing standards: Prohibitions.

Section  
851. Authorized delegation of healing arts licensing standards.

**HISTORY:** Added Stats 1978 ch 1106 § 1, as Article 12. Renumbered by Stats 1979 ch 373 § 3.

**§ 850. Delegation of licensing standards; Prohibitions**

No healing arts licensing board or examining committee under the Department of Consumer Affairs shall by regulation require an applicant for licensure or certification to be a member of, to be certified by, to be eligible to be certified or registered by, or otherwise meet the standards of a specified private voluntary association or professional society except as provided for in this article.

**HISTORY:**  
Added Stats 1978 ch 1106 § 1.

**§ 851. Authorized delegation of healing arts licensing standards**

A healing arts licensure board or examining committee may by regulation require an applicant for licensure or certification to meet the standards of a specified private voluntary association or professional society when either of the following conditions is met:

- (a) There is direct statutory authority or requirement that the board or examining committee utilize the standards of the specified private voluntary association or professional society; or
- (b) The board or examining committee specifies in the regulation the amount of education, training experience, examinations, or other requirements of the private voluntary association or professional society, which standards shall be consistent with the provisions of law regulating such licensees, and the board or examining committee adopts such standards in public hearing. The board or examining committee may, by regulation, require an applicant to successfully complete an examination conducted by or created by a relevant national certification association, testing firm, private voluntary association, or professional society.

Nothing in this section authorizes the Medical Board of California to limit the licensure of physicians and surgeons by specialty.

**HISTORY:**  
Added Stats 1978 ch 1106 § 1. Amended Stats 1989 ch 886 § 15.

**CHAPTER 9**

**PHARMACY**

**ARTICLE 2**

**DEFINITIONS**

- Section
- 4021. "Controlled substance".
  - 4022. "Dangerous drug" or "dangerous device".
  - 4023. "Device".
  - 4023.5. "Direct supervision and control".
  - 4024. "Dispense".
  - 4040. "Prescription"; "Electronic transmission prescription".
  - 4041. "Veterinary food-animal drug retailer".
  - 4042. "Veterinary food-animal drugs".



HISTORY: Added Stats 1996 ch 890 § 3 (AB 2802).

**§ 4021. “Controlled substance”**

“Controlled substance” means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 1997 ch 549 § 14 (SB 1349).

**§ 4022. “Dangerous drug” or “dangerous device”**

“Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use in humans or animals, and includes the following:

- (a) Any drug that bears the legend: “Caution: federal law prohibits dispensing without prescription,” “Rx only,” or words of similar import.
- (b) Any device that bears the statement: “Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_,” “Rx only,” or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.
- (c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 1997 ch 549 § 15 (SB 1349); Stats 1999 ch 655 § 44 (SB 1308); Stats 2003 ch 250 § 1 (SB 175).

**§ 4023. “Device”**

“Device” means any instrument, apparatus, machine, implant, in vitro reagent, or contrivance, including its components, parts, products, or the byproducts of a device, and accessories that are used or intended for either of the following:

- (a) Use in the diagnosis, cure, mitigation, treatment, or prevention of disease in a human or any other animal.
- (b) To affect the structure or any function of the body of a human or any other animal.

For purposes of this chapter, “device” does not include contact lenses, or any prosthetic or orthopedic device that does not require a prescription.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 1997 ch 549 § 16 (SB 1349).

**§ 4023.5. “Direct supervision and control”**

For the purposes of this chapter, “direct supervision and control” means that a pharmacist is on the premises at all times and is fully aware of all activities performed by either a pharmacy technician or intern pharmacist.

**HISTORY:**

Added Stats 2005 ch 621 § 47 (SB 1111), effective January 1, 2006.

**§ 4024. “Dispense”**

(a) Except as provided in subdivision (b), “dispense” means the furnishing of drugs or devices upon a prescription from a physician, nurse practitioner practicing pursuant to Section 2837.103 or 2837.104, dentist, optometrist, podiatrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or upon an order to furnish drugs or transmit a prescription from a certified nurse-midwife, nurse practitioner practicing pursuant to Section 2836.1, physician assistant, naturopathic doctor pursuant to Section 3640.5, or pharmacist acting within the scope of their practice.

(b) “Dispense” also means and refers to the furnishing of drugs or devices directly to a patient by a physician, nurse practitioner practicing pursuant to Section 2837.103 or 2837.104, dentist, optometrist, podiatrist, or veterinarian, or by a certified nurse-midwife, nurse practitioner practicing pursuant to Section 2836.1, naturopathic doctor, or physician assistant acting within the scope of their practice.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 1997 ch 549 § 17 (SB 1349); Stats 2005 ch 506 § 7 (AB 302), effective October 4, 2005; Stats 2022 ch 413 § 22 (AB 2684), effective January 1, 2023.

**§ 4040. “Prescription”; “Electronic transmission prescription”**

(a) “Prescription” means an oral, written, or electronic transmission order that is both of the following:

(1) Given individually for the person or persons for whom ordered that includes all of the following:

(A) The name or names and address of the patient or patients.

(B) The name and quantity of the drug or device prescribed and the directions for use.

(C) The date of issue.

(D) Either rubber stamped, typed, or printed by hand or typeset, the name, address, and telephone number of the prescriber, the prescriber’s license classification, and the prescriber’s federal registry number, if a controlled substance is prescribed.

(E) A legible, clear notice of the condition or purpose for which the drug is being prescribed, if requested by the patient or patients.

(F) If in writing, signed by the prescriber issuing the order, or the certified nurse-midwife, nurse practitioner, physician assistant, or naturopathic doctor who issues a drug order pursuant to Section 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist who issues a drug order pursuant to Section 4052.1, 4052.2, or 4052.6.

(2) Issued by a physician, dentist, optometrist, doctor of podiatric medicine, veterinarian, nurse practitioner practicing pursuant to Section 2837.103 or 2837.104, or naturopathic doctor pursuant to Section 3640.7 or, if a drug order is issued pursuant to Section 2746.51, 2836.1, 3502.1, or 3640.5, by a certified nurse-midwife, nurse practitioner, physician assistant, or naturopathic doctor licensed in this state, or pursuant to Section 4052.1, 4052.2, or 4052.6 by a pharmacist licensed in this state.

(b) Notwithstanding subdivision (a), a written order of the prescriber for a dangerous drug, except for any Schedule II controlled substance, that contains at least the name and signature of the prescriber, the name and address of the patient in a manner consistent with paragraph (2) of subdivision (a) of Section 11164 of the Health and Safety Code, the name and quantity of the drug prescribed, directions for use, and the date of issue may be treated as a prescription by the dispensing pharmacist as long as any additional information required by subdivision (a) is readily retrievable in the pharmacy. In the event of a conflict between this subdivision and Section 11164 of the Health and Safety Code, Section 11164 of the Health and Safety Code shall prevail.

(c) “Electronic transmission prescription” includes both image and data prescriptions. “Electronic image transmission prescription” means any prescription order for which a facsimile of the order is received by a pharmacy from a licensed prescriber. “Electronic data transmission prescription” means any prescription order, other than an electronic image transmission prescription, that is electronically transmitted from a licensed prescriber to a pharmacy.

(d) The use of commonly used abbreviations shall not invalidate an otherwise valid prescription.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 1997 ch 549 § 28 (SB 1349); Stats 1999 ch 749 § 4 (SB 816); Stats 2000 ch 836 § 23.7 (SB 1554); Stats 2001 ch 289 § 4 (SB 298); Stats 2004 ch 191 § 1 (AB 2660); Stats 2005 ch

506 § 9 (AB 302), effective October 4, 2005; Stats 2009 ch 308 § 44 (SB 819), effective January 1, 2010, ch 590 § 1 (SB 470), effective January 1, 2010; Stats 2010 ch 328 § 9 (SB 1330), effective January 1, 2011; Stats 2013 ch 469 § 3 (SB 493), effective January 1, 2014; Stats 2021 ch 629 § 10 (AB 1533), effective January 1, 2022; Stats 2022 ch 413 § 23 (AB 2684), effective January 1, 2023.

**§ 4041. “Veterinary food-animal drug retailer”**

“Veterinary food-animal drug retailer” is an area, place, or premises, other than a pharmacy, that holds a valid license from the Board of Pharmacy of the State of California as a wholesaler and, in and from which veterinary drugs for food-producing animals are dispensed pursuant to a prescription from a licensed veterinarian. “Veterinary food-animal retailer” includes, but is not limited to, any area, place, or premises described in a permit issued by the board wherein veterinary food-animal drugs, as defined in Section 4042, are stored, possessed, or repackaged, and from which veterinary drugs are furnished, sold, or dispensed at retail pursuant to a prescription from a licensed veterinarian.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802).

**§ 4042. “Veterinary food-animal drugs”**

“Veterinary food-animal drugs” as used in this chapter shall include the following:

- (a) Any drug to be used in food-producing animals bearing the legend, “Caution, federal law restricts this drug to use by or on the order of a licensed veterinarian” or words of similar import.
- (b) Any other drug as defined in Section 14206 of the Food and Agricultural Code that is used in a manner that would require a veterinary prescription.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802).

**ARTICLE 3**  
**SCOPE OF PRACTICE AND EXEMPTIONS**

Section

4067. Dispensing or furnishing dangerous drugs or devices on internet for delivery in state; Fine or penalty; Action by Attorney General.

**HISTORY:** Added Stats 1996 ch 890 § 3 (AB 2802).

**§ 4067. Dispensing or furnishing dangerous drugs or devices on internet for delivery in state; Fine or penalty; Action by Attorney General**

(a) No person or entity shall dispense or furnish, or cause to be dispensed or furnished, dangerous drugs or dangerous devices, as defined in Section 4022, on the internet for delivery to any person in this state without a prescription issued pursuant to a good faith prior examination of a human or animal for whom the prescription is meant if the person or entity either knew or reasonably should have known that the prescription was not issued pursuant to a good faith prior examination of a human or animal, or if the person or entity did not act in accordance with Section 1761 of Title 16 of the California Code of Regulations.

(b) Notwithstanding any other provision of law, a violation of this section may subject the person or entity that has committed the violation to either a fine of up to twenty-five thousand dollars (\$25,000) per occurrence pursuant to a citation issued by the board or a civil penalty of twenty-five thousand dollars (\$25,000) per occurrence.

(c) The Attorney General may bring an action to enforce this section and to collect the fines or civil penalties authorized by subdivision (b).

(d) For notifications made on and after January 1, 2002, the Franchise Tax Board, upon notification by the Attorney General or the board of a final judgment in an action brought under this section, shall subtract the amount of the fine or awarded civil penalties from any tax refunds or lottery winnings due to the person who is a defendant in the action using the offset authority under Section 12419.5 of the Government Code, as delegated by the Controller, and the processes as established by the Franchise Tax Board for this purpose. That amount shall be forwarded to the board for deposit in the Pharmacy Board Contingent Fund.

(e) Nothing in this section shall be construed to permit the unlicensed practice of pharmacy, or to limit the authority of the board to enforce any other provision of this chapter.

(f) For the purposes of this section, “good faith prior examination” includes the requirements for a physician and surgeon in Section 2242 and the requirements for a veterinarian in Section 4826.6.

**HISTORY:**

Added Stats 2000 ch 681 § 2 (SB 1828). Amended Stats 2003 ch 250 § 2 (SB 175); Stats 2023 ch 475 § 1 (AB 1399), effective January 1, 2024.

## ARTICLE 4

### REQUIREMENTS FOR PRESCRIPTIONS

Section

4076. Container and label; Unit dose medication system; Exceptions.

4076.5. Standardized, patient-centered, prescription drug label required; Public meetings; Exemptions.

4076.6. Translated directions for use.

4077. Exemptions from labeling requirements; Warning and first aid statements on DMSO.

**HISTORY:** Added Stats 1996 ch 890 § 3 (AB 2802).

#### § 4076. Container and label; Unit dose medication system; Exceptions

(a) A pharmacist shall not dispense a prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following:

(1) Except when the prescriber or the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1 or protocol, the physician assistant who functions pursuant to Section 3502.1, the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol pursuant to Section 4052.1, 4052.2, or 4052.6 orders otherwise, either the manufacturer’s trade name of the drug or the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by the manufacturer’s trade name or the commonly used name or the principal active ingredients.

(2) The directions for the use of the drug.

(3) The name of the patient or patients.

(4) The name of the prescriber or, if applicable, the name of the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1 or protocol, the physician assistant who functions pursuant to Section 3502.1, the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist

who functions pursuant to a policy, procedure, or protocol pursuant to Section 4052.1, 4052.2, or 4052.6.

- (5) The date of issue.
- (6) The name and address of the pharmacy, and prescription number or other means of identifying the prescription.
- (7) The strength of the drug or drugs dispensed.
- (8) The quantity of the drug or drugs dispensed.
- (9) The expiration date of the effectiveness of the drug dispensed.
- (10) The condition or purpose for which the drug was prescribed if the condition or purpose is indicated on the prescription.

(11)(A) Commencing January 1, 2006, the physical description of the dispensed medication, including its color, shape, and any identification code that appears on the tablets or capsules, except as follows:

- (i) Prescriptions dispensed by a veterinarian.
- (ii) An exemption from the requirements of this paragraph shall be granted to a new drug for the first 120 days that the drug is on the market and for the 90 days during which the national reference file has no description on file.
- (iii) Dispensed medications for which no physical description exists in a commercially available database.

(B) This paragraph applies to outpatient pharmacies only.

(C) The information required by this paragraph may be printed on an auxiliary label that is affixed to the prescription container.

(D) This paragraph shall not become operative if the board, prior to January 1, 2006, adopts regulations that mandate the same labeling requirements set forth in this paragraph.

(b) If a pharmacist dispenses a prescribed drug by means of a unit dose medication system, as defined by administrative regulation, for a patient in a skilled nursing, intermediate care, or other health care facility, the requirements of this section will be satisfied if the unit dose medication system contains the aforementioned information or the information is otherwise readily available at the time of drug administration.

(c) If a pharmacist dispenses a dangerous drug or device in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include on individual unit dose containers for a specific patient, the name of the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1 or protocol, the physician assistant who functions pursuant to Section 3502.1, the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol pursuant to Section 4052.1, 4052.2, or 4052.6.

(d) If a pharmacist dispenses a prescription drug for use in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include the information required in paragraph (11) of subdivision (a) when the prescription drug is administered to a patient by a person licensed under the Medical Practice Act (Chapter 5 (commencing with Section 2000)), the Nursing Practice Act (Chapter 6 (commencing with Section 2700)), or the Vocational Nursing Practice Act (Chapter 6.5 (commencing with Section 2840)), who is acting within the scope of practice.

(e) A pharmacist shall use professional judgment to provide a patient with directions for use that enhance the patient's understanding of those directions, consistent with the prescriber's instructions.

(f) Notwithstanding subdivision (a) or any other law, a pharmacist may dispense a drug prescribed pursuant to Section 120582 of the Health and Safety Code and label the drug without the name of an individual for whom the drug is intended if the prescription includes the words "expedited partner therapy" or the letters "EPT."

(g) A pharmacist who prescribes, dispenses, furnishes, or otherwise renders EPT, as authorized in subdivision (f), shall not be liable in, and shall not be subject to, a civil,

criminal, or administrative action, sanction, or penalty for rendering EPT, if the use of EPT is in compliance with this section, except in cases of intentional misconduct, gross negligence, or wanton or reckless activity.

(h) A pharmacist who provides EPT under this section shall provide written notification that describes the right of an individual who receives EPT to consult with a pharmacist about the medication dispensed and additional information regarding possible drug interactions.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 1997 ch 549 § 50 (SB 1349); Stats 1999 ch 914 § 3 (AB 1545); Stats 2001 ch 289 § 7 (SB 298); Stats 2003 ch 544 § 1 (SB 292); Stats 2004 ch 191 § 4 (AB 2660); Stats 2005 ch 506 § 14 (AB 302), effective October 4, 2005; Stats 2009 ch 308 § 49 (SB 819), effective January 1, 2010, ch 590 § 2 (SB 470), effective January 1, 2010; Stats 2010 ch 328 § 10 (SB 1330), effective January 1, 2011; Stats 2013 ch 469 § 12 (SB 493), effective January 1, 2014; Stats 2015 ch 784 § 1 (AB 1073), effective January 1, 2016; Stats 2021 ch 486 § 2 (SB 306), effective January 1, 2022.

**§ 4076.5. Standardized, patient-centered, prescription drug label required; Public meetings; Exemptions**

(a) The board shall promulgate regulations that require, on or before January 1, 2011, a standardized, patient-centered, prescription drug label on all prescription medicine dispensed to patients in California.

(b) To ensure maximum public comment, the board shall hold public meetings statewide that are separate from its normally scheduled hearings in order to seek information from groups representing consumers, seniors, pharmacists or the practice of pharmacy, other health care professionals, and other interested parties.

(c) When developing the requirements for prescription drug labels, the board shall consider all of the following factors:

- (1) Medical literacy research that points to increased understandability of labels.
- (2) Improved directions for use.
- (3) Improved font types and sizes.
- (4) Placement of information that is patient-centered.
- (5) The needs of patients with limited English proficiency.
- (6) The needs of senior citizens.
- (7) Technology requirements necessary to implement the standards.

(d) The board may exempt from the requirements of regulations promulgated pursuant to subdivision (a) prescriptions dispensed to a patient in a health facility, as defined in Section 1250 of the Health and Safety Code, if the prescriptions are administered by a licensed health care professional. Prescriptions dispensed to a patient in a health facility that will not be administered by a licensed health care professional or that are provided to the patient upon discharge from the facility shall be subject to the requirements of this section and the regulations promulgated pursuant to subdivision (a).

(a). Nothing in this subdivision shall alter or diminish existing statutory and regulatory informed consent, patients' rights, or pharmaceutical labeling and storage requirements, including, but not limited to, the requirements of Section 1418.9 of the Health and Safety Code or Section 72357, 72527, or 72528 of Title 22 of the California Code of Regulations.

(e)(1) The board may exempt from the requirements of regulations promulgated pursuant to subdivision (a) a prescription dispensed to a patient if all of the following apply:

- (A) The drugs are dispensed by a JCAHO-accredited home infusion or specialty pharmacy.
- (B) The patient receives health professional-directed education prior to the beginning of therapy by a nurse or pharmacist.
- (C) The patient receives weekly or more frequent followup contacts by a nurse or pharmacist.
- (D) Care is provided under a formal plan of care based upon a physician and surgeon's orders.

(2) For purposes of paragraph (1), home infusion and specialty therapies include parenteral therapy or other forms of administration that require regular laboratory and patient monitoring.

**HISTORY:**

Added Stats 2007 ch 470 § 3 (SB 472), effective January 1, 2008. Amended Stats 2010 ch 653 § 25.1 (SB 1489), effective January 1, 2011; Stats 2012 ch 728 § 9 (SB 71), effective January 1, 2013.

**§ 4076.6. Translated directions for use**

(a) Upon the request of a patient or patient’s representative, a dispenser shall provide translated directions for use, which shall be printed on the prescription container, label, or on a supplemental document. If translated directions for use appear on a prescription container or label, the English-language version of the directions for use shall also appear on the container or label, whenever possible, and may appear on other areas of the label outside the patient-centered area. When it is not possible for the English-language directions for use to appear on the container or label, it shall be provided on a supplemental document.

(b) A dispenser may use translations made available by the board pursuant to subdivision (b) of Section 1707.5 of Title 16 of the California Code of Regulations to comply with this section.

(c) A dispenser shall not be required to provide translated directions for use beyond the languages that the board has made available or beyond the directions that the board has made available in translated form.

(d) A dispenser may provide his or her own translated directions for use to comply with the requirements of this section, and nothing in this section shall be construed to prohibit a dispenser from providing translated directions for use in languages beyond those that the board has made available or beyond the directions that the board has made available in translated form.

(e) A dispenser shall be responsible for the accuracy of the English-language directions for use provided to the patient. This section shall not affect a dispenser’s existing responsibility to correctly label a prescription pursuant to Section 4076.

(f) For purposes of this section, a dispenser does not include a veterinarian.

**HISTORY:**

Added Stats 2015 ch 784 § 2 (AB 1073), effective January 1, 2016.

**§ 4077. Exemptions from labeling requirements; Warning and first aid statements on DMSO**

(a) Except as provided in subdivisions (b) and (c), no person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by Section 4076.

(b) Physicians, dentists, podiatrists, and veterinarians may personally furnish any dangerous drug prescribed by them to the patient for whom prescribed, provided that the drug is properly labeled to show all information required in Section 4076 except the prescription number.

(c) Devices that bear the legend “Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_,” or words of similar meaning, are exempt from the requirements of Section 4076, and Section 111480 of the Health and Safety Code, when provided to patients in skilled nursing facilities or intermediate care facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

(d) The following notification shall be affixed to all quantities of dimethyl sulfoxide (DMSO) prescribed by a physician, or dispensed by a pharmacy pursuant to the order of a physician in California: “Warning: DMSO may be hazardous to your health. Follow the directions of the physician who prescribed the DMSO for you.”

(e) The label of any retail package of DMSO shall include appropriate precautionary measures for proper handling and first aid treatment and a warning statement to keep the product out of reach of children.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 1997 ch 549 § 51 (SB 1349).

## ARTICLE 5

### AUTHORITY OF INSPECTORS

## Section

4081. Records and inventory; Persons responsible; Criminal responsibility.

**HISTORY:** Added Stats 1996 ch 890 § 3 (AB 2802).

**§ 4081. Records and inventory; Persons responsible; Criminal responsibility**

(a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy, veterinary food-animal drug retailer, outsourcing facility, physician, dentist, podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section 4187, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics provider, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge, responsible manager, or designated representative-in-charge, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge, responsible manager, or designated representative-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the pharmacist-in-charge, responsible manager, or designated representative-in-charge had no knowledge, or in which he or she did not knowingly participate.

(d) Pharmacies that dispense nonprescription diabetes test devices pursuant to prescriptions shall retain records of acquisition and sale of those nonprescription diabetes test devices for at least three years from the date of making. The records shall be at all times during business hours open to inspection by authorized officers of the law.

**HISTORY:**

Added Stats 2004 ch 857 § 13.5 (SB 1307), operative January 1, 2006. Amended Stats 2009 ch 308 § 50 (SB 819), effective January 1, 2010; Stats 2014 ch 507 § 10 (AB 2605), effective January 1, 2015; Stats 2016 ch 484 § 17 (SB 1193), effective January 1, 2017; Stats 2017 ch 139 § 3 (AB 602), effective July 31, 2017; Stats 2018 ch 36 § 5 (AB 1812), effective June 27, 2018.

## ARTICLE 6

### GENERAL REQUIREMENTS

## Section

4105. Records relating to dangerous drugs and devices; Electronic records; Retention; Retrievability.



HISTORY: Added Stats 1996 ch 890 § 3 (AB 2802).

**§ 4105. Records relating to dangerous drugs and devices; Electronic records; Retention; Retrievability**

(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

(b) The licensee may remove the original records or documentation from the licensed premises on a temporary basis for license-related purposes. However, a duplicate set of those records or other documentation shall be retained on the licensed premises.

(c) The records required by this section shall be retained on the licensed premises for a period of three years from the date of making.

(d)(1) Any records that are maintained electronically shall be maintained so that the pharmacist-in-charge, or the pharmacist on duty if the pharmacist-in-charge is not on duty, shall, at all times during which the licensed premises are open for business, be able to produce a hardcopy and electronic copy of all records of acquisition or disposition or other drug or dispensing-related records maintained electronically.

(2) In the case of a veterinary food-animal drug retailer, wholesaler, or third-party logistics provider, any records that are maintained electronically shall be maintained so that the designated representative-in-charge or the responsible manager, or the designated representative on duty or the designated representative-3PL on duty if the designated representative-in-charge or responsible manager is not on duty, shall, at all times during which the licensed place of business is open for business, be able to produce a hardcopy and electronic copy of all records of acquisition or disposition or other drug or dispensing-related records maintained electronically.

(e)(1) Notwithstanding subdivisions (a), (b), and (c), the board may, upon written request, grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b), and (c) be kept on the licensed premises.

(2) A waiver granted pursuant to this subdivision shall not affect the board's authority under this section or any other provision of this chapter.

(f) When requested by an authorized officer of the law or by an authorized representative of the board, the owner, corporate officer, or manager of an entity licensed by the board shall provide the board with the requested records within three business days of the time the request was made. The entity may request in writing an extension of this timeframe for a period not to exceed 14 calendar days from the date the records were requested. A request for an extension of time is subject to the approval of the board. An extension shall be deemed approved if the board fails to deny the extension request within two business days of the time the extension request was made directly to the board.

**HISTORY:**

Added Stats 2004 ch 857 § 20 (SB 1307), operative January 1, 2006. Amended Stats 2011 ch 646 § 2 (SB 431), effective January 1, 2012; Stats 2014 ch 507 § 12 (AB 2605), effective January 1, 2015.

**ARTICLE 7  
PHARMACIES**

Section

4111. Prohibited licensees.

HISTORY: Added Stats 1996 ch 890 § 3 (AB 2802).

**§ 4111. Prohibited licensees**

(a) Except as otherwise provided in subdivision (b), (d), or (e), the board shall not issue or renew a license to conduct a pharmacy to any of the following:

(1) A person or persons authorized to prescribe or write a prescription, as specified in Section 4040, in the State of California.

(2) A person or persons with whom a person or persons specified in paragraph (1) shares a community or other financial interest in the permit sought.

(3) Any corporation that is controlled by, or in which 10 percent or more of the stock is owned by a person or persons prohibited from pharmacy ownership by paragraph (1) or (2).

(b) Subdivision (a) shall not preclude the issuance of a permit for an inpatient hospital pharmacy to the owner of the hospital in which it is located.

(c) The board may require any information the board deems is reasonably necessary for the enforcement of this section.

(d) Subdivision (a) shall not preclude the issuance of a new or renewal license for a pharmacy to be owned or owned and operated by a person licensed on or before August 1, 1981, under 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) and qualified on or before August 1, 1981, under subsection (d) of Section 1310 of Title XIII of the federal Public Health Service Act, as amended, whose ownership includes persons defined pursuant to paragraphs (1) and (2) of subdivision (a).

(e) Subdivision (a) shall not preclude the issuance of a new or renewal license for a pharmacy to be owned or owned and operated by a pharmacist authorized to issue a drug order pursuant to Section 4052.1, 4052.2, or 4052.6.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 1997 ch 549 § 63 (SB 1349); Stats 2004 ch 191 § 5 (AB 2660); Stats 2009 ch 308 § 52 (SB 819), effective January 1, 2010; Stats 2013 ch 469 § 13 (SB 493), effective January 1, 2014.

## ARTICLE 11.5

### SURPLUS MEDICATION COLLECTION AND DISTRIBUTION INTERMEDIARIES

Section

4169.5. Licensure as surplus medication collection and distribution intermediary.

**HISTORY:** Added Stats 2014 ch 10 § 2 (AB 467), effective April 9, 2014.

#### § 4169.5. Licensure as surplus medication collection and distribution intermediary

(a) A surplus medication collection and distribution intermediary established for the purpose of facilitating the donation of medications to or transfer of medications between participating entities under a program established pursuant to Division 116 (commencing with Section 150200) of the Health and Safety Code shall be licensed by the board. The board shall enforce the requirements set forth in Section 150208 of the Health and Safety Code. The license shall be renewed annually.

(b) An application for licensure as a surplus medication collection and distribution intermediary shall be made on a form furnished by the board, and shall state the name, address, usual occupation, and professional qualifications, if any, of the applicant. If the applicant is an entity other than a natural person, the application shall state the information as to each person beneficially interested in that entity.

(c) As used in this section, and subject to subdivision (e), the term “person beneficially interested” means and includes:

(1) If the applicant is a partnership or other unincorporated association, each partner or member.

(2) If the applicant is a corporation, each of its officers, directors, and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

(3) If the applicant is a limited liability company, each officer, manager, or member.

(d) If the applicant is a charitable organization described in Section 501(c)(3) of the Internal Revenue Code, the applicant shall furnish the board with the organization's articles of incorporation. The applicant shall also furnish the board with the names of the controlling members.

(e) If the applicant is a partnership or other unincorporated association, a limited liability company, or a corporation, and if the number of partners, members, or stockholders, as the case may be, exceeds five, the application shall so state, and shall further state the information required by subdivision (b) as to each of the five partners, members, or stockholders who own the five largest interests in the applicant's entity. Upon request by the executive officer of the board, the applicant shall furnish the board with the information required by subdivision (b) as to partners, members, or stockholders not named in the application, or shall refer the board to an appropriate source of that information.

(f) The application shall contain a statement to the effect that the applicant or persons beneficially interested have not been convicted of a felony and have not violated any of the provisions of this chapter. If the applicant cannot make this statement, the application shall contain a statement of the violation, if any, or reasons which will prevent the applicant from being able to comply with the requirements with respect to the statement.

(g) Upon the approval of the application by the board and payment of a fee in the amount of three hundred dollars (§300), the executive officer of the board shall issue or renew a license to operate as a surplus medication collection and distribution intermediary, if all of the provisions of this chapter have been complied with. Fees received by the board pursuant to this section shall be deposited into the Pharmacy Board Contingent Fund. An applicant for licensure as a surplus medication collection and distribution intermediary that is government owned or is a nonprofit organization pursuant to subdivision (d) is exempt from the fee requirement.

(h) A surplus medication collection and distribution intermediary licensed pursuant to this section is exempt from licensure as a wholesaler.

(i) A surplus medication collection and distribution intermediary licensed pursuant to this section shall keep and maintain for three years complete records for which the intermediary facilitated the donation of medications to or transfer of medications between participating entities.

**HISTORY:**

Added Stats 2014 ch 10 § 2 (AB 467), effective April 9, 2014.

**ARTICLE 12  
PRESCRIBER DISPENSING**

Section

4170. Conditions for dispensing drugs or dangerous devices; Authority of boards to ensure compliance.

**HISTORY:** Added Stats 1996 ch 890 § 3 (AB 2802).

**§ 4170. Conditions for dispensing drugs or dangerous devices; Authority of boards to ensure compliance**

(a) A prescriber shall not dispense drugs or dangerous devices to patients in the prescriber's office or place of practice unless all of the following conditions are met:

(1) The dangerous drugs or dangerous devices are dispensed to the prescriber's own patient, and the drugs or dangerous devices are not furnished by a nurse or physician attendant.

(2) The dangerous drugs or dangerous devices are necessary in the treatment of the condition for which the prescriber is attending the patient.

(3) The prescriber does not keep a pharmacy, open shop, or drugstore, advertised or otherwise, for the retailing of dangerous drugs, dangerous devices, or poisons.

(4) The prescriber fulfills all of the labeling requirements imposed upon pharmacists by Section 4076, all of the recordkeeping requirements of this chapter, and all of the packaging requirements of good pharmaceutical practice, including the use of childproof containers.

(5) The prescriber does not use a dispensing device unless the prescriber personally owns the device and the contents of the device, and personally dispenses the dangerous drugs or dangerous devices to the patient packaged, labeled, and recorded in accordance with paragraph (4).

(6) The prescriber, before dispensing, offers to give a written prescription to the patient that the patient may elect to have filled by the prescriber or by any pharmacy.

(7) The prescriber provides the patient with written disclosure that the patient has a choice between obtaining the prescription from the dispensing prescriber or obtaining the prescription at a pharmacy of the patient's choice.

(b) A certified nurse-midwife who functions pursuant to a mutually agreed-upon policy or protocol described in Section 2746.5, a nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, a physician assistant who functions pursuant to Section 3502.1, or a naturopathic doctor who functions pursuant to Section 3640.5, may hand to a patient of the supervising physician and surgeon a properly labeled prescription drug prepackaged by a physician and surgeon, a manufacturer as defined in this chapter, or a pharmacist.

(c) The Medical Board of California, the California State Board of Optometry, the California Board of Naturopathic Medicine, the Dental Board of California, the Podiatric Medical Board of California, the Osteopathic Medical Board of California, the Board of Registered Nursing, the Veterinary Medical Board, and the Physician Assistant Board shall have authority with the California State Board of Pharmacy to ensure compliance with this section, and those boards are specifically charged with the enforcement of this chapter with respect to their respective licensees.

(d) "Prescriber," as used in this section, means a person who holds a physician's and surgeon's certificate, a license to practice optometry, a license to practice naturopathic medicine, a license to practice dentistry, a license to practice veterinary medicine, a certificate to practice podiatry, a certificate to practice as a nurse practitioner practicing pursuant to Section 2837.103 or 2837.104, or a certificate to practice as a nurse-midwife, and who is duly registered by the Medical Board of California, the Osteopathic Medical Board of California, the California State Board of Optometry, the California Board of Naturopathic Medicine, the Dental Board of California, the Veterinary Medical Board, the Podiatric Medical Board of California, or the Board of Registered Nursing.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 1997 ch 549 § 96 (SB 1349); Stats 1999 ch 914 § 4 (AB 1545); Stats 2001 ch 289 § 8 (SB 298); Stats 2003 ch 250 § 3 (SB 175); Stats 2005 ch 506 § 16 (AB 302), effective October 4, 2005; Stats 2017 ch 775 § 103 (SB 798), effective January 1, 2018; Stats 2021 ch 630 § 91 (AB 1534), effective January 1, 2022; Stats 2022 ch 413 § 26 (AB 2684), effective January 1, 2023; Stats 2023 ch 497 § 4 (SB 667), effective January 1, 2024.

## ARTICLE 15

### VETERINARY FOOD-ANIMAL DRUG RETAILERS

Section

4196. Licensing of veterinary food-animal drug retailer.

Section  
 4197. Standards.  
 4198. Written policies.  
 4199. Labeling.

**HISTORY:** Added Stats 1996 ch 890 § 3 (AB 2802).

**§ 4196. Licensing of veterinary food-animal drug retailer**

(a) No person shall conduct a veterinary food-animal drug retailer in the State of California unless he or she has obtained a license from the board. A license shall be required for each veterinary food-animal drug retailer owned or operated by a specific person. A separate license shall be required for each of the premises of any person operating a veterinary food-animal drug retailer in more than one location. The license shall be renewed annually and shall not be transferable.

(b) The board may issue a temporary license, upon conditions and for periods of time as the board determines to be in the public interest. A temporary license fee shall be fixed by the board at an amount not to exceed the annual fee for renewal of a license to conduct a veterinary food-animal drug retailer.

(c) No person other than a pharmacist, an intern pharmacist, a designated representative, an authorized officer of the law, or a person authorized to prescribe, shall be permitted in that area, place, or premises described in the permit issued by the board pursuant to Section 4041, wherein veterinary food-animal drugs are stored, possessed, or repacked. A pharmacist or designated representative shall be responsible for any individual who enters the veterinary food-animal drug retailer for the purpose of performing clerical, inventory control, housekeeping, delivery, maintenance, or similar functions relating to the veterinary food-animal drug retailer.

(d) Every veterinary food-animal drug retailer shall be supervised or managed by a designated representative-in-charge. The designated representative-in-charge shall be responsible for the veterinary food-animal drug retailer's compliance with state and federal laws governing veterinary food-animal drug retailers. As part of its initial application for a license, and for each renewal, each veterinary food-animal drug retailer shall, on a form designed by the board, provide identifying information and the California license number for a designated representative or pharmacist proposed to serve as the designated representative-in-charge. The proposed designated representative-in-charge shall be subject to approval by the board. The board shall not issue or renew a veterinary food-animal drug retailer license without identification of an approved designated representative-in-charge for the veterinary food-animal drug retailer.

(e) Every veterinary food-animal drug retailer shall notify the board in writing, on a form designed by the board, within 30 days of the date when a designated representative-in-charge who ceases to act as the designated representative-in-charge, and shall on the same form propose another designated representative or pharmacist to take over as the designated representative-in-charge. The proposed replacement designated representative-in-charge shall be subject to approval by the board. If disapproved, the veterinary food-animal drug retailer shall propose another replacement within 15 days of the date of disapproval, and shall continue to name proposed replacements until a designated representative-in-charge is approved by the board.

(f) For purposes of this section, designated representative-in-charge means a person granted a designated representative license pursuant to Section 4053, or a registered pharmacist, who is the supervisor or manager of the facility.

**HISTORY:**

Added Stats 2004 ch 857 § 42 (SB 1307), operative January 1, 2006. Amended Stats 2009 ch 307 § 43 (SB 821), effective January 1, 2010; Stats 2010 ch 653 § 32 (SB 1489), effective January 1, 2011.

**§ 4197. Standards**

(a) The following minimum standards shall apply to all veterinary food-animal drug retailers licensed by the board:

(1) Each retailer shall store veterinary food-animal drugs in a secure, lockable area.

(2) Each retailer shall maintain on the premises fixtures and equipment in a clean and orderly condition. The premises shall be dry, well-ventilated, and have adequate lighting.

(b) The board may, by regulation, impose any other minimum standards pertaining to the acquisition, storage, and maintenance of veterinary food-animal drugs, or other goods, or to the maintenance or condition of the licensed premises of any veterinary food-animal drug retailer as the board determines are reasonably necessary.

(c) When, in the opinion of the board, a high standard of patient safety consistent with good animal safety and care in the case of an animal patient can be provided by the licensure of a veterinary food-animal drug retailer that does not meet all of the requirements for licensure as a veterinary food-animal drug retailer, the board may waive any licensing requirements.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 1997 ch 549 § 104 (SB 1349).

**§ 4198. Written policies**

(a) Each veterinary food-animal drug retailer shall have written policies and procedures related to the handling and dispensing of veterinary food-animal drugs by veterinary food-animal drug retailers. These written policies and procedures shall include, but not be limited to, the following:

(1) Training of staff.

(2) Cleaning, storage, and maintenance of veterinary food-animal drugs and equipment.

(3) Recordkeeping requirements.

(4) Storage and security requirements.

(5) Quality assurance.

(b) Each retailer shall prepare and maintain records of training and demonstrated competence for each individual employed or retained by the retailer. These records shall be maintained for three years from and after the last date of employment.

(c) Each retailer shall have an ongoing, documented quality assurance program which includes, but is not limited to:

(1) Monitoring personnel performance.

(2) Storage, maintenance, and dispensing of veterinary food-animal drugs.

(d) The records and documents specified in subdivisions (a) and (b) shall be maintained for three years from the date of making. The records and documents in subdivisions (a), (b), and (c) shall be, at all times during business hours, open to inspection by authorized officers of the law.

(e) To assure compliance with the requirements of this chapter regarding operations of the veterinary food-animal drug retailer, a consulting pharmacist shall visit the veterinary food-animal drug retailer regularly and at least quarterly. The consulting pharmacist shall be retained either on a volunteer or paid basis to review, approve, and revise the policies and procedures of the veterinary food-animal drug retailer, and assure compliance with California and federal law regarding the labeling, storage, and dispensing of veterinary food-animal drugs.

The consulting pharmacist shall certify in writing at least twice a year whether or not the veterinary food-animal drug retailer is operating in compliance with the requirements of this chapter. The most recent of the written certifications shall be submitted with the annual renewal application of a veterinary food-animal drug retailer license.

**HISTORY:**

Added Stats 1996 ch 890 § 3 (AB 2802).

§ 4199. Labeling

(a) Any veterinary food-animal drug dispensed pursuant to a prescription from a licensed veterinarian for food producing animals from a veterinary food-animal drug retailer pursuant to this chapter is subject to the labeling requirements of Sections 4076, 4076.6, and 4077.

(b) All prescriptions filled by a veterinary food-animal drug retailer shall be kept on file and maintained for at least three years in accordance with Section 4333.

HISTORY:

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 2015 ch 784 § 3 (AB 1073), effective January 1, 2016.

ARTICLE 20  
PROHIBITIONS AND OFFENSES

Section

4342. Institution of actions.

HISTORY: Added Stats 1996 ch 890 § 3 (AB 2802).

§ 4342. Institution of actions

(a) The board may institute any action or actions as may be provided by law and that, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not conform to the standard and tests as to quality and strength, provided in the latest edition of the United States Pharmacopoeia or the National Formulary, or that violate any provision of the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875) of Division 104 of the Health and Safety Code).

(b) Any knowing or willful violation of any regulation adopted pursuant to Section 4006 shall be subject to punishment in the same manner as is provided in Sections 4321 and 4336.

HISTORY:

Added Stats 1996 ch 890 § 3 (AB 2802). Amended Stats 2014 ch 71 § 8 (SB 1304), effective January 1, 2015.

DIVISION 7  
GENERAL BUSINESS REGULATIONS  
PART 3  
REPRESENTATIONS TO THE PUBLIC  
CHAPTER 1  
ADVERTISING  
ARTICLE 1  
FALSE ADVERTISING IN GENERAL

Section

17500. False or misleading statements generally.

## Section

17500.1. Prohibition against enactment of rule, regulation, or code of ethics restricting or prohibiting advertising not violative of law.

17506.5. "Board within the Department of Consumer Affairs"; "Local consumer affairs agency".

**HISTORY:** Added Stats 1941 ch 63 § 1.

### § 17500. False or misleading statements generally

It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated before the public in this state, or to make or disseminate or cause to be made or disseminated from this state before the public in any state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, including over the Internet, any statement, concerning that real or personal property or those services, professional or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, or for any person, firm, or corporation to so make or disseminate or cause to be so made or disseminated any such statement as part of a plan or scheme with the intent not to sell that personal property or those services, professional or otherwise, so advertised at the price stated therein, or as so advertised. Any violation of the provisions of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that imprisonment and fine.

**HISTORY:**

Added Stats 1941 ch 63 § 1. Amended Stats 1955 ch 1358 § 1; Stats 1976 ch 1125 § 4; Stats 1979 ch 492 § 1; Stats 1998 ch 599 § 2.5 (SB 597), effective January 1, 1999.

### § 17500.1. Prohibition against enactment of rule, regulation, or code of ethics restricting or prohibiting advertising not violative of law

Notwithstanding any other provision of law, no trade or professional association, or state agency, state board, or state commission within the Department of Consumer Affairs shall enact any rule, regulation, or code of professional ethics which shall restrict or prohibit advertising by any commercial or professional person, firm, partnership or corporation which does not violate the provisions of Section 17500 of the Business and Professions Code, or which is not prohibited by other provisions of law.

The provisions of this section shall not apply to any rules or regulations heretofore or hereafter formulated pursuant to Section 6076.

**HISTORY:**

Added Stats 1949 ch 186 § 1. Amended Stats 1971 ch 716 § 180; Stats 1979 ch 653 § 12.

### § 17506.5. "Board within the Department of Consumer Affairs"; "Local consumer affairs agency"

As used in this chapter:

(a) "Board within the Department of Consumer Affairs" includes any commission, bureau, division, or other similarly constituted agency within the Department of Consumer Affairs.

(b) "Local consumer affairs agency" means and includes any city or county body which primarily provides consumer protection services.

**HISTORY:**

Added Stats 1979 ch 897 § 4.



**ARTICLE 2**  
**PARTICULAR OFFENSES**

Section

17535. Obtaining injunctive relief.

17535.5. Penalty for violating injunction; Proceedings; Disposition of proceeds.

17536. Penalty for violations of chapter; Proceedings; Disposition of proceeds.

17536.5. Notice of issue in action before appellate court.

**HISTORY:** Added Stats 1941 ch 63 § 1.

**§ 17535. Obtaining injunctive relief**

Any person, corporation, firm, partnership, joint stock company, or any other association or organization which violates or proposes to violate this chapter may be enjoined by any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person, corporation, firm, partnership, joint stock company, or any other association or organization of any practices which violate this chapter, or which may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any practice in this chapter declared to be unlawful.

Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney, county counsel, city attorney, or city prosecutor in this state in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person who has suffered injury in fact and has lost money or property as a result of a violation of this chapter. Any person may pursue representative claims or relief on behalf of others only if the claimant meets the standing requirements of this section and complies with Section 382 of the Code of Civil Procedure, but these limitations do not apply to claims brought under this chapter by the Attorney General, or any district attorney, county counsel, city attorney, or city prosecutor in this state.

**HISTORY:**

Added Stats 1941 ch 63 § 1. Amended Stats 1972 ch 244 § 1, ch 711 § 3; Amendment approved by voters, Prop. 64 § 5, effective November 2, 2004.

**§ 17535.5. Penalty for violating injunction; Proceedings; Disposition of proceeds**

(a) Any person who intentionally violates any injunction issued pursuant to Section 17535 shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000) for each violation. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation. In determining the amount of the civil penalty, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities and net worth of the person, whether corporate or individual, and any corrective action taken by the defendant.

(b) The civil penalty prescribed by this section shall be assessed and recovered in a civil action brought in any county in which the violation occurs or where the injunction was issued in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction within his jurisdiction without regard to the county from which the original injunction was issued. An action brought pursuant to this section to recover such civil

penalties shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

(c) If such an action is brought by the Attorney General, one-half of the penalty collected pursuant to this section shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of the penalty collected shall be paid to the treasurer of the county in which the judgment is entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county in which the judgment was entered and one-half to the city.

(d) If the action is brought at the request of a board within the Department of Consumer Affairs or a local consumer affairs agency, the court shall determine the reasonable expenses incurred by the board or local agency in the investigation and prosecution of the action.

Before any penalty collected is paid out pursuant to subdivision (c), the amount of such reasonable expenses incurred by the board shall be paid to the State Treasurer for deposit in the special fund of the board described in Section 205. If the board has no such special fund, the moneys shall be paid to the State Treasurer. The amount of such reasonable expenses incurred by a local consumer affairs agency shall be paid to the general fund of the municipality or county which funds the local agency.

**HISTORY:**

Added Stats 1973 ch 1042 § 1. Amended Stats 1974 ch 712 § 1; Stats 1979 ch 897 § 5.

**§ 17536. Penalty for violations of chapter; Proceedings; Disposition of proceeds**

(a) Any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction.

(b) The court shall impose a civil penalty for each violation of this chapter. In assessing the amount of the civil penalty, the court shall consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth.

(c) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer.

If brought by a district attorney or county counsel, the entire amount of penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city. The aforementioned funds shall be for the exclusive use by the Attorney General, district attorney, county counsel, and city attorney for the enforcement of consumer protection laws.

(d) If the action is brought at the request of a board within the Department of Consumer Affairs or a local consumer affairs agency, the court shall determine the reasonable expenses incurred by the board or local agency in the investigation and prosecution of the action.

Before any penalty collected is paid out pursuant to subdivision (c), the amount of such reasonable expenses incurred by the board shall be paid to the State Treasurer for deposit in the special fund of the board described in Section 205. If the board has no such special fund the moneys shall be paid to the State Treasurer. The amount of such

reasonable expenses incurred by a local consumer affairs agency shall be paid to the general fund of the municipality which funds the local agency.

(e) As applied to the penalties for acts in violation of Section 17530, the remedies provided by this section and Section 17534 are mutually exclusive.

**HISTORY:**

Added Stats 1965 ch 827 § 1. Amended Stats 1972 ch 711 § 2, ch 1105 § 2; Stats 1973 ch 752 § 1; Stats 1974 ch 875 § 1; Stats 1979 ch 897 § 6; Stats 1992 ch 430 § 5 (SB 1586); Amendment approved by voters, Prop. 64 § 6, effective November 2, 2004.

**§ 17536.5. Notice of issue in action before appellate court**

If a violation of this chapter is alleged or the application or construction of this chapter is in issue in any proceeding in the Supreme Court of California, a state court of appeal, or the appellate division of a superior court, each person filing any brief or petition with the court in that proceeding shall serve, within three days of filing with the court, a copy of that brief or petition on the Attorney General, directed to the attention of the Consumer Law Section at a service address designated on the Attorney General's official Web site for service of papers under this section or, if no service address is designated, at the Attorney General's office in San Francisco, California, and on the district attorney of the county in which the lower court action or proceeding was originally filed. Upon the Attorney General's or district attorney's request, each person who has filed any other document, including all or a portion of the appellate record, with the court in addition to a brief or petition shall provide a copy of that document without charge to the Attorney General or the district attorney within five days of the request. The time for service may be extended by the Chief Justice or presiding justice or judge for good cause shown. No judgment or relief, temporary or permanent, shall be granted or opinion issued until proof of service of the petition or brief on the Attorney General and district attorney is filed with the court.

**HISTORY:**

Added Stats 1992 ch 385 § 3 (SB 1911). Amended Stats 1998 ch 931 § 10 (SB 2139), effective September 28, 1998; Stats 2004 ch 529 § 5 (AB 1711), effective January 1, 2005.

**CIVIL CODE**  
**DIVISION 3**  
**OBLIGATIONS**  
**PART 4**  
**OBLIGATIONS ARISING FROM PARTICULAR**  
**TRANSACTIONS**  
**TITLE 3**  
**DEPOSIT**  
**CHAPTER 2**  
**DEPOSIT FOR KEEPING**  
**ARTICLE 1**  
**GENERAL PROVISIONS**

Section

1834.5. Abandonment of animal delivered to veterinarian.

1834.6. [Section repealed 2015].

1834.9. Use of alternative nonanimal test method or strategy by manufacturer and contract testing facility.

1834.9.5. Cosmetic developed or manufactured using animal test prohibited; Exceptions; Penalty for violation.

**§ 1834.5. Abandonment of animal delivered to veterinarian**

(a) Notwithstanding any other provision of law, whenever an animal is delivered to a veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility pursuant to a written or oral agreement entered into after the effective date of this section, and the owner of the animal does not pick up the animal within 14 calendar days after the day the animal was initially due to be picked up, the animal shall be deemed to be abandoned. The person into whose custody the animal was placed for care shall first try for a period of not less than 10 days to find a new owner for the animal or turn the animal over to a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit animal rescue group, provided that the shelter or rescue group has been contacted and has agreed to take the animal. If unable to place the animal with a new owner, shelter, or rescue group, the animal care facility may have the abandoned animal euthanized.

(b) If an animal so abandoned was left with a veterinarian or with a facility that has a veterinarian, and a new owner cannot be found pursuant to this section, the veterinarian may euthanize the animal.

(c) Nothing in this section shall be construed to require an animal care facility or a veterinarian to euthanize an abandoned animal upon the expiration of the 10-day period described in subdivision (a).

(d) There shall be a notice posted in a conspicuous place, or in conspicuous type in a written receipt given, to warn a person depositing an animal at an animal care facility of the provisions of this section.

(e) An abandoned animal shall not be used for scientific or any other type of experimentation.

**HISTORY:**

Added Stats 1969 ch 1138 § 1. Amended Stats 1970 ch 1166 § 1; Stats 1971 ch 477 § 1; Stats 2014 ch 86 § 1 (AB 1810), effective January 1, 2015.

**§ 1834.6. [Section repealed 2015]**

**HISTORY:**

Added Stats 1969 ch 1138 § 2. Repealed Stats 2014 ch 86 § 2 (AB 1810), effective January 1, 2015. The repealed section related to use of abandoned animal for scientific experimentation. For present similar provisions, see CC § 1834.5.

**§ 1834.9. Use of alternative nonanimal test method or strategy by manufacturer and contract testing facility**

(a) Manufacturers and contract testing facilities shall not use traditional animal test methods within this state for which an appropriate alternative test method or strategy exists, or a waiver has been granted by the agency responsible for regulating the specific product or activity for which the test is being conducted. When there is no appropriate alternative test method or strategy available, manufacturers and contract testing facilities shall use a traditional animal test method using the fewest number of animals possible and reducing the level of pain, suffering, and stress of an animal used for testing.

(b) This section does not prohibit the use of any nonanimal test method or strategy for the testing of any product, product formulation, chemical, drug, medical device, vaccine, or ingredient that is not described in paragraph (1) of subdivision (g).

(c)(1) This section does not prohibit the use of traditional animal test methods to comply with requirements of state or federal agencies.

(2) This section does not prohibit the use of traditional animal test methods to comply with requests from state or federal agencies when the agency has approved an alternative nonanimal test method or strategy pursuant to subdivision (a), but concludes that a traditional animal test method is needed to fully assess the impacts on the health or safety of consumers.

(d) This section shall be enforced in a civil action for injunctive relief brought by the Attorney General, the district attorney of the county in which the violation is alleged to have occurred, or a city attorney of a city or a city and county having a population in excess of 750,000 and in which the violation is alleged to have occurred. If the court determines that the Attorney General or district attorney is the prevailing party in the enforcement action, the official may also recover costs, attorney's fees, and a civil penalty not to exceed five thousand dollars (\$5,000) in that action.

(e) This section shall not apply to any traditional animal test methods performed for the purpose of medical research.

(f)(1) Starting January 1, 2027, and annually thereafter, a manufacturer or contract testing facility in this state using traditional animal test methods, except for those traditional animal test methods exempt under subdivision (e), shall report to the department the number and species of animals used, the type and number of alternative test methods or strategies used, the number of waivers used, and the purpose of the use of the traditional animal tests, alternative test methods or strategies, and waivers.

(2) The department shall develop and maintain a portal on its internet website to receive the information required by paragraph (1) and make the information collected publicly available on its internet website. The department shall ensure that informa-

tion made available to the public does not include personally identifiable information or proprietary information.

(g) For the purposes of this section, the following terms apply:

(1) “Alternative test method or strategy” means a test method, including a new or revised method, that fulfills all of the following criteria:

(A) Does not use animals.

(B) Provides information of equivalent or better scientific quality and relevance compared to traditional animal test methods, and includes, but is not limited to, computational toxicology and bioinformatics, high-throughput screening methods, testing of categories of chemical substances, tiered testing methods, in vitro studies, and systems biology.

(C) Has been identified and accepted for use by a federal agency or program within an agency responsible for regulating the specific product or activity for which the test is being conducted.

(2) “Animal” means vertebrate nonhuman animal.

(3) “Contract testing facility” means any partnership, corporation, association, or other legal relationship that tests chemicals, ingredients, product formulations, or products in this state.

(4) “Department” means the State Department of Public Health.

(5) “Manufacturer” means any partnership, corporation, association, or other legal relationship that produces chemicals, ingredients, product formulations, or products in this state.

(6) “Medical research” means research related to the causes, diagnosis, treatment, control, or prevention of physical or mental diseases and impairments of humans and animals or related to the development of biomedical products, devices, or drugs as defined in Section 321(g)(1) of Title 21 of the United States Code. Medical research does not include the testing of an ingredient that was formerly used in a drug, tested for the drug use with traditional animal methods to characterize the ingredient and to substantiate its safety for human use, and is now proposed for use in a product other than a biomedical product, medical device, or drug.

(7) “Person” means an individual with managerial control, or a partnership, corporation, association, or other legal relationship.

(8) “Traditional animal test method” means a process or procedure using animals to obtain information on the characteristics of a chemical or agent and that generates information regarding the ability of a chemical or agent to produce a specific biological effect under specified conditions.

**HISTORY:**

Added Stats 2000 ch 476 § 1 (SB 2082) as CC § 1834.8. Amended and renumbered Stats 2001 ch 159 § 34.5 (SB 662); Stats 2023 ch 430 § 1 (AB 357), effective January 1, 2024.

**§ 1834.9.5. Cosmetic developed or manufactured using animal test prohibited; Exceptions; Penalty for violation**

(a) Notwithstanding any other law, it is unlawful for a manufacturer to import for profit, sell, or offer for sale in this state, any cosmetic, if the cosmetic was developed or manufactured using an animal test that was conducted or contracted by the manufacturer, or any supplier of the manufacturer, on or after January 1, 2020.

(b) For purposes of this section, the following terms apply:

(1) “Animal test” means the internal or external application of a cosmetic, either in its final form or any ingredient thereof, to the skin, eyes, or other body part of a live, nonhuman vertebrate.

(2) “Cosmetic” means any article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appear-

ance, including, but not limited to, personal hygiene products such as deodorant, shampoo, or conditioner.

(3) "Ingredient" means any component of a cosmetic as defined by Section 700.3 of Title 21 of the Code of Federal Regulations.

(4) "Manufacturer" means any person whose name appears on the label of a cosmetic product pursuant to the requirements of Section 701.12 of Title 21 of the Code of Federal Regulations.

(5) "Supplier" means any entity that supplies, directly or through a third party, any ingredient used in the formulation of a manufacturer's cosmetic.

(c) The prohibitions in subdivision (a) do not apply to the following:

(1) An animal test of any cosmetic that is required by a federal or state regulatory authority if all of the following apply:

(A) The ingredient is in wide use and cannot be replaced by another ingredient capable of performing a similar function.

(B) A specific human health problem is substantiated and the need to conduct animal tests is justified and is supported by a detailed research protocol proposed as the basis for the evaluation.

(C) There is not a nonanimal alternative method accepted for the relevant endpoint by the relevant federal or state regulatory authority.

(2) An animal test that was conducted to comply with a requirement of a foreign regulatory authority, if no evidence derived from the test was relied upon to substantiate the safety of the cosmetic sold in California by the manufacturer.

(3) An animal test that was conducted on any product or ingredient subject to the requirements of Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).

(4) An animal test that was conducted for noncosmetic purposes in response to a requirement of a federal, state, or foreign regulatory authority, if no evidence derived from the test was relied upon to substantiate the safety of the cosmetic sold in California by the manufacturer. A manufacturer is not prohibited from reviewing, assessing, or retaining evidence from an animal test conducted pursuant to this paragraph.

(d) A violation of this section shall be punishable by a fine of five thousand dollars (\$5,000) and an additional one thousand dollars (\$1,000) for each day the violation continues.

(e) A violation of this section may be enforced by the district attorney of the county in which the violation occurred, or by the city attorney of the city in which the violation occurred. The civil fine shall be paid to the entity that is authorized to bring the action.

(f) A district attorney or city attorney may, upon a determination that there is a reasonable likelihood of a violation of this section, review the testing data upon which a cosmetic manufacturer has relied in the development or manufacturing of the relevant cosmetic product sold in the state. Information provided under this section shall be protected as a trade secret as defined in subdivision (d) of Section 3426.1. Consistent with the procedures described in Section 3426.5, a district attorney or city attorney shall enter a protective order with a manufacturer before receipt of information from a manufacturer pursuant to this section, and shall take other appropriate measures necessary to preserve the confidentiality of information provided pursuant to this section.

(g) This section shall not apply to either of the following:

(1) A cosmetic, if the cosmetic, in its final form, was sold in California or tested on animals prior to January 1, 2020, even if the cosmetic is manufactured after that date.

(2) An ingredient, if the ingredient was sold in California or tested on animals prior to January 1, 2020, even if the ingredient is manufactured after that date.

(h) Notwithstanding any other provision of this section, cosmetic inventory found to be in violation of this section may be sold for a period of 180 days.

(i) No county or political subdivision of the state may establish or continue any prohibition on or relating to animal tests, as defined in this section, that is not identical to the prohibitions set forth in this section and that does not include the exemptions contained in subdivision (c).

(j) This section shall become operative on January 1, 2020.

**HISTORY:**

Added Stats 2018 ch 899 § 1 (SB 1249), effective January 1, 2019, operative January 1, 2020.

**TITLE 14**  
**LIEN**  
**CHAPTER 6**  
**OTHER LIENS**

Section

3051. Personal property lien for services, manufacture, or repair.

3052. Sale of property by lienholder.

**§ 3051. Personal property lien for services, manufacture, or repair**

Every person who, while lawfully in possession of an article of personal property, renders any service to the owner thereof, by labor or skill, employed for the protection, improvement, safekeeping, or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner for such service; a person who makes, alters, or repairs any article of personal property, at the request of the owner, or legal possessor of the property, has a lien on the same for his reasonable charges for the balance due for such work done and materials furnished, and may retain possession of the same until the charges are paid; and foundry proprietors and persons conducting a foundry business, have a lien, dependent on possession, upon all patterns in their hands belonging to a customer, for the balance due them from such customers for foundry work; and plastic fabricators and persons conducting a plastic fabricating business, have a lien, dependent on possession, upon all patterns and molds in their hands belonging to a customer, for the balance due them from such customer for plastic fabrication work; and laundry proprietors and persons conducting a laundry business, and drycleaning establishment proprietors and persons conducting a drycleaning establishment, have a general lien, dependent on possession, upon all personal property in their hands belonging to a customer, for the balance due them from such customer for laundry work, and for the balance due them from such customers for drycleaning work, but nothing in this section shall be construed to confer a lien in favor of a wholesale drycleaner on materials received from a drycleaning establishment proprietor or a person conducting a drycleaning establishment; and veterinary proprietors and veterinary surgeons shall have a lien dependent on possession, for their compensation in caring for, boarding, feeding, and medical treatment of animals.

This section shall have no application to any vessel, as defined in Section 21 of the Harbors and Navigation Code, to any vehicle, as defined in Section 670 of the Vehicle Code, which is subject to registration pursuant to that code, to any manufactured home, as defined in Section 18007 of the Health and Safety Code, to any mobilehome, as defined in Section 18008 of the Health and Safety Code, or to any commercial coach, as defined in Section 18001.8 of the Health and Safety Code, whether or not the manufactured home, mobilehome, or commercial coach is subject to registration under the Health and Safety Code.



**HISTORY:**

Enacted Stats 1872. Amended Code Amdts 1877–78 ch 451; Stats 1901 ch 108 § 1; Stats 1907 ch 66 § 1; Stats 1911 ch 435 § 1; Stats 1929 ch 868 § 1; Stats 1935 ch 381 § 1; Stats 1945 ch 861 § 1; Stats 1949 ch 1436 § 4; Stats 1970 ch 1341 § 1; Stats 1976 ch 839 § 1; Stats 1978 ch 1005 § 1; Stats 1979 ch 600 § 1; Stats 1981 ch 202 § 1; Stats 1983 ch 1124 § 6.

**§ 3052. Sale of property by lienholder**

If the person entitled to the lien provided in Section 3051 is not paid the amount due, and for which such lien is given, within 10 days after the same shall have become due, then such lienholder may proceed to sell such property, or so much thereof as may be necessary to satisfy such lien and costs of sale at public auction, and by giving at least 10 days' but not more than twenty 20 days' previous notice of such sale by advertising in some newspaper published in the county in which such property is situated; or if there be no newspaper printed in such county, then by posting notice of sale in three of the most public places in the town and at the place where such property is to be sold, for 10 days previous to the date of the sale; provided, however, that within 20 days after such sale, the legal owner may redeem any such property so sold to satisfy such lien upon the payment of the amount thereof, all costs and expenses of such sale, together with interest on such sum at the rate of 12 percent per annum from the due date thereof or the date when the same were advanced until the repayment. The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping and selling the property; the remainder, if any, must be paid over to the legal owner thereof.

**HISTORY:**

Enacted Stats 1872. Amended Stats 1907 ch 66 § 2; Stats 1927 ch 368 § 1; Stats 1949 ch 1436 § 6; Stats 1959 ch 781 § 1; Stats 1974 ch 1262 § 1, effective September 23, 1974, operative November 1, 1974; Stats 1977 ch 579 § 34; Stats 1978 ch 1005 § 3.

**CHAPTER 6.7**

**LIVESTOCK SERVICE LIEN**

Section

3080. Definitions.

3080.01. General lien.

3080.02. Rights of lienholder.

3080.03. Application for order authorizing sale of livestock.

**§ 3080. Definitions**

As used in this chapter, the following definitions shall apply:

- (a) "Livestock" means any cattle, sheep, swine, goat, or horse, mule, or other equine.
- (b) "Livestock servicer" means any individual, corporation, partnership, joint venture, cooperative, association or any other organization or entity which provides livestock services.
- (c) "Livestock services" means any and all grazing, feeding, boarding, general care, which includes animal health services, obtained or provided by the livestock servicer, or his employee, transportation or other services rendered by a person to livestock for the owner of livestock, or for any person acting by or under the owner's authority.

**HISTORY:**

Added Stats 1979 ch 600 § 2.

**§ 3080.01. General lien**

A livestock servicer shall have a general lien upon the livestock in its possession to secure the performance of all obligations of the owner of the livestock to the livestock servicer for both of the following:

(a) The provision of livestock services to the livestock in possession of the livestock servicer.

(b) The provision of livestock services to other livestock for which livestock services were provided in connection with or as part of the same livestock service transaction, if such livestock services were provided within the immediately preceding 12 months prior to the date upon which the lien arose. The lien shall have priority over all other liens upon and security interests in the livestock, shall arise as the charges for livestock services become due, and shall be dependent upon possession. The lien shall secure the owner's contractual obligations to the lienholder for the provision of livestock services, the lienholder's reasonable charges for the provision of livestock services after the lien has arisen as set forth in Section 3080.02, and the lienholder's costs of lien enforcement, including attorney's fees.

**HISTORY:**

Added Stats 1979 ch 600 § 2.

**§ 3080.02. Rights of lienholder**

In addition to any other rights and remedies provided by law, a lienholder may:

(a) Retain possession of the livestock and charge the owner for the reasonable value of providing livestock services to the livestock until the owner's obligations secured by the lien have been satisfied.

(b) Proceed to sell all or any portion of the livestock pursuant to Section 3080.16 if:

(1) A judicial order authorizing sale has been entered pursuant to Section 3080.06;

(2) A judgment authorizing sale has been entered in favor of the lienholder on the claim which gives rise to the lien; or

(3) The owner of the livestock has released, after the lien has arisen, its interest in the livestock in the form prescribed by Section 3080.20.

(c) A lienholder may commence a legal action on its claim against the owner of the livestock or any other person indebted to the lienholder for services to the livestock and reduce the claim to judgment. When the lienholder has reduced the claim to judgment, any lien or levy or other form of enforcement which may be made upon the livestock by virtue of any execution based upon the judgment shall relate back to the attachment of and have the same priority as the livestock service lien. The lienholder may purchase at a judicial sale held pursuant to the execution on the judgment and thereafter hold the livestock free of any liens upon or security interests in the livestock.

**HISTORY:**

Added Stats 1979 ch 600 § 2.

**§ 3080.03. Application for order authorizing sale of livestock**

Upon the filing of the complaint, or at any time thereafter prior to judgment, the lienholder may apply to the court in which the action was commenced for an order authorizing sale of livestock.

(a) The application shall include all of the following:

(1) A statement showing that the sale is sought pursuant to this chapter to enforce a livestock service lien;

(2) A statement of the amount the lienholder seeks to recover from the defendant and the date that amount became due;

(3) A statement setting forth the reasons why a sale should be held prior to judgment;

(4) A description of the livestock to be sold and an estimate of the fair market value thereof; and

(5) A statement of the manner in which the lienholder intends to sell the livestock. The statement shall include, but not be limited to, whether the sale will be public or private, the amount of proceeds expected from the sale, and, why the sale, if authorized, would conform to the standard of commercial reasonableness set forth in Section 3080.16.

(b) The application shall be supported by an affidavit or affidavits showing that on the facts presented therein the lienholder would be entitled to a judgment on the claim upon which the action is brought.

(c) A hearing shall be held in the court in which the lienholder has brought the action before an order authorizing sale is issued under this chapter. Except as provided in Section 3080.15, or as ordered by the court upon good cause shown, the defendant shall be served with a copy of all of the following at least 10 days prior to the date set for hearing:

- (1) A summons and complaint;
- (2) A notice of application and hearing; and
- (3) An application and all affidavits filed in support thereof.

**HISTORY:**

Added Stats 1979 ch 600 § 2.

# CORPORATIONS CODE

## TITLE 1

### CORPORATIONS

#### DIVISION 3

#### CORPORATIONS FOR SPECIFIC PURPOSES

#### PART 4

### PROFESSIONAL CORPORATIONS

#### Section

13400. Citation of part.

13401. Definitions.

13401.3. "Professional services".

13401.5. Licensees as shareholders, officers, directors, or employees.

13402. Corporation rendering services other than pursuant to this part: Conduct of business by corporation not professional corporation.

13403. General Corporation Law; Applicability.

13404. Formation; Certificate of registration.

13404.5. Certificate of registration to transact intrastate business; Liability of shareholders.

13405. License requirement for persons rendering professional services; Employment of nonlicensed personnel.

13406. Professional corporations; Stock; Financial statements; Voting; Nonprofit law corporations.

13407. Transfer of shares; Restriction; Purchase by corporation; Suspension or revocation of certificate.

13408. Specification of grounds for suspension or revocation of certificate.

13408.5. Fee splitting, kickbacks, or similar practices.

13409. Name of corporation; Provisions governing.

13410. Disciplinary rules and regulations.

**HISTORY:** Added Stats 1968 ch 1375 § 9.

#### § 13400. Citation of part

This part shall be known and may be cited as the "Moscone-Knox Professional Corporation Act."

#### **HISTORY:**

Added Stats 1968 ch 1375 § 9.

#### § 13401. Definitions

As used in this part:

(a) "Professional services" means any type of professional services that may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act.

(b) "Professional corporation" means a corporation organized under the General Corporation Law or pursuant to subdivision (b) of Section 13406 that is engaged in rendering professional services in a single profession, except as otherwise authorized in Section 13401.5, pursuant to a certificate of registration issued by the governmental agency regulating the profession as herein provided and that in its practice or business designates itself as a professional or other corporation as may be required by statute. However, any professional corporation or foreign professional corporation rendering professional services by persons duly licensed by the Medical Board of California or

any examining committee under the jurisdiction of the board, the Podiatric Medical Board of California, the Osteopathic Medical Board of California, the Dental Board of California, the Dental Hygiene Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the California Architects Board, the Court Reporters Board of California, the Board of Behavioral Sciences, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, the Board of Registered Nursing, the State Board of Optometry, or the California Board of Occupational Therapy shall not be required to obtain a certificate of registration in order to render those professional services.

(c) “Foreign professional corporation” means a corporation organized under the laws of a state of the United States other than this state that is engaged in a profession of a type for which there is authorization in the Business and Professions Code for the performance of professional services by a foreign professional corporation.

(d) “Licensed person” means any natural person who is duly licensed under the provisions of the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act to render the same professional services as are or will be rendered by the professional corporation or foreign professional corporation of which the person is, or intends to become, an officer, director, shareholder, or employee.

(e) “Disqualified person” means a licensed person who for any reason becomes legally disqualified (temporarily or permanently) to render the professional services that the particular professional corporation or foreign professional corporation of which they are an officer, director, shareholder, or employee is or was rendering.

**HISTORY:**

Added Stats 1968 ch 1375 § 9. Amended Stats 1970 ch 1110 § 3, operative July 1, 1971; Stats 1977 ch 1126 § 3; Stats 1979 ch 472 § 2; Stats 1980 ch 1314 § 16; Stats 1981 ch 383 § 2; Stats 1985 ch 220 § 2, ch 1578 § 2; Stats 1987 ch 571 § 7; Stats 1988 ch 1448 § 28.5; Stats 1989 ch 886 § 82; Stats 1991 ch 566 § 20 (AB 766); Stats 1992 ch 1289 § 50 (AB 2743); Stats 1993 ch 910 § 2 (SB 687), ch 955 § 5.3 (SB 312); Stats 1994 ch 26 § 225 (AB 1807), effective March 30, 1994 (ch 26 prevails), ch 1010 § 66.1 (SB 2053); Stats 1995 ch 60 § 43 (SB 42), effective July 6, 1995; Stats 1997 ch 168 § 8 (AB 348); Stats 1999 ch 657 § 34 (AB 1677); Stats 2000 ch 197 § 4 (SB 1636), ch 836 § 51 (SB 1554); Stats 2004 ch 695 § 51 (SB 1913); Stats 2006 ch 564 § 17 (AB 2256), effective January 1, 2007; Stats 2015 ch 516 § 3 (AB 502), effective January 1, 2016; Stats 2017 ch 775 § 107 (SB 798), effective January 1, 2018; Stats 2018 ch 858 § 61 (SB 1482), effective January 1, 2019; Stats 2022 ch 290 § 6 (AB 2671), effective January 1, 2023; Stats 2023 ch 131 § 24 (AB 1754), effective January 1, 2024.

**§ 13401.3. “Professional services”**

As used in this part, “professional services” also means any type of professional services that may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Yacht and Ship Brokers Act (Article 2 (commencing with Section 700) of Chapter 5 of Division 3 of the Harbors and Navigation Code).

**HISTORY:**

Added Stats 2000 ch 508 § 1 (SB 1967). Amended Stats 2001 ch 597 § 1 (AB 1706).

**§ 13401.5. Licensees as shareholders, officers, directors, or employees**

Notwithstanding subdivision (d) of Section 13401 and any other provision of law, the following licensed persons may be shareholders, officers, directors, or professional employees of the professional corporations designated in this section so long as the sum of all shares owned by those licensed persons does not exceed 49 percent of the total number of shares of the professional corporation so designated herein, and so long as the number of those licensed persons owning shares in the professional corporation so designated herein does not exceed the number of persons licensed by the governmental agency regulating the designated professional corporation. This section does not limit employment by a professional corporation designated in this section to only those licensed professionals listed under each subdivision. Any person duly licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, the

Chiropractic Act, or the Osteopathic Act may be employed to render professional services by a professional corporation designated in this section.

- (a) Medical corporation.
  - (1) Licensed doctors of podiatric medicine.
  - (2) Licensed psychologists.
  - (3) Registered nurses.
  - (4) Licensed optometrists.
  - (5) Licensed marriage and family therapists.
  - (6) Licensed clinical social workers.
  - (7) Licensed physician assistants.
  - (8) Licensed chiropractors.
  - (9) Licensed acupuncturists.
  - (10) Naturopathic doctors.
  - (11) Licensed professional clinical counselors.
  - (12) Licensed physical therapists.
  - (13) Licensed pharmacists.
  - (14) Licensed midwives.
  - (15) Licensed occupational therapists.
- (b) Podiatric medical corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed psychologists.
  - (3) Registered nurses.
  - (4) Licensed optometrists.
  - (5) Licensed chiropractors.
  - (6) Licensed acupuncturists.
  - (7) Naturopathic doctors.
  - (8) Licensed physical therapists.
- (c) Psychological corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed doctors of podiatric medicine.
  - (3) Registered nurses.
  - (4) Licensed optometrists.
  - (5) Licensed marriage and family therapists.
  - (6) Licensed clinical social workers.
  - (7) Licensed chiropractors.
  - (8) Licensed acupuncturists.
  - (9) Naturopathic doctors.
  - (10) Licensed professional clinical counselors.
  - (11) Licensed midwives.
- (d) Speech-language pathology corporation.
  - (1) Licensed audiologists.
- (e) Audiology corporation.
  - (1) Licensed speech-language pathologists.
- (f) Nursing corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed doctors of podiatric medicine.
  - (3) Licensed psychologists.
  - (4) Licensed optometrists.
  - (5) Licensed marriage and family therapists.
  - (6) Licensed clinical social workers.
  - (7) Licensed physician assistants.
  - (8) Licensed chiropractors.
  - (9) Licensed acupuncturists.
  - (10) Naturopathic doctors.
  - (11) Licensed professional clinical counselors.

- (12) Licensed midwives.
- (g) Marriage and family therapist corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed psychologists.
  - (3) Licensed clinical social workers.
  - (4) Registered nurses.
  - (5) Licensed chiropractors.
  - (6) Licensed acupuncturists.
  - (7) Naturopathic doctors.
  - (8) Licensed professional clinical counselors.
  - (9) Licensed midwives.
- (h) Licensed clinical social worker corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed psychologists.
  - (3) Licensed marriage and family therapists.
  - (4) Registered nurses.
  - (5) Licensed chiropractors.
  - (6) Licensed acupuncturists.
  - (7) Naturopathic doctors.
  - (8) Licensed professional clinical counselors.
- (i) Physician assistants corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Registered nurses.
  - (3) Licensed acupuncturists.
  - (4) Naturopathic doctors.
  - (5) Licensed midwives.
- (j) Optometric corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed doctors of podiatric medicine.
  - (3) Licensed psychologists.
  - (4) Registered nurses.
  - (5) Licensed chiropractors.
  - (6) Licensed acupuncturists.
  - (7) Naturopathic doctors.
- (k) Chiropractic corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed doctors of podiatric medicine.
  - (3) Licensed psychologists.
  - (4) Registered nurses.
  - (5) Licensed optometrists.
  - (6) Licensed marriage and family therapists.
  - (7) Licensed clinical social workers.
  - (8) Licensed acupuncturists.
  - (9) Naturopathic doctors.
  - (10) Licensed professional clinical counselors.
  - (11) Licensed midwives.
- (l) Acupuncture corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed doctors of podiatric medicine.
  - (3) Licensed psychologists.
  - (4) Registered nurses.
  - (5) Licensed optometrists.
  - (6) Licensed marriage and family therapists.
  - (7) Licensed clinical social workers.
  - (8) Licensed physician assistants.

- (9) Licensed chiropractors.
- (10) Naturopathic doctors.
- (11) Licensed professional clinical counselors.
- (12) Licensed midwives.
- (m) Naturopathic doctor corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed psychologists.
  - (3) Registered nurses.
  - (4) Licensed physician assistants.
  - (5) Licensed chiropractors.
  - (6) Licensed acupuncturists.
  - (7) Licensed physical therapists.
  - (8) Licensed doctors of podiatric medicine.
  - (9) Licensed marriage and family therapists.
  - (10) Licensed clinical social workers.
  - (11) Licensed optometrists.
  - (12) Licensed professional clinical counselors.
  - (13) Licensed midwives.
- (n) Dental corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Dental assistants.
  - (3) Registered dental assistants.
  - (4) Registered dental assistants in extended functions.
  - (5) Registered dental hygienists.
  - (6) Registered dental hygienists in extended functions.
  - (7) Registered dental hygienists in alternative practice.
- (o) Professional clinical counselor corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed psychologists.
  - (3) Licensed clinical social workers.
  - (4) Licensed marriage and family therapists.
  - (5) Registered nurses.
  - (6) Licensed chiropractors.
  - (7) Licensed acupuncturists.
  - (8) Naturopathic doctors.
  - (9) Licensed midwives.
- (p) Physical therapy corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed doctors of podiatric medicine.
  - (3) Licensed acupuncturists.
  - (4) Naturopathic doctors.
  - (5) Licensed occupational therapists.
  - (6) Licensed speech-language therapists.
  - (7) Licensed audiologists.
  - (8) Registered nurses.
  - (9) Licensed psychologists.
  - (10) Licensed physician assistants.
  - (11) Licensed midwives.
- (q) Registered dental hygienist in alternative practice corporation.
  - (1) Registered dental assistants.
  - (2) Licensed dentists.
  - (3) Registered dental hygienists.
  - (4) Registered dental hygienists in extended functions.
- (r) Licensed midwifery corporation.
  - (1) Licensed physicians and surgeons.



- (2) Licensed psychologists.
- (3) Registered nurses.
- (4) Licensed marriage and family therapists.
- (5) Licensed clinical social workers.
- (6) Licensed physician assistants.
- (7) Licensed chiropractors.
- (8) Licensed acupuncturists.
- (9) Licensed naturopathic doctors.
- (10) Licensed professional clinical counselors.
- (11) Licensed physical therapists.
- (s) Occupational therapy corporation.
  - (1) Licensed physicians and surgeons.
  - (2) Licensed doctors of podiatric medicine.
  - (3) Licensed acupuncturists.
  - (4) Naturopathic doctors.
  - (5) Licensed physical therapists.
  - (6) Licensed speech-language therapists.
  - (7) Licensed audiologists.
  - (8) Registered nurses.
  - (9) Licensed psychologists.
  - (10) Licensed physician assistants.
  - (11) Licensed midwives.
  - (12) Licensed clinical social workers.
  - (13) Licensed marriage and family therapists.
  - (14) Licensed occupational therapy assistants.

**HISTORY:**

Added Stats 1980 ch 1314 § 17.1. Amended Stats 1981 ch 621 § 5; Stats 1982 ch 1304 § 3, ch 1315 § 1; Stats 1983 ch 1026 § 23, ch 1084 § 1; Stats 1988 ch 507 § 1; Stats 1990 ch 1691 § 1 (AB 3324); Stats 1994 ch 26 § 226 (AB 1807), effective March 30, 1994, ch 815 § 2 (SB 1279); Stats 1997 ch 758 § 84 (SB 1346); Stats 1998 ch 175 § 1 (AB 2120); Stats 2002 ch 1013 § 75 (SB 2026); Stats 2003 ch 485 § 6 (SB 907), ch 549 § 4 (AB 123); Stats 2004 ch 183 § 50 (AB 3082); Stats 2011 ch 381 § 18 (SB 146), effective January 1, 2012; Stats 2013 ch 620 § 6 (AB 1000), effective January 1, 2014; Stats 2015 ch 516 § 4 (AB 502), effective January 1, 2016; Stats 2016 ch 484 § 53 (SB 1193), effective January 1, 2017; Stats 2017 ch 775 § 108 (SB 798), effective January 1, 2018; Stats 2022 ch 290 § 7 (AB 2671), effective January 1, 2023.

**§ 13402. Corporation rendering services other than pursuant to this part; Conduct of business by corporation not professional corporation**

(a) This part shall not apply to any corporation now in existence or hereafter organized which may lawfully render professional services other than pursuant to this part, nor shall anything herein contained alter or affect any right or privilege, whether under any existing or future provision of the Business and Professions Code or otherwise, in terms permitting or not prohibiting performance of professional services through the use of any form of corporation permitted by the General Corporation Law.

(b) The conduct of a business in this state by a corporation pursuant to a license or registration issued under any state law, except laws relating to taxation, shall not be considered to be the conduct of a business as a professional corporation if the business is conducted by, and the license or registration is issued to, a corporation which is not a professional corporation within the meaning of this part, whether or not a professional corporation could conduct the same business, or portions of the same business, as a professional corporation.

**HISTORY:**

Added Stats 1968 ch 1375 § 9. Amended Stats 1985 ch 1578 § 3; Stats 1988 ch 919 § 13.

**§ 13403. General Corporation Law; Applicability**

The provisions of the General Corporation Law shall apply to professional corporations, except where such provisions are in conflict with or inconsistent with the

provisions of this part. A professional corporation which has only one shareholder need have only one director who shall be such shareholder and who shall also serve as the president and treasurer of the corporation. The other officers of the corporation in such situation need not be licensed persons. A professional corporation which has only two shareholders need have only two directors who shall be such shareholders. The two shareholders between them shall fill the offices of president, vice president, secretary and treasurer.

A professional medical corporation may establish in its articles or bylaws the manner in which its directors are selected and removed, their powers, duties, and compensation. Each term of office may not exceed three years. Notwithstanding the foregoing, the articles or bylaws of a professional medical corporation with more than 200 shareholders may provide that directors who are officers of the corporation or who are responsible for the management of all medical services at one or more medical centers may have terms of office, as directors, of up to six years; however, no more than 50 percent of the members of the board, plus one additional member of the board, may have six-year terms of office.

**HISTORY:**

Added Stats 1968 ch 1375 § 9. Amended Stats 1979 ch 711 § 12; Stats 1980 ch 36 § 1.

**§ 13404. Formation; Certificate of registration**

A corporation may be formed under the General Corporation Law or pursuant to subdivision (b) of Section 13406 for the purposes of qualifying as a professional corporation in the manner provided in this part and rendering professional services. The articles of incorporation of a professional corporation shall contain a specific statement that the corporation is a professional corporation within the meaning of this part. Except as provided in subdivision (b) of Section 13401, no professional corporation shall render professional services in this state without a currently effective certificate of registration issued by the governmental agency regulating the profession in which such corporation is or proposes to be engaged, pursuant to the applicable provisions of the Business and Professions Code or the Chiropractic Act expressly authorizing such professional services to be rendered by a professional corporation.

**HISTORY:**

Added Stats 1968 ch 1375 § 9. Amended Stats 1970 ch 1110 § 4, operative July 1, 1971; Stats 1980 ch 1314 § 18; Stats 1993 ch 955 § 6 (SB 312).

**§ 13404.5. Certificate of registration to transact intrastate business; Liability of shareholders**

(a) A foreign professional corporation may qualify as a foreign corporation to transact intrastate business in this state in accordance with Chapter 21 (commencing with Section 2100) of Division 1. A foreign professional corporation shall be subject to the provisions of the General Corporation Law applicable to foreign corporations, except where those provisions are in conflict with or inconsistent with the provisions of this part. The statement and designation filed by the foreign professional corporation pursuant to Section 2105 shall contain a specific statement that the corporation is a foreign professional corporation within the meaning of this part.

(b) No foreign professional corporation shall render professional services in this state without a currently effective certificate of registration issued by the governmental agency regulating the profession in which that corporation proposes to be engaged, pursuant to the applicable provisions of the Business and Professions Code expressly authorizing those professional services to be rendered by a foreign professional corporation.

(c) If the California board, commission, or other agency that prescribes the rules or regulations governing a particular profession either now or hereafter requires that the shareholders of the professional corporation bear any degree of personal liability for the

acts of the corporation, either by personal guarantee or in some other form that the governing agency prescribes, the shareholders of a foreign corporation that has been qualified to do business in this state in the same profession shall, as a condition of doing business in this state, be subject, with regard to the rendering of professional services by the professional corporation in California, or for California residents, to the same degree of personal liability, if any, as is prescribed by the governing agency for shareholders of a California professional corporation rendering services in the same profession.

(d) Each application by a foreign professional corporation to qualify to do business in this state shall contain the following statement:

“The shareholders of the undersigned foreign professional corporation shall be subject, with regard to the rendering of professional services by the professional corporation in California, or for California residents, to the same degree of personal liability, if any, in California as is from time to time prescribed by the agency governing the profession in this state for shareholders in a California professional corporation rendering services in the same profession. This application accordingly constitutes a submission to the jurisdiction of the courts of California to the same extent, but only to the same extent, as applies to the shareholders of a California professional corporation in the same profession. The foregoing submission to jurisdiction is a condition of qualification to do business in this state.”

**HISTORY:**

Added Stats 1993 ch 910 § 3 (SB 687).

**§ 13405. License requirement for persons rendering professional services; Employment of nonlicensed personnel**

(a) Subject to the provisions of Section 13404, a professional corporation may lawfully render professional services in this state, but only through employees who are licensed persons. The corporation may employ persons not so licensed, but such persons shall not render any professional services rendered or to be rendered by that corporation in this state. A professional corporation may render professional services outside of this state, but only through employees who are licensed to render the same professional services in the jurisdiction or jurisdictions in which the person practices. Nothing in this section is intended to prohibit the rendition of occasional professional services in another jurisdiction as an incident to the licensee’s primary practice, so long as it is permitted by the governing agency that regulates the particular profession in the jurisdiction. Nothing in this section is intended to prohibit the rendition of occasional professional services in this state as an incident to a professional employee’s primary practice for a foreign professional corporation qualified to render professional services in this state, so long as it is permitted by the governing agency that regulates the particular profession in this state.

(b) Subject to Section 13404.5, a foreign professional corporation qualified to render professional services in this state may lawfully render professional services in this state, but only through employees who are licensed persons, and shall render professional services outside of this state only through persons who are licensed to render the same professional services in the jurisdiction or jurisdictions in which the person practices. The foreign professional corporation may employ persons in this state who are not licensed in this state, but those persons shall not render any professional services rendered or to be rendered by the corporation in this state.

(c) Nothing in this section or in this part is intended to, or shall, augment, diminish or otherwise alter existing provisions of law, statutes or court rules relating to services by a California attorney in another jurisdiction, or services by an out-of-state attorney in California. These existing provisions, including, but not limited to, admission pro hac vice and the taking of depositions in a jurisdiction other than the one in which the deposing attorney is admitted to practice, shall remain in full force and effect.

**HISTORY:**

Added Stats 1968 ch 1375 § 9. Amended Stats 1993 ch 910 § 4 (SB 687).

**§ 13406. Professional corporations; Stock; Financial statements; Voting; Non-profit law corporations**

(a) Subject to the provisions of subdivision (b), shares of capital stock in a professional corporation may be issued only to a licensed person or to a person who is licensed to render the same professional services in the jurisdiction or jurisdictions in which the person practices, and any shares issued in violation of this restriction shall be void. Unless there is a public offering of securities by a professional corporation or by a foreign professional corporation in this state, its financial statements shall be treated by the Commissioner of Financial Protection and Innovation as confidential, except to the extent that such statements shall be subject to subpoena in connection with any judicial or administrative proceeding, and may be admissible in evidence therein. A shareholder of a professional corporation or of a foreign professional corporation qualified to render professional services in this state shall not enter into a voting trust, proxy, or any other arrangement vesting another person (other than another person who is a shareholder of the same corporation) with the authority to exercise the voting power of any or all of the shareholder's shares, and any purported voting trust, proxy, or other arrangement shall be void.

(b) A professional law corporation may be incorporated as a nonprofit public benefit corporation under the Nonprofit Public Benefit Corporation Law under either of the following circumstances:

(1) The corporation is a qualified legal services project or a qualified support center within the meaning of subdivisions (a) and (b) of Section 6213 of the Business and Professions Code.

(2) The professional law corporation otherwise meets all of the requirements and complies with all of the provisions of the Nonprofit Public Benefit Corporation Law, as well as all of the following requirements:

(A) All of the members of the corporation, if it is a membership organization as described in the Nonprofit Corporation Law, are persons licensed to practice law in California.

(B) All of the members of the professional law corporation's board of directors are persons licensed to practice law in California.

(C) Seventy percent of the clients to whom the corporation provides legal services are lower income persons as defined in Section 50079.5 of the Health and Safety Code, and to other persons who would not otherwise have access to legal services.

(D) The corporation shall not enter into contingency fee contracts with clients.

(c) A professional law corporation incorporated as a nonprofit public benefit corporation that is a recipient in good standing as defined in subdivision (c) of Section 6213 of the Business and Professions Code shall be deemed to have satisfied all of the filing requirements of a professional law corporation under Sections 6161.1, 6162, and 6163 of the Business and Professions Code.

**HISTORY:**

Added Stats 1968 ch 1375 § 9. Amended Stats 1993 ch 910 § 5 (SB 687), ch 955 § 7.5 (SB 312); Stats 2019 ch 143 § 35 (SB 251), effective January 1, 2020; Stats 2022 ch 452 § 62 (SB 1498), effective January 1, 2023.

**§ 13407. Transfer of shares; Restriction; Purchase by corporation; Suspension or revocation of certificate**

Shares in a professional corporation or a foreign professional corporation qualified to render professional services in this state may be transferred only to a licensed person, to a shareholder of the same corporation, to a person licensed to practice the same profession in the jurisdiction or jurisdictions in which the person practices, or to a

professional corporation, and any transfer in violation of this restriction shall be void, except as provided herein.

A professional corporation may purchase its own shares without regard to any restrictions provided by law upon the repurchase of shares, if at least one share remains issued and outstanding.

If a professional corporation or a foreign professional corporation qualified to render professional services in this state shall fail to acquire all of the shares of a shareholder who is disqualified from rendering professional services in this state or of a deceased shareholder who was, on his or her date of death, licensed to render professional services in this state, or if such a disqualified shareholder or the representative of such a deceased shareholder shall fail to transfer said shares to the corporation, to another shareholder of the corporation, to a person licensed to practice the same profession in the jurisdiction or jurisdictions in which the person practices, or to a licensed person, within 90 days following the date of disqualification, or within six months following the date of death of the shareholder, as the case may be, then the certificate of registration of the corporation may be suspended or revoked by the governmental agency regulating the profession in which the corporation is engaged. In the event of such a suspension or revocation, the corporation shall cease to render professional services in this state.

Notwithstanding any provision in this part, upon the death or incapacity of a dentist, any individual named in subdivision (a) of Section 1625.3 of the Business and Professions Code may employ licensed dentists and dental assistants and charge for their professional services for a period not to exceed 12 months from the date of death or incapacity of the dentist. The employment of licensed dentists and dental assistants shall not be deemed the practice of dentistry within the meaning of Section 1625 of the Business and Professions Code, provided that all of the requirements of Section 1625.4 of the Business and Professions Code are met. If an individual listed in Section 1625.3 of the Business and Professions Code is employing licensed persons and dental assistants, then the shares of a deceased or incapacitated dentist shall be transferred as provided in this section no later than 12 months from the date of death or incapacity of the dentist.

**HISTORY:**

Added Stats 1968 ch 1375 § 9. Amended Stats 1993 ch 910 § 6 (SB 687); Stats 2007 ch 433 § 4 (SB 387), effective January 1, 2008.

**§ 13408. Specification of grounds for suspension or revocation of certificate**

The following shall be grounds for the suspension or revocation of the certificate of registration of a professional corporation or a foreign professional corporation qualified to render professional services in this state: (a) if all shareholders who are licensed persons of such corporation shall at any one time become disqualified persons, or (b) if the sole shareholder shall become a disqualified person, or (c) if such corporation shall knowingly employ or retain in its employment a disqualified person, or (d) if such corporation shall violate any applicable rule or regulation adopted by the governmental agency regulating the profession in which such corporation is engaged, or (e) if such corporation shall violate any statute applicable to a professional corporation or to a foreign professional corporation, or (f) any ground for such suspension or revocation specified in the Business and Professions Code relating to the profession in which such corporation is engaged. In the event of such suspension or revocation of its certificate of registration such corporation shall cease forthwith to render professional services in this state.

**HISTORY:**

Added Stats 1968 ch 1375 § 9. Amended Stats 1993 ch 910 § 7 (SB 687).

**§ 13408.5. Fee splitting, kickbacks, or similar practices**

A professional corporation shall not be formed so as to cause any violation of law, or any applicable rules and regulations, relating to fee splitting, kickbacks, or other similar

practices by physicians and surgeons or psychologists, including, but not limited to, Section 650 or subdivision (e) of Section 2960 of the Business and Professions Code. A violation of any such provisions shall be grounds for the suspension or revocation of the certificate of registration of the professional corporation. The Commissioner of Financial Protection and Innovation or the Director of the Department of Managed Health Care may refer any suspected violation of those provisions to the governmental agency regulating the profession in which the corporation is, or proposes to be engaged.

**HISTORY:**

Added Stats 1977 ch 1126 § 4. Amended Stats 1999 ch 525 § 9 (AB 78), operative July 1, 2000; Stats 2000 ch 857 § 7 (AB 2903); Stats 2019 ch 143 § 36 (SB 251), effective January 1, 2020; Stats 2022 ch 452 § 63 (SB 1498), effective January 1, 2023.

**§ 13409. Name of corporation; Provisions governing**

(a) Subject to Section 201, a professional corporation may adopt any name permitted by a law expressly applicable to the profession in which the corporation is engaged or by a rule or regulation of the governmental agency regulating that profession. The Secretary of State may require proof by affidavit or otherwise establishing that the name of the professional corporation complies with the requirements of this section and of the law governing the profession in which that professional corporation is engaged. The statements of fact in those affidavits may be accepted by the Secretary of State as sufficient proof of the facts.

(b) Subject to Section 201, a foreign professional corporation qualified to render professional services in this state may transact intrastate business in this state by any name permitted by a law expressly applicable to the profession in which the corporation is engaged, or by a rule or regulation of the governmental agency regulating the rendering of professional services in this state by the corporation. The Secretary of State may require proof by affidavit or otherwise establishing that the name of the foreign professional corporation qualified to render professional services in this state complies with the requirements of this section and of the law governing the profession in which the foreign professional corporation qualified to render professional services in this state proposes to engage in this state. The statements of fact in those affidavits may be accepted by the Secretary of State as sufficient proof of the facts.

**HISTORY:**

Added Stats 1968 ch 1375 § 9. Amended Stats 1976 ch 641 § 42, effective January 1, 1977; Stats 1993 ch 910 § 8 (SB 687); Stats 2020 ch 361 § 12 (SB 522), effective January 1, 2021.

**§ 13410. Disciplinary rules and regulations**

(a) A professional corporation or a foreign professional corporation qualified to render professional services in this state shall be subject to the applicable rules and regulations adopted by, and all the disciplinary provisions of the Business and Professions Code expressly governing the practice of the profession in this state, and to the powers of, the governmental agency regulating the profession in which such corporation is engaged. Nothing in this part shall affect or impair the disciplinary powers of any such governmental agency over licensed persons or any law, rule or regulation pertaining to the standards for professional conduct of licensed persons or to the professional relationship between any licensed person furnishing professional services and the person receiving such services.

(b) With respect to any foreign professional corporation qualified to render professional services in this state, each such governmental agency shall adopt rules, regulations, and orders as appropriate to restrict or prohibit any disqualified person from doing any of the following:

- (1) Being a shareholder, director, officer, or employee of the corporation.
- (2) Rendering services in any profession in which he or she is a disqualified person.
- (3) Participating in the management of the corporation.

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(4) Sharing in the income of the corporation.

**HISTORY:**

Added Stats 1968 ch 1375 § 9. Amended Stats 1993 ch 910 § 10 (SB 687).

**FAMILY CODE**  
**DIVISION 17**  
**SUPPORT SERVICES**  
**CHAPTER 2**  
**CHILD SUPPORT ENFORCEMENT**  
**ARTICLE 2**  
**COLLECTIONS AND ENFORCEMENT**

Section

17520. Consolidated lists of persons; License renewals; Review procedures; Report to Legislature; Rules and regulations; Forms; Use of information; Suspension or revocation of driver's license; Severability.

**§ 17520. Consolidated lists of persons; License renewals; Review procedures; Report to Legislature; Rules and regulations; Forms; Use of information; Suspension or revocation of driver's license; Severability**

(a) As used in this section:

(1) "Applicant" means a person applying for issuance or renewal of a license.

(2) "Board" means an entity specified in Section 101 of the Business and Professions Code, the entities referred to in Sections 1000 and 3600 of the Business and Professions Code, the State Bar of California, the Department of Real Estate, the Department of Motor Vehicles, the Secretary of State, the Department of Fish and Wildlife, and any other state commission, department, committee, examiner, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, or to the extent required by federal law or regulations, for recreational purposes. This term includes all boards, commissions, departments, committees, examiners, entities, and agencies that issue a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession. The failure to specifically name a particular board, commission, department, committee, examiner, entity, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession does not exclude that board, commission, department, committee, examiner, entity, or agency from this term.

(3) "Certified list" means a list provided by the local child support agency to the Department of Child Support Services in which the local child support agency verifies, under penalty of perjury, that the names contained therein are support obligors found to be out of compliance with a judgment or order for support in a case being enforced under Title IV-D of the federal Social Security Act.

(4) "Compliance with a judgment or order for support" means that, as set forth in a judgment or order for child or family support, the obligor is no more than 30 calendar days in arrears in making payments in full for current support, in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a support arrearage, or in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a judgment for reimbursement for public assistance, or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order. The



local child support agency is authorized to use this section to enforce orders for spousal support only when the local child support agency is also enforcing a related child support obligation owed to the obligee parent by the same obligor, pursuant to Sections 17400 and 17604.

(5) "License" includes membership in the State Bar of California, and a certificate, credential, permit, registration, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession, or to operate a commercial motor vehicle, including appointment and commission by the Secretary of State as a notary public. "License" also includes any driver's license issued by the Department of Motor Vehicles, any commercial fishing license issued by the Department of Fish and Wildlife, and to the extent required by federal law or regulations, any license used for recreational purposes. This term includes all licenses, certificates, credentials, permits, registrations, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession. The failure to specifically name a particular type of license, certificate, credential, permit, registration, or other authorization issued by a board that allows a person to engage in a business, occupation, or profession, does not exclude that license, certificate, credential, permit, registration, or other authorization from this term.

(6) "Licensee" means a person holding a license, certificate, credential, permit, registration, or other authorization issued by a board, to engage in a business, occupation, or profession, or a commercial driver's license as defined in Section 15210 of the Vehicle Code, including an appointment and commission by the Secretary of State as a notary public. "Licensee" also means a person holding a driver's license issued by the Department of Motor Vehicles, a person holding a commercial fishing license issued by the Department of Fish and Wildlife, and to the extent required by federal law or regulations, a person holding a license used for recreational purposes. This term includes all persons holding a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, and the failure to specifically name a particular type of license, certificate, credential, permit, registration, or other authorization issued by a board does not exclude that person from this term. For licenses issued to an entity that is not an individual person, "licensee" includes an individual who is either listed on the license or who qualifies for the license.

(b) The local child support agency shall maintain a list of those persons included in a case being enforced under Title IV-D of the federal Social Security Act against whom a support order or judgment has been rendered by, or registered in, a court of this state, and who are not in compliance with that order or judgment. The local child support agency shall submit a certified list with the names, social security numbers, individual taxpayer identification numbers, or other uniform identification numbers, and last known addresses of these persons and the name, address, and telephone number of the local child support agency who certified the list to the department. The local child support agency shall verify, under penalty of perjury, that the persons listed are subject to an order or judgment for the payment of support and that these persons are not in compliance with the order or judgment. The local child support agency shall submit to the department an updated certified list on a monthly basis.

(c) The department shall consolidate the certified lists received from the local child support agencies and, within 30 calendar days of receipt, shall provide a copy of the consolidated list to each board that is responsible for the regulation of licenses, as specified in this section.

(d) On or before November 1, 1992, or as soon thereafter as economically feasible, as determined by the department, all boards subject to this section shall implement procedures to accept and process the list provided by the department, in accordance with this section. Notwithstanding any other law, all boards shall collect social security numbers or individual taxpayer identification numbers from all applicants for the purposes of matching the names of the certified list provided by the department to

applicants and licensees and of responding to requests for this information made by child support agencies.

(e)(1) Promptly after receiving the certified consolidated list from the department, and prior to the issuance or renewal of a license, each board shall determine whether the applicant is on the most recent certified consolidated list provided by the department. The board shall have the authority to withhold issuance or renewal of the license of an applicant on the list.

(2) If an applicant is on the list, the board shall immediately serve notice as specified in subdivision (f) on the applicant of the board's intent to withhold issuance or renewal of the license. The notice shall be made personally or by mail to the applicant's last known mailing address on file with the board. Service by mail shall be complete in accordance with Section 1013 of the Code of Civil Procedure.

(A) The board shall issue a temporary license valid for a period of 150 days to any applicant whose name is on the certified list if the applicant is otherwise eligible for a license.

(B) Except as provided in subparagraph (D), the 150-day time period for a temporary license shall not be extended. Except as provided in subparagraph (D), only one temporary license shall be issued during a regular license term and it shall coincide with the first 150 days of that license term. As this paragraph applies to commercial driver's licenses, "license term" shall be deemed to be 12 months from the date the application fee is received by the Department of Motor Vehicles. A license for the full or remainder of the license term shall be issued or renewed only upon compliance with this section.

(C) In the event that a license or application for a license or the renewal of a license is denied pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the board.

(D) This paragraph shall apply only in the case of a driver's license, other than a commercial driver's license. Upon the request of the local child support agency or by order of the court upon a showing of good cause, the board shall extend a 150-day temporary license for a period not to exceed 150 extra days.

(3)(A) The department may, when it is economically feasible for the department and the boards to do so as determined by the department, in cases where the department is aware that certain child support obligors listed on the certified lists have been out of compliance with a judgment or order for support for more than four months, provide a supplemental list of these obligors to each board with which the department has an interagency agreement to implement this paragraph. Upon request by the department, the licenses of these obligors shall be subject to suspension, provided that the licenses would not otherwise be eligible for renewal within six months from the date of the request by the department. The board shall have the authority to suspend the license of any licensee on this supplemental list.

(B) If a licensee is on a supplemental list, the board shall immediately serve notice as specified in subdivision (f) on the licensee that the license will be automatically suspended 150 days after notice is served, unless compliance with this section is achieved. The notice shall be made personally or by mail to the licensee's last known mailing address on file with the board. Service by mail shall be complete in accordance with Section 1013 of the Code of Civil Procedure.

(C) The 150-day notice period shall not be extended.

(D) In the event that any license is suspended pursuant to this section, any funds paid by the licensee shall not be refunded by the board.

(E) This paragraph shall not apply to licenses subject to annual renewal or annual fee.

(f) Notices shall be developed by each board in accordance with guidelines provided by the department and subject to approval by the department. The notice shall include the address and telephone number of the local child support agency that submitted the name on the certified list, and shall emphasize the necessity of obtaining a release from that

local child support agency as a condition for the issuance, renewal, or continued valid status of a license or licenses.

(1) In the case of applicants not subject to paragraph (3) of subdivision (e), the notice shall inform the applicant that the board shall issue a temporary license, as provided in subparagraph (A) of paragraph (2) of subdivision (e), for 150 calendar days if the applicant is otherwise eligible and that upon expiration of that time period the license will be denied unless the board has received a release from the local child support agency that submitted the name on the certified list.

(2) In the case of licensees named on a supplemental list, the notice shall inform the licensee that the license will continue in its existing status for no more than 150 calendar days from the date of mailing or service of the notice and thereafter will be suspended indefinitely unless, during the 150-day notice period, the board has received a release from the local child support agency that submitted the name on the certified list. Additionally, the notice shall inform the licensee that any license suspended under this section will remain so until the expiration of the remaining license term, unless the board receives a release along with applications and fees, if applicable, to reinstate the license during the license term.

(3) The notice shall also inform the applicant or licensee that if an application is denied or a license is suspended pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the board. The Department of Child Support Services shall also develop a form that the applicant shall use to request a review by the local child support agency. A copy of this form shall be included with every notice sent pursuant to this subdivision.

(g)(1) Each local child support agency shall maintain review procedures consistent with this section to allow an applicant to have the underlying arrearage and any relevant defenses investigated, to provide an applicant information on the process of obtaining a modification of a support order, or to provide an applicant assistance in the establishment of a payment schedule on arrearages if the circumstances so warrant.

(2) It is the intent of the Legislature that a court or local child support agency, when determining an appropriate payment schedule for arrearages, base its decision on the facts of the particular case and the priority of payment of child support over other debts. The payment schedule shall also recognize that certain expenses may be essential to enable an obligor to be employed. Therefore, in reaching its decision, the court or the local child support agency shall consider both of these goals in setting a payment schedule for arrearages.

(h) If the applicant wishes to challenge the submission of their name on the certified list, the applicant shall make a timely written request for review to the local child support agency who certified the applicant's name. A request for review pursuant to this section shall be resolved in the same manner and timeframe provided for resolution of a complaint pursuant to Section 17800. The local child support agency shall immediately send a release to the appropriate board and the applicant, if any of the following conditions are met:

(1) The applicant is found to be in compliance or negotiates an agreement with the local child support agency for a payment schedule on arrearages or reimbursement.

(2) The applicant has submitted a request for review, but the local child support agency will be unable to complete the review and send notice of its findings to the applicant within the time specified in Section 17800.

(3) The applicant has filed and served a request for judicial review pursuant to this section, but a resolution of that review will not be made within 150 days of the date of service of notice pursuant to subdivision (f). This paragraph applies only if the delay in completing the judicial review process is not the result of the applicant's failure to act in a reasonable, timely, and diligent manner upon receiving the local child support agency's notice of findings.

(4) The applicant has obtained a judicial finding of compliance as defined in this section.

(i) An applicant is required to act with diligence in responding to notices from the board and the local child support agency with the recognition that the temporary license will lapse or the license suspension will go into effect after 150 days and that the local child support agency and, where appropriate, the court must have time to act within that period. An applicant's delay in acting, without good cause, which directly results in the inability of the local child support agency to complete a review of the applicant's request or the court to hear the request for judicial review within the 150-day period shall not constitute the diligence required under this section which would justify the issuance of a release.

(j) Except as otherwise provided in this section, the local child support agency shall not issue a release if the applicant is not in compliance with the judgment or order for support. The local child support agency shall notify the applicant, in writing, that the applicant may, by filing an order to show cause or notice of motion, request any or all of the following:

- (1) Judicial review of the local child support agency's decision not to issue a release.
- (2) A judicial determination of compliance.
- (3) A modification of the support judgment or order.

The notice shall also contain the name and address of the court in which the applicant shall file the order to show cause or notice of motion and inform the applicant that their name shall remain on the certified list if the applicant does not timely request judicial review. The applicant shall comply with all statutes and rules of court regarding orders to show cause and notices of motion.

This section does not limit an applicant from filing an order to show cause or notice of motion to modify a support judgment or order or to fix a payment schedule on arrearages accruing under a support judgment or order or to obtain a court finding of compliance with a judgment or order for support.

(k) The request for judicial review of the local child support agency's decision shall state the grounds for which review is requested and judicial review shall be limited to those stated grounds. The court shall hold an evidentiary hearing within 20 calendar days of the filing of the request for review. Judicial review of the local child support agency's decision shall be limited to a determination of each of the following issues:

- (1) Whether there is a support judgment, order, or payment schedule on arrearages or reimbursement.
- (2) Whether the petitioner is the obligor covered by the support judgment or order.
- (3) Whether the support obligor is or is not in compliance with the judgment or order of support.

(4)(A) The extent to which the needs of the obligor, taking into account the obligor's payment history and the current circumstances of both the obligor and the obligee, warrant a conditional release as described in this subdivision.

(B) The request for judicial review shall be served by the applicant upon the local child support agency that submitted the applicant's name on the certified list within seven calendar days of the filing of the petition. The court has the authority to uphold the action, unconditionally release the license, or conditionally release the license.

(C) If the judicial review results in a finding by the court that the obligor is in compliance with the judgment or order for support, the local child support agency shall immediately send a release in accordance with subdivision (l) to the appropriate board and the applicant. If the judicial review results in a finding by the court that the needs of the obligor warrant a conditional release, the court shall make findings of fact stating the basis for the release and the payment necessary to satisfy the unrestricted issuance or renewal of the license without prejudice to a later judicial determination of the amount of support arrearages, including interest, and shall specify payment terms, compliance with which are necessary to allow the release to remain in effect.

(l)(1) The department shall prescribe release forms for use by local child support agencies. When the obligor is in compliance, the local child support agency shall mail to the applicant and the appropriate board a release stating that the applicant is in compliance. The receipt of a release shall serve to notify the applicant and the board that, for the purposes of this section, the applicant is in compliance with the judgment or order for support. A board that has received a release from the local child support agency pursuant to this subdivision shall process the release within five business days of its receipt.

(2) When the local child support agency determines, subsequent to the issuance of a release, that the applicant is once again not in compliance with a judgment or order for support, or with the terms of repayment as described in this subdivision, the local child support agency may notify the board, the obligor, and the department in a format prescribed by the department that the obligor is not in compliance.

(3) The department may, when it is economically feasible for the department and the boards to develop an automated process for complying with this subdivision, notify the boards in a manner prescribed by the department, that the obligor is once again not in compliance. Upon receipt of this notice, the board shall immediately notify the obligor on a form prescribed by the department that the obligor's license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The obligor shall be further notified that the license will remain suspended until a new release is issued in accordance with subdivision (h). This section does not limit the obligor from seeking judicial review of suspension pursuant to the procedures described in subdivision (k).

(m) The department may enter into interagency agreements with the state agencies that have responsibility for the administration of boards necessary to implement this section, to the extent that it is cost effective to implement this section. These agreements shall provide for the receipt by the other state agencies and boards of federal funds to cover that portion of costs allowable in federal law and regulation and incurred by the state agencies and boards in implementing this section. Notwithstanding any other law, revenue generated by a board or state agency shall be used to fund the nonfederal share of costs incurred pursuant to this section. These agreements shall provide that boards shall reimburse the department for the nonfederal share of costs incurred by the department in implementing this section. The boards shall reimburse the department for the nonfederal share of costs incurred pursuant to this section from moneys collected from applicants and licensees.

(n) Notwithstanding any other law, in order for the boards subject to this section to be reimbursed for the costs incurred in administering its provisions, the boards may, with the approval of the appropriate department director, levy on all licensees and applicants a surcharge on any fee or fees collected pursuant to law, or, alternatively, with the approval of the appropriate department director, levy on the applicants or licensees named on a certified list or supplemental list, a special fee.

(o) The process described in subdivision (h) shall constitute the sole administrative remedy for contesting the issuance of a temporary license or the denial or suspension of a license under this section. The procedures specified in the administrative adjudication provisions of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not apply to the denial, suspension, or failure to issue or renew a license or the issuance of a temporary license pursuant to this section.

(p) In furtherance of the public policy of increasing child support enforcement and collections, on or before November 1, 1995, the State Department of Social Services shall make a report to the Legislature and the Governor based on data collected by the boards and the district attorneys in a format prescribed by the State Department of Social Services. The report shall contain all of the following:

(1) The number of delinquent obligors certified by district attorneys under this section.

(2) The number of support obligors who also were applicants or licensees subject to this section.

(3) The number of new licenses and renewals that were delayed, temporary licenses issued, and licenses suspended subject to this section and the number of new licenses and renewals granted and licenses reinstated following board receipt of releases as provided by subdivision (h) by May 1, 1995.

(4) The costs incurred in the implementation and enforcement of this section.

(q) A board receiving an inquiry as to the licensed status of an applicant or licensee who has had a license denied or suspended under this section or has been granted a temporary license under this section shall respond only that the license was denied or suspended or the temporary license was issued pursuant to this section. Information collected pursuant to this section by a state agency, board, or department shall be subject to the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

(r) Any rules and regulations issued pursuant to this section by a state agency, board, or department may be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. The regulations shall become effective immediately upon filing with the Secretary of State.

(s) The department and boards, as appropriate, shall adopt regulations necessary to implement this section.

(t) The Judicial Council shall develop the forms necessary to implement this section, except as provided in subdivisions (f) and (l).

(u) The release or other use of information received by a board pursuant to this section, except as authorized by this section, is punishable as a misdemeanor.

(v) The State Board of Equalization shall enter into interagency agreements with the department and the Franchise Tax Board that will require the department and the Franchise Tax Board to maximize the use of information collected by the State Board of Equalization, for child support enforcement purposes, to the extent it is cost effective and permitted by the Revenue and Taxation Code.

(w)(1) The suspension or revocation of a driver's license, including a commercial driver's license, under this section shall not subject the licensee to vehicle impoundment pursuant to Section 14602.6 of the Vehicle Code.

(2) Notwithstanding any other law, the suspension or revocation of a driver's license, including a commercial driver's license, under this section shall not subject the licensee to increased costs for vehicle liability insurance.

(x) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(y) All rights to administrative and judicial review afforded by this section to an applicant shall also be afforded to a licensee.

**HISTORY:**

Added Stats 1999 ch 654 § 3.5 (AB 370). Amended Stats 2001 ch 755 § 14 (SB 943), effective October 12, 2001; Stats 2013 ch 352 § 79 (AB 1317), effective September 26, 2013, operative July 1, 2013; Stats 2014 ch 752 § 10 (SB 1159), effective January 1, 2015; Stats 2018 ch 838 § 7 (SB 695), effective January 1, 2019; Stats 2019 ch 115 § 156 (AB 1817), effective January 1, 2020.

GENERAL LAWS

# GOVERNMENT CODE

## TITLE 1

## GENERAL

## DIVISION 7

## MISCELLANEOUS

## CHAPTER 3.5

## INSPECTION OF PUBLIC RECORDS

## ARTICLE 1

## GENERAL PROVISIONS

### Section

6250. Legislative finding and declaration [Repealed].
6251. Citation of chapter [Repealed].
6252. Definitions [Repealed].
6253. Time for inspection of public records; Unusual circumstances; Posting of public record on internet website [Repealed].
- 6253.1. Agency to assist in inspection of public record [Repealed].
6254. Records exempt from disclosure requirements [Repealed].
- 6254.3. Confidentiality of state employee home addresses, telephone numbers, birth dates, and personal email addresses [Repealed].
- 6254.4. Confidentiality of voter information [Repealed].
- 6254.4.5. Exemption for video or audio recording created during commission or investigation of rape, incest, sexual assault, domestic violence, or child abuse depicting victim's face, intimate body part, or voice [Repealed].
- 6254.5. Disclosure of otherwise exempt records; Exceptions.
- 6254.8. Public employment contracts as public records [Repealed].
- 6254.9. Computer software developed by government agency [Repealed].
- 6254.25. Applicability of work-product privilege to memoranda submitted to state body or legislative body regarding pending litigation [Repealed].
- 6254.29. Intent of Legislature to protect against risk of identity theft [Repealed].
6255. Withholding records from inspection; Justification; Public interest [Repealed].
6256. [Section repealed 1998.]
- 6256.1. [Section repealed 1998.]
- 6256.2. [Section repealed 1998.]
6257. [Section repealed 1998.]
6258. Enforcement of rights; Proceedings for injunctive or declaratory relief; Writ of mandate [Repealed].
6259. Order to show cause; In camera inspection; Reviewability of determination; Costs and attorney's fees [Repealed].
6262. Disclosure of licensing complaint and investigation records on request of district attorney [Repealed].
6263. Inspection or copying of public records on request of district attorney [Repealed].
6264. Petition by district attorney to require disclosure [Repealed].
6265. Status of records not changed by disclosure to district attorney [Repealed].

### § 6250. Legislative finding and declaration [Repealed]

#### HISTORY:

Added Stats 1968 ch 1473 § 39. Amended Stats 1970 ch 575 § 1; Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).



**§ 6251. Citation of chapter [Repealed]****HISTORY:**

Added Stats 1968 ch 1473 § 39. Amended Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6252. Definitions [Repealed]****HISTORY:**

Added Stats 1968 ch 1473 § 39. Amended Stats 1970 ch 575 § 2; Stats 1975 ch 1246 § 2; Stats 1981 ch 968 § 1; Stats 1991 ch 181 § 1 (AB 788); Stats 1994 ch 1010 § 136 (SB 2053); Stats 1998 ch 620 § 2 (SB 143); Stats 2002 ch 945 § 2.5 (AB 1962), ch 1073 § 1.5 (AB 2937); Stats 2004 ch 937 § 1 (AB 1933); Stats 2015 ch 537 § 20 (SB 387), effective January 1, 2016; Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6253. Time for inspection of public records; Unusual circumstances; Posting of public record on internet website [Repealed]****HISTORY:**

Added Stats 1998 ch 620 § 5 (SB 143). Amended Stats 1999 ch 83 § 64 (SB 966); Stats 2000 ch 982 § 1 (AB 2799); Stats 2001 ch 355 § 2 (AB 1014); Stats 2016 ch 275 § 1 (AB 2853), effective January 1, 2017; Stats 2019 ch 695 § 1 (AB 1819), effective January 1, 2020; Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6253.1. Agency to assist in inspection of public record [Repealed]****HISTORY:**

Added Stats 2001 ch 355 § 3 (AB 1014). Amended Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6254. Records exempt from disclosure requirements [Repealed]****HISTORY:**

Added Stats 1981 ch 684 § 1.5, effective September 23, 1981, operative January 1, 1982. Amended Stats 1982 ch 83 § 1, effective March 1, 1982, ch 1492 § 2, ch 1594 § 2, effective September 30, 1982; Stats 1983 ch 200 § 1, effective July 12, 1983, ch 621 § 1, ch 955 § 1, ch 1315 § 1; Stats 1984 ch 1516 § 1, effective September 28, 1984; Stats 1985 ch 103 § 1; Ch 1218 § 1; Stats 1986 ch 185 § 2; Stats 1987 ch 634 § 1, effective September 14, 1987, ch 635 § 1; Stats 1988 ch 870 § 1, ch 1371 § 2; Stats 1989 ch 191 § 1; Stats 1990 ch 1106 § 2 (SB 2106); Stats 1991 ch 278 § 1.2 (AB 99), effective July 30, 1991, ch 607 § 4 (SB 98); Stats 1992 ch 3 § 1 (AB 1681), effective February 10, 1992, ch 72 § 2 (AB 1525), effective May 28, 1992, ch 1128 § 2 (AB 1672), operative July 1, 1993; Stats 1993 ch 606 § 1 (AB 166), effective October 1, 1993 (ch 1265 prevails); Stats 1993 ch 610 § 1 (AB 6), effective October 1, 1993; Stats 1993 ch 611 § 1 (SB 60), effective October 1, 1993; Stats 1993 ch 1265 § 14 (SB 798); Stats 1994 ch 82 § 1 (AB 2547), ch 1263 § 1.5 (AB 1328); Stats 1995 ch 438 § 1 (AB 985), ch 777 § 2 (AB 958), ch 778 § 1.5 (SB 1059); Stats 1996 ch 1075 § 11 (SB 1444); Stats 1997 ch 623 § 1 (AB 1126); Stats 1998 ch 13 § 1 (AB 487), ch 110 § 1 (AB 1795) (ch 110 prevails), ch 485 § 83 (AB 2803); Stats 2000 ch 184 § 1 (AB 1349); Stats 2001 ch 159 § 105 (SB 662); Stats 2002 ch 175 § 1 (SB 1643); Stats 2003 ch 230 § 1 (AB 1762), effective August 11, 2003, ch 673 § 12 (SB 2); Stats 2004 ch 8 § 1 (AB 1209), effective January 22, 2004, ch 183 § 134 (AB 3082), ch 228 § 2 (SB 1103), effective August 16, 2004, ch 882 § 1 (AB 2445), ch 937 § 2.5 (AB 1933); Stats 2005 ch 22 § 71 (SB 1108), ch 476 § 1 (AB 1495), effective October 4, 2005, ch 670 § 1.5 (SB 922), effective October 7, 2005; Stats 2006 ch 538 § 232 (SB 1852); Stats 2007 ch 577 § 1 (AB 1750), effective October 13, 2007, ch 578 § 1.5 (SB 449); Stats 2008 ch 344 § 1 (SB 1145), effective September 26, 2008, ch 358 § 2 (AB 2810), ch 372 § 1.3 (AB 38), effective January 1, 2009; Stats 2010 ch 32 § 1 (AB 1887) (ch 32 prevails), effective June 29, 2010, ch 178 § 33 (SB 1115), effective January 1, 2011, operative January 1, 2012; Stats 2011 ch 285 § 7 (AB 1402), effective January 1, 2012. See this section as modified in Governor's Reorganization Plan No. 2 § 85 of 2012; Stats 2012 ch 697 § 1 (AB 2221), effective January 1, 2013; Stats 2013 ch 23 § 2 (AB 82), effective June 27, 2013, ch 352 § 106 (AB 1317), effective September 26, 2013, operative July 1, 2013; Stats 2014 ch 31 § 2 (SB 857), effective June 20, 2014; Stats 2015 ch 303 § 183 (AB 731), effective January 1, 2016; Stats 2016 ch 644 § 1 (AB 2498), effective January 1, 2017; Stats 2017 ch 560 § 1 (AB 1455), effective January 1, 2018; Stats 2018 ch 423 § 27 (SB 1494), effective January 1, 2019; Stats 2018 ch 960 § 1 (AB 748), effective January 1, 2019 (ch 960 prevails); Stats 2019 ch 25 § 1 (SB 94), effective June 27, 2019; Stats 2019 ch 385 § 29 (AB 378), effective January 1, 2020; Stats 2019 ch 497 § 130 (AB 991), effective January 1, 2020 (ch 385 prevails); Stats 2021 ch 116 § 238 (AB 131), effective July 23, 2021; Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6254.3. Confidentiality of state employee home addresses, telephone numbers, birth dates, and personal email addresses [Repealed]****HISTORY:**

Added Stats 1984 ch 1657 § 1. Amended Stats 1992 ch 463 § 1 (AB 1040), effective August 7, 1992; Stats 2016 ch 830 § 3 (AB 2843), effective January 1, 2017; Stats 2017 ch 21 § 5 (AB 119), effective June 27, 2017; Stats 2018 ch 92

§ 89 (SB 1289), effective January 1, 2019; Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

#### § 6254.4. Confidentiality of voter information [Repealed]

##### HISTORY:

Added Stats 1994 ch 1207 § 12 (SB 1518). Amended Stats 1996 ch 724 § 20 (AB 1700), ch 1123 § 14 (AB 1714); Stats 1998 ch 199 § 50 (SB 1533); Stats 1999 ch 312 § 28 (SB 1208); Stats 2000 ch 89 § 4 (AB 2214); Stats 2003 ch 809 § 11 (SB 613); Stats 2005 ch 726 § 13 (SB 1016); Stats 2014 ch 593 § 10 (AB 1446), effective January 1, 2015; Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

#### § 6254.4.5. Exemption for video or audio recording created during commission or investigation of rape, incest, sexual assault, domestic violence, or child abuse depicting victim's face, intimate body part, or voice [Repealed]

##### HISTORY:

Added Stats 2017 ch 291 § 1 (AB 459), effective January 1, 2018. Amended Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

#### § 6254.5. Disclosure of otherwise exempt records; Exceptions

Notwithstanding any other law, if a state or local agency discloses a public record that is otherwise exempt from this chapter, to a member of the public, this disclosure shall constitute a waiver of the exemptions specified in Section 6254 or 6254.7, or other similar provisions of law. For purposes of this section, "agency" includes a member, agent, officer, or employee of the agency acting within the scope of that membership, agency, office, or employment.

This section, however, shall not apply to disclosures:

(a) Made pursuant to the Information Practices Act (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code) or discovery proceedings.

(b) Made through other legal proceedings or as otherwise required by law.

(c) Within the scope of disclosure of a statute that limits disclosure of specified writings to certain purposes.

(d) Not required by law, and prohibited by formal action of an elected legislative body of the local agency that retains the writings.

(e) Made to a governmental agency that agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes that are consistent with existing law.

(f) Of records relating to a financial institution or an affiliate thereof, if the disclosures are made to the financial institution or affiliate by a state agency responsible for the regulation or supervision of the financial institution or affiliate.

(g) Of records relating to a person who is subject to the jurisdiction of the Department of Business Oversight, if the disclosures are made to the person who is the subject of the records for the purpose of corrective action by that person, or, if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Business Oversight.

(h) Made by the Commissioner of Business Oversight under Section 450, 452, 8009, or 18396 of the Financial Code.

(i) Of records relating to a person who is subject to the jurisdiction of the Department of Managed Health Care, if the disclosures are made to the person who is the subject of the records for the purpose of corrective action by that person, or, if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain

information from that person for the purpose of an investigation by the Department of Managed Health Care.

(j) A disclosure made through the sharing of information between the Independent System Operator and a state agency.

**HISTORY:**

Added Stats 1981 ch 968 § 3. Amended Stats 1983 ch 101 § 57; Stats 1987 ch 1453 § 5; Stats 1993 ch 469 § 11 (AB 729); Stats 1995 ch 480 § 199 (AB 1482), effective October 2, 1995, operative October 2, 1995; Stats 1996 ch 1064 § 780 (AB 3351), operative July 1, 1997; Stats 1999 ch 525 § 12 (AB 78) operative July 1, 2000; Stats 2000 ch 857 § 10 (AB 2093); Stats 2008 ch 501 § 23 (AB 2749), effective January 1, 2009; Stats 2014 ch 401 § 35 (AB 2763), effective January 1, 2015; Stats 2015 ch 190 § 59 (AB 1517), effective January 1, 2016; Stats 2016 ch 86 § 151 (SB 1171), effective January 1, 2017; Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added); Stats 2022 ch 251 § 5 (AB 209), effective September 6, 2022; Stats 2022 ch 452 § 170 (SB 1498), effective January 1, 2023 (ch 251 prevails).

**§ 6254.8. Public employment contracts as public records [Repealed]**

**HISTORY:**

Added Stats 1974 ch 1198 § 1. Amended Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6254.9. Computer software developed by government agency [Repealed]**

**HISTORY:**

Added Stats 1988 ch 447 § 1. Amended Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6254.25. Applicability of work-product privilege to memoranda submitted to state body or legislative body regarding pending litigation [Repealed]**

**HISTORY:**

Added Stats 1984 ch 1126 § 1, as Gov C § 6254.1. Renumbered Gov C § 6254.2 by Stats 1985 ch 106 § 44. Amended and renumbered by Stats 1986 ch 248 § 50; Amended Stats 1987 ch 1320 § 1; Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6254.29. Intent of Legislature to protect against risk of identity theft [Repealed]**

**HISTORY:**

Added Stats 2007 ch 627 § 6 (AB 1168), effective January 1, 2008. Amended Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6255. Withholding records from inspection; Justification; Public interest [Repealed]**

**HISTORY:**

Added Stats 1968 ch 1473 § 39. Amended Stats 2000 ch 982 § 3 (AB 2799); Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6256. [Section repealed 1998.]**

**HISTORY:**

Added Stats 1968 ch 1473 § 39. Amended Stats 1970 ch 575 § 3; Stats 1981 ch 968 § 3.1. Repealed Stats 1998 ch 620 § 7 (SB 143). The repealed section related to copy of identifiable public record. See Gov C § 6253.

**§ 6256.1. [Section repealed 1998.]**

**HISTORY:**

Added Stats 1981 ch 968 § 3.2. Repealed Stats 1998 ch 620 § 8 (SB 143). The repealed section related to extension of time limit. See Gov C § 6253.

**§ 6256.2. [Section repealed 1998.]****HISTORY:**

Added Stats 1981 ch 968 § 3.3. Repealed Stats 1998 ch 620 § 9 (SB 143). The repealed section related to delaying access for inspecting public records. See Gov C § 6253.

**§ 6257. [Section repealed 1998.]****HISTORY:**

Added Stats 1981 ch 968 § 3.5. Repealed Stats 1998 ch 620 § 10 (SB 143). The repealed section related to prompt availability of public records. See Gov C § 6253.

**§ 6258. Enforcement of rights; Proceedings for injunctive or declaratory relief; Writ of mandate [Repealed]****HISTORY:**

Added Stats 1968 ch 1473 § 39. Amended Stats 1970 ch 575 § 4; Stats 1990 ch 908 § 1 (SB 2272); Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6259. Order to show cause; In camera inspection; Reviewability of determination; Costs and attorney's fees [Repealed]****HISTORY:**

Added Stats 1968 ch 1473 § 39. Amended Stats 1975 ch 1246 § 9; Stats 1984 ch 802 § 1; Stats 1990 ch 908 § 2 (SB 2272); Stats 1993 ch 926 § 10 (AB 2205); Stats 2018 ch 463 § 1 (SB 1244), effective January 1, 2019; Stats 2019 ch 497 § 131 (AB 991), effective January 1, 2020; Stats 2020 ch 370 § 125 (SB 1371), effective January 1, 2021; Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6262. Disclosure of licensing complaint and investigation records on request of district attorney [Repealed]****HISTORY:**

Added Stats 1979 ch 601 § 2. Amended Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6263. Inspection or copying of public records on request of district attorney [Repealed]****HISTORY:**

Added Stats 1979 ch 601 § 3. Amended Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6264. Petition by district attorney to require disclosure [Repealed]****HISTORY:**

Added Stats 1979 ch 601 § 4. Amended Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**§ 6265. Status of records not changed by disclosure to district attorney [Repealed]****HISTORY:**

Added Stats 1979 ch 601 § 5. Amended Stats 2021 ch 614 § 1 (AB 473), effective January 1, 2022, repealed January 1, 2023 (repealer added).

**TITLE 2**  
**GOVERNMENT OF THE STATE OF CALIFORNIA**  
**DIVISION 3**  
**EXECUTIVE DEPARTMENT**  
**PART 1**  
**STATE DEPARTMENTS AND AGENCIES**  
**CHAPTER 1**  
**STATE AGENCIES**  
**ARTICLE 9**  
**MEETINGS**

Section

- 11120. Legislative finding and declaration; Open proceedings; Citation of article.
- 11121. "State body".
- 11121.1. "State body" definition exclusions.
- 11121.2. [Section repealed 2001.]
- 11121.7. [Section repealed 2001.]
- 11121.9. Providing copy of article to members of state bodies.
- 11122. "Action taken".
- 11123. Open meeting requirement for state bodies; Meetings by teleconference; Public reporting requirement for actions at meeting.
- 11123.1. Open and public meetings to conform to Americans With Disabilities Act.
- 11124. Prohibited conditions to attendance.
- 11124.1. Recording of proceedings; Inspection of recording.
- 11125. Notice of meeting.
- 11125.1. Agendas of public meetings and other "writings" as public record; Exemptions; Public inspection; Alternative format requirements; Fee.
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- 11126.5. Clearing room when meeting wilfully interrupted.
- 11126.7. Fees.
- 11127. State bodies subject to article.
- 11128. When closed sessions held.
- 11129. Continuance or recontinuance of hearing.
- 11130. Action to stop or prevent violations of article; Order for recording of closed sessions; Discovery of recording.
- 11130.3. Cause of action to void action taken by state agency in violation of open meeting requirements.
- 11130.5. Costs and attorney fees.
- 11130.7. Offenses.
- 11131. Prohibition against use of certain facilities.
- 11131.5. Identification of crime victim.
- 11132. Prohibition against closed sessions except as expressly authorized.

**§ 11120. Legislative finding and declaration; Open proceedings; Citation of article**

It is the public policy of this state that public agencies exist to aid in the conduct of the

people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

**HISTORY:**

Added Stats 1967 ch 1656 § 122. Amended Stats 1980 ch 1284 § 4; Stats 1981 ch 968 § 4.

**§ 11121. "State body"**

As used in this article, "state body" means each of the following:

(a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

(b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

(c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

(e) Notwithstanding subdivision (a) of Section 11121.1, the State Bar of California, as described in Section 6001 of the Business and Professions Code. This subdivision shall become operative on April 1, 2016.

**HISTORY:**

Added Stats 1967 ch 1656 § 122. Amended Stats 1980 ch 515 § 1; Stats 1981 ch 968 § 5; Stats 1984 ch 193 § 38; Stats 1996 ch 1023 § 88 (SB 1497), effective September 29, 1996, ch 1064 § 783.1 (AB 3351), operative July 1, 1997; Stats 2001 ch 243 § 1 (AB 192); Stats 2003 ch 62 § 117 (SB 600); Stats 2015 ch 537 § 22 (SB 387), effective January 1, 2016, operative April 1, 2016.

**§ 11121.1. "State body" definition exclusions**

As used in this article, "state body" does not include any of the following:

(a) Except as provided in subdivision (e) of Section 11121, state agencies provided for in Article VI of the California Constitution.

(b) Districts or other local agencies whose meetings are required to be open to the public pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(c) State agencies provided for in Article IV of the California Constitution whose meetings are required to be open to the public pursuant to the Grunsky-Burton Open Meeting Act (Article 2.2 (commencing with Section 9027) of Chapter 1.5 of Part 1 of Division 2 of Title 2).

(d) State agencies when they are conducting proceedings pursuant to Section 3596.

(e) State agencies provided for in Section 109260 of the Health and Safety Code, except as provided in Section 109390 of the Health and Safety Code.

(f) The Credit Union Advisory Committee established pursuant to Section 14380 of the Financial Code.

**HISTORY:**

Added Stats 2001 ch 243 § 2 (AB 192). Amended Stats 2008 ch 344 § 2 (SB 1145), effective September 26, 2008; Stats 2015 ch 537 § 23 (SB 387), effective January 1, 2016.

**§ 11121.2. [Section repealed 2001.]**

**HISTORY:**

Added Stats 1981 ch 968 § 5.2. Repealed Stats 2001 ch 243 § 3 (AB 192). The repealed section related to additional definition of "state body".

**§ 11121.7. [Section repealed 2001.]**

**HISTORY:**

Added Stats 1980 ch 1284 § 5. Amended Stats 1981 ch 968 § 6. Repealed Stats 2001 ch 243 § 4 (AB 192). The repealed section related to additional definition of "state body".

**§ 11121.9. Providing copy of article to members of state bodies**

Each state body shall provide a copy of this article to each member of the state body upon his or her appointment to membership or assumption of office.

**HISTORY:**

Added Stats 1980 ch 1284 § 6. Amended Stats 1981 ch 714 § 175, ch 968 § 7.1.

**§ 11122. "Action taken"**

As used in this article "action taken" means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action.

**HISTORY:**

Added Stats 1967 ch 1656 § 122. Amended Stats 1981 ch 968 § 7.3.

**§ 11123. Open meeting requirement for state bodies; Meetings by teleconference; Public reporting requirement for actions at meeting**

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b)(1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for

members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, “teleconference” means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(c) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

**HISTORY:**

Added Stats 1967 ch 1656 § 122. Amended Stats 1981 ch 968 § 7.5; Stats 1994 ch 1153 § 1 (AB 3467); Stats 1997 ch 52 § 1 (AB 1097); Stats 2001 ch 243 § 7 (AB 192); Stats 2014 ch 510 § 1 (AB 2720), effective January 1, 2015.

**§ 11123.1. Open and public meetings to conform to Americans With Disabilities Act**

All meetings of a state body that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

**HISTORY:**

Added Stats 2002 ch 300 § 1 (AB 3035).

**§ 11124. Prohibited conditions to attendance**

(a) No person shall be required, as a condition to attendance at a meeting of a state body, to register their name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to their attendance.

(b) If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(c) This section does not apply to an internet website or other online platform that may require the submission of information to log into a teleconferenced meeting, provided, however, that a person required to submit such information shall be permitted to submit a pseudonym or other anonymous information when using the internet website or other online platform to attend the meeting.

**HISTORY:**

Added Stats 1967 ch 1656 § 122. Amended Stats 1981 ch 968 § 8; Stats 2023 ch 216 § 4 (SB 544), effective January 1, 2024.

**§ 11124.1. Recording of proceedings; Inspection of recording**

(a) Any person attending an open and public meeting of the state body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the state body that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.



(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), but may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

(c) No state body shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

**HISTORY:**

Added Stats 1980 ch 1284 § 7. Amended Stats 1981 ch 968 § 9; Stats 1997 ch 949 § 2 (SB 95); Stats 2009 ch 88 § 42 (AB 176), effective January 1, 2010; Stats 2021 ch 615 § 161 (AB 474), effective January 1, 2022.

**§ 11125. Notice of meeting**

(a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.

(d) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

(e) A request for notice of more than one meeting of a state body shall be subject to the provisions of Section 14911.

(f) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.

**HISTORY:**

Added Stats 1967 ch 1656 § 122. Amended Stats 1973 ch 1126 § 1; Stats 1975 ch 708 § 1; Stats 1979 ch 284 § 1, effective July 24, 1979; Stats 1981 ch 968 § 10; Stats 1997 ch 949 § 3 (SB 95); Stats 1999 ch 393 § 1 (AB 1234); Stats 2001 ch 243 § 8 (AB 192); Stats 2002 ch 300 § 2 (AB 3035).

**§ 11125.1. Agendas of public meetings and other “writings” as public record; Exemptions; Public inspection; Alternative format requirements; Fee**

(a) Notwithstanding Section 7922.000 or any other provisions of law, agendas of public meetings and other writings, when distributed to all, or a majority of all, of the members of a state body by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 7924.100, 7924.105, 7924.110, 7924.510, or 7924.700 of this code, any provision listed in Section 7920.505 of this code, or Section 489.1 or 583 of the Public Utilities Code.

(b) Writings that are public records under subdivision (a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by a person with a disability.

(c) In the case of the Franchise Tax Board, prior to that state body taking final action on any item, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed by the Franchise Tax Board staff or individual members to members of the state body prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request notice in writing pursuant to subdivision

(a) of Section 11125.

(3) Made available on the internet.

(d) Prior to the State Board of Equalization taking final action on any item that does not involve a named taxpayer or feepayer, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed by board staff or individual members to members of the state body prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request or have requested copies of these writings.

(3) Made available on the internet.

(e) Nothing in this section shall be construed to prevent a state body from charging a fee or deposit for a copy of a public record pursuant to Section 7922.530, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The writings described in subdivision (b) are subject to the requirements of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall not be construed to limit or delay the public's right to inspect any record required to be disclosed by that act, or to limit the public's right to inspect any record covered by that act. This section shall not be construed to be applicable to any writings solely because they are properly discussed in a closed session of a state body. Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication.

(f) “Writing” for purposes of this section means “writing” as defined under Section 7920.545.

**HISTORY:**

Added Stats 1975 ch 959 § 4. Amended Stats 1980 ch 1284 § 8; Stats 1981 ch 968 § 10.1; Stats 1997 ch 949 § 4 (SB 95); Stats 2001 ch 670 § 1 (SB 445); Stats 2002 ch 156 § 1 (AB 1752), ch 300 § 3.5 (AB 3035); Stats 2005 ch 188 § 1 (AB 780), effective January 1, 2006; Stats 2021 ch 615 § 162 (AB 474), effective January 1, 2022.

**§ 11125.5. Emergency meetings; Notification of media**

(a) In the case of an emergency situation involving matters upon which prompt action

is necessary due to the disruption or threatened disruption of public facilities, a state body may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4.

(b) For purposes of this section, “emergency situation” means any of the following, as determined by a majority of the members of the state body during a meeting prior to the emergency meeting, or at the beginning of the emergency meeting:

(1) Work stoppage or other activity that severely impairs public health or safety, or both.

(2) Crippling disaster that severely impairs public health or safety, or both.

(c) However, newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section 11125 shall be notified by the presiding officer of the state body, or a designee thereof, one hour prior to the emergency meeting by telephone. Notice shall also be made available on the Internet as soon as is practicable after the decision to call the emergency meeting has been made. If telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the presiding officer of the state body, or a designee thereof, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(d) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the state body, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place, and also made available on the Internet for a minimum of 10 days, as soon after the meeting as possible.

**HISTORY:**

Added Stats 1981 ch 968 § 11. Amended Stats 1982 ch 1346 § 5.5; Stats 1992 ch 1312 § 11 (AB 2912), effective September 30, 1992; Stats 1997 ch 949 § 6 (SB 95); Stats 1999 ch 393 § 3 (AB 1234), operative July 1, 2001.

**§ 11126. Closed session on issues relating to public employee; Employee’s right to public hearing; Closed sessions not prohibited by article; Abrogation of lawyer-client privilege**

(a)(1) Nothing in this article shall be construed to prevent a state body from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing.

(2) As a condition to holding a closed session on the complaints or charges to consider disciplinary action or to consider dismissal, the employee shall be given written notice of their right to have a public hearing, rather than a closed session, and that notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any employee at the closed session shall be null and void.

(3) The state body also may exclude from any public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated by the state body.

(4) Following the public hearing or closed session, the body may deliberate on the decision to be reached in a closed session.

(b) For the purposes of this section, “employee” does not include any person who is elected to, or appointed to a public office by, any state body. However, officers of the California State University who receive compensation for their services, other than per diem and ordinary and necessary expenses, shall, when engaged in that capacity, be considered employees. Furthermore, for purposes of this section, the term employee

includes a person exempt from civil service pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution.

(c) Nothing in this article shall be construed to do any of the following:

(1) Prevent state bodies that administer the licensing of persons engaging in businesses or professions from holding closed sessions to prepare, approve, grade, or administer examinations.

(2) Prevent an advisory body of a state body that administers the licensing of persons engaged in businesses or professions from conducting a closed session to discuss matters that the advisory body has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, provided the advisory body does not include a quorum of the members of the state body it advises. Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body.

(3) Prohibit a state body from holding a closed session to deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law.

(4) Grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

(5) Prevent any closed session to consider the conferring of honorary degrees, or gifts, donations, and bequests that the donor or proposed donor has requested in writing to be kept confidential.

(6) Prevent the Alcoholic Beverage Control Appeals Board or the Cannabis Control Appeals Panel from holding a closed session for the purpose of holding a deliberative conference as provided in Section 11125.

(7)(A) Prevent a state body from holding closed sessions with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

(B) However, prior to the closed session, the state body shall hold an open and public session in which it identifies the real property or real properties that the negotiations may concern and the person or persons with whom its negotiator may negotiate.

(C) For purposes of this paragraph, the negotiator may be a member of the state body.

(D) For purposes of this paragraph, "lease" includes renewal or renegotiation of a lease.

(E) Nothing in this paragraph shall preclude a state body from holding a closed session for discussions regarding eminent domain proceedings pursuant to subdivision (e).

(8) Prevent the California Postsecondary Education Commission from holding closed sessions to consider matters pertaining to the appointment or termination of the Director of the California Postsecondary Education Commission.

(9) Prevent the Council for Private Postsecondary and Vocational Education from holding closed sessions to consider matters pertaining to the appointment or termination of the Executive Director of the Council for Private Postsecondary and Vocational Education.

(10) Prevent the Franchise Tax Board from holding closed sessions for the purpose of discussion of confidential tax returns or information the public disclosure of which

is prohibited by law, or from considering matters pertaining to the appointment or removal of the Executive Officer of the Franchise Tax Board.

(11) Require the Franchise Tax Board to notice or disclose any confidential tax information considered in closed sessions, or documents executed in connection therewith, the public disclosure of which is prohibited pursuant to Article 2 (commencing with Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the Revenue and Taxation Code.

(12) Prevent the Corrections Standards Authority from holding closed sessions when considering reports of crime conditions under Section 6027 of the Penal Code.

(13) Prevent the State Air Resources Board from holding closed sessions when considering the proprietary specifications and performance data of manufacturers.

(14) Prevent the State Board of Education or the Superintendent of Public Instruction, or any committee advising the board or the Superintendent, from holding closed sessions on those portions of its review of assessment instruments pursuant to Chapter 5 (commencing with Section 60600) of Part 33 of Division 4 of Title 2 of the Education Code during which actual test content is reviewed and discussed. The purpose of this provision is to maintain the confidentiality of the assessments under review.

(15) Prevent the Department of Resources Recycling and Recovery or its auxiliary committees from holding closed sessions for the purpose of discussing confidential tax returns, discussing trade secrets or confidential or proprietary information in its possession, or discussing other data, the public disclosure of which is prohibited by law.

(16) Prevent a state body that invests retirement, pension, or endowment funds from holding closed sessions when considering investment decisions. For purposes of consideration of shareholder voting on corporate stocks held by the state body, closed sessions for the purposes of voting may be held only with respect to election of corporate directors, election of independent auditors, and other financial issues that could have a material effect on the net income of the corporation. For the purpose of real property investment decisions that may be considered in a closed session pursuant to this paragraph, a state body shall also be exempt from the provisions of paragraph (7) relating to the identification of real properties prior to the closed session.

(17) Prevent a state body, or boards, commissions, administrative officers, or other representatives that may properly be designated by law or by a state body, from holding closed sessions with its representatives in discharging its responsibilities under Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 as the sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits. For the purposes enumerated in the preceding sentence, a state body may also meet with a state conciliator who has intervened in the proceedings.

(18)(A) Prevent a state body from holding closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, where disclosure of these considerations could compromise or impede the safety or security of the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body.

(B) Notwithstanding any other law, a state body, at any regular or special meeting, may meet in a closed session pursuant to subparagraph (A) upon a two-thirds vote of the members present at the meeting.

(C) After meeting in closed session pursuant to subparagraph (A), the state body shall reconvene in open session prior to adjournment and report that a closed

session was held pursuant to subparagraph (A), the general nature of the matters considered, and whether any action was taken in closed session.

(D) After meeting in closed session pursuant to subparagraph (A), the state body shall submit to the Legislative Analyst written notification stating that it held this closed session, the general reason or reasons for the closed session, the general nature of the matters considered, and whether any action was taken in closed session. The Legislative Analyst shall retain for no less than four years any written notification received from a state body pursuant to this subparagraph.

(19) Prevent the California Sex Offender Management Board from holding a closed session for the purpose of discussing matters pertaining to the application of a sex offender treatment provider for certification pursuant to Sections 290.09 and 9003 of the Penal Code. Those matters may include review of an applicant's qualifications for certification.

(d)(1) Notwithstanding any other law, any meeting of the Public Utilities Commission at which the rates of entities under the commission's jurisdiction are changed shall be open and public.

(2) Nothing in this article shall be construed to prevent the Public Utilities Commission from holding closed sessions to deliberate on the institution of proceedings, or disciplinary actions against any person or entity under the jurisdiction of the commission.

(e)(1) Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

(2) For purposes of this article, all expressions of the lawyer-client privilege other than those provided in this subdivision are hereby abrogated. This subdivision is the exclusive expression of the lawyer-client privilege for purposes of conducting closed session meetings pursuant to this article. For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist:

(A) An adjudicatory proceeding before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the state body is a party, has been initiated formally.

(B)(i) A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.

(ii) Based on existing facts and circumstances, the state body is meeting only to decide whether a closed session is authorized pursuant to clause (i).

(C) Based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.

(3) The legal counsel of the state body shall prepare and submit to it a memorandum stating the specific reasons and legal authority for the closed session. If the closed session is pursuant to subparagraph (A) of paragraph (2), the memorandum shall include the title of the litigation. If the closed session is pursuant to subparagraph (B) or (C) of paragraph (2), the memorandum shall include the existing facts and circumstances on which it is based. The legal counsel shall submit the memorandum to the state body prior to the closed session, if feasible, and in any case no later than one week after the closed session. The memorandum shall be exempt from disclosure pursuant to Section 7927.205.

(4) For purposes of this subdivision, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(5) Disclosure of a memorandum required under this subdivision shall not be deemed as a waiver of the lawyer-client privilege, as provided for under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(f) In addition to subdivisions (a), (b), and (c), nothing in this article shall be construed to do any of the following:

(1) Prevent a state body operating under a joint powers agreement for insurance pooling from holding a closed session to discuss a claim for the payment of tort liability or public liability losses incurred by the state body or any member agency under the joint powers agreement.

(2) Prevent the examining committee established by the State Board of Forestry and Fire Protection, pursuant to Section 763 of the Public Resources Code, from conducting a closed session to consider disciplinary action against an individual professional forester prior to the filing of an accusation against the forester pursuant to Section 11503.

(3) Prevent the enforcement advisory committee established by the California Board of Accountancy pursuant to Section 5020 of the Business and Professions Code from conducting a closed session to consider disciplinary action against an individual accountant prior to the filing of an accusation against the accountant pursuant to Section 11503. Nothing in this article shall be construed to prevent the qualifications examining committee established by the California Board of Accountancy pursuant to Section 5023 of the Business and Professions Code from conducting a closed hearing to interview an individual applicant or accountant regarding the applicant's qualifications.

(4) Prevent a state body, as defined in subdivision (b) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in closed session by the state body whose authority it exercises.

(5) Prevent a state body, as defined in subdivision (d) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the body defined as a state body pursuant to subdivision (a) or (b) of Section 11121.

(6) Prevent a state body, as defined in subdivision (c) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the state body it advises.

(7) Prevent the State Board of Equalization from holding closed sessions for either of the following:

(A) When considering matters pertaining to the appointment or removal of the Executive Secretary of the State Board of Equalization.

(B) For the purpose of hearing confidential taxpayer appeals or data, the public disclosure of which is prohibited by law.

(8) Require the State Board of Equalization to disclose any action taken in closed session or documents executed in connection with that action, the public disclosure of which is prohibited by law pursuant to Sections 15619 and 15641 of this code and Sections 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651, 45982, 46751, 50159, 55381, and 60609 of the Revenue and Taxation Code.

(9) Prevent the California Earthquake Prediction Evaluation Council, or other body appointed to advise the Director of Emergency Services or the Governor concerning matters relating to volcanic or earthquake predictions, from holding closed sessions when considering the evaluation of possible predictions.

(g) This article does not prevent either of the following:

(1) The Teachers' Retirement Board or the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters pertaining to the recruitment, appointment, employment, or removal of the chief executive officer or when considering matters pertaining to the recruitment or removal of the Chief Investment Officer of the State Teachers' Retirement System or the Public Employees' Retirement System.

(2) The Commission on Teacher Credentialing from holding closed sessions when considering matters relating to the recruitment, appointment, or removal of its executive director.

(h) This article does not prevent the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters relating to the development of rates and competitive strategy for plans offered pursuant to Chapter 15 (commencing with Section 21660) of Part 3 of Division 5 of Title 2.

(i) This article does not prevent the Managed Risk Medical Insurance Board from holding closed sessions when considering matters related to the development of rates and contracting strategy for entities contracting or seeking to contract with the board, entities with which the board is considering a contract, or entities with which the board is considering or enters into any other arrangement under which the board provides, receives, or arranges services or reimbursement, pursuant to Part 6.2 (commencing with Section 12693), former Part 6.3 (commencing with Section 12695), former Part 6.4 (commencing with Section 12699.50), former Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance Code.

(j) Nothing in this article shall be construed to prevent the board of the State Compensation Insurance Fund from holding closed sessions in the following:

(1) When considering matters related to claims pursuant to Chapter 1 (commencing with Section 3200) of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

(2) To the extent that matters related to audits and investigations that have not been completed would be disclosed.

(3) To the extent that an internal audit containing proprietary information would be disclosed.

(4) To the extent that the session would address the development of rates, contracting strategy, underwriting, or competitive strategy, pursuant to the powers granted to the board in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, when discussion in open session concerning those matters would prejudice the position of the State Compensation Insurance Fund.

(k) The State Compensation Insurance Fund shall comply with the procedures specified in Section 11125.4 of the Government Code with respect to any closed session or meeting authorized by subdivision (j), and in addition shall provide an opportunity for a member of the public to be heard on the issue of the appropriateness of closing the meeting or session.

#### HISTORY:

Added Stats 1967 ch 1656 § 122. Amended Stats 1968 ch 1272 § 1; Stats 1970 ch 346 § 5; Stats 1972 ch 431 § 43, ch 1010 § 63, effective August 17, 1972, operative July 1, 1972; Stats 1974 ch 1254 § 1, ch 1539 § 1; Stats 1975 ch 197 § 1, ch 959 § 5; Stats 1977 ch 730 § 5, effective September 12, 1977; Stats 1980 ch 1197 § 1, ch 1284 § 11; Stats 1981 ch 180 § 1, ch 968 § 12; Stats 1982 ch 454 § 40; Stats 1983 ch 143 § 187; Stats 1984 ch 678 § 1, ch 1284 § 4; Stats 1985 ch 186 § 1; Ch 1091 § 1; Stats 1986 ch 575 § 1; Stats 1987 ch 1320 § 2; Stats 1988 ch 1448 § 29; Stats 1989 ch 177 § 2, ch 882 § 2, ch 1360 § 52 (ch 1427 prevails), ch 1427 § 1, effective October 2, 1989, operative January 1, 1990; Stats 1991 ch 788 § 4 (AB 1440); Stats 1992 ch 1050 § 17 (AB 2987); Stats 1994 ch 26 § 230 (AB 1807), effective March 30, 1994, ch 422 § 15.5 (AB 2589), effective September 6, 1994, ch 845 § 1 (SB 1316); Stats 1995 ch 975 § 3 (AB 265); Stats 1996 ch 1041 § 2 (AB 3358); Stats 1997 ch 949 § 8 (SB 95); Stats 1998 ch 210 § 1 (SB 2008), ch 972 § 1 (SB 989); Stats 1999 ch 735 § 9 (SB 366), effective October 10, 1999; Stats 2000 ch 1002 § 1 (SB 1998), ch 1055 § 30 (AB 2889), effective September 30, 2000; Stats 2001 ch 21 § 1 (SB 54), effective June 25, 2001, ch 243 § 10 (AB 192); Stats 2002 ch 664 § 93.7 (AB 3034), ch 2002 ch 1113 § 1 (AB 2072); Stats 2005 ch 288 § 1 (AB 277), effective January 1, 2006; Stats 2007 ch 577 § 4 (AB 1750), effective October 13, 2007; Stats 2008 ch 179 § 91 (SB 1498), effective January 1, 2008, ch 344 § 3 (SB 1145) (ch 344 prevails), effective September 26, 2008; Stats 2010 ch 32 § 2 (AB 1887), effective June 29, 2010, ch 328 § 81 (SB 1330), effective January 1, 2011, ch 618 § 124 (AB 2791) (ch 618 prevails), effective January 1, 2011; Stats 2011 ch 357 § 1 (AB 813), effective January 1, 2012; Stats 2013 ch 352 § 234 (AB 1317), effective September 26, 2013, operative July 1, 2013; Stats 2017 ch 641 § 22 (AB 830), effective January 1, 2018; Stats 2019 ch 40 § 15 (AB 97), effective July 1, 2019; Stats 2021 ch 615 § 163 (AB 474), effective January 1, 2022.

#### § 11126.1. Minute book of closed session

The state body shall designate a clerk or other officer or employee of the state body, who shall then attend each closed session of the state body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant



to the California Public Records Act (Division 10 (commencing with Section 7920.000)”) of Title 1), and shall be kept confidential. The minute book shall be available to members of the state body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction. The minute book may, but need not, consist of a recording of the closed session.

**HISTORY:**

Added Stats 1980 ch 1284 § 12. Amended Stats 1981 ch 968 § 13; Stats 2021 ch 615 § 164 (AB 474), effective January 1, 2022.

**§ 11126.3. Disclosure of items to be discussed in closed session; Discussion of additional pending litigation matters arising after disclosure**

(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. If the session is closed pursuant to paragraph (2) of subdivision (d) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the proceeding or disciplinary action contemplated. However, should the body determine that to do so would jeopardize the body’s ability to effectuate service of process upon one or more unserved parties if the proceeding or disciplinary action is commenced or that to do so would fail to protect the private economic and business reputation of the person or entity if the proceeding or disciplinary action is not commenced, then the state body shall notice that there will be a closed session and describe in general terms the purpose of that session. If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body’s ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(b) In the closed session, the state body may consider only those matters covered in its disclosure.

(c) The disclosure shall be made as part of the notice provided for the meeting pursuant to Section 11125 or pursuant to subdivision (a) of Section 92032 of the Education Code and of any order or notice required by Section 11129.

(d) If, after the agenda has been published in compliance with this article, any pending litigation (under subdivision (e) of Section 11126) matters arise, the postponement of which will prevent the state body from complying with any statutory, court-ordered, or other legally imposed deadline, the state body may proceed to discuss those matters in closed session and shall publicly announce in the meeting the title of, or otherwise specifically identify, the litigation to be discussed, unless the body states that to do so would jeopardize the body’s ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage. Such an announcement shall be deemed to comply fully with the requirements of this section.

(e) Nothing in this section shall require or authorize a disclosure of names or other information that would constitute an invasion of privacy or otherwise unnecessarily divulge the particular facts concerning the closed session or the disclosure of which is prohibited by state or federal law.

(f) After any closed session, the state body shall reconvene into open session prior to adjournment and shall make any reports, provide any documentation, and make any other disclosures required by Section 11125.2 of action taken in the closed session.

(g) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcement.

**HISTORY:**

Added Stats 1980 ch 1284 § 13. Amended Stats 1981 ch 968 § 14; Stats 1987 ch 1320 § 3; Stats 1997 ch 949 § 10 (SB 95); Stats 1998 ch 210 § 2 (SB 2008); Stats 2001 ch 243 § 11 (AB 192).

**§ 11126.5. Clearing room when meeting wilfully interrupted**

In the event that any meeting is wilfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are wilfully interrupting the meeting the state body conducting the meeting may order the meeting room cleared and continue in session. Nothing in this section shall prohibit the state body from establishing a procedure for readmitting an individual or individuals not responsible for wilfully disturbing the orderly conduct of the meeting. Notwithstanding any other provision of law, only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

**HISTORY:**

Added Stats 1970 ch 1598 § 1. Amended Stats 1981 ch 968 § 15.

**§ 11126.7. Fees**

No fees may be charged by a state body for providing a notice required by Section 11125 or for carrying out any provision of this article, except as specifically authorized pursuant to this article.

**HISTORY:**

Added Stats 1980 ch 1284 § 14. Amended Stats 1981 ch 968 § 16.

**§ 11127. State bodies subject to article**

Each provision of this article shall apply to every state body unless the body is specifically excepted from that provision by law or is covered by any other conflicting provision of law.

**HISTORY:**

Added Stats 1967 ch 1656 § 122. Amended Stats 1981 ch 968 § 17.

**§ 11128. When closed sessions held**

Each closed session of a state body shall be held only during a regular or special meeting of the body.

**HISTORY:**

Added Stats 1967 ch 1656 § 122. Amended Stats 1980 ch 1284 § 15; Stats 1981 ch 968 § 18.

**§ 11129. Continuance or recontinuance of hearing**

Any hearing being held, or noticed or ordered to be held by a state body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the state body in the same manner and to the same extent set forth in Section 11128.5 for the adjournment of meetings. A copy of the order or notice of continuance shall be conspicuously posted on or near the door of the place where the hearing was held within 24 hours after the time of the continuance; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

**HISTORY:**

Added Stats 1967 ch 1656 § 122. Amended Stats 1981 ch 968 § 19; Stats 1997 ch 949 § 12 (SB 95).

**§ 11130. Action to stop or prevent violations of article; Order for recording of closed sessions; Discovery of recording**

(a) The Attorney General, the district attorney, or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this article or to determine the applicability of this article to past actions or threatened future action by members of the state body or to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the state body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 11126, order the state body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c)(1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by the Attorney General, the district attorney, or the plaintiff in a civil action pursuant to this section or Section 11130.3 alleging that a violation of this article has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this article, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications that are protected by the attorney-client privilege.

**HISTORY:**

Added Stats 1967 ch 1656 § 122. Amended Stats 1969 ch 494 § 1; Stats 1981 ch 968 § 20; Stats 1997 ch 949 § 13 (SB 95); Stats 1999 ch 393 § 4 (AB 1234); Stats 2009 ch 88 § 43 (AB 176), effective January 1, 2010.

**§ 11130.3. Cause of action to void action taken by state agency in violation of open meeting requirements**

(a) Any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of obtaining a judicial determination that an action taken by a state body in violation of Section 11123 or 11125 is null and void under this section. Any action seeking such a judicial determination shall be commenced within 90 days from the date the action was taken. Nothing in this section shall be construed to

prevent a state body from curing or correcting an action challenged pursuant to this section.

(b) An action shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement related thereto.

(2) The action taken gave rise to a contractual obligation upon which a party has, in good faith, detrimentally relied.

(3) The action taken was in substantial compliance with Sections 11123 and 11125.

(4) The action taken was in connection with the collection of any tax.

**HISTORY:**

Added Stats 1985 ch 936 § 1. Amended Stats 1999 ch 393 § 5 (AB 1234).

**§ 11130.5. Costs and attorney fees**

A court may award court costs and reasonable attorney's fees to the plaintiff in an action brought pursuant to Section 11130 or 11130.3 where it is found that a state body has violated the provisions of this article. The costs and fees shall be paid by the state body and shall not become a personal liability of any public officer or employee thereof.

A court may award court costs and reasonable attorney's fees to a defendant in any action brought pursuant to Section 11130 or 11130.3 where the defendant has prevailed in a final determination of the action and the court finds that the action was clearly frivolous and totally lacking in merit.

**HISTORY:**

Added Stats 1975 ch 959 § 6. Amended Stats 1981 ch 968 § 21; Stats 1985 ch 936 § 2.

**§ 11130.7. Offenses**

Each member of a state body who attends a meeting of that body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this article, is guilty of a misdemeanor.

**HISTORY:**

Added Stats 1980 ch 1284 § 16. Amended Stats 1981 ch 968 § 22; Stats 1997 ch 949 § 14 (SB 95).

**§ 11131. Prohibition against use of certain facilities**

No state agency shall conduct any meeting, conference, or other function in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or that is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. As used in this section, "state agency" means and includes every state body, office, officer, department, division, bureau, board, council, commission, or other state agency.

**HISTORY:**

Added Stats 1970 ch 383 § 1. Amended Stats 1981 ch 968 § 23; Stats 1997 ch 949 § 15 (SB 95); Stats 2007 ch 568 § 32 (AB 14), effective January 1, 2008.

**§ 11131.5. Identification of crime victim**

No notice, agenda, announcement, or report required under this article need identify any victim or alleged victim of crime, tortious sexual conduct, or child abuse unless the identity of the person has been publicly disclosed.

**HISTORY:**

Added Stats 1997 ch 949 § 16 (SB 95).

**§ 11132. Prohibition against closed sessions except as expressly authorized**

Except as expressly authorized by this article, no closed session may be held by any state body.

**HISTORY:**

Added Stats 1987 ch 1320 § 4.

**PART 2.8**  
**CIVIL RIGHTS DEPARTMENT**  
**CHAPTER 6**  
**DISCRIMINATION PROHIBITED**  
**ARTICLE 1**  
**UNLAWFUL PRACTICES, GENERALLY**

Section

12944. Discrimination by licensing board.

**§ 12944. Discrimination by licensing board**

(a) It shall be unlawful for a licensing board to require any examination or establish any other qualification for licensing that has an adverse impact on any class by virtue of its race, creed, color, national origin or ancestry, sex, gender, gender identity, gender expression, age, medical condition, genetic information, physical disability, mental disability, reproductive health decisionmaking, or sexual orientation, unless the practice can be demonstrated to be job related.

Where the council, after hearing, determines that an examination is unlawful under this subdivision, the licensing board may continue to use and rely on the examination until such time as judicial review by the superior court of the determination is exhausted.

If an examination or other qualification for licensing is determined to be unlawful under this section, that determination shall not void, limit, repeal, or otherwise affect any right, privilege, status, or responsibility previously conferred upon any person by the examination or by a license issued in reliance on the examination or qualification.

(b) It shall be unlawful for a licensing board to fail or refuse to make reasonable accommodation to an individual's mental or physical disability or medical condition.

(c) It shall be unlawful for any licensing board, unless specifically acting in accordance with federal equal employment opportunity guidelines or regulations approved by the council, to print or circulate or cause to be printed or circulated any publication, or to make any non-job-related inquiry, either verbal or through use of an application form, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, sex, gender, gender identity, gender expression, age, reproductive health decisionmaking, or sexual orientation or any intent to make any such limitation, specification, or discrimination. Nothing in this subdivision shall prohibit any licensing board from making, in connection with prospective licensure or certification, an inquiry as to, or a request for information regarding, the physical fitness of applicants if that inquiry or request for information is directly related and pertinent to the license or the licensed position the applicant is applying for. Nothing in

this subdivision shall prohibit any licensing board, in connection with prospective examinations, licensure, or certification, from inviting individuals with physical or mental disabilities to request reasonable accommodations or from making inquiries related to reasonable accommodations.

(d) It is unlawful for a licensing board to discriminate against any person because the person has filed a complaint, testified, or assisted in any proceeding under this part.

(e) It is unlawful for any licensing board to fail to keep records of applications for licensing or certification for a period of two years following the date of receipt of the applications.

(f) As used in this section, "licensing board" means any state board, agency, or authority in the Business, Consumer Services, and Housing Agency that has the authority to grant licenses or certificates which are prerequisites to employment eligibility or professional status.

**HISTORY:**

Added Stats 1980 ch 992 § 4. Amended Stats 1992 ch 912 § 6 (AB 1286), ch 913 § 24 (AB 1077); Stats 1999 ch 592 § 8 (AB 1001); Stats 2011 ch 261 § 15 (SB 559), effective January 1, 2012, ch 719 § 19.5 (AB 887), effective January 1, 2012; Stats 2012 ch 46 § 37 (SB 1038), effective June 27, 2012, operative January 1, 2013. See this section as modified in Governor's Reorganization Plan No. 2 § 210 of 2012; Amended Stats 2012 ch 147 § 17 (SB 1039), effective January 1, 2013, operative July 1, 2013 (ch 147 prevails); Stats 2022 ch 48 § 38 (SB 189), effective June 30, 2022; Stats 2022 ch 630 § 8 (SB 523), effective January 1, 2023.

**TITLE 3**  
**GOVERNMENT OF COUNTIES**  
**DIVISION 2**  
**OFFICERS**  
**PART 3**  
**OTHER OFFICERS**  
**CHAPTER 1**  
**DISTRICT ATTORNEY**  
**ARTICLE 1**  
**DUTIES AS PUBLIC PROSECUTOR**

Section  
26509. Consumer fraud investigations: Access by district attorney to records of other agencies.

**§ 26509. Consumer fraud investigations; Access by district attorney to records of other agencies**

(a) Notwithstanding any other provision of law, including any provision making records confidential, and including Title 1.8 (commencing with Section 1798) of Part 4 of Division 3 of the Civil Code, the district attorney shall be given access to, and may make copies of, any complaint against a person subject to regulation by a consumer-oriented

state agency and any investigation of the person made by the agency, where that person is being investigated by the district attorney regarding possible consumer fraud.

(b) Where the district attorney does not take action with respect to the complaint or investigation, the material shall remain confidential.

(c) Where the release of the material would jeopardize an investigation or other duties of a consumer-oriented state agency, the agency shall have discretion to delay the release of the information.

(d) As used in this section, a consumer-oriented state agency is any state agency that regulates the licensure, certification, or qualification of persons to practice a profession or business within the state, where the regulation is for the protection of consumers who deal with the professionals or businesses. It includes, but is not limited to, all of the following:

- (1) The Dental Board of California.
- (2) The Medical Board of California.
- (3) The State Board of Optometry.
- (4) The California State Board of Pharmacy.
- (5) The Veterinary Medical Board.
- (6) The California Board of Accountancy.
- (7) The California Architects Board.
- (8) The State Board of Barbering and Cosmetology.
- (9) The Board for Professional Engineers and Land Surveyors.
- (10) The Contractors' State License Board.
- (11) The Funeral Directors and Embalmers Program.
- (12) The Structural Pest Control Board.
- (13) The Bureau of Home Furnishings and Thermal Insulation.
- (14) The Board of Registered Nursing.
- (15) The State Board of Chiropractic Examiners.
- (16) The Board of Behavioral Science Examiners.
- (17) The State Athletic Commission.
- (18) The Cemetery Program.
- (19) The State Board of Guide Dogs for the Blind.
- (20) The Bureau of Security and Investigative Services.
- (21) The Court Reporters Board of California.
- (22) The Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (23) The Osteopathic Medical Board of California.
- (24) The Division of Investigation.
- (25) The Bureau of Automotive Repair.
- (26) The State Board for Geologists and Geophysicists.
- (27) The Department of Alcoholic Beverage Control.
- (28) The Department of Insurance.
- (29) The Public Utilities Commission.
- (30) The State Department of Health Services.
- (31) The New Motor Vehicle Board.

**HISTORY:**

Added Stats 1979 ch 559 § 1, as Gov C § 26508. Amended and renumbered by Stats 1980 ch 676 § 113; Amended Stats 1988 ch 1448 § 30; Stats 1989 ch 886 § 84. Supplemented by Governor's Reorganization Plan No. 1 of 1991 § 87, effective July 17, 1991; Amended Stats 1991 ch 359 § 35 (AB 1332); Stats 1994 ch 26 § 233 (AB 1807), effective March 30, 1994, ch 1275 § 55 (SB 2101); Stats 1995 ch 60 § 46 (SB 42), effective July 6, 1995; Stats 1998 ch 59 § 14 (AB 969); Stats 2000 ch 1055 § 35 (AB 2889), effective September 30, 2000; Amended Stats 2003 ch 325 § 8 (SB 1079).

**HEALTH AND SAFETY CODE**  
**DIVISION 10**  
**UNIFORM CONTROLLED SUBSTANCES ACT**  
**CHAPTER 1**  
**GENERAL PROVISIONS AND DEFINITIONS**

Section  
11026. "Practitioner".

**HISTORY:** Added Stats 1972 ch 1407 § 3.

**§ 11026. "Practitioner"**

"Practitioner" means any of the following:

(a) A physician, dentist, veterinarian, podiatrist, or pharmacist acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107, a registered nurse acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107, a certified nurse-midwife acting within the scope of Section 2746.51 of the Business and Professions Code, a nurse practitioner acting within the scope of Section 2836.1 of the Business and Professions Code, or a physician assistant acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 or Section 3502.1 of the Business and Professions Code, or an optometrist acting within the scope of Section 3041 of the Business and Professions Code.

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer, a controlled substance in the course of professional practice or research in this state.

(c) A scientific investigator, or other person licensed, registered, or otherwise permitted, to distribute, dispense, conduct research with respect to, or administer, a controlled substance in the course of professional practice or research in this state.

**HISTORY:**

Added Stats 1972 ch 1407 § 3. Amended Stats 1976 ch 896 § 1; Stats 1977 ch 843 § 16; Stats 1986 ch 1042 § 1, effective September 23, 1986; Stats 1996 ch 1023 § 196 (SB 1497), effective September 29, 1996; Stats 1999 ch 749 § 7 (SB 816); Stats 2000 ch 676 § 7 (SB 929); Stats 2001 ch 289 § 10 (SB 298).

**CHAPTER 2**  
**STANDARDS AND SCHEDULES**

Section  
11053. Nomenclature of substances listed.  
11054. Schedule I list of controlled substances.  
11055. Schedule II list of controlled substances.  
11056. Schedule III list of controlled substances.  
11057. Schedule IV list of controlled substances.  
11058. Schedule V list of controlled substances.  
11059. Scheduling exemptions.



**§ 11053. Nomenclature of substances listed**

The controlled substances listed or to be listed in the schedules in this chapter are included by whatever official, common, usual, chemical, or trade name designated.

**HISTORY:**

Added Stats 1972 ch 1407 § 3.

**§ 11054. Schedule I list of controlled substances**

(a) The controlled substances listed in this section are included in Schedule I.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetylmethadol.
- (2) Allylprodine.
- (3) Alphacetylmethadol (except levoalphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
- (4) Alphameprodine.
- (5) Alphamethadol.
- (6) Benzethidine.
- (7) Betacetylmethadol.
- (8) Betameprodine.
- (9) Betamethadol.
- (10) Betaprodine.
- (11) Clonitazene.
- (12) Dextromoramide.
- (13) Diampromide.
- (14) Diethylthiambutene.
- (15) Difenoxin.
- (16) Dimenoxadol.
- (17) Dimepheptanol.
- (18) Dimethylthiambutene.
- (19) Dioxaphetyl butyrate.
- (20) Dipipanone.
- (21) Ethylmethylthiambutene.
- (22) Etonitazene.
- (23) Etoxidine.
- (24) Furethidine.
- (25) Hydroxypethidine.
- (26) Ketobemidone.
- (27) Levomoramide.
- (28) Levophenacylmorphan.
- (29) Morpheridine.
- (30) Noracymethadol.
- (31) Norlevorphanol.
- (32) Normethadone.
- (33) Norpipanone.
- (34) Phenadoxone.
- (35) Phenampromide.
- (36) Phenomorphan.
- (37) Phenoperidine.
- (38) Piritramide.
- (39) Proheptazine.
- (40) Properidine.
- (41) Propiram.

(42) Racemoramide.

(43) Tilidine.

(44) Trimeperidine.

(45) Any substance which contains any quantity of acetylfentanyl (N-[1-phenethyl-4-piperidinyl] acetanilide) or a derivative thereof.

(46) Any substance which contains any quantity of the thiophene analog of acetylfentanyl (N-[1-[2-(2-thienyl)ethyl]-4-piperidinyl] acetanilide) or a derivative thereof.

(47) 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).

(48) 1-(2-Phenethyl)-4-Phenyl-4-Acetyloxypiperidine (PEPAP).

(c) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine.

(2) Acetyldihydrocodeine.

(3) Benzylmorphine.

(4) Codeine methylbromide.

(5) Codeine-N-Oxide.

(6) Cyprenorphine.

(7) Desomorphine.

(8) Dihydromorphine.

(9) Drotebanol.

(10) Etorphine (except hydrochloride salt).

(11) Heroin.

(12) Hydromorphinol.

(13) Methyl-desorphine.

(14) Methyl-dihydromorphine.

(15) Morphine methylbromide.

(16) Morphine methylsulfonate.

(17) Morphine-N-Oxide.

(18) Myrophine.

(19) Nicocodeine.

(20) Nicomorphine.

(21) Normorphine.

(22) Pholcodine.

(23) Thebacon.

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

(1) 4-bromo-2,5-dimethoxy-amphetamine—Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.

(2) 2,5-dimethoxyamphetamine—Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.

(3) 4-methoxyamphetamine—Some trade or other names: 4-methoxy-alpha-methylphenethylamine, paramethoxyamphetamine, PMA.

(4) 5-methoxy-3,4-methylenedioxy-amphetamine.

(5) 4-methyl-2,5-dimethoxy-amphetamine—Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP."

(6) 3,4-methylenedioxy amphetamine.

(7) 3,4,5-trimethoxy amphetamine.

(8) Bufotenine—Some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5 indolol; N,N-dimethylserolonin, 5-hydroxy-N,N-dimethyltryptamine; mappine.

(9) Diethyltryptamine—Some trade or other names: N,N-Diethyltryptamine; DET.

(10) Dimethyltryptamine—Some trade or other names: DMT.

(11) Ibogaine—Some trade or other names: 7-Ethyl-6,6beta, 7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b] indole; Tabernantheiboga.

(12) Lysergic acid diethylamide.

(13) Cannabis.

(14) Mescaline.

(15) Peyote—Meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts, derivative, mixture, or preparation of the plant, its seeds or extracts (interprets 21 U.S.C. Sec. 812(c), Schedule 1(c)(12)).

(16) N-ethyl-3-piperidyl benzilate.

(17) N-methyl-3-piperidyl benzilate.

(18) Psilocybin.

(19) Psilocyn.

(20) Tetrahydrocannabinols. Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta 1 cis or trans tetrahydrocannabinol, and their optical isomers; delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers.

Because nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.

(21) Ethylamine analog of phencyclidine—Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE.

(22) Pyrrolidine analog of phencyclidine—Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCP, PHP.

(23) Thiophene analog of phencyclidine—Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Mecloqualone.

(2) Methaqualone.

(3) Gamma hydroxybutyric acid (also known by other names such as GHB; gamma hydroxy butyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate), including its immediate precursors, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, including, but not limited to, gammabutyrolactone, for which an application has not been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355).

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its isomers:

(1) Cocaine base.

(2) Fenethylamine, including its salts.

- (3) N-Ethylamphetamine, including its salts.

**HISTORY:**

Added Stats 1984 ch 1635 § 44.5. Amended Stats 1985 ch 290 § 1, ch 1098 § 1.2, effective September 27, 1985; Stats 1986 ch 1044 § 1; Stats 1987 ch 1174 § 1.5, effective September 26, 1987; Stats 1995 ch 455 § 3 (AB 1113); Stats 2001 ch 841 § 1 (AB 258); Stats 2002 ch 664 § 130 (AB 3034); Stats 2017 ch 27 § 120 (SB 94), effective June 27, 2017.

**§ 11055. Schedule II list of controlled substances**

(a) The controlled substances listed in this section are included in Schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium, opiate, and any salt, compound, derivative, or preparation of opium or opiate, with the exception of naloxone hydrochloride (N-allyl-14-hydroxy-nordihydro-morphinone hydrochloride), but including the following:

- (A) Raw opium.
- (B) Opium extracts.
- (C) Opium fluid extracts.
- (D) Powdered opium.
- (E) Granulated opium.
- (F) Tincture of opium.
- (G) Codeine.
- (H) Ethylmorphine.
- (I)(i) Hydrocodone.

(ii) Hydrocodone combination products with not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

(iii) Oral liquid preparations of dihydrocodeinone containing the above specified amounts that contain, as its nonnarcotic ingredients, two or more antihistamines in combination with each other.

(iv) Hydrocodone combination products with not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

- (J) Hydromorphone.
- (K) Metopon.
- (L) Morphine.
- (M) Oxycodone.
- (N) Oxymorphone.
- (O) Thebaine.

(2) Any salt, compound, isomer, or derivative, whether natural or synthetic, of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy).

(6) Cocaine, except as specified in Section 11054.

(7) Ecgonine, whether natural or synthetic, or any salt, isomer, derivative, or preparation thereof.

(c) Opiates. Unless specifically excepted or unless in another schedule, any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters,

and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- (1) Alfentanyl.
  - (2) Alphaprodine.
  - (3) Anileridine.
  - (4) Bezitramide.
  - (5) Bulk dextropropoxyphene (nondosage forms).
  - (6) Dihydrocodeine.
  - (7) Diphenoxylate.
  - (8) Fentanyl.
  - (9) Isomethadone.
  - (10) Levoalphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM. This substance is authorized for the treatment of narcotic addicts under federal law (see Part 291 (commencing with Section 291.501) and Part 1308 (commencing with Section 1308.01) of Title 21 of the Code of Federal Regulations).
  - (11) Levomethorphan.
  - (12) Levorphanol.
  - (13) Metazocine.
  - (14) Methadone.
  - (15) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
  - (16) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
  - (17) Pethidine (meperidine).
  - (18) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
  - (19) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
  - (20) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
  - (21) Phenazocine.
  - (22) Piminodine.
  - (23) Racemethorphan.
  - (24) Racemorphan.
  - (25) Sufentanil.
- (d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:
- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
  - (2) Methamphetamine, its salts, isomers, and salts of its isomers.
  - (3) Dimethylamphetamine (N,N-dimethylamphetamine), its salts, isomers, and salts of its isomers.
  - (4) N-Ethylmethamphetamine (N-ethyl, N-methylamphetamine), its salts, isomers, and salts of its isomers.
  - (5) Phenmetrazine and its salts.
  - (6) Methylphenidate.
  - (7) Khat, which includes all parts of the plant classified botanically as *Catha Edulis*, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.
  - (8) Cathinone (also known as alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone).
- (e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (1) Amobarbital.

- (2) Pentobarbital.
- (3) Phencyclidines, including the following:
  - (A) 1-(1-phenylcyclohexyl) piperidine (PCP).
  - (B) 1-(1-phenylcyclohexyl) morpholine (PCM).
  - (C) Any analog of phencyclidine which is added by the Attorney General by regulation pursuant to this paragraph.

The Attorney General, or his or her designee, may, by rule or regulation, add additional analogs of phencyclidine to those enumerated in this paragraph after notice, posting, and hearing pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The Attorney General shall, in the calendar year of the regular session of the Legislature in which the rule or regulation is adopted, submit a draft of a proposed bill to each house of the Legislature which would incorporate the analogs into this code. No rule or regulation shall remain in effect beyond January 1 after the calendar year of the regular session in which the draft of the proposed bill is submitted to each house. However, if the draft of the proposed bill is submitted during a recess of the Legislature exceeding 45 calendar days, the rule or regulation shall be effective until January 1 after the next calendar year.

- (4) Secobarbital.
- (5) Glutethimide.
- (f) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:
  - (1) Immediate precursor to amphetamine and methamphetamine:
    - (A) Phenylacetone. Some trade or other names: phenyl-2 propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.
  - (2) Immediate precursors to phencyclidine (PCP):
    - (A) 1-phenylcyclohexylamine.
    - (B) 1-piperidinocyclohexane carbonitrile (PCC).

**HISTORY:**

Added Stats 1984 ch 1635 § 45.5. Amended Stats 1985 ch 3 § 1, effective January 29, 1985, ch 21 § 3, effective April 2, 1985, ch 1098 § 1.4, effective September 27, 1985; Stats 1986 ch 384 § 2, effective July 17, 1986, ch 1042 § 3, effective September 23, 1986, ch 1044 § 2.5; Stats 1987 ch 1174 § 2, effective September 26, 1987; Stats 1988 ch 712 § 1, effective August 29, 1988; Stats 1995 ch 455 § 4 (AB 1113); Stats 1997 ch 560 § 1 (AB 6), effective September 29, 1997, ch 714 § 1 (SB 3), effective October 6, 1997; Stats 1999 ch 975 § 1 (AB 924); Stats 2000 ch 8 § 1 (SB 550), effective March 29, 2000; Stats 2001 ch 841 § 2 (AB 258); Stats 2008 ch 292 § 1 (AB 1141), effective January 1, 2009; Stats 2010 ch 76 § 1 (AB 1414), effective January 1, 2011; Stats 2018 ch 589 § 1 (AB 2783), effective January 1, 2019.

**§ 11056. Schedule III list of controlled substances**

- (a) The controlled substances listed in this section are included in Schedule III.
- (b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of those isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
  - (1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under Section 1308.32 of Title 21 of the Code of Federal Regulations, and any other drug of the quantitative composition shown in that list for those drugs or that is the same except that it contains a lesser quantity of controlled substances.
    - (2) Benzphetamine.
    - (3) Chlorphentermine.
    - (4) Clortermine.

- (5) Mazindol.
- (6) Phendimetrazine.

(c) Depressants. Unless specifically excepted in Section 11059 or elsewhere, or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing any of the following:
  - (A) Amobarbital.
  - (B) Secobarbital.
  - (C) Pentobarbital or any salt thereof and one or more other active medicinal ingredients that are not listed in any schedule.
- (2) Any suppository dosage form containing any of the following:
  - (A) Amobarbital.
  - (B) Secobarbital.
  - (C) Pentobarbital or any salt of any of these drugs and approved by the federal Food and Drug Administration for marketing only as a suppository.

(3) Any substance that contains any quantity of a derivative of barbituric acid or any salt thereof.

- (4) Chlorhexadol.
- (5) Lysergic acid.
- (6) Lysergic acid amide.
- (7) Methyprylon.
- (8) Sulfondiethylmethane.
- (9) Sulfonethylmethane.
- (10) Sulfonmethane.

(11) Gamma hydroxybutyric acid, and its salts, isomers, and salts of isomers, contained in a drug product for which an application has been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355).

(d) Nalorphine.

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(3) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

(4) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) Anabolic steroids and chorionic gonadotropin. Any material, compound, mixture, or preparation containing chorionic gonadotropin or an anabolic steroid (excluding anabolic steroid products listed in the "Table of Exempt Anabolic Steroid Products" (Section 1308.34 of Title 21 of the Code of Federal Regulations), as exempt from the federal

Controlled Substances Act (Section 801 and following of Title 21 of the United States Code)), including, but not limited to, the following:

- (1) Androisoxazole.
- (2) Androstenediol.
- (3) Bolandiol.
- (4) Bolasterone.
- (5) Boldenone.
- (6) Chloromethandienone.
- (7) Clostebol.
- (8) Dihydromesterone.
- (9) Ethylestrenol.
- (10) Fluoxymesterone.
- (11) Formyldienolone.
- (12) 4-Hydroxy-19-nortestosterone.
- (13) Mesterolone.
- (14) Methandriol.
- (15) Methandrostenolone.
- (16) Methenolone.
- (17) 17-Methyltestosterone.
- (18) Methyltrienolone.
- (19) Nandrolone.
- (20) Norbolethone.
- (21) Norethandrolone.
- (22) Normethandrolone.
- (23) Oxandrolone.
- (24) Oxymesterone.
- (25) Oxymetholone.
- (26) Quinbolone.
- (27) Stanolone.
- (28) Stanozolol.
- (29) Stenbolone.
- (30) Testosterone.
- (31) Trenbolone.

(32) Human chorionic gonadotropin (hCG), except when possessed by, sold to, purchased by, transferred to, or administered by a licensed veterinarian, or a licensed veterinarian's designated agent, exclusively for veterinary use.

(g) Ketamine. Any material, compound, mixture, or preparation containing ketamine.

(h) Hallucinogenic substances. Any of the following hallucinogenic substances: dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the federal Food and Drug Administration.

**HISTORY:**

Added Stats 1984 ch 1635 § 46.5. Amended Stats 1986 ch 384 § 3, effective July 17, 1986, ch 534 § 1, effective August 20, 1986, ch 1033 § 1; Stats 1989 ch 567 § 1; Stats 1991 ch 294 § 1 (AB 444); Stats 1995 ch 59 § 1 (SB 491); Stats 2000 ch 8 § 2 (SB 550), effective March 29, 2000; Stats 2001 ch 841 § 3 (AB 258); Stats 2018 ch 81 § 1 (AB 2589), effective January 1, 2019; Stats 2018 ch 589 § 2.5 (AB 2783), effective January 1, 2019 (ch 589 prevails); Stats 2019 ch 497 § 157 (AB 991), effective January 1, 2020; Stats 2021 ch 618 § 1 (AB 527), effective January 1, 2022.

**§ 11057. Schedule IV list of controlled substances**

(a) The controlled substances listed in this section are included in Schedule IV.

(b) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(c) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following



narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).

(3) Butorphanol.

(d) Depressants. Unless specifically excepted in Section 11059 or elsewhere, or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alprazolam.

(2) Barbitol.

(3) Chloral betaine.

(4) Chloral hydrate.

(5) Clordiazepoxide.

(6) Clobazam.

(7) Clonazepam.

(8) Clorazepate.

(9) Diazepam.

(10) Estazolam.

(11) Ethchlorvynol.

(12) Ethinamate.

(13) Flunitrazepam.

(14) Flurazepam.

(15) Halazepam.

(16) Lorazepam.

(17) Mebutamate.

(18) Meprobamate.

(19) Methohexital.

(20) Methylphenobarbital (Mephobarbital).

(21) Midazolam.

(22) Nitrazepam.

(23) Oxazepam.

(24) Paraldehyde.

(25) Petrichoral.

(26) Phenobarbital.

(27) Prazepam.

(28) Quazepam.

(29) Temazepam.

(30) Triazolam.

(31) Zaleplon.

(32) Zolpidem.

(e) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of those isomers, whenever the existence of those salts, isomers, and salts of isomers is possible:

(1) Fenfluramine.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of those isomers is possible within the specific chemical designation:

(1) Diethylpropion.

- (2) Mazindol.
  - (3) Modafinil.
  - (4) Phentermine.
  - (5) Pemoline (including organometallic complexes and chelates thereof).
  - (6) Pipradrol.
  - (7) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
  - (8) Cathine ((+)-norpseudoephedrine).
- (g) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of pentazocine, including its salts.

**HISTORY:**

Added Stats 1984 ch 1635 § 47.5. Amended Stats 1985 ch 290 § 2; Stats 1992 ch 616 § 1 (SB 2013); Stats 1996 ch 109 § 1 (SB 1426), effective July 1, 1996, ch 846 § 2 (SB 2164); Stats 2002 ch 1013 § 86 (SB 2026); Stats 2008 ch 292 § 2 (AB 1141), effective January 1, 2009; Stats 2021 ch 618 § 2 (AB 527), effective January 1, 2022.

**§ 11058. Schedule V list of controlled substances**

- (a) The controlled substances listed in this section are included in Schedule V.
- (b) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
- (c) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:
- (1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
  - (2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
  - (3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
  - (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
  - (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
  - (6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
- (d) Buprenorphine.

**HISTORY:**

Added Stats 1984 ch 1635 § 48.5. Amended Stats 1985 ch 1098 § 1.2, effective September 27, 1985; Stats 1986 ch 63 § 1, effective April 23, 1986.

**§ 11059. Scheduling exemptions**

- (a) Specific compounds, mixtures, or preparations that contain a nonnarcotic controlled substance in combination with a derivative of barbituric acid or any salt thereof that are listed in the federal Table of Exempted Prescription Products and have been exempted pursuant to federal law or regulation (Section 1308.32 of Title 21 of the Code of Federal Regulations or its successors), are excepted from scheduling under subdivision (c) of Section 11056.
- (b) Specific compounds, mixtures, or preparations that contain a nonnarcotic controlled substance in combination with a chlordiazepoxide or phenobarbital that are listed in the federal Table of Exempted Prescription Products and have been exempted from scheduling under federal law or regulation (Section 1308.32 of Title 21 of the Code of Federal Regulations or its successors) are excepted from scheduling under subdivision (d) of Section 11057.

**HISTORY:**

Added Stats 2021 ch 618 § 3 (AB 527), effective January 1, 2022.

**CHAPTER 3  
REGULATION AND CONTROL**

**ARTICLE 2  
LICENSES: CUSTOMS BROKERS AND  
WAREHOUSES [REPEALED]**

Section

- 11122. [Section repealed 2003.]
- 11123. [Section repealed 2003.]
- 11124. [Section repealed 2003.]
- 11125. [Section repealed 2003.]
- 11126. [Section repealed 1983.]
- 11127. [Section repealed 2003.]
- 11128. [Section repealed 2003.]
- 11129. [Section repealed 2003.]
- 11130. [Section repealed 2003.]
- 11131. [Section repealed 2003.]
- 11132. [Section repealed 2003.]
- 11133. [Section repealed 2003.]
- 11134. [Section repealed 2003.]
- 11135. [Section repealed 2003.]
- 11136. [Section repealed 2003.]

**HISTORY:** Article 2, consisting of H & S C §§ 11122–11136, Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87.

**§ 11122. [Section repealed 2003.]**

**HISTORY:**

Added Stats 1972 ch 1407 § 3. Amended Stats 1977 ch 843 § 17; Stats 1985 ch 1209 § 1; Stats 1986 ch 1042 § 4, effective September 23, 1986; Stats 1996 ch 1023 § 197 (SB 1497), effective September 29, 1996; Stats 1997 ch 549 § 141 (SB 1349). Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to restriction of storage to licensed warehouses.

**§ 11123. [Section repealed 2003.]**

**HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to issuance of license, to warehouseman, for storage of substances.

**§ 11124. [Section repealed 2003.]**

**HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to licensed warehouseman's maintenance of records and inventories.

**§ 11125. [Section repealed 2003.]**

**HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to warehouseman's bond.

**§ 11126. [Section repealed 1983.]****HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 1982 ch 517 § 274. See CCP § 995.850.

**§ 11127. [Section repealed 2003.]****HISTORY:**

Added Stats 1972 ch 1407 § 3. Amended Stats 1983 ch 925 § 10. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to board's issuance of licenses.

**§ 11128. [Section repealed 2003.]****HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to nontransferability of licenses.

**§ 11129. [Section repealed 2003.]****HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to refusal, suspension, or revocation of license.

**§ 11130. [Section repealed 2003.]****HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to disciplinary action against licensees.

**§ 11131. [Section repealed 2003.]****HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to plea, verdict, or conviction.

**§ 11132. [Section repealed 2003.]****HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to permitted disciplinary actions.

**§ 11133. [Section repealed 2003.]****HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to board's actions and proceedings after expiration or suspension of license.

**§ 11134. [Section repealed 2003.]****HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to period of limitations for disciplinary accusations.

**§ 11135. [Section repealed 2003.]****HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to revocation or suspension of additional license.

§ 11136. [Section repealed 2003.]

**HISTORY:**

Added Stats 1972 ch 1407 § 3. Repealed Stats 2002 ch 1013 § 87 (SB 2026). The repealed section related to reinstatement or reissuance of suspended or revoked license.

**CHAPTER 4  
PRESCRIPTIONS**

**ARTICLE 1  
REQUIREMENTS OF PRESCRIPTIONS**

Section

- 11150. Persons permitted to write prescription.
- 11161.7. Information on restrictions of prescriber's authority to be provided to pharmacies, security printers, Department of Justice, and Board of Pharmacy.
- 11164. Requirements for prescriptions: Oral or electronic prescription; Written records.
- 11165. CURES project for electronic monitoring of prescription drugs; Funding; Confidentiality provisions; Information to be provided to Department of Justice; Subscriber education; Veterinarian requirement; Temporary technological or electrical failure.
- 11165.1. Application to access controlled substance history; Guidelines; Referral by Department of Justice; Confidentiality; Liability.
- 11165.2. Department of Justice audits of CURES Prescription Drug Monitoring Program system and users; Citations for subscriber violations; Required provisions; Payment of fine as satisfactory resolution; Deposit of administrative fines; Sanctions separate.
- 11165.3. Report of theft or loss of prescription forms.
- 11165.4. Duty to consult CURES database; Liability for failure to consult [Operative date contingent].
- 11165.5. Donations to CURES Fund.
- 11167. Emergency order for controlled substance; Requirements.
- 11168. [Section repealed 2008.]
- 11170. Prescription of controlled substances for self use.

**HISTORY:** Added Stats 1972 ch 1407 § 3.

**§ 11150. Persons permitted to write prescription**

No person other than a physician, dentist, podiatrist, or veterinarian, or naturopathic doctor acting pursuant to Section 3640.7 of the Business and Professions Code, or pharmacist acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 or within the scope of Section 4052.1, 4052.2, or 4052.6 of the Business and Professions Code, a registered nurse acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107, a certified nurse-midwife acting within the scope of Section 2746.51 of the Business and Professions Code, a nurse practitioner acting within the scope of Section 2836.1 of the Business and Professions Code, a physician assistant acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 or Section 3502.1 of the Business and Professions Code, a naturopathic doctor acting within the scope of Section 3640.5 of the Business and Professions Code, or an optometrist acting within the scope of Section 3041 of the Business and Professions Code, or an out-of-state prescriber acting pursuant to Section 4005 of the Business and Professions Code shall write or issue a prescription.

**HISTORY:**

Added Stats 1972 ch 1407 § 3. Amended Stats 1977 ch 843 § 18; Stats 1981 ch 113 § 9; Stats 1996 ch 1023 § 198 (SB 1497), effective September 29, 1996; Stats 1997 ch 549 § 142 (SB 1349); Stats 1999 ch 749 § 8 (SB 816); Stats 2000 ch 676 § 8 (SB 929); Stats 2001 ch 289 § 11 (SB 298); Stats 2004 ch 191 § 6 (AB 2660); Stats 2005 ch 506 § 26 (AB 302),

effective October 4, 2005; Stats 2009 ch 308 § 93 (SB 819), effective January 1, 2010; Stats 2014 ch 319 § 5 (SB 1039), effective January 1, 2015.

**§ 11161.7. Information on restrictions of prescriber's authority to be provided to pharmacies, security printers, Department of Justice, and Board of Pharmacy**

(a) When a prescriber's authority to prescribe controlled substances is restricted by civil, criminal, or administrative action, or by an order of the court issued pursuant to Section 11161, the law enforcement agency or licensing board that sought the restrictions shall provide the name, category of licensure, license number, and the nature of the restrictions imposed on the prescriber to security printers, the Department of Justice, and the Board of Pharmacy.

(b) The Board of Pharmacy shall make available the information required by subdivision (a) to pharmacies and security printers to prevent the dispensing of controlled substance prescriptions issued by the prescriber and the ordering of additional controlled substance prescription forms by the restricted prescriber.

**HISTORY:**

Added Stats 2003 ch 406 § 7 (SB 151).

**§ 11164. Requirements for prescriptions; Oral or electronic prescription; Written records**

Except as provided in Section 11167, no person shall prescribe a controlled substance, nor shall any person fill, compound, or dispense a prescription for a controlled substance, unless it complies with the requirements of this section.

(a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V, except as authorized by subdivision (b), shall be made on a controlled substance prescription form as specified in Section 11162.1 and shall meet the following requirements:

(1) The prescription shall be signed and dated by the prescriber in ink and shall contain the prescriber's address and telephone number; the name of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services; refill information, such as the number of refills ordered and whether the prescription is a first-time request or a refill; and the name, quantity, strength, and directions for use of the controlled substance prescribed.

(2) The prescription shall also contain the address of the person for whom the controlled substance is prescribed. If the prescriber does not specify this address on the prescription, the pharmacist filling the prescription or an employee acting under the direction of the pharmacist shall write or type the address on the prescription or maintain this information in a readily retrievable form in the pharmacy.

(b)(1) Notwithstanding paragraph (1) of subdivision (a) of Section 11162.1, any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be produced in hard copy form and signed and dated by the pharmacist filling the prescription or by any other person expressly authorized by provisions of the Business and Professions Code. Any person who transmits, maintains, or receives any electronically transmitted prescription shall ensure the security, integrity, authority, and confidentiality of the prescription.

(2) The date of issue of the prescription and all the information required for a written prescription by subdivision (a) shall be included in the written record of the prescription; the pharmacist need not include the address, telephone number, license classification, or federal registry number of the prescriber or the address of the patient on the hard copy, if that information is readily retrievable in the pharmacy.

(3) Pursuant to an authorization of the prescriber, any agent of the prescriber on behalf of the prescriber may orally or electronically transmit a prescription for a controlled substance classified in Schedule III, IV, or V, if in these cases the written record of the prescription required by this subdivision specifies the name of the agent of the prescriber transmitting the prescription.

(c) The use of commonly used abbreviations shall not invalidate an otherwise valid prescription.

(d) Notwithstanding subdivisions (a) and (b), prescriptions for a controlled substance classified in Schedule V may be for more than one person in the same family with the same medical need.

(e)(1) Notwithstanding any other law, a prescription written on a prescription form that was otherwise valid prior to January 1, 2019, but that does not comply with paragraph (15) of subdivision (a) of Section 11162.1, or a valid controlled substance prescription form approved by the Department of Justice as of January 1, 2019, is a valid prescription that may be filled, compounded, or dispensed until January 1, 2021.

(2) If the Department of Justice determines that there is an inadequate availability of compliant prescription forms to meet demand on or before the date described in paragraph (1), the department may extend the period during which prescriptions written on noncompliant prescription forms remain valid for a period no longer than an additional six months.

**HISTORY:**

Added Stats 2003 ch 406 § 13 (SB 151), operative January 1, 2005. Amended Stats 2005 ch 487 § 5 (SB 734), effective January 1, 2006; Stats 2006 ch 286 § 2 (AB 2986), effective January 1, 2007; Stats 2019 ch 4 § 3 (AB 149), effective March 11, 2019.

**§ 11165. CURES project for electronic monitoring of prescription drugs; Funding; Confidentiality provisions; Information to be provided to Department of Justice; Subscriber education; Veterinarian requirement; Temporary technological or electrical failure**

(a) To assist health care practitioners in their efforts to ensure appropriate prescribing, ordering, administering, furnishing, and dispensing of controlled substances, law enforcement and regulatory agencies in their efforts to control the diversion and resultant abuse of Schedule II, Schedule III, Schedule IV, and Schedule V controlled substances, and for statistical analysis, education, and research, the Department of Justice shall, contingent upon the availability of adequate funds in the CURES Fund, maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of, and internet access to information regarding, the prescribing and dispensing of Schedule II, Schedule III, Schedule IV, and Schedule V controlled substances by all practitioners authorized to prescribe, order, administer, furnish, or dispense these controlled substances.

(b) The department may seek and use grant funds to pay the costs incurred by the operation and maintenance of CURES. The department shall annually report to the Legislature and make available to the public the amount and source of funds it receives for support of CURES.

(c)(1) The operation of CURES shall comply with all applicable federal and state privacy and security laws and regulations.

(2)(A) CURES shall operate under existing provisions of law to safeguard the privacy and confidentiality of patients. Data obtained from CURES shall only be provided to appropriate state, local, and federal public agencies for disciplinary, civil, or criminal purposes and to other agencies or entities, as determined by the department, for the purpose of educating practitioners and others in lieu of disciplinary, civil, or criminal actions. Data may be provided to public or private entities, as approved by the department, for educational, peer review, statistical, or

research purposes, if patient information, including information that may identify the patient, is not compromised. The University of California shall be provided access to identifiable data for research purposes if the requirements of subdivision (t) of Section 1798.24 of the Civil Code are satisfied. Further, data disclosed to an individual or agency as described in this subdivision shall not be disclosed, sold, or transferred to a third party, unless authorized by, or pursuant to, state and federal privacy and security laws and regulations. The department shall establish policies, procedures, and regulations regarding the use, access, evaluation, management, implementation, operation, storage, disclosure, and security of the information within CURES, consistent with this subdivision.

(B) Notwithstanding subparagraph (A), a regulatory board whose licensees do not prescribe, order, administer, furnish, or dispense controlled substances shall not be provided data obtained from CURES.

(3) The department shall, no later than January 1, 2021, adopt regulations regarding the access and use of the information within CURES. The department shall consult with all stakeholders identified by the department during the rulemaking process. The regulations shall, at a minimum, address all of the following in a manner consistent with this chapter:

(A) The process for approving, denying, and disapproving individuals or entities seeking access to information in CURES.

(B) The purposes for which a health care practitioner may access information in CURES.

(C) The conditions under which a warrant, subpoena, or court order is required for a law enforcement agency to obtain information from CURES as part of a criminal investigation.

(D) The process by which information in CURES may be provided for educational, peer review, statistical, or research purposes.

(4) In accordance with federal and state privacy laws and regulations, a health care practitioner may provide a patient with a copy of the patient's CURES patient activity report as long as no additional CURES data are provided and the health care practitioner keeps a copy of the report in the patient's medical record in compliance with subdivision (d) of Section 11165.1.

(d) For each prescription for a Schedule II, Schedule III, Schedule IV, or Schedule V controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, 1308.14, and 1308.15, respectively, of Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other dispenser shall report the following information to the department or contracted prescription data processing vendor as soon as reasonably possible, but not more than one working day after the date a controlled substance is released to the patient or patient's representative, in a format specified by the department:

(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender and date of birth of the ultimate user.

(2) The prescriber's category of licensure, license number, national provider identifier (NPI) number, if applicable, the federal controlled substance registration number, and the state medical license number of a prescriber using the federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.

(4) National Drug Code (NDC) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

(6) The International Statistical Classification of Diseases (ICD) Code contained in the most current ICD revision, or any revision deemed sufficient by the State Board of Pharmacy, if available.



- (7) Number of refills ordered.
- (8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.
- (9) Prescribing date of the prescription.
- (10) Date of dispensing of the prescription.
- (11) The serial number for the corresponding prescription form, if applicable.

(e) The department may invite stakeholders to assist, advise, and make recommendations on the establishment of rules and regulations necessary to ensure the proper administration and enforcement of the CURES database. A prescriber or dispenser invitee shall be licensed by one of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, in active practice in California, and a regular user of CURES.

(f) The department shall, prior to upgrading CURES, consult with prescribers licensed by one of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, one or more of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, and any other stakeholder identified by the department, for the purpose of identifying desirable capabilities and upgrades to the CURES Prescription Drug Monitoring Program (PDMP).

(g) The department may establish a process to educate authorized subscribers of the CURES PDMP on how to access and use the CURES PDMP.

(h)(1) The department may enter into an agreement with an entity operating an interstate data sharing hub, or an agency operating a prescription drug monitoring program in another state, for purposes of interstate data sharing of prescription drug monitoring program information.

(2) Data obtained from CURES may be provided to authorized users of another state's prescription drug monitoring program, as determined by the department pursuant to subdivision (c), if the entity operating the interstate data sharing hub, and the prescription drug monitoring program of that state, as applicable, have entered into an agreement with the department for interstate data sharing of prescription drug monitoring program information.

(3) An agreement entered into by the department for purposes of interstate data sharing of prescription drug monitoring program information shall ensure that all access to data obtained from CURES and the handling of data contained within CURES comply with California law, including regulations, and meet the same patient privacy, audit, and data security standards employed and required for direct access to CURES.

(4) For purposes of interstate data sharing of CURES information pursuant to this subdivision, an authorized user of another state's prescription drug monitoring program shall not be required to register with CURES, if the authorized user is registered and in good standing with that state's prescription drug monitoring program.

(5) The department shall not enter into an agreement pursuant to this subdivision until the department has issued final regulations regarding the access and use of the information within CURES as required by paragraph (3) of subdivision (c).

(i) Notwithstanding subdivision (d), a veterinarian shall report the information required by that subdivision to the department as soon as reasonably possible, but not more than seven days after the date a controlled substance is dispensed.

(j) If the dispensing pharmacy, clinic, or other dispenser experiences a temporary technological or electrical failure, it shall, without undue delay, seek to correct any cause of the temporary technological or electrical failure that is reasonably within its control. The deadline for transmitting prescription information to the department or contracted prescription data processing vendor pursuant to subdivision (d) shall be extended until the failure is corrected. If the dispensing pharmacy, clinic, or other dispenser experiences technological limitations that are not reasonably within its control, or is impacted by a

natural or manmade disaster, the deadline for transmitting prescription information to the department or contracted prescription data processing vendor shall be extended until normal operations have resumed.

**HISTORY:**

Added Stats 2019 ch 677 § 6 (AB 528), effective January 1, 2020, operative January 1, 2021. Amended Stats 2021 ch 618 § 5 (AB 527), effective January 1, 2022.

**§ 11165.1. Application to access controlled substance history; Guidelines; Referral by Department of Justice; Confidentiality; Liability**

(a)(1)(A)(i) A health care practitioner authorized to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, Schedule IV, or Schedule V controlled substances pursuant to Section 11150 shall, upon receipt of a federal Drug Enforcement Administration (DEA) registration, submit an application developed by the department to obtain approval to electronically access information regarding the controlled substance history of a patient that is maintained by the department. Upon approval, the department shall release to the practitioner or their delegate the electronic history of controlled substances dispensed to an individual under the practitioner's care based on data contained in the CURES Prescription Drug Monitoring Program (PDMP).

(ii) A pharmacist shall, upon licensure, submit an application developed by the department to obtain approval to electronically access information regarding the controlled substance history of a patient that is maintained by the department. Upon approval, the department shall release to the pharmacist or their delegate the electronic history of controlled substances dispensed to an individual under the pharmacist's care based on data contained in the CURES PDMP.

(iii) A licensed physician and surgeon who does not hold a DEA registration may submit an application developed by the department to obtain approval to electronically access information regarding the controlled substance history of the patient that is maintained by the department. Upon approval, the department shall release to the physician and surgeon or their delegate the electronic history of controlled substances dispensed to a patient under their care based on data contained in the CURES PDMP.

(iv) The department shall implement its duties described in clauses (i), (ii), and (iii) upon completion of any technological changes to the CURES database necessary to support clauses (i), (ii), and (iii), or by October 1, 2022, whichever is sooner.

(B) The department may deny an application or suspend a subscriber, for reasons that include, but are not limited to, the following:

(i) Materially falsifying an application to access information contained in the CURES database.

(ii) Failing to maintain effective controls for access to the patient activity report.

(iii) Having their federal DEA registration suspended or revoked.

(iv) Violating a law governing controlled substances or another law for which the possession or use of a controlled substance is an element of the crime.

(v) Accessing information for a reason other than to diagnose or treat a patient, or to document compliance with the law.

(C) An authorized subscriber shall notify the department within 30 days of a change to the subscriber account.

(D) An approved health care practitioner, pharmacist, or a person acting on behalf of a health care practitioner or pharmacist pursuant to subdivision (b) of Section 209 of the Business and Professions Code may use the department's online portal or a health information technology system that meets the criteria required in subparagraph (E) to access information in the CURES database pursuant to this section. A

subscriber who uses a health information technology system that meets the criteria required in subparagraph (E) to access the CURES database may submit automated queries to the CURES database that are triggered by predetermined criteria.

(E) An approved health care practitioner or pharmacist may submit queries to the CURES database through a health information technology system if the entity that operates the health information technology system certifies all of the following:

(i) The entity will not use or disclose data received from the CURES database for a purpose other than delivering the data to an approved health care practitioner or pharmacist or performing data processing activities that may be necessary to enable the delivery unless authorized by, and pursuant to, state and federal privacy and security laws and regulations.

(ii) The health information technology system will authenticate the identity of an authorized health care practitioner or pharmacist initiating queries to the CURES database and, at the time of the query to the CURES database, the health information technology system submits the following data regarding the query to CURES:

- (I) The date of the query.
- (II) The time of the query.
- (III) The first and last name of the patient queried.
- (IV) The date of birth of the patient queried.
- (V) The identification of the CURES user for whom the system is making the query.

(iii) The health information technology system meets applicable patient privacy and information security requirements of state and federal law.

(iv) The entity has entered into a memorandum of understanding with the department that solely addresses the technical specifications of the health information technology system to ensure the security of the data in the CURES database and the secure transfer of data from the CURES database. The technical specifications shall be universal for all health information technology systems that establish a method of system integration to retrieve information from the CURES database. The memorandum of understanding shall not govern, or in any way impact or restrict, the use of data received from the CURES database or impose any additional burdens on covered entities in compliance with the regulations promulgated pursuant to the federal Health Insurance Portability and Accountability Act of 1996 found in Parts 160 and 164 of Title 45 of the Code of Federal Regulations.

(F) No later than October 1, 2018, the department shall develop a programming interface or other method of system integration to allow health information technology systems that meet the requirements in subparagraph (E) to retrieve information in the CURES database on behalf of an authorized health care practitioner or pharmacist.

(G) The department shall not access patient-identifiable information in an entity's health information technology system.

(H) An entity that operates a health information technology system that is requesting to establish an integration with the CURES database shall pay a reasonable fee to cover the cost of establishing and maintaining integration with the CURES database.

(I) The department may prohibit integration or terminate a health information technology system's ability to retrieve information in the CURES database if the health information technology system fails to meet the requirements of subparagraph (E), or the entity operating the health information technology system does not fulfill its obligation under subparagraph (H).

(2) A health care practitioner authorized to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, Schedule IV, or Schedule V controlled substances pursuant to Section 11150 or a pharmacist shall be deemed to have complied with

paragraph (1) if the licensed health care practitioner or pharmacist has been approved to access the CURES database through the process developed pursuant to subdivision (a) of Section 209 of the Business and Professions Code.

(b) A request for, or release of, a controlled substance history pursuant to this section shall be made in accordance with guidelines developed by the department.

(c) In order to prevent the inappropriate, improper, or illegal use of Schedule II, Schedule III, Schedule IV, or Schedule V controlled substances, the department may initiate the referral of the history of controlled substances dispensed to an individual based on data contained in CURES to licensed health care practitioners, pharmacists, or both, providing care or services to the individual.

(d) The history of controlled substances dispensed to an individual based on data contained in CURES that is received by a practitioner or pharmacist from the department pursuant to this section is medical information subject to the provisions of the Confidentiality of Medical Information Act contained in Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code.

(e) Information concerning a patient's controlled substance history provided to a practitioner or pharmacist pursuant to this section shall include prescriptions for controlled substances listed in Sections 1308.12, 1308.13, 1308.14, and 1308.15 of Title 21 of the Code of Federal Regulations.

(f) A health care practitioner, pharmacist, or a person acting on behalf of a health care practitioner or pharmacist, when acting with reasonable care and in good faith, is not subject to civil or administrative liability arising from false, incomplete, inaccurate, or misattributed information submitted to, reported by, or relied upon in the CURES database or for a resulting failure of the CURES database to accurately or timely report that information.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Automated basis" means using predefined criteria to trigger an automated query to the CURES database, which can be attributed to a specific health care practitioner or pharmacist.

(2) "Department" means the Department of Justice.

(3) "Entity" means an organization that operates, or provides or makes available, a health information technology system to a health care practitioner or pharmacist.

(4) "Health information technology system" means an information processing application using hardware and software for the storage, retrieval, sharing of or use of patient data for communication, decisionmaking, coordination of care, or the quality, safety, or efficiency of the practice of medicine or delivery of health care services, including, but not limited to, electronic medical record applications, health information exchange systems, or other interoperable clinical or health care information system.

(h) This section shall become operative on July 1, 2021, or upon the date the department promulgates regulations to implement this section and posts those regulations on its internet website, whichever date is earlier.

**HISTORY:**

Added Stats 2019 ch 677 § 8 (AB 528), effective January 1, 2020, operative July 1, 2021. Amended Stats 2021 ch 77 § 20 (AB 137), effective July 16, 2021.

**§ 11165.2. Department of Justice audits of CURES Prescription Drug Monitoring Program system and users; Citations for subscriber violations; Required provisions; Payment of fine as satisfactory resolution; Deposit of administrative fines; Sanctions separate**

(a) The Department of Justice may conduct audits of the CURES Prescription Drug Monitoring Program system and its users.

(b) The Department of Justice may establish, by regulation, a system for the issuance to a CURES Prescription Drug Monitoring Program subscriber of a citation which may

contain an order of abatement, or an order to pay an administrative fine assessed by the Department of Justice if the subscriber is in violation of any provision of this chapter or any regulation adopted by the Department of Justice pursuant to this chapter.

(c) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law or regulation of the department determined to have been violated.

(2) Whenever appropriate, the citation shall contain an order of abatement establishing a reasonable time for abatement of the violation.

(3) In no event shall the administrative fine assessed by the department exceed two thousand five hundred dollars (\$2,500) for each violation. In assessing a fine, due consideration shall be given to the appropriateness of the amount of the fine with respect to such factors as the gravity of the violation, the good faith of the subscribers, and the history of previous violations.

(4) An order of abatement or a fine assessment issued pursuant to a citation shall inform the subscriber that if the subscriber desires a hearing to contest the finding of a violation, a hearing shall be requested by written notice to the CURES Prescription Drug Monitoring Program within 30 days of the date of issuance of the citation or assessment. 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.

(5) In addition to requesting a hearing, the subscriber may, within 10 days after service of the citation, request in writing an opportunity for an informal conference with the department regarding the citation. At the conclusion of the informal conference, the department may affirm, modify, or dismiss the citation, including any fine levied or order of abatement issued. The decision shall be deemed to be a final order with regard to the citation issued, including the fine levied or the order of abatement which could include permanent suspension to the system, a monetary fine, or both, depending on the gravity of the violation. However, the subscriber does not waive its right to request a hearing to contest a citation by requesting an informal conference. If the citation is affirmed, a formal hearing may be requested within 30 days of the date the citation was affirmed. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for a subsequent citation, it shall be requested within 30 days of service of that subsequent citation.

(6) Failure of a subscriber to pay a fine within 30 days of the date of assessment or comply with an order of abatement within the fixed time, unless the citation is being appealed, may result in disciplinary action taken by the department. If a citation is not contested and a fine is not paid, the subscriber account will be terminated:

(A) A citation may be issued without the assessment of an administrative fine.

(B) Assessment of administrative fines may be limited to only particular violations of law or department regulations.

(d) Notwithstanding any other provision of 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 a satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the CURES Program Special Fund, available upon appropriation by the Legislature. These special funds shall provide support for costs associated with informal and formal hearings, maintenance, and updates to the CURES Prescription Drug Monitoring Program.

(f) The sanctions authorized under this section shall be separate from, and in addition to, any other administrative, civil, or criminal remedies; however, a criminal action may not be initiated for a specific offense if a citation has been issued pursuant to this section

for that offense, and a citation may not be issued pursuant to this section for a specific offense if a criminal action for that offense has been filed.

(g) Nothing in this section shall be deemed to prevent the department from serving and prosecuting an accusation to suspend or revoke a subscriber if grounds for that suspension or revocation exist.

**HISTORY:**

Added Stats 2011 ch 418 § 5 (SB 360), effective January 1, 2012.

**§ 11165.3. Report of theft or loss of prescription forms**

The theft or loss of prescription forms shall be reported immediately by the security printer or affected prescriber to the CURES Prescription Drug Monitoring Program, but no later than three days after the discovery of the theft or loss. This notification may be done in writing utilizing the approved Department of Justice form or may be reported by the authorized subscriber through the CURES Prescription Drug Monitoring Program.

**HISTORY:**

Added Stats 2011 ch 418 § 6 (SB 360), effective January 1, 2012. Amended Stats 2012 ch 867 § 7 (SB 1144), effective January 1, 2013.

**§ 11165.4. Duty to consult CURES database; Liability for failure to consult [Operative date contingent]**

(a)(1)(A)(i) A health care practitioner authorized to prescribe, order, administer, or furnish a controlled substance shall consult the patient activity report or information from the patient activity report obtained from the CURES database to review a patient's controlled substance history for the past 12 months before prescribing a Schedule II, Schedule III, or Schedule IV controlled substance to the patient for the first time and at least once every six months thereafter if the prescriber renews the prescription and the substance remains part of the treatment of the patient.

(ii) If a health care practitioner authorized to prescribe, order, administer, or furnish a controlled substance is not required, pursuant to an exemption described in subdivision (c), to consult the patient activity report from the CURES database the first time the health care practitioner prescribes, orders, administers, or furnishes a controlled substance to a patient, the health care practitioner shall consult the patient activity report from the CURES database to review the patient's controlled substance history before subsequently prescribing a Schedule II, Schedule III, or Schedule IV controlled substance to the patient and at least once every six months thereafter if the prescriber renews the prescription and the substance remains part of the treatment of the patient.

(iii) A health care practitioner who did not directly access the CURES database to perform the required review of the controlled substance use report shall document in the patient's medical record that they reviewed the CURES database generated report within 24 hours of the controlled substance prescription that was provided to them by another authorized user of the CURES database.

(B) For purposes of this paragraph, "first time" means the initial occurrence in which a health care practitioner, in their role as a health care practitioner, intends to prescribe, order, administer, or furnish a Schedule II, Schedule III, or Schedule IV controlled substance to a patient and has not previously prescribed a controlled substance to the patient.

(2) A health care practitioner shall review a patient's controlled substance history that has been obtained from the CURES database no earlier than 24 hours, or the previous business day, before the health care practitioner prescribes, orders, administers, or furnishes a Schedule II, Schedule III, or Schedule IV controlled substance to the patient.

(b) The duty to consult the CURES database, as described in subdivision (a), does not apply to veterinarians or pharmacists.

(c) The duty to consult the CURES database, as described in subdivision (a), does not apply to a health care practitioner in any of the following circumstances:

(1) If a health care practitioner prescribes, orders, or furnishes a controlled substance to be administered to a patient in any of the following facilities or during a transfer between any of the following facilities, or for use while on facility premises:

(A) A licensed clinic, as described in Chapter 1 (commencing with Section 1200) of Division 2.

(B) An outpatient setting, as described in Chapter 1.3 (commencing with Section 1248) of Division 2.

(C) A health facility, as described in Chapter 2 (commencing with Section 1250) of Division 2.

(D) A county medical facility, as described in Chapter 2.5 (commencing with Section 1440) of Division 2.

(E) Another medical facility, including, but not limited to, an office of a health care practitioner and an imaging center.

(F) A correctional clinic, as described in Section 4187 of the Business and Professions Code, or a correctional pharmacy, as described in Section 4021.5 of the Business and Professions Code.

(2) If a health care practitioner prescribes, orders, administers, or furnishes a controlled substance in the emergency department of a general acute care hospital and the quantity of the controlled substance does not exceed a nonrefillable seven-day supply of the controlled substance to be used in accordance with the directions for use.

(3) If a health care practitioner prescribes, orders, administers, or furnishes buprenorphine or other controlled substance containing buprenorphine in the emergency department of a general acute care hospital.

(4) If a health care practitioner prescribes, orders, administers, or furnishes a controlled substance to a patient as part of the patient's treatment for a surgical, radiotherapeutic, therapeutic, or diagnostic procedure and the quantity of the controlled substance does not exceed a nonrefillable seven-day supply of the controlled substance to be used in accordance with the directions for use, in any of the following facilities:

(A) A licensed clinic, as described in Chapter 1 (commencing with Section 1200) of Division 2.

(B) An outpatient setting, as described in Chapter 1.3 (commencing with Section 1248) of Division 2.

(C) A health facility, as described in Chapter 2 (commencing with Section 1250) of Division 2.

(D) A county medical facility, as described in Chapter 2.5 (commencing with Section 1440) of Division 2.

(E) A place of practice, as defined in Section 1658 of the Business and Professions Code.

(F) Another medical facility where surgical procedures are permitted to take place, including, but not limited to, the office of a health care practitioner.

(5) If a health care practitioner prescribes, orders, administers, or furnishes a controlled substance to a patient who is terminally ill, as defined in subdivision (c) of Section 11159.2.

(6)(A) If all of the following circumstances are satisfied:

(i) It is not reasonably possible for a health care practitioner to access the information in the CURES database in a timely manner.

(ii) Another health care practitioner or designee authorized to access the CURES database is not reasonably available.

(iii) The quantity of controlled substance prescribed, ordered, administered, or furnished does not exceed a nonrefillable seven-day supply of the controlled

substance to be used in accordance with the directions for use and no refill of the controlled substance is allowed.

(B) A health care practitioner who does not consult the CURES database under subparagraph (A) shall document the reason they did not consult the database in the patient's medical record.

(7) If the CURES database is not operational, as determined by the department, or cannot be accessed by a health care practitioner because of a temporary technological or electrical failure. A health care practitioner shall, without undue delay, seek to correct the cause of the temporary technological or electrical failure that is reasonably within the health care practitioner's control.

(8) If the CURES database cannot be accessed because of technological limitations that are not reasonably within the control of a health care practitioner.

(9) If consultation of the CURES database would, as determined by the health care practitioner, result in a patient's inability to obtain a prescription in a timely manner and thereby adversely impact the patient's medical condition, provided that the quantity of the controlled substance does not exceed a nonrefillable seven-day supply if the controlled substance were used in accordance with the directions for use.

(d)(1) A health care practitioner who fails to consult the CURES database, as described in subdivision (a), shall be referred to the appropriate state professional licensing board solely for administrative sanctions, as deemed appropriate by that board.

(2) This section does not create a private cause of action against a health care practitioner. This section does not limit a health care practitioner's liability for the negligent failure to diagnose or treat a patient.

(e) All applicable state and federal privacy laws govern the duties required by this section.

(f) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(g) This section shall become operative on July 1, 2021, or upon the date the department promulgates regulations to implement this section and posts those regulations on its internet website, whichever date is earlier.

**HISTORY:**

Added Stats 2019 ch 677 § 10 (AB 528), effective January 1, 2020, operative date contingent. Amended Stats 2023 ch 144 § 1 (AB 1731), effective January 1, 2024, operative date contingent.

**§ 11165.5. Donations to CURES Fund**

(a) The Department of Justice may seek voluntarily contributed private funds from insurers, health care service plans, qualified manufacturers, and other donors for the purpose of supporting CURES. Insurers, health care service plans, qualified manufacturers, and other donors may contribute by submitting their payment to the Controller for deposit into the CURES Fund established pursuant to subdivision (c) of Section 208 of the Business and Professions Code. The department shall make information about the amount and the source of all private funds it receives for support of CURES available to the public. Contributions to the CURES Fund pursuant to this subdivision shall be nondeductible for state tax purposes.

(b) For purposes of this section, the following definitions apply:

(1) "Controlled substance" means a drug, substance, or immediate precursor listed in any schedule in Section 11055, 11056, or 11057 of the Health and Safety Code.

(2) "Health care service plan" means an entity 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).

(3) "Insurer" means an admitted insurer writing health insurance, as defined in Section 106 of the Insurance Code, and an admitted insurer writing worker's compensation insurance, as defined in Section 109 of the Insurance Code.



(4) “Qualified manufacturer” means a manufacturer of a controlled substance, but does not mean a wholesaler or nonresident wholesaler of dangerous drugs, regulated pursuant to Article 11 (commencing with Section 4160) of Chapter 9 of Division 2 of the Business and Professions Code, a veterinary food-animal drug retailer, regulated pursuant to Article 15 (commencing with Section 4196) of Chapter 9 of Division 2 of the Business and Professions Code, or an individual regulated by the Medical Board of California, the Dental Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Registered Nursing, the Physician Assistant Committee of the Medical Board of California, the Osteopathic Medical Board of California, the State Board of Optometry, or the California Board of Podiatric Medicine.

**HISTORY:**

Added Stats 2013 ch 400 § 8 (SB 809), effective January 1, 2014.

**§ 11167. Emergency order for controlled substance; Requirements**

Notwithstanding subdivision (a) of Section 11164, in an emergency where failure to issue a prescription may result in loss of life or intense suffering, an order for a controlled substance may be dispensed on an oral order, an electronic data transmission order, or a written order not made on a controlled substance form as specified in Section 11162.1, subject to all of the following requirements:

(a) The order contains all information required by subdivision (a) of Section 11164.

(b) Any written order is signed and dated by the prescriber in ink, and the pharmacy reduces any oral or electronic data transmission order to hard copy form prior to dispensing the controlled substance.

(c) The prescriber provides a written prescription on a controlled substance prescription form that meets the requirements of Section 11162.1, by the seventh day following the transmission of the initial order; a postmark by the seventh day following transmission of the initial order shall constitute compliance.

(d) If the prescriber fails to comply with subdivision (c), the pharmacy shall so notify the Department of Justice in writing within 144 hours of the prescriber’s failure to do so and shall make and retain a hard copy, readily retrievable record of the prescription, including the date and method of notification of the Department of Justice.

(e) This section shall become operative on January 1, 2005.

**HISTORY:**

Added Stats 2003 ch 406 § 22 (SB 151), operative January 1, 2005. Amended Stats 2012 ch 867 § 8 (SB 1144), effective January 1, 2013.

**§ 11168. [Section repealed 2008.]**

**HISTORY:**

Added Stats 1972 ch 1407 § 3, a s H & S C § 11166. Amended and renumbered Stats 1976 ch 896 § 12; Amended Stats 2003 ch 406 § 25 (SB 151). Repealed, January 1, 2008, by its own terms. The repealed section related to retention and preservation of prescription book.

**§ 11170. Prescription of controlled substances for self use**

No person shall prescribe, administer, or furnish a controlled substance for himself.

**HISTORY:**

Added Stats 1972 ch 1407 § 3.

**ARTICLE 2  
PRESCRIBER’S RECORD**

Section

11190. Contents of record of practitioner, other than pharmacist, issuing prescription, or dispensing or administering controlled substance.

Section  
11191. Preservation of record: Violations.

**HISTORY:** Added Stats 1972 ch 1407 § 3.

**§ 11190. Contents of record of practitioner, other than pharmacist, issuing prescription, or dispensing or administering controlled substance**

(a) Every practitioner, other than a pharmacist, who prescribes or administers a controlled substance classified in Schedule II shall make a record that, as to the transaction, shows all of the following:

- (1) The name and address of the patient.
- (2) The date.

(3) The character, including the name and strength, and quantity of controlled substances involved.

(b) The prescriber's record shall show the pathology and purpose for which the controlled substance was administered or prescribed.

(c)(1) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance that is dispensed by a prescriber pursuant to Section 4170 of the Business and Professions Code, the prescriber shall record and maintain the following information:

(A) Full name, address, and the telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of birth of the patient.

(B) The prescriber's category of licensure and license number; federal controlled substance registration number; and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.

(C) NDC (National Drug Code) number of the controlled substance dispensed.

(D) Quantity of the controlled substance dispensed.

(E) ICD-9 (diagnosis code), if available.

(F) Number of refills ordered.

(G) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(H) Date of origin of the prescription.

(2)(A) Each prescriber that dispenses controlled substances shall provide the Department of Justice the information required by this subdivision on a weekly basis in a format set by the Department of Justice pursuant to regulation.

(B) The reporting requirement in this section shall not apply to the direct administration of a controlled substance to the body of an ultimate user.

(d) This section shall become operative on January 1, 2005.

(e) The reporting requirement in this section for Schedule IV controlled substances shall not apply to any of the following:

(1) The dispensing of a controlled substance in a quantity limited to an amount adequate to treat the ultimate user involved for 48 hours or less.

(2) The administration or dispensing of a controlled substance in accordance with any other exclusion identified by the United States Health and Human Service Secretary for the National All Schedules Prescription Electronic Reporting Act of 2005.

(f) Notwithstanding paragraph (2) of subdivision (c), the reporting requirement of the information required by this section for a Schedule II or Schedule III controlled substance, in a format set by the Department of Justice pursuant to regulation, shall be on a monthly basis for all of the following:

(1) The dispensing of a controlled substance in a quantity limited to an amount adequate to treat the ultimate user involved for 48 hours or less.

(2) The administration or dispensing of a controlled substance in accordance with any other exclusion identified by the United States Health and Human Service Secretary for the National All Schedules Prescription Electronic Reporting Act of 2005.

**HISTORY:**

Added Stats 2003 ch 406 § 29 (SB 151), operative January 1, 2005. Amended Stats 2004 ch 573 § 5 (AB 30), effective September 18, 2004, operative January 1, Stats 2005, ch 487 § 7 (SB 734), effective January 1, 2006; Stats 2006 ch 286 § 5 (AB 2986), effective January 1, 2007.

**§ 11191. Preservation of record; Violations**

The record shall be preserved for three years.

Every person who violates any provision of this section is guilty of a misdemeanor.

**HISTORY:**

Added Stats 1972 ch 1407 § 3. Amended Stats 1976 ch 896 § 23.

**CHAPTER 5**  
**USE OF CONTROLLED SUBSTANCES**  
**ARTICLE 3**  
**VETERINARIANS**

Section

11240. Prohibited prescribing or administering for human being.

11241. Information in prescription.

**HISTORY:** Added Stats 1972 ch 1407 § 3. Heading of Article 4, consisting of H & S C §§ 11240, 11241, was renumbered Article 3 by Stats 1985 ch 1098 § 2, effective September 27, 1985. Former Article 3, entitled "Physicians' Report", consisting of H & S C §§ 11230, 11231, was added Stats 1972 ch 1407 § 2 and repealed Stats 1985 ch 1098 § 1.5, effective September 27, 1985.

**§ 11240. Prohibited prescribing or administering for human being**

No veterinarian shall prescribe, administer, or furnish a controlled substance for himself or any other human being.

**HISTORY:**

Added Stats 1972 ch 1407 § 3.

**§ 11241. Information in prescription**

A prescription written by a veterinarian shall state the kind of animal for which ordered and the name and address of the owner or person having custody of the animal.

**HISTORY:**

Added Stats 1972 ch 1407 § 3.

**ARTICLE 4**  
**SALE WITHOUT PRESCRIPTION**

Section

11250. Persons to whom retail sales permitted without prescription; Execution of order required by federal law.

**HISTORY:** Added Stats 1972 ch 1407 § 3. Heading of Article 5, consisting of H & S C §§ 11250–11256, renumbered by Stats 1985 ch 1098 § 3, effective September 27, 1985. Former Article 4, entitled “Veterinarians”, consisting of H & S C §§ 11240, 11241, was renumbered Article 3 by Stats 1985 ch 1098 § 2, effective September 27, 1985.

**§ 11250. Persons to whom retail sales permitted without prescription; Execution of order required by federal law**

(a) No prescription is required in case of the sale of controlled substances at retail in pharmacies by pharmacists to any of the following:

- (1) Physicians.
- (2) Dentists.
- (3) Podiatrists.
- (4) Veterinarians.

(5) Pharmacists acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107, or registered nurses acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107, or physician assistants acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107.

- (6) Optometrist.

(b) In any sale mentioned in this article, there shall be executed any written order that may otherwise be required by federal law relating to the production, importation, exportation, manufacture, compounding, distributing, dispensing, or control of controlled substances.

**HISTORY:**

Added Stats 1972 ch 1407 § 3. Amended Stats 1977 ch 843 § 21; Stats 1996 ch 1023 § 200 (SB 1497), effective September 29, 1996; Stats 2003 ch 426 § 4 (AB 186).

**DIVISION 104**  
**ENVIRONMENTAL HEALTH**  
**PART 9**  
**RADIATION**  
**CHAPTER 8**  
**RADIATION CONTROL LAW**  
**ARTICLE 14**  
**PENALTIES**

Section  
115220. Additional penalty for intentional violations.

**HISTORY:** Added Stats 1995 ch 415 § 6.

**§ 115220. Additional penalty for intentional violations**

(a) Any person who intentionally or through gross negligence violates any provision of this chapter, or any rule or regulation adopted pursuant thereto, or who fails or refuses

GENERAL LAWS

to comply with a cease and desist order or other order of the department issued thereunder, and that action causes a substantial danger to the health of others, shall be liable to the department for a civil penalty not to exceed five thousand dollars (\$5,000) per day, per offense.

(b) The remedies under this section are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.

**HISTORY:**

Added Stats 1995 ch 415 § 6 (SB 1360).

**DIVISION 105**  
**COMMUNICABLE DISEASE PREVENTION AND CONTROL**  
**PART 6**  
**VETERINARY PUBLIC HEALTH AND SAFETY**  
**CHAPTER 1.5**  
**DOG IMPORTATION: HEALTH CERTIFICATES**

Section

121720. Health certificate required.

121721. Exceptions.

121722. Fees.

121723. Penalty for violation.

**HISTORY:** Added Stats 2014 ch 498 § 1 (AB 1809), effective January 1, 2015.

**§ 121720. Health certificate required**

(a)(1) A person seeking to bring a dog into this state or importing dogs into this state for the purpose of resale or change of ownership shall obtain a health certificate with respect to that dog that has been completed by a licensed veterinarian and is dated within 10 days prior to the date on which the dog is brought into the state.

(2) The person seeking to bring the dog into this state or importing dogs into this state for the purpose of resale or change of ownership shall submit the health certificate to the county health department as provided in subdivision (c). The person shall submit the health certificate to the county health department by any method accepted by the receiving agency, including, but not limited to, electronic transmission and facsimile.

(b) Completion of a United States Department of Agriculture Animal and Plant Health Inspection Service Form 7001, known as the United States Interstate and International Certificate of Health Examination for Small Animals, shall satisfy the requirement of subdivision (a). A different form of canine health certificate acceptable to the receiving agency shall also satisfy the requirement of subdivision (a).

(c) It shall be the responsibility of persons importing dogs into this state for the purpose of resale or change of ownership to send the health certificate to the county health department where the dog is to be offered for sale or to the county of residence of the individual purchasing or receiving a dog directly from a source outside of California.

(d) The receiving agency may use the information on the health certificate as it deems appropriate.

**HISTORY:**

Added Stats 2014 ch 498 § 1 (AB 1809), effective January 1, 2015.

**§ 121721. Exceptions**

(a) This chapter does not apply to a person who brings a dog into the state that will not be offered for resale or if the ownership of the dog is not expected to change.

(b) This chapter does not apply to the import of a dog used for law enforcement or military work, a guide dog, as defined by subdivision (d) of Section 365.5 of the Penal Code, or a dog imported as a result of a declared emergency as described by Section 8558 of the Government Code or an investigation by law enforcement of an alleged violation of state or federal animal fighting or animal cruelty laws.

**HISTORY:**

Added Stats 2014 ch 498 § 1 (AB 1809), effective January 1, 2015.

**§ 121722. Fees**

The agency that receives a form pursuant to Section 121720 may charge a fee in a reasonable amount sufficient to cover the costs associated with receiving and processing a health certificate submitted to the agency pursuant to this chapter.

**HISTORY:**

Added Stats 2014 ch 498 § 1 (AB 1809), effective January 1, 2015.

**§ 121723. Penalty for violation**

(a) A person who violates a provision of this chapter is guilty of an infraction, punishable by a fine not to exceed two hundred fifty dollars (\$250) for each dog for which a violation has occurred.

(b) In lieu of punishment pursuant to subdivision (a), authorized enforcement personnel may issue an administrative fine in the same amount specified in subdivision (a) or a correction warning to a person who violates a provision of this chapter, unless the violation endangers the health or safety of the animal, the animal has been wounded as a result of the violation, or an administrative fine or a correction warning has previously been issued to the individual. The administrative fine or correction warning shall require the person to correct the violation.

**HISTORY:**

Added Stats 2014 ch 498 § 1 (AB 1809), effective January 1, 2015.

GENERAL LAWS

# PENAL CODE

## PART 1

### OF CRIMES AND PUNISHMENTS

#### TITLE 14

#### MALICIOUS MISCHIEF

##### Section

597. Cruelty to animals.

597.1. Animals kept in specified places without proper care or attention.

597.4. Prohibition against selling or giving away live animals as part of commercial transactions; Violations; Penalties; Notice of charge.

597.5. Fighting dogs.

597.9. Owning, possessing, or maintaining any animal within specified period after conviction; Punishment; Exemption; Hearing.

597f. Abandoned or neglected animals; Duties of public authorities; Euthanasia [Repealed].

**HISTORY:** Enacted 1872.

#### § 597. Cruelty to animals

(a) Except as provided in subdivision (c) of this section or Section 599c, a person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable pursuant to subdivision (d).

(b) Except as otherwise provided in subdivision (a) or (c), a person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills an animal, or causes or procures an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of an animal, either as owner or otherwise, subjects an animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses an animal, or fails to provide the animal with proper food, drink, or shelter, or protection from the weather, or who drives, rides, or otherwise uses the animal when unfit for labor, is, for each offense, guilty of a crime punishable pursuant to subdivision (d).

(c) A person who maliciously and intentionally maims, mutilates, or tortures a mammal, bird, reptile, amphibian, or fish, as described in subdivision (e), is guilty of a crime punishable pursuant to subdivision (d).

(d) A violation of subdivision (a), (b), or (c) is punishable as a felony by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment, or alternatively, as a misdemeanor by imprisonment in a county jail for not more than one year, or by a fine of not more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment.

(e)(1) Subdivision (c) applies to a mammal, bird, reptile, amphibian, or fish that is a creature described as follows:

(A) Endangered species or threatened species as described in Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code.

(B) Fully protected birds described in Section 3511 of the Fish and Game Code.



(C) Fully protected mammals described in Chapter 8 (commencing with Section 4700) of Part 3 of Division 4 of the Fish and Game Code.

(D) Fully protected reptiles and amphibians described in Chapter 2 (commencing with Section 5050) of Division 5 of the Fish and Game Code.

(E) Fully protected fish as described in Section 5515 of the Fish and Game Code.

(2) This subdivision does not supersede or affect any law relating to taking of the described species, including, but not limited to, Section 12008 of the Fish and Game Code.

(f) For the purposes of subdivision (c), each act of malicious and intentional maiming, mutilating, or torturing a separate specimen of a creature described in subdivision (e) is a separate offense. If a person is charged with a violation of subdivision (c), the proceedings shall be subject to Section 12157 of the Fish and Game Code.

(g)(1) Upon the conviction of a person charged with a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, all animals lawfully seized and impounded with respect to the violation by a peace officer, officer of a humane society, or officer of an animal shelter or animal regulation department of a public agency shall be adjudged by the court to be forfeited and shall thereupon be awarded to the impounding officer for proper disposition. A person convicted of a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, shall be liable to the impounding officer for all costs of impoundment from the time of seizure to the time of proper disposition.

(2) Mandatory seizure or impoundment shall not apply to animals in properly conducted scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this state.

**HISTORY:**

Enacted Stats 1872. Amended Stats 1905 ch 519 § 1; Stats 1909 ch 661 § 1; Stats 1972 ch 779 § 1; Stats 1976 ch 1139 § 250, operative July 1, 1977; Stats 1979 ch 373 § 240; Stats 1984 ch 1215 § 8; Stats 1986 ch 846 § 1; Stats 1987 ch 56 § 122 (ch 814 prevails), ch 814 § 1; Stats 1988 ch 127 § 2, ch 1522 § 1, ch 1527 § 1, ch 1556 § 4; Stats 1998 ch 450 § 1 (SB 1991); Stats 2011 ch 15 § 410 (AB 109), effective April 4, 2011, operative October 1, 2011, ch 131 § 1.5 (SB 917), effective January 1, 2012; Stats 2019 ch 7 § 18 (AB 1553), effective January 1, 2020; Stats 2023 ch 546 § 2 (AB 829), effective January 1, 2024.

**§ 597.1. Animals kept in specified places without proper care or attention**

(a)(1) Every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor. Any peace officer, humane society officer, or animal control officer shall take possession of the stray or abandoned animal and shall provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the owner.

When the officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall immediately seize the animal and comply with subdivision (f). In all other cases, the officer shall comply with the provisions of subdivision (g). The full cost of caring for and treating any animal properly seized under this subdivision or pursuant to a search warrant shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid, if the seizure is upheld pursuant to this section.

(2) Notwithstanding any other law, if an animal control officer or humane officer, when necessary to protect the health and safety of a wild, stray, or abandoned animal or the health and safety of others, seeks to administer a tranquilizer that contains a controlled substance, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, to gain control of that animal, the officer may possess and administer that tranquilizer with direct or indirect supervision as determined by a licensed veterinarian, provided that the officer has met each of the following requirements:

(A) Has received training in the administration of tranquilizers from a licensed veterinarian. The training shall be approved by the California Veterinary Medical Board.

(B) Has successfully completed the firearms component of a course relating to the exercise of police powers, as set forth in Section 832.

(C) Is authorized by the officer's agency or organization to possess and administer the tranquilizer in accordance with a policy established by the agency or organization and approved by the veterinarian who obtained the controlled substance.

(D) Has successfully completed the euthanasia training set forth in Section 2039 of Title 16 of the California Code of Regulations.

(E) Has completed a state and federal fingerprinting background check and does not have any drug- or alcohol-related convictions.

(b) Every sick, disabled, infirm, or crippled animal, except a dog or cat, that is abandoned in any city, county, city and county, or judicial district may be humanely euthanized by the officer if, after a reasonable search, no owner of the animal can be found. It shall be the duty of all peace officers, humane society officers, and animal control officers to cause the animal to be humanely euthanized or rehabilitated and placed in a suitable home on information that the animal is stray or abandoned. The officer may likewise take charge of any animal, including a dog or cat, that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated, and provide care and treatment for the animal until it is deemed to be in a suitable condition to be returned to the owner. When the officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of an animal or the health or safety of others, the officer shall immediately seize the animal and comply with subdivision (f). In all other cases, the officer shall comply with subdivision (g). The full cost of caring for and treating any animal properly seized under this subdivision or pursuant to a search warrant shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid.

(c)(1) Any peace officer, humane society officer, or animal control officer shall convey all injured cats and dogs found without their owners in a public place directly to a veterinarian known by the officer to be a veterinarian who ordinarily treats dogs and cats for a determination of whether the animal shall be immediately and humanely euthanized or shall be hospitalized under proper care and given emergency treatment.

(2) If the owner does not redeem the animal within the locally prescribed waiting period, the veterinarian may personally perform euthanasia on the animal. If the animal is treated and recovers from its injuries, the veterinarian may keep the animal for purposes of adoption, provided the responsible animal control agency has first been contacted and has refused to take possession of the animal.

(3) Whenever any animal is transferred to a veterinarian in a clinic, such as an emergency clinic that is not in continuous operation, the veterinarian may, in turn, transfer the animal to an appropriate facility.

(4) If the veterinarian determines that the animal shall be hospitalized under proper care and given emergency treatment, the costs of any services that are provided pending the owner's inquiry to the responsible agency, department, or society shall be paid from the dog license fees, fines, and fees for impounding dogs in the city, county, or city and county in which the animal was licensed or, if the animal is unlicensed, shall be paid by the jurisdiction in which the animal was found, subject to the provision that this cost be repaid by the animal's owner. The full cost of caring for and treating any animal seized under this subdivision shall constitute a lien on the animal and the animal shall not be returned to the owner until the charges are paid. No veterinarian shall be criminally or civilly liable for any decision that the veterinarian makes or for services that the veterinarian provides pursuant to this subdivision.

(d) An animal control agency that takes possession of an animal pursuant to subdivision (c) shall keep records of the whereabouts of the animal from the time of

possession to the end of the animal's impoundment, and those records shall be available for inspection by the public upon request for three years after the date the animal's impoundment ended.

(e) Notwithstanding any other provision of this section, any peace officer, humane society officer, or any animal control officer may, with the approval of the officer's immediate superior, humanely euthanize any stray or abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to euthanize the animal.

(f) Whenever an officer authorized under this section seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall, before the commencement of any criminal proceedings authorized by this section, provide the owner or keeper of the animal, if known or ascertainable after reasonable investigation, with the opportunity for a postseizure hearing to determine the validity of the seizure or impoundment, or both.

(1) The agency shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice of the seizure or impoundment, or both, to the owner or keeper within 48 hours, excluding weekends and holidays. The notice shall include all of the following:

(A) The name, business address, and telephone number of the officer providing the notice.

(B) A description of the animal seized, including any identification upon the animal.

(C) The authority and purpose for the seizure or impoundment, including the time, place, and circumstances under which the animal was seized.

(D) A statement that, in order to receive a postseizure hearing, the owner or person authorized to keep the animal, or their agent, shall request the hearing by signing and returning an enclosed declaration of ownership or right to keep the animal to the agency providing the notice within 10 days, including weekends and holidays, of the date of the notice. The declaration may be returned by personal delivery or mail.

(E) A statement that the full cost of caring for and treating any animal properly seized under this section is a lien on the animal and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.

(2) The postseizure hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The seizing agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the seizure or impoundment of the animal and is not junior in rank to that person. The agency may use the services of a hearing officer from outside the agency for the purposes of complying with this section.

(3) Failure of the owner or keeper, or of their agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to a postseizure hearing or right to challenge their liability for costs incurred.

(4) The agency, department, or society employing the person who directed the seizure shall be responsible for the costs incurred for caring and treating the animal, if it is determined in the postseizure hearing that the seizing officer did not have reasonable grounds to believe very prompt action, including seizure of the animal, was required to protect the health or safety of the animal or the health or safety of others. If it is determined the seizure was justified, the owner or keeper shall be personally liable to the seizing agency for the full cost of the seizure and care of the animal. The charges for the seizure and care of the animal shall be a lien on the animal. The animal shall not be returned to its owner until the charges are paid and the owner demonstrates to the satisfaction of the seizing agency or the hearing officer that the owner can and will provide the necessary care for the animal.

(g) Where the need for immediate seizure is not present and before the commencement of any criminal proceedings authorized by this section, the agency shall provide the owner or keeper of the animal, if known or ascertainable after reasonable investigation, with the opportunity for a hearing before any seizure or impoundment of the animal. The owner shall produce the animal at the time of the hearing unless, before the hearing, the owner has made arrangements with the agency to view the animal upon request of the agency, or unless the owner can provide verification that the animal was humanely euthanized. Any person who willfully fails to produce the animal or provide the verification is guilty of an infraction, punishable by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000).

(1) The agency shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice stating the grounds for believing the animal should be seized under subdivision (a) or (b). The notice shall include all of the following:

(A) The name, business address, and telephone number of the officer providing the notice.

(B) A description of the animal to be seized, including any identification upon the animal.

(C) The authority and purpose for the possible seizure or impoundment.

(D) A statement that, in order to receive a hearing before any seizure, the owner or person authorized to keep the animal, or their agent, shall request the hearing by signing and returning the enclosed declaration of ownership or right to keep the animal to the officer providing the notice within two days, excluding weekends and holidays, of the date of the notice.

(E) A statement that the cost of caring for and treating any animal properly seized under this section is a lien on the animal, that any animal seized shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in a conclusive determination that the animal may properly be seized and that the owner shall be liable for the charges.

(2) The pre-seizure hearing shall be conducted within 48 hours, excluding weekends and holidays, after receipt of the request. The seizing agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who requests the seizure or impoundment of the animal and is not junior in rank to that person. The agency may use the services of a hearing officer from outside the agency for the purposes of complying with this section.

(3) Failure of the owner or keeper, or their agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to a pre-seizure hearing or right to challenge their liability for costs incurred pursuant to this section.

(4) The hearing officer, after the hearing, may affirm or deny the owner's or keeper's right to custody of the animal and, if reasonable grounds are established, may order the seizure or impoundment of the animal for care and treatment.

(h) If any animal is properly seized under this section or pursuant to a search warrant, the owner or keeper shall be personally liable to the seizing agency for the cost of the seizure and care of the animal. Further, if the charges for the seizure or impoundment and any other charges permitted under this section are not paid within 14 days of the seizure, or if the owner, within 14 days of notice of availability of the animal to be returned, fails to pay charges permitted under this section and take possession of the animal, the animal shall be deemed to have been abandoned and may be humanely euthanized or otherwise properly disposed of by the seizing agency.

(i) If the animal requires veterinary care and the humane society or public agency is not assured, within 14 days of the seizure of the animal, that the owner will provide the necessary care, the animal shall not be returned to its owner and shall be deemed to have been abandoned and may be humanely euthanized or otherwise properly disposed of by the seizing agency. A veterinarian may humanely euthanize an impounded animal without regard to the prescribed holding period when it has been determined that the

animal has incurred severe injuries or is incurably crippled. A veterinarian also may immediately humanely euthanize an impounded animal afflicted with a serious contagious disease unless the owner or the owner's agent immediately authorizes treatment of the animal by a veterinarian at the expense of the owner or agent.

(j) No animal properly seized under this section or pursuant to a search warrant shall be returned to its owner until the owner can demonstrate to the satisfaction of the seizing agency or hearing officer that the owner can and will provide the necessary care for the animal.

(k)(1) In the case of cats and dogs, before the final disposition of any criminal charges, the seizing agency or prosecuting attorney may file a petition in a criminal action requesting that, before that final disposition, the court issue an order forfeiting the animal to the city, county, or seizing agency. The petitioner shall serve a true copy of the petition upon the defendant and the prosecuting attorney.

(2) Upon receipt of the petition, the court shall set a hearing on the petition. The hearing shall be conducted within 14 days after the filing of the petition, or as soon as practicable.

(3) The petitioner shall have the burden of establishing beyond a reasonable doubt that, even in the event of an acquittal of the criminal charges, the owner will not legally be permitted to retain the animal in question. If the court finds that the petitioner has met its burden, the court shall order the immediate forfeiture of the animal as sought by the petition.

(4) Nothing in this subdivision is intended to authorize a seizing agency or prosecuting attorney to file a petition to determine an owner's ability to legally retain an animal pursuant to paragraph (3) of subdivision (l) if a petition has previously been filed pursuant to this subdivision.

(l)(1) Upon the conviction of a person charged with a violation of this section, or Section 597 or 597a, all animals lawfully seized and impounded with respect to the violation shall be adjudged by the court to be forfeited and shall thereupon be transferred to the impounding officer or appropriate public entity for proper adoption or other disposition. A person convicted of a violation of this section shall be personally liable to the seizing agency for all costs of impoundment from the time of seizure to the time of proper disposition. Upon conviction, the court shall order the convicted person to make payment to the appropriate public entity for the costs incurred in the housing, care, feeding, and treatment of the seized or impounded animals. Each person convicted in connection with a particular animal may be held jointly and severally liable for restitution for that particular animal. The payment shall be in addition to any other fine or sentence ordered by the court.

(2) The court may also order, as a condition of probation, that the convicted person be prohibited from owning, possessing, caring for, or residing with, animals of any kind, and require the convicted person to immediately deliver all animals in the convicted person's possession to a designated public entity for adoption or other lawful disposition or provide proof to the court that the person no longer has possession, care, or control of any animals. In the event of the acquittal or final discharge without conviction of the person charged, if the animal is still impounded, the animal has not been previously deemed abandoned pursuant to subdivision (h), the court has not ordered that the animal be forfeited pursuant to subdivision (k), the court shall, on demand, direct the release of seized or impounded animals to the defendant upon a showing of proof of ownership.

(3) Any questions regarding ownership shall be determined in a separate hearing by the court where the criminal case was finally adjudicated and the court shall hear testimony from any persons who may assist the court in determining ownership of the animal. If the owner is determined to be unknown or the owner is prohibited or unable to retain possession of the animals for any reason, the court shall order the animals to be released to the appropriate public entity for adoption or other lawful disposition. This section is not intended to cause the release of any animal, bird, reptile,

amphibian, or fish seized or impounded pursuant to any other statute, ordinance, or municipal regulation. This section shall not prohibit the seizure or impoundment of animals as evidence as provided for under any other provision of law.

(m) It shall be the duty of all peace officers, humane society officers, and animal control officers to use all currently acceptable methods of identification, both electronic and otherwise, to determine the lawful owner or caretaker of any seized or impounded animal. It shall also be their duty to make reasonable efforts to notify the owner or caretaker of the whereabouts of the animal and any procedures available for the lawful recovery of the animal and, upon the owner's and caretaker's initiation of recovery procedures, retain custody of the animal for a reasonable period of time to allow for completion of the recovery process. Efforts to locate or contact the owner or caretaker and communications with persons claiming to be the owner or caretaker shall be recorded and maintained and be made available for public inspection.

**HISTORY:**

Added Stats 1991 ch 4 § 1 (AB 35), effective December 13, 1990, operative January 1, 1991. Amended Stats 1998 ch 752 § 19 (SB 1785); Stats 2011 ch 553 § 1 (AB 1117), effective January 1, 2012; Stats 2012 ch 594 § 1 (SB 1162), effective September 26, 2012, ch 598 § 1.5 (SB 1500), effective January 1, 2013; Stats 2019 ch 7 § 19 (AB 1553), effective January 1, 2020.

**§ 597.4. Prohibition against selling or giving away live animals as part of commercial transactions; Violations; Penalties; Notice of charge**

(a) It shall be unlawful for any person to willfully do either of the following:

(1) Sell or give away as part of a commercial transaction a live animal on any street, highway, public right-of-way, parking lot, carnival, or boardwalk.

(2) Display or offer for sale, or display or offer to give away as part of a commercial transaction, a live animal, if the act of selling or giving away the live animal is to occur on any street, highway, public right-of-way, parking lot, carnival, or boardwalk.

(b)(1) A person who violates this section for the first time shall be guilty of an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250).

(2) A person who violates this section for the first time and by that violation either causes or permits any animal to suffer or be injured, or causes or permits any animal to be placed in a situation in which its life or health may be endangered, shall be guilty of a misdemeanor.

(3) A person who violates this section for a second or subsequent time shall be guilty of a misdemeanor.

(c) A person who is guilty of a misdemeanor violation of this section shall be punishable by a fine not to exceed one thousand dollars (\$1,000) per violation. The court shall weigh the gravity of the violation in setting the fine.

(d) A notice describing the charge and the penalty for a violation of this section may be issued by any peace officer, animal control officer, as defined in Section 830.9, or humane officer qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(e) This section shall not apply to the following:

(1) Events held by 4-H Clubs, Junior Farmers Clubs, or Future Farmers Clubs.

(2) The California Exposition and State Fair, district agricultural association fairs, or county fairs.

(3) Stockyards with respect to which the Secretary of the United States Department of Agriculture has posted notice that the stockyards are regulated by the federal Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 181 et seq.).

(4) The sale of cattle on consignment at any public cattle sales market, the sale of sheep on consignment at any public sheep sales market, the sale of swine on consignment at any public swine sales market, the sale of goats on consignment at any public goat sales market, and the sale of equines on consignment at any public equine sales market.

(5) Live animal markets regulated under Section 597.3.

(6) A public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group regulated under Division 14 (commencing with Section 30501) of the Food and Agricultural Code. For purposes of this section, "rescue group" is a not-for-profit entity whose primary purpose is the placement of dogs, cats, or other animals that have been removed from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter, or that have been surrendered or relinquished to the entity by the previous owner.

(7) The sale of fish or shellfish, live or dead, from a fishing vessel or registered aquaculture facility, at a pier or wharf, or at a farmer's market by any licensed commercial fisherman or an owner or employee of a registered aquaculture facility to the public for human consumption.

(8) A cat show, dog show, or bird show, provided that all of the following circumstances exist:

(A) The show is validly permitted by the city or county in which the show is held.

(B) The show's sponsor or permittee ensures compliance with all federal, state, and local animal welfare and animal control laws.

(C) The participant has written documentation of the payment of a fee for the entry of his or her cat, dog, or bird in the show.

(D) The sale of a cat, dog, or bird occurs only on the premises and within the confines of the show.

(E) The show is a competitive event where the cats, dogs, or birds are exhibited and judged by an established standard or set of ideals established for each breed or species.

(9) A pet store as defined in subdivision (i) of Section 122350 of the Health and Safety Code.

(f) Nothing in this section 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, the Lockyer-Polanco-Farr Pet Protection Act contained in Article 2 (commencing with Section 122125) of Chapter 5 of Part 6 of Division 105 of the Health and Safety Code, or Sections 597 and 597I of this code.

(g) Nothing in this section limits or authorizes any act or omission that violates Section 597 or 597I, or any other local, state, or federal law. The procedures set forth in this section shall not apply to any civil violation of any other local, state, or federal law that protects animals or the rights of consumers, or to a violation of Section 597 or 597I, which is cited or prosecuted pursuant to one or both of those sections, or to a violation of any other local, state, or federal law that is cited or prosecuted pursuant to that law.

**HISTORY:**

Added Stats 2011 ch 131 § 2 (SB 917), effective January 1, 2012. Amended Stats 2012 ch 162 § 125 (SB 1171), effective January 1, 2013.

**§ 597.5. Fighting dogs**

(a) Any person who does any of the following is guilty of a felony and is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, or by a fine not to exceed fifty thousand dollars (\$50,000), or by both that fine and imprisonment:

(1) Owns, possesses, keeps, or trains any dog, with the intent that the dog shall be engaged in an exhibition of fighting with another dog.

(2) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other.

(3) Permits any act in violation of paragraph (1) or (2) to be done on any premises under his or her charge or control, or aids or abets that act.

(b) Any person who is knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs,

with the intent to be present at those preparations, or is knowingly present at that exhibition or at any other fighting or injuring as described in paragraph (2) of subdivision (a), with the intent to be present at that exhibition, fighting, or injuring, is guilty of an offense punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both that imprisonment and fine.

(c) Nothing in this section shall prohibit any of the following:

(1) The use of dogs in the management of livestock, as defined by Section 14205 of the Food and Agricultural Code, by the owner of the livestock or his or her employees or agents or other persons in lawful custody thereof.

(2) The use of dogs in hunting as permitted by the Fish and Game Code, including, but not limited to, Sections 4002 and 4756, and by the rules and regulations of the Fish and Game Commission.

(3) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

**HISTORY:**

Added Stats 1975 ch 1075 § 1. Amended Stats 1977 ch 165 § 9, effective June 29, 1977, operative July 1, 1977; Stats 1984 ch 1290 § 1, ch 1432 § 4; Stats 1987 ch 792 § 1; Stats 2009 ch 225 § 1 (AB 242), effective January 1, 2010; Stats 2010 ch 328 § 156 (SB 1330), effective January 1, 2011; Stats 2011 ch 15 § 411 (AB 109), effective April 4, 2011, operative October 1, 2011.

**§ 597.9. Owning, possessing, or maintaining any animal within specified period after conviction; Punishment; Exemption; Hearing**

(a) Except as provided in subdivision (c) or (d), a person who has been convicted of a misdemeanor violation of Section 286.5, subdivision (a) or (b) of Section 597, or Section 597a, 597b, 597h, 597j, 597s, or 597.1, and who, within five years after the conviction, owns, possesses, maintains, has custody of, resides with, or cares for any animal is guilty of a public offense, punishable by a fine of one thousand dollars (\$1,000).

(b) Except as provided in subdivision (c) or (d), a person who has been convicted of a felony violation of subdivision (a) or (b) of Section 597, or Section 597b or 597.5, and who, within 10 years after the conviction, owns, possesses, maintains, has custody of, resides with, or cares for any animal is guilty of a public offense, punishable by a fine of one thousand dollars (\$1,000).

(c)(1) In cases of owners of livestock, as defined in Section 14205 of the Food and Agricultural Code, a court may, in the interest of justice, exempt a defendant from the injunction required under subdivision (a) or (b), as it would apply to livestock, if the defendant files a petition with the court to establish, and does establish by a preponderance of the evidence, that the imposition of the provisions of this section would result in substantial or undue economic hardship to the defendant's livelihood and that the defendant has the ability to properly care for all livestock in their possession.

(2) Upon receipt of a petition from the defendant, the court shall set a hearing to be conducted within 30 days after the filing of the petition. The petitioner shall serve a copy of the petition upon the prosecuting attorney 10 calendar days prior to the requested hearing. The court shall grant the petition for exemption from subdivision (a) or (b) unless the prosecuting attorney shows by a preponderance of the evidence that either or both of the criteria for exemption under this subdivision are untrue.

(d)(1) A defendant may petition the court to reduce the duration of the mandatory ownership prohibition. Upon receipt of a petition from the defendant, the court shall set a hearing to be conducted within 30 days after the filing of the petition. The petitioner shall serve a copy of the petition upon the prosecuting attorney 10 calendar days prior to the requested hearing. At the hearing, the petitioner shall have the burden of establishing by a preponderance of the evidence all of the following:

(A) The petitioner does not present a danger to animals.



(B) The petitioner has the ability to properly care for all animals in their possession.

(C) The petitioner has successfully completed all classes or counseling ordered by the court.

(2) If the petitioner has met their burden, the court may reduce the mandatory ownership prohibition and may order that the defendant comply with reasonable and unannounced inspections by animal control agencies or law enforcement.

(e) An animal shelter administered by a public animal control agency, a humane society, or any society for the prevention of cruelty to animals, and an animal rescue or animal adoption organization may ask a person who is attempting to adopt an animal from that entity whether the person is prohibited from owning, possessing, maintaining, having custody of, or residing with an animal pursuant to this section.

**HISTORY:**

Added Stats 2011 ch 553 § 2 (AB 1117), effective January 1, 2012. Amended Stats 2012 ch 598 § 2 (SB 1500), effective January 1, 2013; Stats 2018 ch 877 § 1 (AB 2774), effective January 1, 2019; Stats 2019 ch 613 § 3 (AB 611), effective January 1, 2020.

**§ 597f. Abandoned or neglected animals; Duties of public authorities; Euthanasia [Repealed]**

**HISTORY:**

Added Stats 1905 ch 519 § 2. Amended Stats 1951 ch 1608 § 7; Stats 1963 ch 1583 § 1; Stats 1970 ch 580 § 1; Stats 1989 ch 490 § 1; Stats 2019 ch 7 § 22 (AB 1553), effective January 1, 2020 (ch 7 prevails). Repealed Stats 2019 ch 256 § 8 (SB 781), effective January 1, 2020 (ch 7 prevails); Repealed Stats 2021 ch 434 § 4 (SB 827), effective January 1, 2022.

**PART 2**

**OF CRIMINAL PROCEDURE**

**TITLE 6**

**PLEADINGS AND PROCEEDINGS BEFORE TRIAL**

**CHAPTER 2.5**

**SPECIAL PROCEEDINGS IN NARCOTICS AND DRUG ABUSE CASES**

Section

1000. Cases governed by chapter; Programs eligible for referrals; Requirement of drug testing.

**HISTORY:** Added Stats 1972 ch 1255 § 17, effective December 15, 1972.

**§ 1000. Cases governed by chapter; Programs eligible for referrals; Requirement of drug testing**

(a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for a violation of Section 11350, 11357, 11364, or 11365, paragraph (2) of subdivision (b) of Section 11375, Section 11377, or Section 11550 of the Health and Safety Code, or subdivision (b) of Section 23222 of the Vehicle Code, or Section 11358 of the Health and Safety Code if the marijuana planted, cultivated, harvested, dried, or processed is for personal use, or Section 11368 of the Health and Safety Code if the

narcotic drug was secured by a fictitious prescription and is for the personal use of the defendant and was not sold or furnished to another, or subdivision (d) of Section 653f if the solicitation was for acts directed to personal use only, or Section 381 or subdivision (f) of Section 647 of the Penal Code, if for being under the influence of a controlled substance, or Section 4060 of the Business and Professions Code, and it appears to the prosecuting attorney that, except as provided in subdivision (b) of Section 11357 of the Health and Safety Code, all of the following apply to the defendant:

(1) Within five years prior to the alleged commission of the charged offense, the defendant has not suffered a conviction for any offense involving controlled substances other than the offenses listed in this subdivision.

(2) The offense charged did not involve a crime of violence or threatened violence.

(3) There is no evidence of a contemporaneous violation relating to narcotics or restricted dangerous drugs other than a violation of the offenses listed in this subdivision.

(4) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense.

(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to (4), inclusive, of subdivision (a) apply to the defendant. If the defendant is found eligible, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. This procedure is intended to allow the court to set the hearing for pretrial diversion at the arraignment. If the defendant is found ineligible for pretrial diversion, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. The sole remedy of a defendant who is found ineligible for pretrial diversion is a postconviction appeal.

(c) All referrals for pretrial diversion granted by the court pursuant to this chapter shall be made only to programs that have been certified by the county drug program administrator pursuant to Chapter 1.5 (commencing with Section 1211) of Title 8, or to programs that provide services at no cost to the participant and have been deemed by the court and the county drug program administrator to be credible and effective. The defendant may request to be referred to a program in any county, as long as that program meets the criteria set forth in this subdivision.

(d) Pretrial diversion for an alleged violation of Section 11368 of the Health and Safety Code shall not prohibit any administrative agency from taking disciplinary action against a licensee or from denying a license. This subdivision does not expand or restrict the provisions of Section 1000.4.

(e) Any defendant who is participating in a program authorized in this section may be required to undergo analysis of his or her urine for the purpose of testing for the presence of any drug as part of the program. However, urinalysis results shall not be admissible as a basis for any new criminal prosecution or proceeding.

**HISTORY:**

Added Stats 1972 ch 1255 § 17, effective December 15, 1972. Amended Stats 1975 ch 1267 § 1; Stats 1983 ch 1314 § 2; Stats 1987 ch 1367 § 3, effective September 29, 1987; Stats 1988 ch 1086 § 1; Stats 1990 ch 53 § 1 (SB 1030), effective April 20, 1990; Stats 1991 ch 469 § 2 (AB 154); Stats 1992 ch 1118 § 1 (AB 3555); Stats 1994 1st Ex Sess 1993-1994 ch 44 § 1 (ABX1-94), effective November 30, 1994; Stats 1996 ch 1132 § 2 (SB 1369); Stats 1998 ch 931 § 381 (SB 2139), effective September 28, 1998; Stats 2001 ch 473 § 7 (SB 485); Stats 2002 ch 545 § 5 (SB 1852) (ch 545 prevails), ch 784 § 541 (SB 1316); Stats 2014 ch 471 § 1 (AB 2309), effective January 1, 2015; Stats 2017 ch 778 § 1 (AB 208), effective January 1, 2018.

TITLE 8  
OF JUDGMENT AND EXECUTION

CHAPTER 1  
THE JUDGMENT

Section

- 1203.4. Change of plea and dismissal of charges after termination of probation; Release from penalties and disabilities; Subsequent prosecutions; Registration of sex offenders; Possession of firearm; Reimbursement to county or city; Notice to prosecuting attorney [Repealed effective January 1, 2028].
- 1203.4a. Change of plea and dismissal of charges against nonprobationed misdemeanor or defendant who has committed infraction after performance of sentence; Release from penalties and disabilities; Subsequent offenses; Applicability; Petition by written declaration.
- 1210.1. Possession of Controlled Substances; Probation; Exceptions.

**§ 1203.4. Change of plea and dismissal of charges after termination of probation; Release from penalties and disabilities; Subsequent prosecutions; Registration of sex offenders; Possession of firearm; Reimbursement to county or city; Notice to prosecuting attorney [Repealed effective January 1, 2028]**

(a)(1) When a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interest of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, at any time after the termination of the period of probation, if they are not then serving a sentence for an offense, on probation for an offense, or charged with the commission of an offense, be permitted by the court to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if they have been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and except as noted below, the defendant shall thereafter be released from all penalties and disabilities resulting from the offense of which they have been convicted, except as provided in Section 13555 of the Vehicle Code. The probationer shall be informed, in their probation papers, of this right and privilege and the right, if any, to petition for a certificate of rehabilitation and pardon. The probationer may make the application and change of plea in person or by attorney, or by the probation officer authorized in writing. However, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The order shall state, and the probationer shall be informed, that the order does not relieve them of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery Commission.

(2) Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess, or have custody or control of a firearm or to prevent conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.

(3) Dismissal of an accusation or information underlying a conviction pursuant to this section does not permit a person prohibited from holding public office as a result of that conviction to hold public office.

(4) Dismissal of an accusation or information pursuant to this section does not release the defendant from the terms and conditions of an unexpired criminal

protective order that has been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by the court modifying or terminating the order, despite the dismissal of the underlying accusation or information.

(5) This subdivision shall apply to all applications for relief under this section which are filed on or after November 23, 1970.

(b) Subdivision (a) of this section does not apply to a misdemeanor that is within the provisions of Section 42002.1 of the Vehicle Code, to a violation of subdivision (c) of Section 286, Section 288, subdivision (c) of Section 287 or of former Section 288a, Section 288.5, subdivision (j) of Section 289, Section 311.1, 311.2, 311.3, or 311.11, or a felony conviction pursuant to subdivision (d) of Section 261.5, or to an infraction.

(c)(1) Except as provided in paragraph (2), subdivision (a) does not apply to a person who receives a notice to appear or is otherwise charged with a violation of an offense described in subdivisions (a) to (e), inclusive, of Section 12810 of the Vehicle Code.

(2) If a defendant who was convicted of a violation listed in paragraph (1) petitions the court, the court in its discretion and in the interest of justice, may order the relief provided pursuant to subdivision (a) to that defendant.

(3)(A) A petition for relief under this section shall not be denied due to an unfulfilled order of restitution or restitution fine.

(B) An unfulfilled order of restitution or a restitution fine shall not be grounds for finding that a defendant did not fulfil the condition of probation for the entire period of probation.

(C) When the court considers a petition for relief under this section, in its discretion and in the interest of justice, an unpaid order of restitution or restitution fine shall not be grounds for denial of the petition for relief.

(d)(1) Relief shall not be granted under this section unless the prosecuting attorney has been given 15 days' notice of the petition for relief. The probation officer shall notify the prosecuting attorney when a petition is filed, pursuant to this section.

(2) It shall be presumed that the prosecuting attorney has received notice if proof of service is filed with the court.

(e) If, after receiving notice pursuant to subdivision (d), the prosecuting attorney fails to appear and object to a petition for dismissal, the prosecuting attorney may not move to set aside or otherwise appeal the grant of that petition.

(f) Notwithstanding the above provisions or any other law, the Governor shall have the right to pardon a person convicted of a violation of subdivision (c) of Section 286, Section 288, subdivision (c) of Section 287 or of former Section 288a, Section 288.5, or subdivision (j) of Section 289, if there are extraordinary circumstances.

**HISTORY:**

Added Stats 1935 ch 604 § 5. Amended Stats 1941 ch 1112 § 1; Stats 1951 ch 183 § 1; Stats 1961 ch 1735 § 1; Stats 1967 ch 1271 § 1; Stats 1970 ch 539 § 1; Stats 1971 ch 333 § 1; Stats 1976 ch 434 § 1; Stats 1978 ch 911 § 1; Stats 1979 ch 199 § 6; Stats 1983 ch 1118 § 1; Stats 1985 ch 1472 § 1; Stats 1989 ch 917 § 11; Stats 1994 ch 882 § 1 (AB 1327); Stats 1997 ch 61 § 1 (AB 729); Stats 2000 ch 226 § 1 (AB 2320); Stats 2003 ch 49 § 1 (AB 580); Stats 2005 ch 704 § 3 (AB 439), ch 705 § 5 (SB 67), effective October 7, 2005; Stats 2007 ch 161 § 1 (AB 645), effective January 1, 2008; Stats 2008 ch 94 § 1 (AB 2092), effective January 1, 2009; Stats 2009 ch 606 § 7 (SB 676), effective January 1, 2010; Stats 2010 ch 178 § 76 (SB 1115) (ch 178 prevails), effective January 1, 2011, operative January 1, 2012, ch 328 § 166 (SB 1330), effective January 1, 2011, operative January 1, 2012; Stats 2011 ch 285 § 17 (AB 1402) (ch 285 prevails), effective January 1, 2012, ch 304 § 9 (SB 428), effective January 1, 2012; Stats 2013 ch 143 § 2 (AB 20), effective January 1, 2014; Stats 2018 ch 423 § 96 (SB 1494), effective January 1, 2019; Stats 2021 ch 209 § 1 (AB 1281), effective January 1, 2022; Stats 2022 ch 734 § 3 (SB 1106), effective January 1, 2023; Stats 2023 ch 47 § 6 (AB 134), effective July 10, 2023.

**§ 1203.4a. Change of plea and dismissal of charges against nonprobationed misdemeanor or defendant who has committed infraction after performance of sentence; Release from penalties and disabilities; Subsequent offenses; Applicability; Petition by written declaration**

(a) Every defendant convicted of a misdemeanor and not granted probation, and every

defendant convicted of an infraction shall, at any time after the lapse of one year from the date of pronouncement of judgment, if they have fully complied with and performed the sentence of the court, are not then serving a sentence for an offense and are not under charge of commission of a crime, and have, since the pronouncement of judgment, lived an honest and upright life and have conformed to and obeyed the laws of the land, be permitted by the court to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty; or if they have been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall dismiss the accusatory pleading against the defendant, who shall be released from all penalties and disabilities resulting from the offense of which they have been convicted, except as provided in Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of Part 6 of this code or Section 13555 of the Vehicle Code.

(b) If a defendant does not satisfy all the requirements of subdivision (a), after a lapse of one year from the date of pronouncement of judgment, a court, in its discretion and in the interest of justice, may grant the relief available pursuant to subdivision (a) to a defendant convicted of an infraction, or of a misdemeanor and not granted probation, or both, if the defendant has fully complied with and performed the sentence of the court, is not then serving a sentence for any offense, and is not under charge of commission of a crime.

(c)(1) The defendant shall be informed of the provisions of this section, either orally or in writing, at the time they are sentenced. The defendant may make an application and change of plea in person or by attorney, or by the probation officer authorized in writing, provided that, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if relief had not been granted pursuant to this section.

(2) Dismissal of an accusatory pleading pursuant to this section does not permit a person to own, possess, or have in their custody or control a firearm or prevent their conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.

(3) Dismissal of an accusatory pleading underlying a conviction pursuant to this section does not permit a person prohibited from holding public office as a result of that conviction to hold public office.

(4) Dismissal of an accusation or information pursuant to this section does not release the defendant from the terms and conditions of an unexpired criminal protective order that has been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by the court modifying or terminating the order, despite the dismissal of the underlying accusation or information.

(d) This section applies to a conviction specified in subdivision (a) or (b) that occurred before, as well as those occurring after, the effective date of this section, except that this section does not apply to the following:

(1) A misdemeanor violation of subdivision (c) of Section 288.  
 (2) A misdemeanor falling within the provisions of Section 42002.1 of the Vehicle Code.

(3) An infraction falling within the provisions of Section 42001 of the Vehicle Code.

(e)(1) A petition for relief under this section shall not be denied due to an unfulfilled order of restitution or restitution fine.

(2) An unfulfilled order of restitution or a restitution fine shall not be grounds for finding that a defendant did not fully comply with and perform the sentence of the court or a finding that a defendant has not lived an honest and upright life and has not conformed to and obeyed the laws of the land.

(3) When the court considers a petition for relief under this section, in its discretion and in the interest of justice, an unpaid order of restitution or restitution fine shall not be grounds for denial of the petition for relief.

(f) A petition for dismissal of an infraction pursuant to this section shall be by written declaration, except upon a showing of compelling need. Dismissal of an infraction shall not be granted under this section unless the prosecuting attorney has been given at least 15 days' notice of the petition for dismissal. It shall be presumed that the prosecuting attorney has received notice if proof of service is filed with the court.

(g) Any determination of amount made by a court under this section shall be valid only if either (1) made under procedures adopted by the Judicial Council or (2) approved by the Judicial Council.

**HISTORY:**

Added Stats 2021 ch 257 § 28.5 (AB 177), effective September 23, 2021, operative January 1, 2022. Amended Stats 2022 ch 734 § 4 (SB 1106), effective January 1, 2023.

**§ 1210.1. Possession of Controlled Substances; Probation; Exceptions**

(a) Notwithstanding any other provision of law, and except as provided in subdivision (b), any person convicted of a nonviolent drug possession offense shall receive probation. As a condition of probation the court shall require participation in and completion of an appropriate drug treatment program. The court shall impose appropriate drug testing as a condition of probation. The court may also impose, as a condition of probation, participation in vocational training, family counseling, literacy training and/or community service. A court may not impose incarceration as an additional condition of probation. Aside from the limitations imposed in this subdivision, the trial court is not otherwise limited in the type of probation conditions it may impose. Probation shall be imposed by suspending the imposition of sentence. No person shall be denied the opportunity to benefit from the provisions of the Substance Abuse and Crime Prevention Act of 2000 based solely upon evidence of a co-occurring psychiatric or developmental disorder. To the greatest extent possible, any person who is convicted of, and placed on probation pursuant to this section for a nonviolent drug possession offense shall be monitored by the court through the use of a dedicated court calendar and the incorporation of a collaborative court model of oversight that includes close collaboration with treatment providers and probation, drug testing commensurate with treatment needs, and supervision of progress through review hearings.

In addition to any fine assessed under other provisions of law, the trial judge may require any person convicted of a nonviolent drug possession offense who is reasonably able to do so to contribute to the cost of his or her own placement in a drug treatment program.

(b) Subdivision (a) shall not apply to any of the following:

(1) Any defendant who previously has been convicted of one or more violent or serious felonies as defined in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7, respectively, unless the nonviolent drug possession offense occurred after a period of five years in which the defendant remained free of both prison custody and the commission of an offense that results in a felony conviction other than a nonviolent drug possession offense, or a misdemeanor conviction involving physical injury or the threat of physical injury to another person.

(2) Any defendant who, in addition to one or more nonviolent drug possession offenses, has been convicted in the same proceeding of a misdemeanor not related to the use of drugs or any felony.

(3) Any defendant who, while armed with a deadly weapon, with the intent to use the same as a deadly weapon, unlawfully possesses or is under the influence of any controlled substance identified in Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code.

(4) Any defendant who refuses drug treatment as a condition of probation.

(5) Any defendant who has two separate convictions for nonviolent drug possession offenses, has participated in two separate courses of drug treatment pursuant to subdivision (a), and is found by the court, by clear and convincing evidence, to be

unamenable to any and all forms of available drug treatment, as defined in subdivision (b) of Section 1210. Notwithstanding any other provision of law, the trial court shall sentence that defendant to 30 days in jail.

(c)(1) Any defendant who has previously been convicted of at least three non-drug-related felonies for which the defendant has served three separate prison terms within the meaning of subdivision (b) of Section 667.5 shall be presumed eligible for treatment under subdivision (a). The court may exclude the defendant from treatment under subdivision (a) where the court, pursuant to the motion of the prosecutor or its own motion, finds that the defendant poses a present danger to the safety of others and would not benefit from a drug treatment program. The court shall, on the record, state its findings, the reasons for those findings.

(2) Any defendant who has previously been convicted of a misdemeanor or felony at least five times within the prior 30 months shall be presumed to be eligible for treatment under subdivision (a). The court may exclude the defendant from treatment under subdivision (a) if the court, pursuant to the motion of the prosecutor, or on its own motion, finds that the defendant poses a present danger to the safety of others or would not benefit from a drug treatment program. The court shall, on the record, state its findings and the reasons for those findings.

(d) Within seven days of an order imposing probation under subdivision (a), the probation department shall notify the drug treatment provider designated to provide drug treatment under subdivision (a). Within 30 days of receiving that notice, the treatment provider shall prepare a treatment plan and forward it to the probation department for distribution to the court and counsel. The treatment provider shall provide to the probation department standardized treatment progress reports, with minimum data elements as determined by the department, including all drug testing results. At a minimum, the reports shall be provided to the court every 90 days, or more frequently, as the court directs.

(1) If at any point during the course of drug treatment the treatment provider notifies the probation department and the court that the defendant is unamenable to the drug treatment being provided, but may be amenable to other drug treatments or related programs, the probation department may move the court to modify the terms of probation, or on its own motion, the court may modify the terms of probation after a hearing to ensure that the defendant receives the alternative drug treatment or program.

(2) If at any point during the course of drug treatment the treatment provider notifies the probation department and the court that the defendant is unamenable to the drug treatment provided and all other forms of drug treatment programs pursuant to subdivision (b) of Section 1210, the probation department may move to revoke probation. At the revocation hearing, if it is proved that the defendant is unamenable to all drug treatment programs pursuant to subdivision (b) of Section 1210, the court may revoke probation.

(3) Drug treatment services provided by subdivision (a) as a required condition of probation may not exceed 12 months, unless the court makes a finding supported by the record, that the continuation of treatment services beyond 12 months is necessary for drug treatment to be successful. If that finding is made, the court may order up to two six-month extensions of treatment services. The provision of treatment services under the Substance Abuse and Crime Prevention Act of 2000 shall not exceed 24 months.

(e)(1) At any time after completion of drug treatment and the terms of probation, the court shall conduct a hearing, and if the court finds that the defendant successfully completed drug treatment, and substantially complied with the conditions of probation, including refraining from the use of drugs after the completion of treatment, the conviction on which the probation was based shall be set aside and the court shall dismiss the indictment, complaint, or information against the defendant. In addition, except as provided in paragraphs (2) and (3), both the arrest and the conviction shall

be deemed never to have occurred. The defendant may additionally petition the court for a dismissal of charges at any time after completion of the prescribed course of drug treatment. Except as provided in paragraph (2) or (3), the defendant shall thereafter be released from all penalties and disabilities resulting from the offense of which he or she has been convicted.

(2) Dismissal of an indictment, complaint, or information pursuant to paragraph (1) does not permit a person to own, possess, or have in his or her custody or control any firearm capable of being concealed upon the person or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.

(3) Except as provided below, after an indictment, complaint, or information is dismissed pursuant to paragraph (1), the defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or convicted for the offense. Except as provided below, a record pertaining to an arrest or conviction resulting in successful completion of a drug treatment program under this section may not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.

Regardless of his or her successful completion of drug treatment, the arrest and conviction on which the probation was based may be recorded by the Department of Justice and disclosed in response to any peace officer application request or any law enforcement inquiry. Dismissal of an information, complaint, or indictment under this section does not relieve a defendant of the obligation to disclose the arrest and conviction in response to any direct question contained in any questionnaire or application for public office, for a position as a peace officer as defined in Section 830, for licensure by any state or local agency, for contracting with the California State Lottery, or for purposes of serving on a jury.

(f)(1) If probation is revoked pursuant to the provisions of this subdivision, the defendant may be incarcerated pursuant to otherwise applicable law without regard to the provisions of this section. The court may modify or revoke probation if the alleged violation is proved.

(2) If a defendant receives probation under subdivision (a), and violates that probation either by committing an offense that is not a nonviolent drug possession offense, or by violating a non-drug-related condition of probation, and the state moves to revoke probation, the court may remand the defendant for a period not exceeding 30 days during which time the court may receive input from treatment, probation, the state, and the defendant, and the court may conduct further hearings as it deems appropriate to determine whether or not probation should be reinstated under this section. If the court reinstates the defendant on probation, the court may modify the treatment plan and any other terms of probation, and continue the defendant in a treatment program under the Substance Abuse and Crime Prevention Act of 2000. If the court reinstates the defendant on probation, the court may, after receiving input from the treatment provider and probation, if available, intensify or alter the treatment plan under subdivision (a), and impose sanctions, including jail sanctions not exceeding 30 days, a tool to enhance treatment compliance.

(3)(A) If a defendant receives probation under subdivision (a), and violates that probation either by committing a nonviolent drug possession offense, or a misdemeanor for simple possession or use of drugs or drug paraphernalia, being present where drugs are used, or failure to register as a drug offender, or any activity similar to those listed in subdivision (d) of Section 1210, or by violating a drug-related condition of probation, and the state moves to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence that the defendant poses a danger to the safety of others. If the court does not revoke probation, it may intensify or alter the drug treatment plan and in addition, if the violation does not involve the recent use of drugs as a circumstance of the violation, including, but not limited to, violations



relating to failure to appear at treatment or court, noncompliance with treatment, and failure to report for drug testing, the court may impose sanctions including jail sanctions that may not exceed 48 hours of continuous custody as a tool to enhance treatment compliance and impose other changes in the terms and conditions of probation. The court shall consider, among other factors, the seriousness of the violation, previous treatment compliance, employment, education, vocational training, medical conditions, medical treatment, including narcotics replacement treatment, and including the opinion of the defendant's licensed and treating physician if immediately available and presented at the hearing, child support obligations, and family responsibilities. The court shall consider additional conditions of probation, which may include, but are not limited to, community service and supervised work programs. If one of the circumstances of the violation involves recent drug use, as well as other circumstances of violation, and the circumstance of recent drug use is demonstrated to the court by satisfactory evidence and a finding made on the record, the court may, after receiving input from treatment and probation, if available, direct the defendant to enter a licensed detoxification or residential treatment facility, and if there is no bed immediately available in that type of facility, the court may order that the defendant be confined in a county jail for detoxification purposes only, if the jail offers detoxification services, for a period not to exceed 10 days. The detoxification services must provide narcotic replacement therapy for those defendants presently actually receiving narcotic replacement therapy.

(B) If a defendant receives probation under subdivision (a), and for the second time violates that probation either by committing a nonviolent drug possession offense, or a misdemeanor for simple possession or use of drugs or drug paraphernalia, being present where drugs are used, or failure to register as a drug offender, or any activity similar to those listed in subdivision (d) of Section 1210, or by violating a drug-related condition of probation, and the state moves to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence either that the defendant poses a danger to the safety of others or is unamenable to drug treatment. In determining whether a defendant is unamenable to drug treatment, the court may consider, to the extent relevant, whether the defendant (i) has committed a serious violation of rules at the drug treatment program, (ii) has repeatedly committed violations of program rules that inhibit the defendant's ability to function in the program, or (iii) has continually refused to participate in the program or asked to be removed from the program. If the court does not revoke probation, it may intensify or alter the drug treatment plan, and may, in addition, if the violation does not involve the recent use of drugs as a circumstance of the violation, including, but not limited to, violations relating to failure to appear at treatment or court, noncompliance with treatment, and failure to report for drug testing, impose sanctions including jail sanctions that may not exceed 120 hours of continuous custody as a tool to enhance treatment compliance and impose other changes in the terms and conditions of probation. The court shall consider, among other factors, the seriousness of the violation, previous treatment compliance, employment, education, vocational training, medical conditions, medical treatment, including narcotics replacement treatment, and including the opinion of the defendant's licensed and treating physician if immediately available and presented at the hearing, child support obligations, and family responsibilities. The court shall consider additional conditions of probation, which may include, but are not limited to, community service and supervised work programs. If one of the circumstances of the violation involves recent drug use, as well as other circumstances of violation, and the circumstance of recent drug use is demonstrated to the court by satisfactory evidence and a finding made on the record, the court may, after receiving input from

treatment and probation, if available, direct the defendant to enter a licensed detoxification or residential treatment facility, and if there is no bed immediately available in the facility, the court may order that the defendant be confined in a county jail for detoxification purposes only, if the jail offers detoxification services, for a period not to exceed 10 days. Detoxification services must provide narcotic replacement therapy for those defendants presently actually receiving narcotic replacement therapy.

(C) If a defendant receives probation under subdivision (a), and for the third or subsequent time violates that probation either by committing a nonviolent drug possession offense, or by violating a drug-related condition of probation, and the state moves for a third or subsequent time to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. If the alleged probation violation is proved, the defendant is not eligible for continued probation under subdivision (a) unless the court determines that the defendant is not a danger to the community and would benefit from further treatment under subdivision (a). The court may then either intensify or alter the treatment plan under subdivision (a) or transfer the defendant to a highly structured drug court. If the court continues the defendant in treatment under subdivision (a), or drug court, the court may impose appropriate sanctions including jail sanctions as the court deems appropriate.

(D) If a defendant on probation at the effective date of this act for a nonviolent drug possession offense violates that probation either by committing a nonviolent drug possession offense, or a misdemeanor for simple possession or use of drugs or drug paraphernalia, being present where drugs are used, or failure to register as a drug offender, or any activity similar to those listed in subdivision (d) of Section 1210, or by violating a drug-related condition of probation, and the state moves to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence that the defendant poses a danger to the safety of others. If the court does not revoke probation, it may modify or alter the treatment plan, and in addition, if the violation does not involve the recent use of drugs as a circumstance of the violation, including, but not limited to, violations relating to failure to appear at treatment or court, noncompliance with treatment, and failure to report for drug testing, the court may impose sanctions including jail sanctions that may not exceed 48 hours of continuous custody as a tool to enhance treatment compliance and impose other changes in the terms and conditions of probation. The court shall consider, among other factors, the seriousness of the violation, previous treatment compliance, employment, education, vocational training, medical conditions, medical treatment, including narcotics replacement treatment, and including the opinion of the defendant's licensed and treating physician if immediately available and presented at the hearing, child support obligations, and family responsibilities. The court shall consider additional conditions of probation, which may include, but are not limited to, community service and supervised work programs. If one of the circumstances of the violation involves recent drug use, as well as other circumstances of violation, and the circumstance of recent drug use is demonstrated to the court by satisfactory evidence and a finding made on the record, the court may, after receiving input from treatment and probation, if available, direct the defendant to enter a licensed detoxification or residential treatment facility, and if there is no bed immediately available in that type of facility, the court may order that the defendant be confined in a county jail for detoxification purposes only, if the jail offers detoxification services, for a period not to exceed 10 days. The detoxification services must provide narcotic replacement therapy for those defendants presently actually receiving narcotic replacement therapy.

(E) If a defendant on probation at the effective date of this act for a nonviolent drug possession offense violates that probation a second time either by committing a nonviolent drug possession offense, or a misdemeanor for simple possession or use of drugs or drug paraphernalia, being present where drugs are used, or failure to register as a drug offender, or any activity similar to those listed in subdivision (d) of Section 1210, or by violating a drug-related condition of probation, and the state moves for a second time to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence either that the defendant poses a danger to the safety of others or that the defendant is unamenable to drug treatment. If the court does not revoke probation, it may modify or alter the treatment plan, and in addition, if the violation does not involve the recent use of drugs as a circumstance of the violation, including, but not limited to, violations relating to failure to appear at treatment or court, noncompliance with treatment, and failure to report for drug testing, the court may impose sanctions including jail sanctions that may not exceed 120 hours of continuous custody as a tool to enhance treatment compliance and impose other changes in the terms and conditions of probation. The court shall consider, among other factors, the seriousness of the violation, previous treatment compliance, employment, education, vocational training, medical conditions, medical treatment including narcotics replacement treatment, and including the opinion of the defendant's licensed and treating physician if immediately available and presented at the hearing, child support obligations, and family responsibilities. The court shall consider additional conditions of probation, which may include, but are not limited to, community service and supervised work programs. If one of the circumstances of the violation involves recent drug use, as well as other circumstances of violation, and the circumstance of recent drug use is demonstrated to the court by satisfactory evidence and a finding made on the record, the court may, after receiving input from treatment and probation, if available, direct the defendant to enter a licensed detoxification or residential treatment facility, and if there is no bed immediately available in that type of facility, the court may order that the defendant be confined in a county jail for detoxification purposes only, if the jail offers detoxification services, for a period not to exceed 10 days. The detoxification services must provide narcotic replacement therapy for those defendants presently actually receiving narcotic replacement therapy.

(F) If a defendant on probation at the effective date of this act for a nonviolent drug offense violates that probation a third or subsequent time either by committing a nonviolent drug possession offense, or by violating a drug-related condition of probation, and the state moves for a third or subsequent time to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. If the alleged probation violation is proved, the defendant is not eligible for continued probation under subdivision (a), unless the court determines that the defendant is not a danger to the community and would benefit from further treatment under subdivision (a). The court may then either intensify or alter the treatment plan under subdivision (a) or transfer the defendant to a highly structured drug court. If the court continues the defendant in treatment under subdivision (a), or drug court, the court may impose appropriate sanctions including jail sanctions.

(g) The term "drug-related condition of probation" shall include a probationer's specific drug treatment regimen, employment, vocational training, educational programs, psychological counseling, and family counseling.

**HISTORY:**

Addition approved by the voters at the November 7, 2000, general election (Prop. 36 § 5), effective November 8, 2000. Amended Stats 2001 ch 721 § 3 (SB 223), effective October 11, 2001; Stats 2006 ch 63 § 7 (SB 1137), effective July 12, 2006; Stats 2010 ch 178 § 78 (SB 1115), effective January 1, 2011, operative January 1, 2012.

**PART 4**  
**PREVENTION OF CRIMES AND APPREHENSION**  
**OF CRIMINALS**

**TITLE 1**  
**INVESTIGATION AND CONTROL OF CRIMES AND**  
**CRIMINALS**

**CHAPTER 1**  
**INVESTIGATION, IDENTIFICATION, AND**  
**INFORMATION RESPONSIBILITIES OF THE**  
**DEPARTMENT OF JUSTICE**

**ARTICLE 3**  
**CRIMINAL IDENTIFICATION AND STATISTICS**

Section  
11105. Maintenance of state summary criminal history information.

**§ 11105. Maintenance of state summary criminal history information**

(a)(1) The Department of Justice shall maintain state summary criminal history information.

(2) As used in this section:

(A) "State summary criminal history information" means the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information, and similar data about the person.

(B) "State summary criminal history information" does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice.

(b) The Attorney General shall furnish state summary criminal history information to the following, if needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity, in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) The courts of the state.

(2) Peace officers of the state, as defined in Section 830.1, subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and (b) of Section 830.5.

(3) District attorneys of the state.

(4) Prosecuting city attorneys or city prosecutors of a city within the state.

(5) City attorneys pursuing civil gang injunctions pursuant to Section 186.22a or drug abatement actions pursuant to Section 3479 or 3480 of the Civil Code or Section 11571 of the Health and Safety Code.

(6) Probation officers of the state.

(7) Parole officers of the state.

(8) A public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon pursuant to Section 4852.08.

(9) A public defender or attorney of record when representing a person in a criminal case or a juvenile delinquency proceeding, including all appeals and postconviction motions, or a parole, mandatory supervision pursuant to paragraph (5) of subdivision (h) of Section 1170, or postrelease community supervision revocation or revocation extension proceeding, if the information is requested in the course of representation.

(10) An agency, officer, or official of the state if the state summary criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The agency, officer, or official of the state authorized by this paragraph to receive state summary criminal history information may perform state and federal criminal history information checks as provided for in subdivision (u). The Department of Justice shall provide a state or federal response to the agency, officer, or official pursuant to subdivision (p).

(11) A city, county, city and county, or district, or an officer or official thereof, if access is needed in order to assist that agency, officer, or official in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the state summary criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The city, county, city and county, district, or the officer or official thereof authorized by this paragraph may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

(12) The subject of the state summary criminal history information under procedures established under Article 5 (commencing with Section 11120).

(13) A person or entity when access is expressly authorized by statute if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct.

(14) Health officers of a city, county, city and county, or district when in the performance of their official duties enforcing Section 120175 of the Health and Safety Code.

(15) A managing or supervising correctional officer of a county jail or other county correctional facility.

(16) A humane society, or society for the prevention of cruelty to animals, for the specific purpose of complying with Section 14502 of the Corporations Code for the appointment of humane officers.

(17) Local child support agencies established by Section 17304 of the Family Code. When a local child support agency closes a support enforcement case containing state summary criminal history information, the agency shall delete or purge from the file and destroy documents or information concerning or arising from offenses for or of which the parent has been arrested, charged, or convicted, other than for offenses

related to the parent's having failed to provide support for minor children, consistent with the requirements of Section 17531 of the Family Code.

(18) County child welfare agency personnel who have been delegated the authority of county probation officers to access state summary criminal history information pursuant to Section 272 of the Welfare and Institutions Code for the purposes specified in Section 16504.5 of the Welfare and Institutions Code. Information from criminal history records provided pursuant to this subdivision shall not be used for a purpose other than those specified in this section and Section 16504.5 of the Welfare and Institutions Code. When an agency obtains records both on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check.

(19) The court of a tribe, or court of a consortium of tribes, that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code. This information may be used only for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. Article 6 (commencing with Section 11140) shall apply to officers, members, and employees of a tribal court receiving state summary criminal history information pursuant to this section.

(20) Child welfare agency personnel of a tribe or consortium of tribes that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code and to whom the state has delegated duties under paragraph (2) of subdivision (a) of Section 272 of the Welfare and Institutions Code. The purposes for use of the information shall be for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. When an agency obtains records on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check. Article 6 (commencing with Section 11140) shall apply to child welfare agency personnel receiving criminal record offender information pursuant to this section.

(21) An officer providing conservatorship investigations pursuant to Sections 5351, 5354, and 5356 of the Welfare and Institutions Code.

(22) A court investigator providing investigations or reviews in conservatorships pursuant to Section 1826, 1850, 1851, or 2250.6 of the Probate Code.

(23) A person authorized to conduct a guardianship investigation pursuant to Section 1513 of the Probate Code.

(24) A humane officer pursuant to Section 14502 of the Corporations Code for the purposes of performing the officer's duties.

(25) A public agency described in subdivision (b) of Section 15975 of the Government Code, for the purpose of oversight and enforcement policies with respect to its contracted providers.

(26)(A) A state entity, or its designee, that receives federal tax information. A state entity or its designee that is authorized by this paragraph to receive state summary criminal history information also may transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation for the purpose of the state entity or its designee obtaining federal-level criminal offender record information from the Department of Justice. This information shall be used only for the purposes set forth in Section 1044 of the Government Code.

(B) or purposes of this paragraph, "federal tax information," "state entity" and "designee" are as defined in paragraphs (1), (2), and (3), respectively, of subdivision (f) of Section 1044 of the Government Code.

(27) The director of the State Department of State Hospitals, or their designee, for use related to research and evaluation studies described in Section 4046 of the Welfare and Institutions Code, and subject to the limitations described in that section.

(c) The Attorney General may furnish state summary criminal history information and, when specifically authorized by this subdivision, federal-level criminal history information upon a showing of a compelling need to any of the following, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) A public utility, as defined in Section 216 of the Public Utilities Code, that operates a nuclear energy facility when access is needed in order to assist in employing persons to work at the facility, provided that, if the Attorney General supplies the data, the Attorney General shall furnish a copy of the data to the person to whom the data relates.

(2) A peace officer of the state other than those included in subdivision (b).

(3) An illegal dumping enforcement officer as defined in subdivision (i) of Section 830.7.

(4) A peace officer of another country.

(5) Public officers, other than peace officers, of the United States, other states, or possessions or territories of the United States, provided that access to records similar to state summary criminal history information is expressly authorized by a statute of the United States, other states, or possessions or territories of the United States if the information is needed for the performance of their official duties.

(6) A person when disclosure is requested by a probation, parole, or peace officer with the consent of the subject of the state summary criminal history information and for purposes of furthering the rehabilitation of the subject.

(7) The courts of the United States, other states, or territories or possessions of the United States.

(8) Peace officers of the United States, other states, or territories or possessions of the United States.

(9) An individual who is the subject of the record requested if needed in conjunction with an application to enter the United States or a foreign nation.

(10)(A)(i) A public utility, as defined in Section 216 of the Public Utilities Code, or a cable corporation as defined in subparagraph (B), if receipt of criminal history information is needed in order to assist in employing current or prospective employees, contract employees, or subcontract employees who, in the course of their employment, may be seeking entrance to private residences or adjacent grounds. The information provided shall be limited to the record of convictions and arrests for which the person is released on bail or on their own recognizance pending trial.

(ii) If the Attorney General supplies the data pursuant to this paragraph, the Attorney General shall furnish a copy of the data to the current or prospective employee to whom the data relates.

(iii) State summary criminal history information is confidential and the receiving public utility or cable corporation shall not disclose its contents, other than for the purpose for which it was acquired. The state summary criminal history information in the possession of the public utility or cable corporation and all copies made from it shall be destroyed not more than 30 days after employment or promotion or transfer is denied or granted, except for those cases where a current or prospective employee is out on bail or on their own recognizance pending trial, in which case the state summary criminal history information and all copies shall be destroyed not more than 30 days after the case is resolved.

(iv) A violation of this paragraph is a misdemeanor, and shall give the current or prospective employee who is injured by the violation a cause of action against the public utility or cable corporation to recover damages proximately caused by the violations. A public utility's or cable corporation's request for state summary criminal history information for purposes of employing current or prospective

employees who may be seeking entrance to private residences or adjacent grounds in the course of their employment shall be deemed a “compelling need” as required to be shown in this subdivision.

(v) This section shall not be construed as imposing a duty upon public utilities or cable corporations to request state summary criminal history information on current or prospective employees.

(B) For purposes of this paragraph, “cable corporation” means a corporation or firm that transmits or provides television, computer, or telephone services by cable, digital, fiber optic, satellite, or comparable technology to subscribers for a fee.

(C) Requests for federal-level criminal history information received by the Department of Justice from entities authorized pursuant to subparagraph (A) shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. Federal-level criminal history information received or compiled by the Department of Justice may then be disseminated to the entities referenced in subparagraph (A), as authorized by law.

(11) A campus of the California State University or the University of California, or a four-year college or university accredited by a regional accreditation organization approved by the United States Department of Education, if needed in conjunction with an application for admission by a convicted felon to a special education program for convicted felons, including, but not limited to, university alternatives and halfway houses. Only conviction information shall be furnished. The college or university may require the convicted felon to be fingerprinted, and any inquiry to the department under this section shall include the convicted felon’s fingerprints and any other information specified by the department.

(12) A foreign government, if requested by the individual who is the subject of the record requested, if needed in conjunction with the individual’s application to adopt a minor child who is a citizen of that foreign nation. Requests for information pursuant to this paragraph shall be in accordance with the process described in Sections 11122 to 11124, inclusive. The response shall be provided to the foreign government or its designee and to the individual who requested the information.

(d) Whenever an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying the request for information, if any, may be stamped “no criminal record” and returned to the person or entity making the request.

(e) Whenever state summary criminal history information is furnished as the result of an application and is to be used for employment, licensing, or certification purposes, the Department of Justice may charge the person or entity making the request a fee that it determines to be sufficient to reimburse the department for the cost of furnishing the information. In addition, the Department of Justice may add a surcharge to the fee to fund maintenance and improvements to the systems from which the information is obtained. Notwithstanding any other law, a person or entity required to pay a fee to the department for information received under this section may charge the applicant a fee sufficient to reimburse the person or entity for this expense. All moneys received by the department pursuant to this section, Sections 11105.3 and 26190, and former Section 13588 of the Education Code shall be deposited in a special account in the General Fund to be available for expenditure by the department to offset costs incurred pursuant to those sections and for maintenance and improvements to the systems from which the information is obtained upon appropriation by the Legislature.

(f) Whenever there is a conflict, the processing of criminal fingerprints and fingerprints of applicants for security guard or alarm agent registrations or firearms qualification permits submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4 of the Business and Professions Code shall take priority over the processing of other applicant fingerprints.



(g) It is not a violation of this section to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this section to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record if the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

(i) Notwithstanding any other law, the Department of Justice or a state or local law enforcement agency may require the submission of fingerprints for the purpose of conducting state summary criminal history information checks that are authorized by law.

(j) The state summary criminal history information shall include any finding of mental incompetence pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 arising out of a complaint charging a felony offense specified in Section 290.

(k)(1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the information is to be used for peace officer employment or certification purposes. As used in this subdivision, a peace officer is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest or detention, except for an arrest or detention resulting in an exoneration, provided, however, that where the records of the Department of Justice do not contain a disposition for the arrest, the Department of Justice first makes a genuine effort to determine the disposition of the arrest.

(D) Every successful diversion.

(E) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(F) Sex offender registration status of the applicant.

(G) Sentencing information, if present in the department's records at the time of the response.

(l)(1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by a criminal justice agency or organization as defined in Section 13101, and the information is to be used for criminal justice employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest for an offense for which the records of the Department of Justice do not contain a disposition or that did not result in a conviction, provided that the Department of Justice first makes a genuine effort to determine the disposition of the arrest. However, information concerning an arrest shall not be disclosed if the records of the Department of Justice indicate or if the genuine effort reveals that the

subject was exonerated, successfully completed a diversion or deferred entry of judgment program, or the arrest was deemed a detention, or the subject was granted relief pursuant to Section 851.91.

(D) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(E) Sex offender registration status of the applicant.

(F) Sentencing information, if present in the department's records at the time of the response.

(m)(1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or a statute that incorporates the criteria of any of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction of an offense rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Every arrest for an offense for which the State Department of Social Services is required by paragraph (1) of subdivision (a) of Section 1522 of the Health and Safety Code to determine if an applicant has been arrested. However, if the records of the Department of Justice do not contain a disposition for an arrest, the Department of Justice shall first make a genuine effort to determine the disposition of the arrest.

(D) Sex offender registration status of the applicant.

(E) Sentencing information, if present in the department's records at the time of the response.

(3) Notwithstanding the requirements of the sections referenced in paragraph (1) of this subdivision, the Department of Justice shall not disseminate information about an arrest subsequently deemed a detention or an arrest that resulted in the successful completion of a diversion program, exoneration, or a grant of relief pursuant to Section 851.91.

(n)(1) This subdivision shall apply whenever state or federal summary criminal history information, to be used for employment, licensing, or certification purposes, is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual pursuant to any of the following:

(A) Paragraph (10) of subdivision (c), when the information is to be used by a cable corporation.

(B) Section 11105.3 or 11105.4.

(C) Section 15660 of the Welfare and Institutions Code.

(D) A statute that incorporates the criteria of any of the statutory provisions listed in subparagraph (A), (B), or (C), or of this subdivision, by reference..

(2) With the exception of applications submitted by transportation companies authorized pursuant to Section 11105.3, and notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction, except a conviction for which relief has been granted pursuant to Section 1203.49, rendered against the applicant for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code. However, with the exception of those offenses for

which registration is required pursuant to Section 290, the Department of Justice shall not disseminate information pursuant to this subdivision unless the conviction occurred within 10 years of the date of the agency's request for information or the conviction is over 10 years old but the subject of the request was incarcerated within 10 years of the agency's request for information.

(B) Every arrest for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(D) Sentencing information, if present in the department's records at the time of the response.

(o)(1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 379 or 1300 of the Financial Code or a statute that incorporates the criteria of either of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant for a violation or attempted violation of an offense specified in Section 1300 of the Financial Code, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for a violation or attempted violation of an offense specified in Section 1300 of the Financial Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(C) Sentencing information, if present in the department's records at the time of the response.

(p)(1) This subdivision shall apply whenever state or federal criminal history information is furnished by the Department of Justice as the result of an application by an agency, organization, or individual not defined in subdivision (k), (l), (m), (n), or (o), or by a transportation company authorized pursuant to Section 11105.3, or a statute that incorporates the criteria of that section or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, 1203.44, or 1203.49. The Commission on Teacher Credentialing, school districts, county offices of education, charter schools, private schools, state special schools for the blind and deaf, or any other entity required to have a background check because of a contract with a school district, county office of education, charter school, private school, or state special school for the blind and deaf, shall receive every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49.

(B) Notwithstanding subparagraph (A) or any other law, information for a conviction for a controlled substance offense listed in Section 11350 or 11377, or former Section 11500 or 11500.5, of the Health and Safety Code that is more than five years old, for which relief is granted pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.425, or 1203.49, shall not be disseminated.

(C) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on their own recognizance pending trial.

(D) Sex offender registration status of the applicant.

(E) Sentencing information, if present in the department's records at the time of the response.

(q) All agencies, organizations, or individuals defined in subdivisions (k), (l), (m), (n), (o), and (p) may contract with the Department of Justice for subsequent notification pursuant to Section 11105.2. This subdivision shall not supersede sections that mandate an agency, organization, or individual to contract with the Department of Justice for subsequent notification pursuant to Section 11105.2.

(r) This section does not require the Department of Justice to cease compliance with any other statutory notification requirements.

(s) The provisions of Section 50.12 of Title 28 of the Code of Federal Regulations are to be followed in processing federal criminal history information.

(t) Whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual defined in subdivisions (k) to (p), inclusive, and the information is to be used for employment, licensing, or certification purposes, the authorized agency, organization, or individual shall expeditiously furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.

(u)(1) If a fingerprint-based criminal history information check is required pursuant to any statute, that check shall be requested from the Department of Justice and shall be applicable to the person identified in the referencing statute. The agency or entity identified in the statute shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of the types of applicants identified in the referencing statute, for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and also information as to the existence and content of a record of the state or federal arrests for which the Department of Justice establishes that the person is free on bail or on their own recognizance pending trial or appeal.

(2) If requested, the Department of Justice shall transmit fingerprint images and related information received pursuant to this section to the Federal Bureau of Investigation for the purpose of obtaining a federal criminal history information check. The Department of Justice shall review the information returned from the Federal Bureau of Investigation, and compile and disseminate a response or a fitness determination, as appropriate, to the agency or entity identified in the referencing statute.

(3) The Department of Justice shall provide a state- or federal-level response or a fitness determination, as appropriate, to the agency or entity identified in the referencing statute, pursuant to the identified subdivision.

(4) The agency or entity identified in the referencing statute shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2, for persons described in the referencing statute.

(5) The Department of Justice shall charge a fee sufficient to cover the reasonable cost of processing the request described in this subdivision.

**HISTORY:**

Added Stats 2022 ch 58 § 30 (AB 200), effective June 30, 2022, operative January 1, 2023. Amended Stats 2022 ch 842 § 5 (SB 1260), effective January 1, 2023, operative January 1, 2023; Stats 2023 ch 42 § 58 (AB 118), effective July 10, 2023; Stats 2023 ch 131 § 162 (AB 1754), effective January 1, 2024; Stats 2023 ch 685 § 5 (AB 1360), effective January 1, 2024 (ch 685 prevails).

GENERAL LAWS

# UNEMPLOYMENT INSURANCE CODE

## DIVISION 3

### EMPLOYMENT SERVICES PROGRAMS

#### PART 1

#### EMPLOYMENT AND EMPLOYABILITY SERVICES

#### CHAPTER 4 PROGRAMS

#### ARTICLE 1 ELIGIBILITY

Section

10501. Exemption of assistance recipient from examination or certification fees.

**HISTORY:** Division 3, Employment Services Programs—Part 1, Employment and Employability Services—Chapter 4, Programs—Article 1, Eligibility; Division added by Stats 1968 ch 1460 § 11, operative October 31, 1969.

**§ 10501. Exemption of assistance recipient from examination or certification fees**

Any public assistance recipient who successfully completes a job training program approved under this part shall be exempted from the payment of those fees normally associated with any examination or certification required by state law if the employment opportunity is for the job for which the recipient was trained.

**HISTORY:**

Added Stats 1972 ch 1281 § 1.

GENERAL LAWS

# UNCODIFIED INITIATIVE MEASURES AND STATUTES

2000-2049

2014

Section

2014-17. Appropriation from Specialized License Plate Fund of moneys derived from Pet Lover's License Plate Program to Veterinary Medical Board for specified purpose.

**2014-17. Appropriation from Specialized License Plate Fund of moneys derived from Pet Lover's License Plate Program to Veterinary Medical Board for specified purpose**

**HISTORY:**

Stats 2014 ch 375 (SB 1323), effective September 16, 2014.

GENERAL LAWS



GENERAL LAWS

# CODE OF FEDERAL REGULATIONS

## TITLE 10

### Energy

#### CHAPTER I

#### Nuclear Regulatory Commission

#### PART 20

#### Standards for Protection Against Radiation

#### SUBPART A

#### General Provisions

Section	
20.1003.	Definitions.
20.1004.	Units of radiation dose.
20.1005.	Units of radioactivity.
20.1006.	Interpretations.
20.1007.	Communications.
20.1008.	Implementation.
20.1009.	Information collection requirements: OMB approval.

#### § 20.1003. Definitions.

As used in this part:

Absorbed dose means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the rad and the gray (Gy).

Accelerator-produced radioactive material means any material made radioactive by a particle accelerator.

Act means the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended.

Activity is the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the curie (Ci) and the becquerel (Bq).

Adult means an individual 18 or more years of age.

Airborne radioactive material means radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors, or gases.

Airborne radioactivity area means a room, enclosure, or area in which airborne radioactive materials, composed wholly or partly of licensed material, exist in concentrations —

(1) In excess of the derived air concentrations (DACs) specified in appendix B, to §§ 20.1001-20.2401, or

(2) To such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

Air-purifying respirator means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

ALARA (acronym for “as low as is reasonably achievable”) means making every reasonable effort to maintain exposures to radiation as far below the dose limits in this part as is practical consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed materials in the public interest.

Annual limit on intake (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 5 rems (0.05 Sv) or a committed

dose equivalent of 50 rems (0.5 Sv) to any individual organ or tissue. (ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table 1, Columns 1 and 2, of appendix B to §§ 20.1001-20.2401).

Assigned protection factor (APF) means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

Atmosphere-supplying respirator means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

Background radiation means radiation from cosmic sources; naturally occurring radioactive material, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include radiation from source, byproduct, or special nuclear materials regulated by the Commission.

Bioassay (radiobioassay) means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

Byproduct material means—

(1) Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or using special nuclear material;

(2) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition;

(3)(i) Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or

(ii) Any material that—

(A) Has been made radioactive by use of a particle accelerator; and

(B) Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

(4) Any discrete source of naturally occurring radioactive material, other than source material, that—

(i) The Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and

(ii) Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity.

Class (or lung class or inhalation class) means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D (Days) of less than 10 days, for Class W (Weeks) from 10 to 100 days, and for Class Y (Years) of greater than 100 days.

Collective dose is the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

Commission means the Nuclear Regulatory Commission or its duly authorized representatives.

Committed dose equivalent ( $H_{T,50}$ ) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

Committed effective dose equivalent ( $H_{E,50}$ ) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues ( $H_{E,50} = \sum w_T H_{T,50}$ ).

Constraint (dose constraint) means a value above which specified licensee actions are required.

Controlled area means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason.

Critical Group means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

Declared pregnant woman means a woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

Decommission means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits —

- (1) Release of the property for unrestricted use and termination of the license; or
- (2) Release of the property under restricted conditions and termination of the license.

Deep-dose equivalent ( $H_d$ ), which applies to external whole-body exposure, is the dose equivalent at a tissue depth of 1 cm (1000 mg<sup>2</sup>).

Demand respirator means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

Department means the Department of Energy established by the Department of Energy Organization Act (Pub. L. 95-91, 91 Stat. 565, 42 U.S.C. 7101 et seq.) to the extent that the Department, or its duly authorized representatives, exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers, and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104 (b), (c), and (d) of the Energy Reorganization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233 at 1237, 42 U.S.C. 5814) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Pub. L. 95-91, 91 Stat. 565 at 577-578, 42 U.S.C. 7151).

Derived air concentration (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work (inhalation rate 1.2 cubic meters of air per hour), results in an intake of one ALI. DAC values are given in Table 1, Column 3, of appendix B to §§ 20.1001-20.2401.

Derived air concentration-hour (DAC-hour) is the product of the concentration of radioactive material in air (expressed as a fraction or multiple of the derived air concentration for each radionuclide) and the time of exposure to that radionuclide, in hours. A licensee may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 5 rems (0.05 Sv).

Discrete source means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.

Disposable respirator means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

Distinguishable from background means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

Dose or radiation dose is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, or total effective dose equivalent, as defined in other paragraphs of this section.

Dose equivalent ( $H_T$ ) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and sievert (Sv).

Dosimetry processor means an individual or organization that processes and evaluates individual monitoring equipment in order to determine the radiation dose delivered to the equipment.

Effective dose equivalent ( $H_E$ ) is the sum of the products of the dose equivalent to the organ or tissue ( $H_T$ ) and the weighting factors ( $w_T$ ) applicable to each of the body organs or tissues that are irradiated ( $H_E = \sum w_T H_T$ ).

Embryo/fetus means the developing human organism from conception until the time of birth.

Entrance or access point means any location through which an individual could gain access to radiation areas or to radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

Exposure means being exposed to ionizing radiation or to radioactive material.

External dose means that portion of the dose equivalent received from radiation sources outside the body.

Extremity means hand, elbow, arm below the elbow, foot, knee, or leg below the knee.

Filtering facepiece (dust mask) means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

Fit factor means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

Fit test means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

Generally applicable environmental radiation standards means standards issued by the Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

Government agency means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States of America, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

Gray [See § 20.1004].

Helmet means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

High radiation area means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

Hood means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

Individual means any human being.

Individual monitoring means —

(1) The assessment of dose equivalent by the use of devices designed to be worn by an individual;

(2) The assessment of committed effective dose equivalent by bioassay (see Bioassay) or by determination of the time-weighted air concentrations to which an individual has been exposed, i.e., DAC-hours; or

(3) The assessment of dose equivalent by the use of survey data.

Individual monitoring devices (individual monitoring equipment) means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescence dosimeters (TLDs), pocket ionization chambers, and personal (“lapel”) air sampling devices.

Internal dose means that portion of the dose equivalent received from radioactive material taken into the body.

Lens dose equivalent (LDE) applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg<sup>2</sup>).

License means a license issued under the regulations in parts 30 through 36, 39, 40, 50, 60, 61, 63, 70, or 72 of this chapter.

Licensed material means source material, special nuclear material, or byproduct material received, possessed, used, transferred or disposed of under a general or specific license issued by the Commission.

Licensee means the holder of a license.

Limits (dose limits) means the permissible upper bounds of radiation doses.

Loose-fitting facepiece means a respiratory inlet covering that is designed to form a partial seal with the face.

Lost or missing licensed material means licensed material whose location is unknown. It includes material that has been shipped but has not reached its destination and whose location cannot be readily traced in the transportation system.

Member of the public means any individual except when that individual is receiving an occupational dose.

Minor means an individual less than 18 years of age.

Monitoring (radiation monitoring, radiation protection monitoring) means the measurement of radiation levels, concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

Nationally tracked source is a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix E of this part. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

Negative pressure respirator (tight fitting) means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

Nonstochastic effect means health effects, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect (also called a deterministic effect).

NRC means the Nuclear Regulatory Commission or its duly authorized representatives.

Occupational dose means the dose received by an individual in the course of employment in which the individual’s assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in

the possession of the licensee or other person. Occupational dose does not include doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under § 35.75, from voluntary participation in medical research programs, or as a member of the public.

Particle accelerator means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 megaelectron volt. For purposes of this definition, "accelerator" is an equivalent term.

Person means —

(1) Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission or the Department of Energy (except that the Department shall be considered a person within the meaning of the regulations in 10 CFR chapter I to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the Commission under section 202 of the Energy Reorganization Act of 1974 (88 Stat. 1244), the Uranium Mill Tailings Radiation Control Act of 1978 (92 Stat. 3021), the Nuclear Waste Policy Act of 1982 (96 Stat. 2201), and section 3(b)(2) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (99 Stat. 1842)), any State or any political subdivision of or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and

(2) Any legal successor, representative, agent, or agency of the foregoing.

Planned special exposure means an infrequent exposure to radiation, separate from and in addition to the annual dose limits.

Positive pressure respirator means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

Powered air-purifying respirator (PAPR) means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

Pressure demand respirator means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

Public dose means the dose received by a member of the public from exposure to radiation or to radioactive material released by a licensee, or to any other source of radiation under the control of a licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under § 35.75, or from voluntary participation in medical research programs.

Qualitative fit test (QLFT) means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

Quality Factor (Q) means the modifying factor (listed in tables 1004(b).1 and 1004(b).2 of § 20.1004) that is used to derive dose equivalent from absorbed dose.

Quantitative fit test (QNFT) means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

Quarter means a period of time equal to one-fourth of the year observed by the licensee (approximately 13 consecutive weeks), providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

Rad (See § 20.1004).

Radiation (ionizing radiation) means alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. Radiation, as used in this part, does not include non-ionizing radiation, such as radio- or microwaves, or visible, infrared, or ultraviolet light.

Radiation area means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.005 rem (0.05

mSv) in 1 hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates.

Reference man means a hypothetical aggregation of human physical and physiological characteristics arrived at by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

Rem (See § 20.1004).

Residual radioactivity means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of 10 CFR part 20.

Respiratory protective device means an apparatus, such as a respirator, used to reduce the individual's intake of airborne radioactive materials.

Restricted area means an area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

Sanitary sewerage means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee.

Self-contained breathing apparatus (SCBA) means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

Shallow-dose equivalent (H[s]), which applies to the external exposure of the skin of the whole body or the skin of an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg<sup>2</sup>).

Sievert (See § 20.1004).

Site boundary means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee.

Source material means —

(1) Uranium or thorium or any combination of uranium and thorium in any physical or chemical form; or

(2) Ores that contain, by weight, one-twentieth of 1 percent (0.05 percent), or more, of uranium, thorium, or any combination of uranium and thorium. Source material does not include special nuclear material.

Special nuclear material means —

(1) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or

(2) Any material artificially enriched by any of the foregoing but does not include source material.

Stochastic effects means health effects that occur randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

Supplied-air respirator (SAR) or airline respirator means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

Survey means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation. When appropriate, such an evaluation includes a physical survey of the location of radioactive material and measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.



Tight-fitting facepiece means a respiratory inlet covering that forms a complete seal with the face.

Total Effective Dose Equivalent (TEDE) means the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

Unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Uranium fuel cycle means the operations of milling of uranium ore, chemical conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel, and reprocessing of spent uranium fuel to the extent that these activities directly support the production of electrical power for public use. Uranium fuel cycle does not include mining operations, operations at waste disposal sites, transportation of radioactive material in support of these operations, and the reuse of recovered non-uranium special nuclear and byproduct materials from the cycle.

User seal check (fit check) means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

Very high radiation area means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in 1 hour at 1 meter from a radiation source or 1 meter from any surface that the radiation penetrates.

NOTE: At very high doses received at high dose rates, units of absorbed dose (e.g., rads and grays) are appropriate, rather than units of dose equivalent (e.g., rems and sieverts).

Waste means those low-level radioactive wastes containing source, special nuclear, or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in paragraphs (2), (3), and (4) of the definition of Byproduct material set forth in this section.

Week means 7 consecutive days starting on Sunday.

Weighting factor  $w_T$  for an organ or tissue (T) is the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of  $w_T$  are:

**ORGAN DOSE WEIGHTING FACTORS**

<b>Organ or tissue</b>	<b><math>W_T</math></b>
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 <sup>1</sup>
Whole Body	1.00 <sup>2</sup>

Whole body means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow, or legs above the knee.

Working level (WL) is any combination of short-lived radon daughters (for

<sup>1</sup> 0.30 results from 0.06 for each of 5 "remainder" organs (excluding the skin and the lens of the eye) that receive the highest doses.

<sup>2</sup> For the purpose of weighting the external whole body dose (for adding it to the internal dose), a single weighting factor,  $w_T=1.0$ , has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

radon-222; polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212) in 1 liter of air that will result in the ultimate emission of  $1.3 \times 10^5$  MeV of potential alpha particle energy.

Working level month (WLM) means an exposure to 1 working level for 170 hours (2,000 working hours per year/12 months per year=approximately 170 hours per month).

Year means the period of time beginning in January used to determine compliance with the provisions of this part. The licensee may change the starting date of the year used to determine compliance by the licensee provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

**HISTORY:**

[56 FR 23391, May 21, 1991, as amended at 57 FR 57878, Dec. 8, 1992; 58 FR 7736, Feb. 9, 1993; 60 FR 36043, July 13, 1995; 60 FR 48623, 48625, Sept. 20, 1995; 61 FR 65120, 65127, Dec. 10, 1996; 62 FR 4120, 4132, Jan. 29, 1997; 62 FR 39058, 39087, July 21, 1997; 63 FR 39477, 39481, July 23, 1998; 63 FR 45393, Aug. 26, 1998; 64 FR 54543, 54556, Oct. 7, 1999; 66 FR 55732, 55789, Nov. 2, 2001; 67 FR 16298, 16304, Apr. 5, 2002; 67 FR 20250, 20370, Apr. 24, 2002, as corrected at 67 FR 62872, Oct. 9, 2002; 71 FR 65686, 65707, Nov. 8, 2006; 72 FR 55864, 55921, Oct. 1, 2007; 72 FR 68043, 68058, Dec. 4, 2007, as confirmed at 73 FR 8588, Feb. 14, 2008; 72 FR 72233, Dec. 20, 2007; 74 FR 62676, 62680, Dec. 1, 2009]

**NOTES:**

[EFFECTIVE DATE NOTE: 74 FR 62676, 62680, Dec. 1, 2009, amended the definition of "Survey," effective Dec. 31, 2009.]

**§ 20.1004. Units of radiation dose.**

(a) Definitions. As used in this part, the units of radiation dose are:

Gray (Gy) is the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 Joule/kilogram (100 rads).

Rad is the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs/gram or 0.01 joule/kilogram (0.01 gray).

Rem is the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rems is equal to the absorbed dose in rads multiplied by the quality factor (1 rem=0.01 sievert).

Sievert is the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sieverts is equal to the absorbed dose in grays multiplied by the quality factor (1 Sv=100 rems).

(b) As used in this part, the quality factors for converting absorbed dose to dose equivalent are shown in table 1004(b).1.

**Table 1004(b).1—Quality Factors and Absorbed Dose Equivalencies**

Type of radiation	Quality factor (Q)	Absorbed dose equal to a unit dose equivalent <sup>a</sup>
X-, gamma, or beta radiation	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

(c) If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in rems per hour or sieverts per hour, as provided in paragraph (b) of this section, 1 rem (0.01 Sv) of neutron radiation of unknown energies may, for purposes of the regulations in this part, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the

<sup>a</sup> Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 sievert.

licensee may use the fluence rate per unit dose equivalent or the appropriate Q value from table 1004(b).2 to convert a measured tissue dose in rads to dose equivalent in rems.

**Table 1004(b).2—Mean Quality Factors, Q, and Fluence per Unit Dose Equivalent for Monoenergetic Neutrons**

	Neutron energy (MeV)	Quality factor <sup>a</sup> (Q)	Fluence per unit dose equivalent <sup>b</sup> (neutrons cm <sup>-2</sup> rem <sup>-1</sup> )
(thermal).....	2.5x10 <sup>-8</sup>	2	980x10 <sup>6</sup>
	1x10 <sup>-7</sup>	2	980x10 <sup>6</sup>
	1x10 <sup>-6</sup>	2	810x10 <sup>6</sup>
	1x10 <sup>-5</sup>	2	810x10 <sup>6</sup>
	1x10 <sup>-4</sup>	2	840x10 <sup>6</sup>
	1x10 <sup>-3</sup>	2	980x10 <sup>6</sup>
	1x10 <sup>-2</sup>	2.5	1010x10 <sup>6</sup>
	1x10 <sup>-1</sup>	7.5	170x10 <sup>6</sup>
	5x10 <sup>-1</sup>	11	39x10 <sup>6</sup>
	1	11	27x10 <sup>6</sup>
	2.5	9	29x10 <sup>6</sup>
	5	8	23x10 <sup>6</sup>
	7	7	24x10 <sup>6</sup>
	10	6.5	24x10 <sup>6</sup>
	14	7.5	17x10 <sup>6</sup>
	20	8	16x10 <sup>6</sup>
	40	7	14x10 <sup>6</sup>
	60	5.5	16x10 <sup>6</sup>
	1x10 <sup>2</sup>	4	20x10 <sup>6</sup>
	2x10 <sup>2</sup>	3.5	19x10 <sup>6</sup>
	3x10 <sup>2</sup>	3.5	16x10 <sup>6</sup>
	4x10 <sup>2</sup>	3.5	14x10 <sup>6</sup>

<sup>a</sup> Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-cm diameter cylinder tissue-equivalent phantom.

<sup>b</sup> Monoenergetic neutrons incident normally on a 30-cm diameter cylinder tissue-equivalent phantom.

**HISTORY:**

[56 FR 23391, May 21, 1991]

**§ 20.1005. Units of radioactivity.**

For the purposes of this part, activity is expressed in the special unit of curies (Ci) or in the SI unit of becquerels (Bq), or their multiples, or disintegrations (transformations) per unit of time.

(a) One becquerel=1 disintegration per second (s<sup>-1</sup>).

(b) One curie=3.7 x 10<sup>10</sup> disintegrations per second=3.7 x 10<sup>10</sup> becquerels=2.22 x 10<sup>12</sup> disintegrations per minute.

**HISTORY:**

[56 FR 23391, May 21, 1991; 56 FR 61352, Dec. 3, 1991]

**§ 20.1006. Interpretations.**

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

**HISTORY:**

[56 FR 23391, May 21, 1991]

**§ 20.1007. Communications.**

Unless otherwise specified, communications or reports concerning the regulations in this part should be addressed to the Executive Director for Operations (EDO), and sent either by mail to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or, where practicable, by electronic submission, for example, via Electronic Information Exchange, or CD-ROM. Electronic submissions must be made in a manner that enables the NRC to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Detailed guidance on making electronic submissions can be obtained by visiting the NRC's Web site at <http://www.nrc.gov/site-help/e-submittals.html>; by e-mail to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov); or by writing the Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of nonpublic information.

**HISTORY:**

[56 FR 23391, May 21, 1991; 67 FR 57084, 57092, Sept. 6, 2002, withdrawn at 67 FR 72091, Dec. 4, 2002; 68 FR 58792, 58801, Oct. 10, 2003; 74 FR 62676, 62680, Dec. 1, 2009; 80 FR 74974, 74979, Dec. 1, 2015]

**NOTES:**

[EFFECTIVE DATE NOTE: 74 FR 62676, 62680, Dec. 1, 2009, revised the third sentence, effective Dec. 31, 2009; 80 FR 74974, 74979, Dec. 1, 2015, amended this section, effective Dec. 31, 2015.]

**§ 20.1008. Implementation.**

(a) [Reserved].

(b) The applicable section of §§ 20.1001-20.2402 must be used in lieu of requirements in the standards for protection against radiation in effect prior to January 1, 1994<sup>1</sup> that are cited in license conditions or technical specifications, except as specified in paragraphs (c), (d), and (e) of this section. If the requirements of this part are more restrictive than the existing license condition, then the licensee shall comply with this part unless exempted by paragraph (d) of this section.

(c) Any existing license condition or technical specification that is more restrictive than a requirement in §§ 20.1001-20.2402 remains in force until there is a technical specification change, license amendment, or license renewal.

(d) If a license condition or technical specification exempted a licensee from a requirement in the standards for protection against radiation in effect prior to January 1, 1994,<sup>2</sup> it continues to exempt a licensee from the corresponding provision of §§ 20.1001-20.2402.

(e) If a license condition cites provisions in requirements in the standards for protection against radiation in effect prior to January 1, 1994<sup>1</sup> and there are no corresponding provisions in §§ 20.1001-20.2402, then the license condition remains in force until there is a technical specification change, license amendment, or license renewal that modifies or removes this condition.

**HISTORY:**

[56 FR 23391, May 21, 1991, as amended at 57 FR 38590, Aug. 26, 1992; 59 FR 41643, Aug. 15, 1994]

**§ 20.1009. Information collection requirements: OMB approval.**

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved the information collection requirements contained in this part under control number

<sup>1</sup> See §§ 20.1-20.602 codified as of January 1, 1993.

<sup>2</sup> See §§ 20.1-20.602 codified as of January 1, 1993.

3150-0014.

(b) The approved information collection requirements contained in this part appear in §§ 20.1003, 20.1101, 20.1202, 20.1203, 20.1204, 20.1206, 20.1208, 20.1301, 20.1302, 20.1403, 20.1404, 20.1406, 20.1501, 20.1601, 20.1703, 20.1901, 20.1904, 20.1905, 20.1906, 20.2002, 20.2004, 20.2005, 20.2006, 20.2102, 20.2103, 20.2104, 20.2105, 20.2106, 20.2107, 20.2108, 20.2110, 20.2201, 20.2202, 20.2203, 20.2204, 20.2205, 20.2206, 20.2207, 20.2301, and appendix G to this part.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

- (1) In § 20.2104, NRC Form 4 is approved under control number 3150-0005.
- (2) In §§ 20.2106 and 20.2206, NRC Form 5 is approved under control number 3150-0006.
- (3) In § 20.2006 and appendix G to 10 CFR Part 20, NRC Form 540 and 540A is approved under control number 3150-0164.
- (4) In § 20.2006 and appendix G to 10 CFR Part 20, NRC Form 541 and 541A is approved under control number 3150-0166.
- (5) In § 20.2006 and appendix G to 10 CFR Part 20, NRC Form 542 and 542A is approved under control number 3150-0165.
- (6) In § 20.2207, NRC Form 748 is approved under control number 3150-0202.

**HISTORY:**

*[57 FR 57878, Dec. 8, 1992; 60 FR 15663, March 27, 1995; 62 FR 39058, 39087, July 21, 1997; 63 FR 50127, 50128, Sept. 21, 1998; 67 FR 67096, 67099, Nov. 4, 2002; 71 FR 65686, 65707, Nov. 8, 2006; 72 FR 55864, 55922, Oct. 1, 2007; 77 FR 39899, 39905, July 6, 2012]*

**NOTES:**

*[EFFECTIVE DATE NOTE: 77 FR 39899, 39905, July 6, 2012, revised paragraph (b), effective Aug. 6, 2012.]*

## SUBPART B RADIATION PROTECTION PROGRAMS

Section

20.1101. Radiation protection programs.

**§ 20.1101. Radiation protection programs.**

(a) Each licensee shall develop, document, and implement a radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of this part. (See § 20.2102 for recordkeeping requirements relating to these programs.)

(b) The licensee shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).

(c) The licensee shall periodically (at least annually) review the radiation protection program content and implementation.

(d) To implement the ALARA requirements of § 20.1101 (b), and notwithstanding the requirements in § 20.1301 of this part, a constraint on air emissions of radioactive material to the environment, excluding Radon-222 and its daughters, shall be established by licensees other than those subject to § 50.34a, such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 10 mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in § 20.2203 and promptly take appropriate corrective

action to ensure against recurrence.

**HISTORY:**

[56 FR 23396, May 21, 1991; 61 FR 65120, 65127, Dec. 10, 1996; 63 FR 39477, 39482, July 23, 1998; 63 FR 45393, Aug. 26, 1998]

**NOTES:**

[EFFECTIVE DATE NOTE: 63 FR 39477, 39482, July 23, 1998, revised paragraph (b), effective Oct. 26, 1998.]

## SUBPART C OCCUPATIONAL DOSE LIMITS

Section	
20.1201.	Occupational dose limits for adults.
20.1202.	Compliance with requirements for summation of external and internal doses.
20.1203.	Determination of external dose from airborne radioactive material.
20.1204.	Determination of internal exposure.
20.1206.	Planned special exposures.
20.1207.	Occupational dose limits for minors.
20.1208.	Dose equivalent to an embryo/fetus.

**§ 20.1201. Occupational dose limits for adults.**

(a) The licensee shall control the occupational dose to individual adults, except for planned special exposures under § 20.1206, to the following dose limits.

- (1) An annual limit, which is the more limiting of —
  - (i) The total effective dose equivalent being equal to 5 rems (0.05 Sv); or
  - (ii) The sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rems (0.5 Sv).
- (2) The annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities, which are:

- (i) A lens dose equivalent of 15 rems (0.15 Sv), and
- (ii) A shallow-dose equivalent of 50 rem (0.5 Sv) to the skin of the whole body or to the skin of any extremity.

(b) Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, must be subtracted from the limits for planned special exposures that the individual may receive during the current year (see § 20.1206(e)(1)) and during the individual's lifetime (see § 20.1206(e)(2)).

(c) When the external exposure is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the NRC. The assigned deep-dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow-dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure. The deep-dose equivalent, lens-dose equivalent, and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.

(d) Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in table 1 of Appendix B to Part 20 and may be used to determine the individual's dose (see § 20.2106) and to demonstrate compliance with the occupational dose limits.

(e) In addition to the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (see footnote 3 of Appendix B to Part 20).

(f) The licensee shall reduce the dose that an individual may be allowed to receive

in the current year by the amount of occupational dose received while employed by any other person (see § 20.2104(e)).

**HISTORY:**

[56 FR 23396, May 21, 1991; 60 FR 20185, Apr. 25, 1995; 63 FR 39477, 39482, July 23, 1998; 63 FR 45393, Aug. 26, 1998; 67 FR 16298, 16304, Apr. 5, 2002; 72 FR 68043, 68059, Dec. 4, 2007, as confirmed at 73 FR 8588, Feb. 14, 2008; 72 FR 72233, Dec. 20, 2007]

**NOTES:**

[EFFECTIVE DATE NOTE: 72 FR 68043, 68059, Dec. 4, 2007, revised paragraph (c), effective Jan. 3, 2008; 72 FR 72233, Dec. 20, 2007, provides: "The effective date of the final rule published December 4, 2007 (72 FR 68043) is deferred until February 15, 2008."]

**§ 20.1202. Compliance with requirements for summation of external and internal doses.**

(a) If the licensee is required to monitor under both §§ 20.1502(a) and (b), the licensee shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee is required to monitor only under § 20.1502(a) or only under § 20.1502(b), then summation is not required to demonstrate compliance with the dose limits. The licensee may demonstrate compliance with the requirements for summation of external and internal doses by meeting one of the conditions specified in paragraph (b) of this section and the conditions in paragraphs (c) and (d) of this section. (NOTE: The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation, but are subject to separate limits.)

(b) Intake by inhalation. If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep-dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity:

- (1) The sum of the fractions of the inhalation ALI for each radionuclide, or
- (2) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000, or
- (3) The sum of the calculated committed effective dose equivalents to all significantly irradiated<sup>1</sup> organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit.

(c) Intake by oral ingestion. If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than 10 percent of the applicable oral ALI, the licensee shall account for this intake and include it in demonstrating compliance with the limits.

(d) Intake through wounds or absorption through skin. The licensee shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. Note: The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be further evaluated.

**HISTORY:**

[56 FR 23396, May 21, 1991, as amended at 57 FR 57878, Dec. 8, 1992]

**§ 20.1203. Determination of external dose from airborne radioactive material.**

Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep-dose equivalent, lens dose equivalent, and shallow-dose equivalent from external exposure to the radioactive cloud (see appendix B to part 20, footnotes 1 and 2).

Note: Airborne radioactivity measurements and DAC values should not be used as the primary means to assess the deep-dose equivalent when the airborne radioactive

<sup>1</sup> An organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factor, wT, and the committed dose equivalent, HT,50, per unit intake is greater than 10 percent of the maximum weighted value of HT,50, (i.e., WT HT,50) per unit intake for any organ or tissue.

material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep-dose equivalent to an individual should be based upon measurements using instruments or individual monitoring devices.

**HISTORY:**

[56 FR 23396, May 21, 1991; 60 FR 20185, Apr. 25, 1995; 63 FR 39477, 39482, July 23, 1998; 63 FR 45393, Aug. 26, 1998]

**NOTES:**

[EFFECTIVE DATE NOTE: 63 FR 39477, 39482, July 23, 1998, revised the introductory text, effective Oct. 26, 1998.]

**§ 20.1204. Determination of internal exposure.**

(a) For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required under § 20.1502, take suitable and timely measurements of —

- (1) Concentrations of radioactive materials in air in work areas; or
- (2) Quantities of radionuclides in the body; or
- (3) Quantities of radionuclides excreted from the body; or
- (4) Combinations of these measurements.

(b) Unless respiratory protective equipment is used, as provided in § 20.1703, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.

(c) When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior or the material in an individual is known, the licensee may —

(1) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee shall document that information in the individual's record; and

(2) Upon prior approval of the Commission, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material (e.g., aerosol size distribution or density); and

(3) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide (see Appendix B to Part 20) to the committed effective dose equivalent.

(d) If the licensee chooses to assess intakes of Class Y material using the measurements given in § 20.1204(a)(2) or (3), the licensee may delay the recording and reporting of the assessments for periods up to 7 months, unless otherwise required by §§ 20.2202 or 20.2203, in order to permit the licensee to make additional measurements basic to the assessments.

(e) If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours must be either —

(1) The sum of the ratios of the concentration to the appropriate DAC value (e.g., D, W, Y) from Appendix B to Part 20 for each radio-nuclide in the mixture; or

(2) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

(f) If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture must be the most restrictive DAC of any radionuclide in the mixture.

(g) When a mixture of radionuclides in air exists, licensees may disregard certain radionuclides in the mixture if —

(1) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in § 20.1201 and in complying with the monitoring requirements in § 20.1502(b), and



(2) The concentration of any radionuclide disregarded is less than 10 percent of its DAC, and

(3) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

(h)(1) In order to calculate the committed effective dose equivalent, the licensee may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of 5 rems (0.05 Sv) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.

(2) When the ALI (and the associated DAC) is determined by the nonstochastic organ dose limit of 50 rems (0.5 Sv), the intake of radionuclides that would result in a committed effective dose equivalent of 5 rems (0.05 Sv) (the stochastic ALI) is listed in parentheses in table 1 of Appendix B to Part 20. In this case, the licensee may, as a simplifying assumption, use the stochastic ALIs to determine committed effective dose equivalent. However, if the licensee uses the stochastic ALIs, the licensee must also demonstrate that the limit in § 20.1201(a)(1)(ii) is met.

**HISTORY:**

[56 FR 23396, May 21, 1991; 60 FR 20185, Apr. 25, 1995]

**§ 20.1206. Planned special exposures.**

A licensee may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in § 20.1201 provided that each of the following conditions is satisfied —

(a) The licensee authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the dose estimated to result from the planned special exposure are unavailable or impractical.

(b) The licensee (and employer if the employer is not the licensee) specifically authorizes the planned special exposure, in writing, before the exposure occurs.

(c) Before a planned special exposure, the licensee ensures that the individuals involved are —

(1) Informed of the purpose of the planned operation;

(2) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and

(3) Instructed in the measures to be taken to keep the dose ALARA considering other risks that may be present.

(d) Prior to permitting an individual to participate in a planned special exposure, the licensee ascertains prior doses as required by § 20.2104(b) during the lifetime of the individual for each individual involved.

(e) Subject to § 20.1201(b), the licensee does not authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses in excess of the limits to exceed —

(1) The numerical values of any of the dose limits in § 20.1201(a) in any year; and

(2) Five times the annual dose limits in § 20.1201(a) during the individual's lifetime.

(f) The licensee maintains records of the conduct of a planned special exposure in accordance with § 20.2105 and submits a written report in accordance with § 20.2204.

(g) The licensee records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days from the date of the planned special exposure. The dose from planned special exposures is not to be considered in controlling future occupational dose of the individual under § 20.1201(a) but is to be included in evaluations required by § 20.1206 (d) and (e).

**HISTORY:**

[56 FR 23396, May 21, 1991; 63 FR 39477, 39482, July 23, 1998; 63 FR 45393, Aug. 26, 1998]

## NOTES:

[EFFECTIVE DATE NOTE: 63 FR 39477, 39482, July 23, 1998, revised paragraph (a), effective Oct. 26, 1998.]

**§ 20.1207. Occupational dose limits for minors.**

The annual occupational dose limits for minors are 10 percent of the annual dose limits specified for adult workers in § 20.1201.

## HISTORY:

[56 FR 23396, May 21, 1991]

**§ 20.1208 Dose equivalent to an embryo/fetus.**

(a) The licensee shall ensure that the dose equivalent to the embryo/fetus during the entire pregnancy, due to the occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 mSv). (For recordkeeping requirements, see § 20.2106.)

(b) The licensee shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in paragraph (a) of this section.

(c) The dose equivalent to the embryo/fetus is the sum of —

(1) The deep-dose equivalent to the declared pregnant woman; and

(2) The dose equivalent to the embryo/fetus resulting from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman.

(d) If the dose equivalent to the embryo/fetus is found to have exceeded 0.5 rem (5 mSv), or is within 0.05 rem (0.5 mSv) of this dose, by the time the woman declares the pregnancy to the licensee, the licensee shall be deemed to be in compliance with paragraph (a) of this section if the additional dose equivalent to the embryo/fetus does not exceed 0.05 rem (0.5 mSv) during the remainder of the pregnancy.

## HISTORY:

[56 FR 23396, May 21, 1991; 63 FR 39477, 39482, July 23, 1998; 63 FR 45393, Aug. 26, 1998]

## NOTES:

[EFFECTIVE DATE NOTE: 63 FR 39477, 39482, July 23, 1998, revised the section heading, the introductory text of paragraph (c), and paragraphs (a), (c)(2), and (d), effective Oct. 26, 1998.]

## SUBPART D

### RADIATION DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC

## Section

20.1301. Dose limits for individual members of the public.

20.1302. Compliance with dose limits for individual members of the public.

**§ 20.1301. Dose limits for individual members of the public.**

(a) Each licensee shall conduct operations so that —

(1) The total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (1 mSv) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under § 35.75, from voluntary participation in medical research programs, and from the licensee's disposal of radioactive material into sanitary sewerage in accordance with § 20.2003, and

(2) The dose in any unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material and released in accordance with § 35.75, does not exceed 0.002 rem (0.02 millisievert) in any one hour.

(b) If the licensee permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individuals.

(c) Notwithstanding paragraph (a)(1) of this section, a licensee may permit visitors

to an individual who cannot be released, under § 35.75, to receive a radiation dose greater than 0.1 rem (1 mSv) if —

- (1) The radiation dose received does not exceed 0.5 rem (5 mSv); and
- (2) The authorized user, as defined in 10 CFR Part 35, has determined before the visit that it is appropriate.

(d) A licensee or license applicant may apply for prior NRC authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 mSv). The licensee or license applicant shall include the following information in this application:

(1) Demonstration of the need for and the expected duration of operations in excess of the limit in paragraph (a) of this section;

(2) The licensee's program to assess and control dose within the 0.5 rem (5 mSv) annual limit; and

(3) The procedures to be followed to maintain the dose as low as is reasonably achievable.

(e) In addition to the requirements of this part, a licensee subject to the provisions of EPA's generally applicable environmental radiation standards in 40 CFR Part 190 shall comply with those standards.

(f) The Commission may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee may release in effluents in order to restrict the collective dose.

**HISTORY:**

[56 FR 23396, May 21, 1991; 60 FR 48623, 48625, Sept. 20, 1995; 62 FR 4120, 4133, Jan. 29, 1997; 67 FR 20250, 20370, Apr. 24, 2002, as corrected at 67 FR 62872, Oct. 9, 2002]

**NOTES:**

[EFFECTIVE DATE NOTE: 67 FR 20250, 20370, Apr. 24, 2002, amended this section, effective Oct. 24, 2002.]

**§ 20.1302. Compliance with dose limits for individual members of the public.**

(a) The licensee shall make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas and radioactive materials in effluents released to unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in § 20.1301.

(b) A licensee shall show compliance with the annual dose limit in § 20.1301 by —

(1) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit; or

(2) Demonstrating that —

(i) The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in table 2 of Appendix B to Part 20; and

(ii) If an individual were continuously present in an unrestricted area, the dose from external sources would not exceed 0.002 rem (0.02 mSv) in an hour and 0.05 rem (0.5 mSv) in a year.

(c) Upon approval from the Commission, the licensee may adjust the effluent concentration values in Appendix B to Part 20, table 2, for members of the public, to take into account the actual physical and chemical characteristics of the effluents (e.g., aerosol size distribution, solubility, density, radioactive decay equilibrium, chemical form).

**HISTORY:**

[56 FR 23398, May 21, 1991; 56 FR 61352, Dec. 3, 1991, as amended at 57 FR 57878, Dec. 8, 1992; 60 FR 20185, Apr. 25, 1995]

## SUBPART E

### RADIOLOGICAL CRITERIA FOR LICENSE TERMINATION

Section	
20.1401.	General provisions and scope.
20.1402.	Radiological criteria for unrestricted use.
20.1403.	Criteria for license termination under restricted conditions.
20.1404.	Alternate criteria for license termination.
20.1405.	Public notification and public participation.
20.1406.	Minimization of contamination.

#### § 20.1401. General provisions and scope.

(a) The criteria in this subpart apply to the decommissioning of facilities licensed under parts 30, 40, 50, 52, 60, 61, 63, 70, and 72 of this chapter, and release of part of a facility or site for unrestricted use in accordance with § 50.83 of this chapter, as well as other facilities subject to the Commission's jurisdiction under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. For high-level and low-level waste disposal facilities (10 CFR parts 60, 61, and 63), the criteria apply only to ancillary surface facilities that support radioactive waste disposal activities. The criteria do not apply to uranium and thorium recovery facilities already subject to appendix A to 10 CFR part 40 or the uranium solution extraction facilities.

(b) The criteria in this subpart do not apply to sites which:

(1) Have been decommissioned prior to the effective date of the rule in accordance with criteria identified in the Site Decommissioning Management Plan (SDMP) Action Plan of April 16, 1992 (57 FR 13389);

(2) Have previously submitted and received Commission approval on a license termination plan (LTP) or decommissioning plan that is compatible with the SDMP Action Plan criteria; or

(3) Submit a sufficient LTP or decommissioning plan before August 20, 1998 and such LTP or decommissioning plan is approved by the Commission before August 20, 1999 and in accordance with the criteria identified in the SDMP Action Plan, except that if an EIS is required in the submittal, there will be a provision for day-for-day extension.

(c) After a site has been decommissioned and the license terminated in accordance with the criteria in this subpart, or after part of a facility or site has been released for unrestricted use in accordance with § 50.83 of this chapter and in accordance with the criteria in this subpart, the Commission will require additional cleanup only, if based on new information, it determines that the criteria of this subpart were not met and residual radioactivity remaining at the site could result in significant threat to public health and safety.

(d) When calculating TEDE to the average member of the critical group the licensee shall determine the peak annual TEDE dose expected within the first 1000 years after decommissioning.

#### HISTORY:

[62 FR 39058, 39088, July 21, 1997; 66 FR 55732, 55789, Nov. 2, 2001; 68 FR 19711, 19726, Apr. 22, 2003; 72 FR 49352, 49485, Aug. 28, 2007]

#### NOTES:

[EFFECTIVE DATE NOTE: 72 FR 49352, 49485, Aug. 28, 2007, revised paragraph (a), effective Sept. 27, 2007.]

#### § 20.1402. Radiological criteria for unrestricted use.

A site will be considered acceptable for unrestricted use if the residual radioactivity that is distinguishable from background radiation results in a TEDE to an average member of the critical group that does not exceed 25 mrem (0.25 mSv) per year, including that from groundwater sources of drinking water, and the residual radioactivity has been reduced to levels that are as low as reasonably achievable (ALARA). Determination of

the levels which are ALARA must take into account consideration of any detriments, such as deaths from transportation accidents, expected to potentially result from decontamination and waste disposal.

**HISTORY:**

[62 FR 39058, 39088, July 21, 1997]

**NOTES:**

[EFFECTIVE DATE NOTE: 62 FR 39058, 39088, July 21, 1997, added Subpart E, effective Aug. 20, 1997.]

**§ 20.1403. Criteria for license termination under restricted conditions.**

A site will be considered acceptable for license termination under restricted conditions if:

(a) The licensee can demonstrate that further reductions in residual radioactivity necessary to comply with the provisions of § 20.1402 would result in net public or environmental harm or were not being made because the residual levels associated with restricted conditions are ALARA. Determination of the levels which are ALARA must take into account consideration of any detriments, such as traffic accidents, expected to potentially result from decontamination and waste disposal;

(b) The licensee has made provisions for legally enforceable institutional controls that provide reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group will not exceed 25 mrem (0.25 mSv) per year;

(c) The licensee has provided sufficient financial assurance to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site. Acceptable financial assurance mechanisms are —

(1) Funds placed into a trust segregated from the licensee’s assets and outside the licensee’s administrative control, and in which the adequacy of the trust funds is to be assessed based on an assumed annual 1 percent real rate of return on investment;

(2) A statement of intent in the case of Federal, State, or local Government licensees, as described in § 30.35(f)(4) of this chapter; or

(3) When a governmental entity is assuming custody and ownership of a site, an arrangement that is deemed acceptable by such governmental entity.

(d) The licensee has submitted a decommissioning plan or License Termination Plan (LTP) to the Commission indicating the licensee’s intent to decommission in accordance with §§ 30.36(d), 40.42(d), 50.82 (a) and (b), 70.38(d), or 72.54 of this chapter, and specifying that the licensee intends to decommission by restricting use of the site. The licensee shall document in the LTP or decommissioning plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and incorporated, as appropriate, following analysis of that advice.

(1) Licensees proposing to decommission by restricting use of the site shall seek advice from such affected parties regarding the following matters concerning the proposed decommissioning —

(i) Whether provisions for institutional controls proposed by the licensee;

(A) Will provide reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group will not exceed 25 mrem (0.25 mSv) TEDE per year;

(B) Will be enforceable; and

(C) Will not impose undue burdens on the local community or other affected parties.

(ii) Whether the licensee has provided sufficient financial assurance to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site;

(2) In seeking advice on the issues identified in § 20.1403(d)(1), the licensee shall provide for:

(i) Participation by representatives of a broad cross section of community interests

who may be affected by the decommissioning:

(ii) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(iii) A publicly available summary of the results of all such discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement among the participants on the issues; and

(e) Residual radioactivity at the site has been reduced so that if the institutional controls were no longer in effect, there is reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group is as low as reasonably achievable and would not exceed either —

(1) 100 mrem (1 mSv) per year; or

(2) 500 mrem (5 mSv) per year provided the licensee —

(i) Demonstrates that further reductions in residual radioactivity necessary to comply with the 100 mrem/y (1 mSv/y) value of paragraph (e)(1) of this section are not technically achievable, would be prohibitively expensive, or would result in net public or environmental harm;

(ii) Makes provisions for durable institutional controls;

(iii) Provides sufficient financial assurance to enable a responsible government entity or independent third party, including a governmental custodian of a site, both to carry out periodic rechecks of the site no less frequently than every 5 years to assure that the institutional controls remain in place as necessary to meet the criteria of § 20.1403(b) and to assume and carry out responsibilities for any necessary control and maintenance of those controls. Acceptable financial assurance mechanisms are those in paragraph (c) of this section.

**HISTORY:**

[62 FR 39058, 39088, July 21, 1997; 76 FR 35512, 35564, June 17, 2011]

**NOTES:**

[EFFECTIVE DATE NOTE: 76 FR 35512, 35564, June 17, 2011, amended this section, effective Dec. 17, 2012.

“Compliance with the reporting provisions in Title 10 of the Code of Federal Regulations (10 CFR) 50.82(a)(8)(v) and (vii) is required by March 31, 2013.”]

**§ 20.1404. Alternate criteria for license termination.**

(a) The Commission may terminate a license using alternate criteria greater than the dose criterion of §§ 20.1402, 20.1403(b), and 20.1403(d)(1)(i)(A), if the licensee —

(1) Provides assurance that public health and safety would continue to be protected, and that it is unlikely that the dose from all man-made sources combined, other than medical, would be more than the 1 mSv/y (100 mrem/y) limit of subpart D, by submitting an analysis of possible sources of exposure;

(2) Has employed to the extent practical restrictions on site use according to the provisions of § 20.1403 in minimizing exposures at the site; and

(3) Reduces doses to ALARA levels, taking into consideration any detriments such as traffic accidents expected to potentially result from decontamination and waste disposal.

(4) Has submitted a decommissioning plan or License Termination Plan (LTP) to the Commission indicating the licensee’s intent to decommission in accordance with §§ 30.36(d), 40.42(d), 50.82 (a) and (b), 70.38(d), or 72.54 of this chapter, and specifying that the licensee proposes to decommission by use of alternate criteria. The licensee shall document in the decommissioning plan or LTP how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and addressed, as appropriate, following analysis of that advice. In seeking such advice, the licensee shall provide for:

(i) Participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;

(ii) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(iii) A publicly available summary of the results of all such discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement among the participants on the issues.

(5) Has provided sufficient financial assurance in the form of a trust fund to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site.

(b) The use of alternate criteria to terminate a license requires the approval of the Commission after consideration of the NRC staff's recommendations that will address any comments provided by the Environmental Protection Agency and any public comments submitted pursuant to § 20.1405.

**HISTORY:**

[62 FR 39058, 39089, July 21, 1997; 76 FR 35512, 35564, June 17, 2011]

**NOTES:**

[EFFECTIVE DATE NOTE: 76 FR 35512, 35564, June 17, 2011, added paragraph (a)(5), effective Dec. 17, 2012. "Compliance with the reporting provisions in Title 10 of the Code of Federal Regulations (10 CFR) 50.82(a)(8)(v) and (vii) is required by March 31, 2013."]

**§ 20.1405. Public notification and public participation.**

Upon the receipt of an LTP or decommissioning plan from the licensee, or a proposal by the licensee for release of a site pursuant to §§ 20.1403 or 20.1404, or whenever the Commission deems such notice to be in the public interest, the Commission shall:

(a) Notify and solicit comments from:

(1) local and State governments in the vicinity of the site and any Indian Nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning; and

(2) the Environmental Protection Agency for cases where the licensee proposes to release a site pursuant to § 20.1404.

(b) Publish a notice in the Federal Register and in a forum, such as local newspapers, letters to State or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the site, and solicit comments from affected parties.

**HISTORY:**

[62 FR 39058, 39089, July 21, 1997]

**NOTES:**

[EFFECTIVE DATE NOTE: 62 FR 39058, 39089, July 21, 1997, added Subpart E, effective Aug. 20, 1997.]

**§ 20.1406. Minimization of contamination.**

(a) Applicants for licenses, other than early site permits and manufacturing licenses under part 52 of this chapter and renewals, whose applications are submitted after August 20, 1997, shall describe in the application how facility design and procedures for operation will minimize, to the extent practicable, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practicable, the generation of radioactive waste.

(b) Applicants for standard design certifications, standard design approvals, and manufacturing licenses under part 52 of this chapter, whose applications are submitted after August 20, 1997, shall describe in the application how facility design will minimize, to the extent practicable, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practicable, the generation of radioactive waste.

(c) Licensees shall, to the extent practical, conduct operations to minimize the introduction of residual radioactivity into the site, including the subsurface, in accordance with the existing radiation protection requirements in Subpart B and radiological criteria for license termination in Subpart E of this part.

**HISTORY:**

[62 FR 39058, 39089, July 21, 1997; 72 FR 49352, 49485, Aug. 28, 2007; 76 FR 35512, 35564, June 17, 2011]

**NOTES:**

[EFFECTIVE DATE NOTE: 76 FR 35512, 35564, June 17, 2011, added paragraph (c), effective Dec. 17, 2012.

“Compliance with the reporting provisions in Title 10 of the Code of Federal Regulations (10 CFR) 50.82(a)(8)(v) and (vii) is required by March 31, 2013.”]

## SUBPART F SURVEYS AND MONITORING

## Section

20.1501. General.

20.1502. Conditions requiring individual monitoring of external and internal occupational dose.

**§ 20.1501. General.**

(a) Each licensee shall make or cause to be made, surveys of areas, including the subsurface, that —

(1) May be necessary for the licensee to comply with the regulations in this part; and

(2) Are reasonable under the circumstances to evaluate —

(i) The magnitude and extent of radiation levels; and

(ii) Concentrations or quantities of residual radioactivity; and

(iii) The potential radiological hazards of the radiation levels and residual radioactivity detected.

(b) Notwithstanding § 20.2103(a) of this part, records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with records important for decommissioning, and such records must be retained in accordance with §§ 30.35(g), 40.36(f), 50.75(g), 70.25(g), or 72.30(d), as applicable.

(c) The licensee shall ensure that instruments and equipment used for quantitative radiation measurements (e.g., dose rate and effluent monitoring) are calibrated periodically for the radiation measured.

(d) All personnel dosimeters (except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to the extremities) that require processing to determine the radiation dose and that are used by licensees to comply with § 20.1201, with other applicable provisions of this chapter, or with conditions specified in a license must be processed and evaluated by a dosimetry processor —

(1) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(2) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

**HISTORY:**

[56 FR 23396, May 21, 1991; 63 FR 39477, 39482, July 23, 1998; 63 FR 45393, Aug. 26, 1998; 76 FR 35512, 35564, June 17, 2011]

**NOTES:**

[EFFECTIVE DATE NOTE: 76 FR 35512, 35564, June 17, 2011, amended this section, effective Dec. 17, 2012.

“Compliance with the reporting provisions in Title 10 of the Code of Federal Regulations (10 CFR) 50.82(a)(8)(v) and (vii) is required by March 31, 2013.”]

**§ 20.1502. Conditions requiring individual monitoring of external and internal occupational dose.**

Each licensee shall monitor exposures to radiation and radioactive material at levels sufficient to demonstrate compliance with the occupational dose limits of this part. As a



minimum —

(a) Each licensee shall monitor occupational exposure to radiation from licensed and unlicensed radiation sources under the control of the licensee and shall supply and require the use of individual monitoring devices by —

(1) Adults likely to receive, in 1 year from sources external to the body, a dose in excess of 10 percent of the limits in § 20.1201(a),

(2) Minors likely to receive, in 1 year, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv), a lens dose equivalent in excess of 0.15 rem (1.5 mSv), or a shallow dose equivalent to the skin or to the extremities in excess of 0.5 rem (5 mSv);

(3) Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv);<sup>2</sup> and

(4) Individuals entering a high or very high radiation area.

(b) Each licensee shall monitor (see § 20.1204) the occupational intake of radioactive material by and assess the committed effective dose equivalent to —

(1) Adults likely to receive, in 1 year, an intake in excess of 10 percent of the applicable ALI(s) in table 1, Columns 1 and 2, of appendix B to §§ 20.1001-20.2402;

(2) Minors likely to receive, in 1 year, a committed effective dose equivalent in excess of 0.1 rem (1 mSv); and

(3) Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).

**HISTORY:**

[56 FR 23396, May 21, 1991; 60 FR 20185, Apr. 25, 1995; 63 FR 39477, 39482, July 23, 1998; 63 FR 45393, Aug. 26, 1998]

**NOTES:**

[EFFECTIVE DATE NOTE: 63 FR 39477, 39482, July 23, 1998, amended this section, effective Oct. 26, 1998.]

## SUBPART G

### CONTROL OF EXPOSURE FROM EXTERNAL SOURCES IN RESTRICTED AREAS

Section

20.1601. Control of access to high radiation areas.

20.1602. Control of access to very high radiation areas.

**§ 20.1601. Control of access to high radiation areas.**

(a) The licensee shall ensure that each entrance or access point to a high radiation area has one or more of the following features—

(1) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep-dose equivalent of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates;

(2) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or

(3) Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.

(b) In place of the controls required by paragraph (a) of this section for a high radiation area, the licensee may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.

<sup>2</sup> All of the occupational doses in § 20.1201 continue to be applicable to the declared pregnant worker as long as the embryo/fetus dose limit is not exceeded.

(c) A licensee may apply to the Commission for approval of alternative methods for controlling access to high radiation areas.

(d) The licensee shall establish the controls required by paragraphs (a) and (c) of this section in a way that does not prevent individuals from leaving a high radiation area.

(e) Control is not required for each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with the regulations of the Department of Transportation provided that—

(1) The packages do not remain in the area longer than 3 days; and

(2) The dose rate at 1 meter from the external surface of any package does not exceed 0.01 rem (0.1 mSv) per hour.

(f) Control of entrance or access to rooms or other areas in hospitals is not required solely because of the presence of patients containing radioactive material, provided that there are personnel in attendance who will take the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the limits established in this part and to operate within the ALARA provisions of the licensee's radiation protection program.

**HISTORY:**

[56 FR 23396, May 21, 1991]

**§ 20.1602 Control of access to very high radiation areas.**

In addition to the requirements in § 20.1601, the licensee shall institute additional measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 500 rads (5 grays) or more in 1 hour at 1 meter from a radiation source or any surface through which the radiation penetrates.

**HISTORY:**

[56 FR 23396, May 21, 1991]

## SUBPART H RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT INTERNAL EXPOSURE IN RESTRICTED AREAS

Section	
20.1701.	Use of process or other engineering controls.
20.1702.	Use of other controls.
20.1703.	Use of individual respiratory protection equipment.
20.1704.	Further restrictions on the use of respiratory protection equipment.
20.1705.	Application for use of higher assigned protection factors.

**§ 20.1701. Use of process or other engineering controls.**

The licensee shall use, to the extent practical, process or other engineering controls (e.g., containment, decontamination, or ventilation) to control the concentration of radioactive material in air.

**HISTORY:**

[56 FR 23400, May 21, 1991; 60 FR 20185, Apr. 25, 1995; 64 FR 54543, 54556, Oct. 7, 1999]

**NOTES:**

[EFFECTIVE DATE NOTE: 64 FR 54543, 54556, Oct. 7, 1999, revised this section, effective Feb. 4, 2000.]

**§ 20.1702. Use of other controls.**

(a) When it is not practical to apply process or other engineering controls to control

the concentrations of radioactive material in the air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one or more of the following means —

- (1) Control of access;
- (2) Limitation of exposure times;
- (3) Use of respiratory protection equipment; or
- (4) Other controls.

(b) If the licensee performs an ALARA analysis to determine whether or not respirators should be used, the licensee may consider safety factors other than radiological factors. The licensee should also consider the impact of respirator use on workers' industrial health and safety.

**HISTORY:**

[56 FR 23400, May 21, 1991; 60 FR 20185, Apr. 25, 1995; 64 FR 54543, 54556, Oct. 7, 1999]

**NOTES:**

[EFFECTIVE DATE NOTE: 64 FR 54543, 54556, Oct. 7, 1999, revised this section, effective Feb. 4, 2000.]

**§ 20.1703. Use of individual respiratory protection equipment.**

If the licensee assigns or permits the use of respiratory protection equipment to limit the intake of radioactive material,

(a) The licensee shall use only respiratory protection equipment that is tested and certified by the National Institute for Occupational Safety and Health (NIOSH) except as otherwise noted in this part.

(b) If the licensee wishes to use equipment that has not been tested or certified by NIOSH, or for which there is no schedule for testing or certification, the licensee shall submit an application to the NRC for authorized use of this equipment except as provided in this part. The application must include evidence that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use. This must be demonstrated either by licensee testing or on the basis of reliable test information.

(c) The licensee shall implement and maintain a respiratory protection program that includes:

(1) Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate doses;

(2) Surveys and bioassays, as necessary, to evaluate actual intakes;

(3) Testing of respirators for operability (user seal check for face sealing devices and functional check for others) immediately prior to each use;

(4) Written procedures regarding —

(i) Monitoring, including air sampling and bioassays;

(ii) Supervision and training of respirator users;

(iii) Fit testing;

(iv) Respirator selection;

(v) Breathing air quality;

(vi) Inventory and control;

(vii) Storage, issuance, maintenance, repair, testing, and quality assurance of respiratory protection equipment;

(viii) Recordkeeping; and

(ix) Limitations on periods of respirator use and relief from respirator use;

(5) Determination by a physician that the individual user is medically fit to use respiratory protection equipment:

(i) Before the initial fitting of a face sealing respirator;

(ii) Before the first field use of non-face sealing respirators, and

(iii) Either every 12 months thereafter, or periodically at a frequency determined by a physician.

(6) Fit testing, with fit factor  $\geq 10$  times the APF for negative pressure devices, and a fit factor  $\geq 500$  for any positive pressure, continuous flow, and pressure-demand devices, before the first field use of tight fitting, face-sealing respirators and periodically thereafter at a frequency not to exceed 1 year. Fit testing must be performed with the facepiece operating in the negative pressure mode.

(d) The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.

(e) The licensee shall also consider limitations appropriate to the type and mode of use. When selecting respiratory devices the licensee shall provide for vision correction, adequate communication, low temperature work environments, and the concurrent use of other safety or radiological protection equipment. The licensee shall use equipment in such a way as not to interfere with the proper operation of the respirator.

(f) Standby rescue persons are required whenever one-piece atmosphere-supplying suits, or any combination of supplied air respiratory protection device and personnel protective equipment are used from which an unaided individual would have difficulty extricating himself or herself. The standby persons must be equipped with respiratory protection devices or other apparatus appropriate for the potential hazards. The standby rescue persons shall observe or otherwise maintain continuous communication with the workers (visual, voice, signal line, telephone, radio, or other suitable means), and be immediately available to assist them in case of a failure of the air supply or for any other reason that requires relief from distress. A sufficient number of standby rescue persons must be immediately available to assist all users of this type of equipment and to provide effective emergency rescue if needed.

(g) Atmosphere-supplying respirators must be supplied with respirable air of grade D quality or better as defined by the Compressed Gas Association in publication G-7.1, "Commodity Specification for Air," 1997 and included in the regulations of the Occupational Safety and Health Administration (29 CFR 1910.134(i)(1)(ii)(A) through (E)). Grade D quality air criteria include —

- (1) Oxygen content (v/v) of 19.5-23.5%;
- (2) Hydrocarbon (condensed) content of 5 milligrams per cubic meter of air or less;
- (3) Carbon monoxide (CO) content of 10 ppm or less;
- (4) Carbon dioxide content of 1,000 ppm or less; and
- (5) Lack of noticable odor.

(h) The licensee shall ensure that no objects, materials or substances, such as facial hair, or any conditions that interfere with the face-facepiece seal or valve function, and that are under the control of the respirator wearer, are present between the skin of the wearer's face and the sealing surface of a tight-fitting respirator facepiece.

(i) In estimating the dose to individuals from intake of airborne radioactive materials, the concentration of radioactive material in the air that is inhaled when respirators are worn is initially assumed to be the ambient concentration in air without respiratory protection, divided by the assigned protection factor. If the dose is later found to be greater than the estimated dose, the corrected value must be used. If the dose is later found to be less than the estimated dose, the corrected value may be used.

**HISTORY:**

[56 FR 23400, May 21, 1991, as amended at 57 FR 57878, Dec. 8, 1992; 60 FR 7903, Feb. 10, 1995; 60 FR 20185, Apr. 25, 1995; 64 FR 54543, 54557, Oct. 7, 1999; 67 FR 77651, 77652, Dec. 19, 2002]

**NOTES**

[EFFECTIVE DATE NOTE: 67 FR 77651, 77652, Dec. 19, 2002, amended paragraph (c)(5), effective Dec. 19, 2002.]

**§ 20.1704. Further restrictions on the use of respiratory protection equipment.**

The Commission may impose restrictions in addition to the provisions of §§ 20.1702, 20.1703, and Appendix A to Part 20, in order to:

(a) Ensure that the respiratory protection program of the licensee is adequate to limit doses to individuals from intakes of airborne radioactive materials consistent with maintaining total effective dose equivalent ALARA; and

(b) Limit the extent to which a licensee may use respiratory protection equipment instead of process or other engineering controls.

**HISTORY:**

[56 FR 23400, May 21, 1991; 60 FR 20185, Apr. 25, 1995; 64 FR 54543, 54557, Oct. 7, 1999]

**NOTES:**

[EFFECTIVE DATE NOTE: 64 FR 54543, 54557, Oct. 7, 1999, revised this section, effective Feb. 4, 2000.]

**§ 20.1705. Application for use of higher assigned protection factors.**

The licensee shall obtain authorization from the Commission before using assigned protection factors in excess of those specified in Appendix A to Part 20. The Commission may authorize a licensee to use higher assigned protection factors on receipt of an application that —

(a) Describes the situation for which a need exists for higher protection factors; and

(b) Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

**HISTORY:**

[64 FR 54543, 54557, Oct. 7, 1999]

**NOTES:**

[EFFECTIVE DATE NOTE: 64 FR 54543, 54557, Oct. 7, 1999, added this section, effective Feb. 4, 2000.]

**SUBPART I  
STORAGE AND CONTROL OF LICENSED MATERIAL**

Section

- 20.1801. Security of stored material.
- 20.1802. Control of material not in storage.

**§ 20.1801. Security of stored material.**

The licensee shall secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

**HISTORY:**

[56 FR 23401, May 21, 1991]

**§ 20.1802. Control of material not in storage.**

The licensee shall control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage.

**HISTORY:**

[56 FR 23401, May 21, 1991]

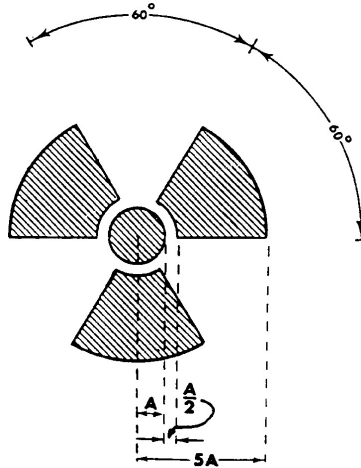
**SUBPART J  
PRECAUTIONARY PROCEDURES**

Section

- 20.1901. Caution signs.
- 20.1902. Posting requirements.
- 20.1903. Exceptions to posting requirements.
- 20.1904. Labeling containers.
- 20.1905. Exemptions to labeling requirements.
- 20.1906. Procedures for receiving and opening packages.

**§ 20.1901. Caution signs.**

(a) Standard radiation symbol. Unless otherwise authorized by the Commission, the symbol prescribed by this part shall use the colors magenta, or purple, or black on yellow background. The symbol prescribed by this part is the three-bladed design:



- (1) Cross-hatched area is to be magenta, or purple, or black, and
- (2) The background is to be yellow.
- (b) Exception to color requirements for standard radiation symbol. Notwithstanding the requirements of paragraph (a) of this section, licensees are authorized to label sources, source holders, or device components containing sources of licensed materials that are subjected to high temperatures, with conspicuously etched or stamped radiation caution symbols and without a color requirement.
- (c) Additional information on signs and labels. In addition to the contents of signs and labels prescribed in this part, the licensee may provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

**HISTORY:**

[56 FR 23401, May 21, 1991]

**§ 20.1902. Posting requirements.**

- (a) Posting of radiation areas. The licensee shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, HIGH RADIATION AREA."
- (b) Posting of high radiation areas. The licensee shall post each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA."
- (c) Posting of very high radiation areas. The licensee shall post each very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words "GRAVE DANGER, VERY HIGH RADIATION AREA."
- (d) Posting of airborne radioactivity areas. The licensee shall post each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE

## RADIOACTIVITY AREA.”

(e) Posting of areas or rooms in which licensed material is used or stored. The licensee shall post each area or room in which there is used or stored an amount of licensed material exceeding 10 times the quantity of such material specified in Appendix C to Part 20 with a conspicuous sign or signs bearing the radiation symbol and the words “CAUTION, RADIOACTIVE MATERIAL(S)” or “DANGER, RADIOACTIVE MATERIAL(S).”

## HISTORY:

[56 FR 23401, May 21, 1991; 60 FR 20185, Apr. 25, 1995]

## § 20.1903. Exceptions to posting requirements.

(a) A licensee is not required to post caution signs in areas or rooms containing radioactive materials for periods of less than 8 hours, if each of the following conditions is met:

(1) The materials are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to radiation or radioactive materials in excess of the limits established in this part; and

(2) The area or room is subject to the licensee’s control.

(b) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to § 20.1902 provided that the patient could be released from licensee control pursuant to § 35.75 of this chapter.

(c) A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level at 30 centimeters from the surface of the source container or housing does not exceed 0.005 rem (0.05 mSv) per hour.

(d) Rooms in hospitals or clinics that are used for teletherapy are exempt from the requirement to post caution signs under § 20.1902 if —

(1) Access to the room is controlled pursuant to 10 CFR 35.615; and

(2) Personnel in attendance take necessary precautions to prevent the inadvertent exposure of workers, other patients, and members of the public to radiation in excess of the limits established in this part.

## HISTORY:

[56 FR 23401, May 21, 1991, as amended at 57 FR 39357, Aug. 31, 1992; 62 FR 4120, 4133, Jan. 29, 1997; 63 FR 39477, 39482, July 23, 1998; 63 FR 45393, Aug. 26, 1998]

## NOTES:

[EFFECTIVE DATE NOTE: 63 FR 4120, 4133, Jan. 29, 1997, revised paragraph (b), effective May 29, 1997; 63 FR 39477, 39482, July 23, 1998, added paragraph (d), effective Oct. 26, 1998.]

## § 20.1904. Labeling containers.

(a) The licensee shall ensure that each container of licensed material bears a durable, clearly visible label bearing the radiation symbol and the words “CAUTION, RADIOACTIVE MATERIAL” or “DANGER, RADIOACTIVE MATERIAL.” The label must also provide sufficient information (such as the radionuclide(s) present, an estimate of the quantity of radioactivity, the date for which the activity is estimated, radiation levels, kinds of materials, and mass enrichment) to permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures.

(b) Each licensee shall, prior to removal or disposal of empty uncontaminated containers to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.

## HISTORY:

[56 FR 23401, May 21, 1991]

**§ 20.1905 Exemptions to labeling requirements.**

A licensee is not required to label —

(a) Containers holding licensed material in quantities less than the quantities listed in Appendix C to Part 20; or

(b) Containers holding licensed material in concentrations less than those specified in table 3 of Appendix B to Part 20; or

(c) Containers attended by an individual who takes the precautions necessary to prevent the exposure of individuals in excess of the limits established by this part; or

(d) Containers when they are in transport and packaged and labeled in accordance with the regulations of the Department of Transportation,<sup>3</sup> or

(e) Containers that are accessible only to individuals authorized to handle or use them, or to work in the vicinity of the containers, if the contents are identified to these individuals by a readily available written record (examples of containers of this type are containers in locations such as water-filled canals, storage vaults, or hot cells). The record must be retained as long as the containers are in use for the purpose indicated on the record; or

(f) Installed manufacturing or process equipment, such as reactor components, piping, and tanks; or

(g) Containers holding licensed material (other than sealed sources that are either specifically or generally licensed) at a facility licensed under Parts 50 or 52 of this chapter, not including non-power reactors, that are within an area posted under the requirements in § 20.1902 if the containers are:

(1) Conspicuously marked (such as by providing a system of color coding of containers) commensurate with the radiological hazard;

(2) Accessible only to individuals who have sufficient instruction to minimize radiation exposure while handling or working in the vicinity of the containers; and

(3) Subject to plant procedures to ensure they are appropriately labeled, as specified at § 20.1904 before being removed from the posted area.

**HISTORY:**

[56 FR 23401, May 21, 1991; 60 FR 20185, Apr. 25, 1995; 72 FR 68043, 68059, Dec. 4, 2007, as confirmed at 73 FR 8588, Feb. 14, 2008; 72 FR 72233, Dec. 20, 2007]

**NOTES:**

[EFFECTIVE DATE NOTE: 72 FR 68043, 68059, Dec. 4, 2007, revised paragraph (f), and added paragraph (g), effective Jan. 3, 2008; 72 FR 72233, Dec. 20, 2007, provides: "The effective date of the final rule published December 4, 2007 (72 FR 68043) is deferred until February 15, 2008."]

**§ 20.1906. Procedures for receiving and opening packages.**

(a) Each licensee who expects to receive a package containing quantities of radioactive material in excess of a Type A quantity, as defined in § 71.4 and appendix A to part 71 of this chapter, shall make arrangements to receive —

(1) The package when the carrier offers it for delivery; or

(2) Notification of the arrival of the package at the carrier's terminal and to take possession of the package expeditiously.

(b) Each licensee shall —

(1) Monitor the external surfaces of a labeled<sup>3a</sup> package for radioactive contamination unless the package contains only radioactive material in the form of a gas or in special form as defined in 10 CFR 71.4;

(2) Monitor the external surfaces of a labeled<sup>3a</sup> package for radiation levels unless the package contains quantities of radioactive material that are less than or equal to

<sup>3</sup>Labeling of packages containing radioactive materials is required by the Department of Transportation (DOT) if the amount and type of radioactive material exceeds the limits for an excepted quantity or article as defined and limited by DOT regulations 49 CFR 173.403 (m) and (w) and 173.421-424.

<sup>3a</sup> Labeled with a Radioactive White I, Yellow II, or Yellow III label as specified in U.S. Department of Transportation regulations, 49 CFR 172.403 and 172.436-440.



the Type A quantity, as defined in § 71.4 and appendix A to part 71 of this chapter; and

(3) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if there is evidence of degradation of package integrity, such as packages that are crushed, wet, or damaged.

(c) The licensee shall perform the monitoring required by paragraph (b) of this section as soon as practical after receipt of the package, but not later than 3 hours after the package is received at the licensee's facility if it is received during the licensee's normal working hours, or not later than 3 hours from the beginning of the next working day if it is received after working hours.

(d) The licensee shall immediately notify the final delivery carrier and the NRC Headquarters Operations Center by telephone at the numbers specified in appendix A to part 73 of this chapter, when —

(1) Removable radioactive surface contamination exceeds the limits of § 71.87(i) of this chapter; or

(2) External radiation levels exceed the limits of § 71.47 of this chapter.

(e) Each licensee shall —

(1) Establish, maintain, and retain written procedures for safely opening packages in which radioactive material is received; and

(2) Ensure that the procedures are followed and that due consideration is given to special instructions for the type of package being opened.

(f) Licensees transferring special form sources in licensee-owned or licensee-operated vehicles to and from a work site are exempt from the contamination monitoring requirements of paragraph (b) of this section, but are not exempt from the survey requirement in paragraph (b) of this section for measuring radiation levels that is required to ensure that the source is still properly lodged in its shield.

**HISTORY:**

[56 FR 23401, May 21, 1991, as amended at 57 FR 39357, Aug. 31, 1992; 60 FR 20185, Apr. 25, 1995; 63 FR 39477, 39482, July 23, 1998; 63 FR 45393, Aug. 26, 1998; 85 FR 65656, 65661, Oct. 16, 2020; as corrected at 85 FR 68243, Oct. 28, 2020]

**NOTES:**

[EFFECTIVE DATE NOTE: 63 FR 39477, 39482, July 23, 1998, revised the introductory text of paragraph (d), effective Oct. 26, 1998; 85 FR 65656, 65661, Oct. 16, 2020, revised paragraph (d), effective Nov. 16, 2020; as corrected at 85 FR 68243, Oct. 28, 2020, effective Nov. 16, 2020.]

**SUBPART K  
WASTE DISPOSAL**

Section	
20.2001.	General requirements.
20.2002.	Method for obtaining approval of proposed disposal procedures.

**§ 20.2001. General requirements.**

(a) A licensee shall dispose of licensed material only —

(1) By transfer to an authorized recipient as provided in § 20.2006 or in the regulations in parts 30, 40, 60, 61, 63, 70, and 72 of this chapter;

(2) By decay in storage; or

(3) By release in effluents within the limits in § 20.1301; or

(4) As authorized under §§ 20.2002, 20.2003, 20.2004, 20.2005, or 20.2008.

(b) A person must be specifically licensed to receive waste containing licensed material from other persons for:

(1) Treatment prior to disposal; or

(2) Treatment or disposal by incineration; or

(3) Decay in storage; or

(4) Disposal at a land disposal facility licensed under part 61 of this chapter; or

- (5) Disposal at a geologic repository under part 60 or part 63 of this chapter.

**HISTORY:**

[56 FR 23403, May 21, 1991; 66 FR 55732, 55789, Nov. 2, 2001; 72 FR 55864, 55922, Oct. 1, 2007]

**NOTES:**

[EFFECTIVE DATE NOTE: 72 FR 55864, 55922, Oct. 1, 2007, revised paragraph (a)(4), effective Nov. 30, 2007.]

**§ 20.2002. Method for obtaining approval of proposed disposal procedures.**

A licensee or applicant for a license may apply to the Commission for approval of proposed procedures, not otherwise authorized in the regulations in this chapter, to dispose of licensed material generated in the licensee's activities. Each application shall include:

(a) A description of the waste containing licensed material to be disposed of, including the physical and chemical properties important to risk evaluation, and the proposed manner and conditions of waste disposal; and

(b) An analysis and evaluation of pertinent information on the nature of the environment; and

(c) The nature and location of other potentially affected licensed and unlicensed facilities; and

(d) Analyses and procedures to ensure that doses are maintained ALARA and within the dose limits in this part.

**HISTORY:**

[56 FR 23403, May 21, 1991]

## APPENDIX A HOSPITAL INSPECTION PROGRAM

The purpose of the Veterinary Medical Board's hospital inspection program is to educate all licensees with respect to the minimum standards and assure consumers that minimum standards are maintained in veterinary facilities throughout California. The following are laws relevant to the inspection of premises and may clarify concerns or questions you may have:

### Section 4809.5

The board may at any time inspect the premises in which veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced. 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 a premises for which registration has lapsed or is delinquent.

### Section 4809.7

The board shall establish a regular inspection program that will provide for random, unannounced inspections. The board shall make every effort to inspect at least 20 percent of veterinary premises on an annual basis.

### Section 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.

**HOSPITAL INSPECTION PROGRAM**

**Appx A**

The following is a checklist that is used by the VMB hospital inspectors during a hospital inspection. The appropriate statutory or regulatory authority is referenced next to each item. (The 4000 series is Business and Professions Code, the 1000 and 2000 series is the California Code of Regulations.)

<b>General</b>		SAT	UNS	COR
1	After Hours Referral CCR 2030(e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	License / Permit Displayed B&P 4850	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Correct Address B&P 4852	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Notice of No Staff on Premise CCR 2030(d)(3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Facilities</b>		SAT	UNS	COR
5	General Sanitary Conditions B&P 4854/CCR 2030	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Temp & Ventilation CCR 2030(f)(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Lighting CCR 2030(a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Reception/Office CCR 2030(b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Exam Rooms CCR 2030(c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Food & Beverage CCR 2030(f)(6)/3368(a)&(b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Fire Precautions CCR 2030(f)(1)/6151(c)&(e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Oxygen Equipment CCR 2030(f)(11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Emergency Drugs & Equipment CCR 2030(f)(12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Laboratory Services CCR 2030 (f)(5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	X-ray CCR 2030 (f)(4)/30255(b)(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	X-ray Identification CCR 2032.3 (c)(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	X-ray Safety Training for Unregistered Assistants B&P 4840.7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Waste Disposal CCR 2030(f)(3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	Disposal of Animals CCR 2030(f)(7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Freezer CCR 2030.1(b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	Compartments CCR 2030(d)(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	Exercise Runs CCR 2030.1(a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	Contagious Facilities CCR 2030(d)(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Surgery</b>		SAT	UNS	COR
24	Separate Surgery CCR 2030(g)(1)-(5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Surgery Lighting / X-ray / Emergency CCR 2030(g)(6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26	Surgery Floors, Tables & Countertop CCR 2030(g)(7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27	Endotracheal Tubes CCR 2032.4(b)(5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28	Resuscitation Bags CCR 2032.4(b)(5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29	Anesthetic Equipment CCR 2030(f)(10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**GENERAL LAWS**

**APPENDIX B  
DEPARTMENT OF CONSUMER AFFAIRS  
VETERINARY MEDICAL BOARD**

**DISCIPLINARY GUIDELINES**

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## Introduction

The Veterinary Medical Board (Board) developed the Disciplinary Guidelines outlined in this manual for its Executive Officer, staff, legal counsel, administrative law judges, and other persons involved in the Board's enforcement process to be used for the purpose of creating judgment orders in formal disciplinary actions. These guidelines are published in regulations for the public and the profession so that the processes used by the Board to impose discipline are readily available and transparent.

The Board recognizes that each case is unique and that mitigating or aggravating circumstances in a particular case may necessitate variations. Therefore, the Board has developed minimum and maximum penalties to assist in determining the appropriate level of discipline. If an administrative law judge finds that a violation occurred but assesses less than the minimum penalty for that violation, the Board requests that the administrative law judge fully explain the reasons and the circumstances for the deviation. In addition, probationary conditions are divided into two categories, 1) standard terms and conditions that are used for all cases, and 2) optional terms and conditions that are used for specific violations and circumstances unique to a specific case.

The Board grants licenses to veterinarians, grants registrations to veterinary premises and veterinary technicians, and issues veterinary assistant controlled substance permits. If there is action taken against both the individual licensee and the premises

registration, then the disciplinary order should reflect actions against each. However, in some cases, minimum standard violations are so severe that it is necessary to take immediate action and suspend the license of a facility. In these instances, the veterinary license and the premises registration may be disciplined separately, and the disciplinary order should reflect the separate action.

Because of the severity of cases resulting in actions taken by the Office of the Attorney General, the Board has established that the minimum penalty shall always include revocation or suspension with the revocation or suspension stayed and terms and conditions of probation imposed. The threat of the revocation or suspension being reinstated helps to ensure compliance with the probationary terms and conditions. The Board recommends that for alcohol or drug abuse related violations, the minimum term of probation should be five years, and in addition, the mandatory terms and conditions listed specifically for this type of case shall be imposed.

A respondent may be represented by private counsel during enforcement proceedings, up to entry of a final disciplinary order. Following entry of the final order, including, but not limited to, while the respondent is on probation, the respondent may receive the assistance of private counsel, but the respondent shall communicate directly with Board staff. Written communications from the Board will only be sent to the respondent.

Penalties by Business and Professions Code Section Number

<b>Section</b>	<b>4883(a); 4836.2(c)(5); 4837(b); 4842(d); 480(a)(1); 490</b>
<b>Violation</b>	Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, surgery, or dentistry, in which case the record of the conviction shall be conclusive evidence.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty (as appropriate)</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• \$2,000 fine</li> <li>• Standard terms and conditions</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» Suspension</li> <li>» Limitations on practice</li> <li>» Supervised practice</li> <li>» No ownership of a veterinary hospital or clinic</li> <li>» No management of a veterinary hospital/no supervision of interns or residents</li> <li>» Continuing education</li> <li>» Psychological evaluation and/or treatment</li> <li>» Medical evaluation and/or treatment</li> <li>» Rehabilitation program</li> <li>» Submit to drug testing</li> <li>» Abstain from controlled substances/alcohol</li> <li>» Community service</li> <li>» Restitution</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the criminal act caused or threatened harm to an animal or the public, if there have been limited or no efforts at rehabilitation, or if there were no mitigating circumstances at the time of the commission of the offense(s).</p> <p>Minimum penalties may be considered if there is evidence of an attempt(s) at self-initiated rehabilitation. Evidence of self-initiated rehabilitation includes, but is not limited to, pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include, but are not limited to, specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, completion of treatment or other conditions of probation ordered by the court, or compliance with all laws since the date of the occurrence of the crime.</p>	

GENERAL LAWS

**DISCIPLINARY GUIDELINES**

**Appx B**

<b>Section</b>	<b>4883(b); 4837(d)</b>
<b>Violation</b>	Having professional connection with, or lending the licensee's or registrant's name to, any illegal practitioner of veterinary medicine and the various branches thereof.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$2,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension for each offense</li> <li>» No ownership of a veterinary hospital or clinic</li> <li>» No management of a veterinary hospital/no supervision of interns or residents</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client, or if there are prior violations of the same type of offense.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

<b>Section</b>	<b>4883(c); 4836.2(c)(4); 4836.5; 4837(e)</b>
<b>Violation</b>	Violation or attempt to violate, directly or indirectly, any of the provisions of the chapter.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$1,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» Restitution</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the actions were intended to subvert investigations by the Board or in any way hide or alter evidence that would or could be used in any criminal, civil, or administrative actions.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

**GENERAL LAWS**



DISCIPLINARY GUIDELINES

Section	4883(d), (e)
Violation	Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests. Employment of anyone but a veterinarian licensed in the State to demonstrate the use of biologics in the treatment of animals.
Maximum Penalty	Revocation or suspension and a \$5,000 fine
Minimum Penalty	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$5,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension of license and/or premises registration</li> <li>» Medical records review</li> <li>» Continuing education</li> <li>» Community service</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the acts or omissions caused public exposure of reportable diseases (rabies, brucellosis or tuberculosis) or other hazardous diseases of zoonotic potential.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

Section	4883(f)
Violation	False or misleading advertising.
Maximum Penalty	Revocation and/or suspension and a \$5,000 fine
Minimum Penalty	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• 30-day suspension</li> <li>• Standard terms and conditions</li> <li>• \$2,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» Restitution</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the advertising was deceptive, caused or threatened harm to an animal, or caused a client to be misled and suffer monetary damages. In that case, one of the probationary terms should be restitution to any client damaged as a result of the violation. The more severe penalty should be considered when there are prior violations of the same type of offense.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

GENERAL LAWS

<b>Section</b>	<b>4883(g); 4836.2(c)(2), (3); 4837(c)</b>
<b>Violation</b>	<p>Unprofessional conduct that includes, but is not limited to, the following:</p> <p>(1) Conviction of a charge of violating any federal statutes or rules or any statute or rule of this state regulating dangerous drugs or controlled substances.</p> <p>(2) (A) The use of, or prescribing for, or administering to oneself, any controlled substance.</p> <p>(B) The use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages to the extent, or in any manner as to be dangerous or injurious to a person licensed or registered under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person so licensed or registered to conduct with safety the practice authorized by the license or registration.</p> <p>(C) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.</p> <p>(3) A violation of any federal statute, rule, or regulation or any of the statutes, rules, or regulations of this state regulating dangerous drugs or controlled substances.</p>
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$5,000 fine</li> <li>• Optional terms and conditions including but not limited to:             <ul style="list-style-type: none"> <li>» 30-day suspension</li> <li>» Supervised practice</li> <li>» Psychological evaluation and/or treatment</li> <li>» Medical evaluation and/or treatment</li> <li>» Surrender DEA license/send proof of surrender to Board within 10 days of the effective date of the Decision</li> <li>» No ownership of a veterinary hospital or clinic</li> <li>» No management of a veterinary hospital/no supervision of interns or residents</li> <li>» Rehabilitation program</li> <li>» Submit to drug testing</li> <li>» Abstain from use of alcohol and drugs</li> <li>» Ethics training</li> </ul> </li> </ul>

<b>Section</b>	<b>4883(g); 4836.2(c)(2), (3); 4837(c)</b> <i>(continued)</i>
<p>Maximum penalties should be considered if acts or omissions caused or threatened harm to an animal or a client or if there are prior violations of the same type of offense.</p> <p>Minimum penalties may be considered if acts or omissions did not cause harm to an animal, there are no prior violations of the same type of offense, and there is evidence of self-initiated rehabilitation.</p> <p>When considering minimum penalties, the terms of probation should include a requirement that the licensee submit the appropriate medical reports (including psychological treatment and therapy), submit to random drug testing, submit to a limitation of practice, or practice under the supervision of a California licensed veterinarian as applicable on the facts of the case, and submit quarterly reports to the Board (in writing or in person as the Board directs). The Board requires a minimum of five-years' probation for any violation related to alcohol or drug abuse.</p> <p>Business and Professions Code section 4836.2(d) prohibits issuance of a VACSP to any applicant with a state or federal felony controlled substance conviction.</p>	

<b>Section</b>	<b>4883(g)</b>
<b>Violation</b>	General unprofessional conduct.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b> (as appropriate)	<ul style="list-style-type: none"> <li>• Written Public Reproval</li> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension</li> <li>» Limitations on practice</li> <li>» Supervised practice</li> <li>» No ownership of a veterinary hospital or clinic</li> <li>» No management of a veterinary hospital/no supervision of interns or residents</li> <li>» Continuing education</li> <li>» Psychological evaluation and/or treatment</li> <li>» Medical evaluation and/or treatment</li> <li>» Rehabilitation program</li> <li>» Submit to drug testing</li> <li>» Abstain from controlled substances/alcohol</li> <li>» Community service</li> <li>» Restitution</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the acts or omissions caused substantial harm to an animal or a client, or if there are prior violations of the same type of offense.</p> <p>Minimum penalties may be considered if there are no prior violations, if there are mitigating circumstances such as the length of time since the offense(s) occurred, if the acts or omissions did not cause substantial harm to an animal or a client, or if there is evidence of a self-initiated rehabilitation.</p>	

DISCIPLINARY GUIDELINES

Appx B

<b>Section</b>	<b>4883(h)</b>
<b>Violation</b>	Failure to keep the licensee’s or registrant’s premises and all equipment therein in clean and sanitary condition. (Requirements for sanitary conditions are also outlined in Sections 4853.5 and 4854 (practice sanitation standards).)
<b>Maximum Penalty</b>	Revocation or suspension of premises registration and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• Fine - not less than \$50 nor more than \$500 per day, not to exceed \$5,000</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension or suspension until compliance with minimum standards of practice is achieved</li> <li>» Random hospital inspections</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to animals or the public, if there are prior actions and/or no attempt to remedy the violations, for example, unsanitary or hazardous workplace, improper sterilization of instruments, or improper husbandry practices, or if there are prior violations of a similar nature.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to animals or people, or remedial action has been taken to correct the deficiencies.</p> <p>Note - A veterinary license and a premises registration can be disciplined separately.</p>	

<b>Section</b>	<b>4883(i)</b>
<b>Violation</b>	Negligence in the practice of veterinary medicine.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Three-year probation</li> <li>• Standard terms and conditions</li> <li>• Fine - not less than \$50 nor more than \$500 per day, not to exceed \$5,000</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension or suspension until compliance with minimum standards of practice is achieved</li> <li>» Random hospital inspections</li> <li>» Medical records review</li> <li>» Ethics training</li> <li>» Continuing education</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to animals or the public, if there are prior actions and/or no attempt to remedy the violations.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to animals or people, remedial action has been taken to correct the deficiencies and there is remorse for the negligent acts.</p>	

DISCIPLINARY GUIDELINES

<b>Section</b>	<b>4883(i)</b>
<b>Violation</b>	Incompetence in the practice of veterinary medicine.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Three-year probation</li> <li>• Standard terms and conditions</li> <li>• \$2,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension</li> <li>» Supervised practice</li> <li>» Medical records review</li> <li>» Hospital inspections</li> <li>» Continuing education</li> <li>» Clinical written examination</li> <li>» Community service</li> <li>» Restitution</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered based on the following factors: if the acts or omissions caused harm to an animal or an animal has died, there are limited or no efforts at rehabilitation, or there are no mitigating circumstances at the time of the commission of the offense(s).</p> <p>Minimum penalties may be considered if the acts or omissions did not cause substantial harm to an animal, there is evidence of rehabilitation, and there are mitigating circumstances such as no prior discipline, remorse for the harm that occurred, cooperation with the Board's investigation, etc.</p>	

<b>Section</b>	<b>4883(i); 480(a)(2)</b>
<b>Violation</b>	Fraud and/or deception in the practice of veterinary medicine.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Three-year probation</li> <li>• Standard terms and conditions</li> <li>• \$2,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension</li> <li>» Hospital inspections</li> <li>» Supervised practice</li> <li>» Clinical written examination</li> <li>» Community service</li> <li>» Restitution</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered based on the following factors: if the acts or omissions caused harm to an animal or an animal has died, there is limited or no evidence of rehabilitation or no mitigating circumstances at the time of the commission of the offense(s).</p> <p>Minimum penalties may be considered if the acts or omissions did not cause substantial harm to an animal, there is evidence of rehabilitation and there are mitigating circumstances such as no prior discipline, remorse for the harm that occurred, cooperation with the Board's investigation, etc.</p>	

<b>Section</b>	<b>4883(j); 4836.2(c)(4); 4836.5; 4842(b)</b>
<b>Violation</b>	Aiding or abetting in acts which are in violation of any of the provisions of this chapter.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$1,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client and the acts were repeated after a prior violation of the same type of offense.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client, there were no prior actions, and there is evidence of remorse and an acknowledgement of the violation.</p>	

DISCIPLINARY GUIDELINES

<b>Section</b>	<b>4883(k); 4836.2(c)(1); 4837(a); 4842(c)</b>
<b>Violation</b>	Fraud, misrepresentation, or deception in obtaining a license, registration, or permit.
<b>Maximum and Minimum Penalty</b>	Revocation and a \$5,000 fine
Note - In this instance, the gravity of the offense warrants revocation in all cases since there was no legal basis for licensure in the first place.	

<b>Section</b>	<b>4883(l); 4842(e)</b>
<b>Violation</b>	The revocation, suspension, or other discipline by another state or territory of a license, certificate, or registration to practice veterinary medicine or as a veterinary technician in that state or territory.
<b>Maximum Penalty</b>	Revocation
<b>Minimum Penalty</b>	The penalty that would have been applicable to the violation if it had occurred in the State of California

<b>Section</b>	<b>4883(m)</b>
<b>Violation</b>	Cruelty to animals or conviction on a charge of cruelty to animals, or both.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine.
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$5,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 60-day suspension</li> <li>» Psychological evaluation and/or treatment</li> <li>» Medical evaluation and/or treatment</li> <li>» Continuing education</li> <li>» Ethics training</li> </ul> </li> </ul>
Note - While the Board believes this violation is so severe that revocation is the only appropriate penalty, it recognizes that a lesser penalty may be appropriate where there are mitigating circumstances of a significant nature.	

GENERAL LAWS

**DISCIPLINARY GUIDELINES**

**Appx B**

<b>Section</b>	<b>4883(n); 141</b>
<b>Violation</b>	Disciplinary actions taken by any federal, state, or territory public agency or by another country for any act substantially related to the practice of veterinary medicine or the practice of a veterinary technician.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$2,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension</li> <li>» Continuing education</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or the public, there is limited or no evidence of rehabilitation, and there were no mitigating circumstances at the time of the commission of the offense(s).</p> <p>Minimum penalties may be considered if there is evidence of attempts at self-initiated rehabilitation taken prior to the filing of the accusation. Self-initiated rehabilitation measures include pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, completion of treatment or other conditions of probation ordered by the court, and compliance with all laws since the date of the occurrence of the violation.</p>	



<b>Section</b>	<b>4883(o); 4837(e)</b>
<b>Violation</b>	Violation, or the assisting or abetting violation, of any regulations adopted by the Board pursuant to this chapter.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• 30-day suspension</li> <li>• \$1,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» Continuing education</li> <li>» Restitution</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to the animal or the public, there was more than one offense, there is limited or no evidence of rehabilitation, and there were no mitigating circumstances at the time of the offense(s).</p> <p>Minimum penalties may be considered if there is evidence of attempts at self-initiated rehabilitation. Self-initiated rehabilitation measures include pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, completion of treatment or other conditions of probation ordered by the court, and compliance with all laws since the date of the occurrence of the violation.</p>	

<b>Section</b>	<b>4855</b>
<b>Violation</b>	Written records.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• 30-day suspension</li> <li>• \$1,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» Medical records review</li> <li>» Continuing education</li> </ul> </li> </ul>
<p>Maximum penalties should be considered when there is a lack of records or omissions and/or alterations that constitute negligence.</p> <p>Minimum penalties may be considered when there is evidence of carelessness and corrective measures have been implemented to correct the process whereby the records were created.</p>	

**DISCIPLINARY GUIDELINES**

**Appx B**

<b>Section</b>	<b>4856</b>
<b>Violation</b>	Failure to permit the inspection of records or premises by the Board.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$1,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension</li> <li>» Medical records review</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if there is a deliberate attempt to prevent access to the Board, prior discipline of the managing licensee or the premises, or no mitigating circumstances at the time of the refusal.</p> <p>Minimum penalties may be considered when there are mitigating circumstances at the time of the request for records, where there is no deliberate attempt to prevent the Board from having access to the records, or when there are no prior violations of a similar nature.</p>	

<b>Section</b>	<b>4857</b>
<b>Violation</b>	Impermissible disclosure of information about animals and/or about clients.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$1,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered when there is a breach of confidentiality.</p> <p>Minimum penalties may be considered when the breach is inadvertent or when there is no prior action against the licensee.</p> <p>Note - The severity of violations may determine whether action taken is citation and fine or formal discipline.</p>	

**GENERAL LAWS**

DISCIPLINARY GUIDELINES

<b>Section</b>	<b>4830.5</b>
<b>Violation</b>	Duty to report staged animal fighting.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$1,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension</li> <li>» Continuing education</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered when an animal or animals have been killed or severely harmed.                      Minimum penalties may be considered on a case-by-case basis.</p>	

<b>Section</b>	<b>4830.7</b>
<b>Violation</b>	Duty to report animal abuse or cruelty.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Considered on a case-by-case basis

<b>Section</b>	<b>4836.5; 4837</b>
<b>Violation</b>	Disciplinary proceedings against veterinarians and registered veterinary technicians.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	<ul style="list-style-type: none"> <li>• Revocation and/or suspension stayed</li> <li>• Two-year probation</li> <li>• Standard terms and conditions</li> <li>• \$1,000 fine</li> <li>• Optional terms and conditions including but not limited to:                             <ul style="list-style-type: none"> <li>» 30-day suspension</li> <li>» Continuing education</li> <li>» Ethics training</li> </ul> </li> </ul>
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client, or the acts were repeated after a prior violation of the same type of offense.                      Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or client, or if there are no prior violations.</p>	

## Standard Orders

The following text may be used as the introductory paragraph in the disciplinary Order:

**1. License Revoked**

Respondent's license [registration or permit] is revoked.

**2. Revocation, Stayed, Probation**

However, the revocation is stayed, and Respondent is placed on probation for [insert number of years] years upon the following terms and conditions.

**3. License Suspension**

Respondent's license shall be suspended for [insert specific number of days, months]. [See specific violation for recommended time of suspension.]

**4. Application denied**

Respondent's license [registration or permit] application is denied.

**5. Application approved, license issued**

Respondent's license [registration or permit] application is approved, and upon completion of all prerequisites for licensure, the license [registration or permit] shall be issued to Respondent.

**6. Application granted, license issued, revoked, stayed, probation**

Respondent's license [registration or permit] application is approved, and upon completion of all prerequisites for licensure, the license [registration or permit] shall be issued to Respondent, and immediately revoked. However, the revocation is stayed, and Respondent shall be placed on probation for [insert number of years] years upon the following conditions.

**7. Application denied, probationary registration [or VACSP] issued [RVT or VACSP holders only]**

Respondent's registration [or VACSP] application is denied; however, the denial is stayed, and a probationary registration [or permit] shall be issued to Respondent for a term of [insert number of years] years [for RVT only, no more than 3 years per BPC section 4845] on the following conditions. Upon completion of all terms and conditions of probation, and upon completion of all prerequisites for licensure, Respondent may be issued a permanent registration [VACSP].

**8. Application for temporary veterinarian license granted, license issued, revoked, stayed, probation (veterinarian only)**

Respondent's application for a temporary veterinarian license is approved, and upon completion of all statutory and regulatory requirements for licensure, and all conditions precedent to licensure, a temporary veterinarian license shall be issued to Respondent. Failure to successfully complete all statutory and regulatory requirements within two (2) years from the effective date shall void this decision and it will have no effect. Upon issuance of a temporary veterinarian license, said license will be immediately revoked. The revocation will be stayed, and Respondent placed on [insert number of years] years' probation (Probationary Term) on the following terms conditions. Any and all additional licenses or permits subsequently issued to Respondent during the Probationary Term shall be subject to any and all statutory and regulatory prerequisites and the specific terms and conditions specified below. The Probationary Term is cumulative and does not restart with the issuance of any additional license or permit.

## Standard Terms and Conditions of Probation (1–15)

The Board recommends one- to five-year probation, as appropriate, in cases where probation is part of a disciplinary order.

### 1. Obey All Laws

Respondent shall obey all federal and state laws and regulations substantially related to the practice of veterinary medicine. Within thirty (30) days of any arrest, Respondent shall notify the Board. Within thirty (30) days of any conviction, Respondent shall report to the Board and provide proof of compliance with the terms and conditions of the court order including, but not limited to, probation and restitution requirements. Obey all laws shall not be tolled.

### 2. Quarterly Reports

Respondent shall report quarterly to the Board or its designee, under penalty of perjury, on forms provided by the Board, stating whether there has been compliance with all terms and conditions of probation. Omission or falsification in any manner of any information on these reports shall constitute a violation of probation and shall result in the filing of an accusation and/or a petition to revoke probation against Respondent’s license, registration or permit. If the final written quarterly report is not made as directed, the period of probation shall be extended until the final report is received by the Board. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation.

### 3. Interview with the Board

Within 30 days of the effective date of the Decision, Respondent shall appear in person for an interview with the Board or its designee to review the terms and conditions of probation. Thereafter, Respondent shall, upon reasonable request, report or appear in person as directed. Interview with the Board shall not be tolled.

### 4. Cooperation with Board Staff

Respondent shall cooperate with the Board’s inspection program and with the Board’s monitoring and investigation of Respondent’s compliance with the terms and conditions of Respondent’s probation. Respondent may receive the assistance of private counsel, but Respondent shall communicate directly with the Board or its designee, and written communications from the Board will only be sent to the Respondent. Respondent shall make available all patient records, hospital records, books, logs, and other documents relating to the practice of veterinary medicine to the Board, upon request.

Respondent shall claim all certified mail issued by the Board, respond in a timely manner to all notices and requests for information, and submit Reports, Identification Update reports or other reports similar in nature, as requested and directed by the Board or its designee. Respondent is encouraged to contact the Board’s probation monitoring program representative at any time Respondent has a question or concern regarding the terms and conditions of Respondent’s probation.

### 5. Probation Monitoring Costs

Probation monitoring costs are set at a rate of \$100 per month for the duration of the probation. These costs shall be payable to the Board on a schedule as directed by the Board or its designee.

### 6. Changes of Employment or Address

Respondent shall notify the Board, and appointed probation monitor in writing, of any and all changes of employment, location, and address within fourteen (14) calendar days of such change. This includes, but is not limited to, termination or resignation from employment, change in employment status, and change in supervisors, administrators or directors. Respondent shall also notify Respondent’s probation monitor AND the Board IN WRITING of any changes of residence or mailing address within fourteen (14) calendar days. P.O. Boxes are accepted for mailing purposes; however, Respondent must also provide Respondent’s physical residence address as well.

**7. No Supervision of Students, Interns, or Residents**

Respondent shall not supervise students, interns, or residents.

**8. Notice to Employers**

During the period of probation, Respondent shall notify all present and prospective employers of this Decision and the terms, conditions, and restrictions imposed on Respondent by this Decision, as follows:

Within thirty (30) days of the effective date of this Decision and within fifteen (15) days of Respondent undertaking any new employment, Respondent shall cause Respondent’s supervisor and/or managing licensee (licensee manager) to report to the Board in writing, acknowledging that the listed individual(s) has/have read this Decision, including the terms, conditions, and restrictions imposed. It shall be Respondent’s responsibility to ensure that Respondent’s supervisor and/or licensee manager submit timely acknowledgment(s) to the Board.

If Respondent provides veterinary services as a relief veterinarian, Respondent shall notify each individual or entity with whom Respondent is employed or contracted and require the supervisor and/or licensee manager to submit to the Board timely acknowledgement of receipt of the notice.

**9. Notice to Employees**

Throughout the probationary period, and in a manner that is visible to all licensed, registered, or permitted veterinary employees at the veterinary premises, Respondent shall post a notice, provided or approved by the Board, that recites the violations for which Respondent has been disciplined and the terms and conditions of probation.

**10. Tolling of Probation**

Respondent shall notify the Board or its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting more than thirty (30) calendar days and shall notify the Board or its designee within fifteen (15) calendar days of Respondent’s return to practice. Any period of non-practice will result in the Respondent’s probation being tolled.

Non-practice is defined as any period of time exceeding thirty (30) calendar days in which Respondent is not engaging in the practice of veterinary medicine in California.

It shall be considered a violation of probation if Respondent’s periods of temporary or permanent residence or practice outside California total two years. However, it shall not be considered a violation of probation if Respondent is residing and practicing in another state of the United States and is on active probation with the licensing authority of that state, in which case the two-year tolling limitation period shall begin on the date probation is completed or terminated in that state.

The following terms and conditions, if required, shall not be tolled:

- Obey All Laws
- Interview with the Board
- Tolling of Probation
- Maintain a Current and Active License
- Cost Recovery
- Submit to Drug Testing
- Abstain From Controlled Substances
- Abstain From Alcohol Use

Non-practice is also defined as any period that Respondent fails to engage in the practice of veterinary medicine in California for a minimum of 24 hours per week for the duration of probation (except reasonable time away from work for vacations, illnesses, etc.) or as determined by the Board. While tolled for not meeting the hourly requirement, Respondent shall comply with all terms and conditions of this Decision.

Any period of tolling will not apply to the reduction of the probationary term.

**11. Maintain a Current and Active License**

At all times while on probation, Respondent shall maintain a current and active license with the Board. Maintain a current and active license shall not be tolled.

**12. Violation of Probation**

If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, or if the Attorney General’s Office has been requested to prepare any disciplinary action against Respondent’s license, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No petition for modification or termination of probation shall be considered while there is an accusation or petition to revoke probation pending against Respondent.

**13. License Surrender While on Probation/Suspension**

Following the effective date of this Decision, should Respondent cease to practice veterinary medicine due to retirement or health issues, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender Respondent’s license to practice veterinary medicine to the Board for surrender. The Board or its designee has the discretion to grant the request for surrender or to take any other action it deems appropriate and reasonable. Upon formal acceptance of the license surrender, Respondent will no longer be subject to the terms and conditions of probation. The surrender constitutes a record of discipline and shall become a part of the Respondent’s license history with the Board.

Respondent must relinquish Respondent’s license to the Board within ten (10) days of receiving notification from the Board that the surrender has been accepted.

**14. Completion of Probation**

All costs for probation monitoring and/or mandatory premises inspections shall be borne by Respondent. Failure to pay all costs due shall result in an extension of probation until the matter is resolved and costs paid or a petition to revoke probation is filed. Upon successful completion of probation and all payment of fees due, Respondent’s license will be fully restored.

**15. Cost Recovery**

Pursuant to Section 125.3 of the California Business and Professions Code, within thirty (30) days of the effective date of this Decision, Respondent shall pay to the Board its enforcement costs including investigation and prosecution, in the amount of [insert dollar amount of costs], which may be paid over time in accordance with a Board-approved payment plan, within six (6) months before the end of the probation term. Cost recovery shall not be tolled.

## Optional Terms and Conditions of Probation (1–24)

Note - In addition to the standard terms and conditions of probation, optional terms and conditions of probation are assigned based on violations and fact patterns specific to individual cases.

### 1. Suspension – Individual License

As part of probation, Respondent is suspended from the practice of veterinary medicine for \_\_, beginning the effective date of this Decision. During the suspension, Respondent shall not enter any veterinary hospital which is registered by the Board unless seeking treatment for one's own animal. Additionally, Respondent shall not manage, administer, or be a consultant to any veterinary hospital or veterinarian during the period of actual suspension and shall not engage in any veterinary-related service or activity.

### 2. Suspension – Premises

As part of probation, Premises License Number \_\_ issued to Respondent \_\_, is suspended for \_\_, beginning the effective date of this Decision. During the period of suspension, said premises may not be used by any party for any act constituting the practice of veterinary medicine, surgery, dentistry, and/or the various branches thereof.

### 3. Posted Notice of Suspension

If suspension is ordered, Respondent shall post a notice of the Board's Order of Suspension, in a place clearly visible to the public. The notice, provided by the Board, shall remain posted during the entire period of actual suspension.

### 4. Limitation on Practice

- (A) During probation, Respondent is prohibited from practicing \_\_\_\_\_ (Type of practice) \_\_\_\_\_.
- (B) Respondent is prohibited from practicing veterinary medicine from a location or mobile veterinary practice that does not have a current premises registration issued by the Board.

### 5. Inspections

If Respondent is the owner or managing licensee of a veterinary premises, the following probationary conditions apply:

- (A) The location or mobile veterinary practice shall hold a current premises registration issued by the Board, and Respondent shall make the practice or location available for inspections by a Board representative to determine whether the location or veterinary practice meets minimum standards for a veterinary premises. The inspections will be conducted on an announced or unannounced basis and shall be held during normal business hours. The Board reserves the right to conduct these inspections on at least a quarterly basis during probation. Respondent shall pay the Board for the cost of each inspection, which is \$500.
- (B) As a condition precedent to any premises registration issued to Respondent as owner or managing licensee, the location or mobile veterinary practice for which application is made shall be inspected by a Board representative to determine whether the location or mobile veterinary practice meets minimum standards for a veterinary premises. Respondent shall submit to the Board, along with any premises registration application, a \$500 inspection fee.



**6. Supervised Practice**

Respondent shall not practice veterinary medicine until a supervisor is approved by the Board or its designee. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board or its designee. Any potential costs associated with practice supervision shall be borne by Respondent.

Respondent shall submit to the Board or its designee, for its prior approval, the name and qualifications of one or more proposed supervisors of Respondent's choice. Each supervisor shall have been licensed in California and have held a valid California license for at least five (5) years and not have ever been subject to any disciplinary action by the Board.

Upon approval by the Board or its designee and within thirty (30) days of the effective date of the Decision, Respondent shall have Respondent's supervisor submit a report to the Board in writing stating the supervisor has read the Decision in case number [insert case number]. Should Respondent change employment, Respondent shall have the new supervisor, within fifteen (15) days after employment commences, submit a report to the Board in writing stating the supervisor has read the Decision in case number [insert case number].

Respondent's supervisor shall file quarterly reports with the Board. These reports shall be in a form designated by the Board and shall include a narrative section where the supervisor provides the supervisor's conclusions and opinions concerning the veterinary services performed by Respondent and the basis for those conclusions and opinions.

Respondent's supervisor shall submit the reports directly to the Board's Probation Monitor within seven (7) calendar days after the end of the preceding quarter. The quarterly reporting periods and due dates are as follows:

Reporting Time Period	Due No Later Than
January 1 to March 31 (Quarter I)	April 7
April 1 to June 30 (Quarter II)	July 7
July 1 to September 30 (Quarter III)	October 7
October 1 to December 31 (Quarter IV)	January 7

The supervisor shall notify the Board of the dates and location where Respondent rendered services during each month covered by the supervisor's report.

The supervisor shall have full and random access to all animal patient records of Respondent. The supervisor may evaluate all aspects of Respondent's practice regardless of Respondent's areas of deficiencies.

The supervisor shall be physically present and quickly and easily available at the location. The supervision shall require an occasional random observation of the work performed by Respondent. The level of supervised practice shall be, as required by the Board or its designee:

- Levels of Supervised Practice:
- Full-Time – 100%
- Substantial – 75%
- Moderate – 50%
- Partial – 25%

The level of supervised practice may be modified as determined necessary by the Board or its designee. Respondent will not be eligible for a decrease in supervised practice until such time as: 1) Respondent has successfully completed at least 25% of the probationary term; 2) Respondent is deemed to be in full compliance with all terms and conditions of the probationary order; 3) Respondent has consistently received favorable quarterly supervised practice reports; and, 4) the Board has received a written recommendation by the supervisor.

**7. Medical Records Review**

Within 30 calendar days of the effective date of this Decision, Respondent shall provide to the Board or its designee the name and qualifications of one or more proposed reviewer of the medical records of animal patients created and maintained by Respondent. If Respondent’s terms of probation include Supervised Practice, that supervisor also may serve as the medical records reviewer. Each reviewer shall be a licensed veterinarian in California, have held a valid California license for at least five (5) years, and have never been subject to any disciplinary action by the Board.

The Board or its designee shall provide the approved reviewer with copies of this Decision. Within fifteen (15) calendar days of the reviewer’s receipt of this Decision, the reviewer shall sign an affirmation that they have reviewed the terms and conditions of this Decision and fully understands the role of the reviewer.

If Respondent fails to obtain the Board’s or its designee’s approval of a reviewer within sixty (60) calendar days of the effective date of this Decision, Respondent shall receive a notification from the Board or its designee to cease practicing veterinary medicine within three (3) calendar days after being notified. Respondent shall cease practice until a reviewer is approved to provide medical records review services.

The reviewer shall review a minimum of ten percent (10%) of Respondent’s animal patient medical records or fifteen (15) records (whichever is greater), a minimum of twelve (12) times per year. The reviewer shall determine the method of random selection of medical records to review and shall access the medical records directly from where the medical records are being kept. Review of Respondent’s medical records shall not be delegated to Respondent or Respondent’s staff. The reviewer’s random selection of medical records shall include medical records that correlate to the animal patient care issues or other issues identified in the disciplinary action that resulted in this Decision. Respondent is required to make all animal patient medical records available for immediate inspection and copying by the reviewer at all times during business hours. The reviewer shall immediately notify the Board’s Probation Monitor if Respondent fails or refuses to make the medical records available for inspection and/or copying.

Any potential costs associated with conducting the medical records review shall be borne by Respondent.

The reviewer shall evaluate the medical records to assess: 1) The medical necessity and appropriateness of Respondent’s treatment; 2) Respondent’s compliance with minimum standards of practice in the diagnosis and treatment of animal patients; 3) Respondent’s maintenance of necessary and appropriate treatment; 4) Respondent’s maintenance of necessary and appropriate records and chart entries; and, 5) Respondent’s compliance with existing statutes and regulations governing the practice of veterinary medicine.

The reviewer shall submit quarterly reports to the Board on a form designated by the Board. The reports shall be submitted by the reviewer directly to the Board’s Probation Monitor within seven (7) calendar days after the end of the preceding quarter. The quarterly reporting periods and due dates are as follows:

Reporting Time Period	Due No Later Than
January 1 to March 31 (Quarter I)	April 7
April 1 to June 30 (Quarter II)	July 7
July 1 to September 30 (Quarter III)	October 7
October 1 to December 31 (Quarter IV)	January 7

**8. No New Ownership**

Respondent shall not have any new legal or beneficial interest in any veterinary business, firm, partnership, or corporation for the duration of Respondent’s probation.

**9. No Management**

Respondent shall not manage or function as the responsible licensee manager for any veterinary hospital for the duration of Respondent’s probation. For purposes of this term, “responsible licensee manager” means the individual set forth in Business and Professions Code section 4853, subdivision (c).

**10. Continuing Education**

Within sixty (60) days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board for its prior approval, an educational program or course related to Respondent's specific area(s) of weakness which shall not be less than [insert hours per year], for each year of probation. Upon successful completion of the course, Respondent shall provide proof to the Board. This program shall be in addition to the Continuing Education required of all licensees for licensure renewal. All costs shall be borne by Respondent.

**11. Clinical Training**

Within sixty (60) days of the effective date of this Decision, Respondent shall submit an outline of an intensive clinical training program to the Board for its prior approval. The exact number of hours and the specific content of the program shall be determined by the Board or its designee. Respondent shall successfully complete the training program and may be required to pass an examination related to the program's contents administered by the Board or its designee. All costs shall be borne by Respondent.

**12. Clinical or Written Examination**

Within sixty (60) days of the effective date of this Decision, or upon completion of the clinical training program, Respondent shall take and pass a species-specific practice (clinical/written) examination to be administered by the Board or its designee. If Respondent fails this examination, Respondent must wait three (3) months between reexaminations, except that after three (3) failures, Respondent must wait one (1) year to take each necessary reexamination thereafter. All costs shall be borne by Respondent. If Respondent fails to take and pass this examination by the end of the first year of probation, Respondent shall cease the practice of veterinary medicine until this examination has been successfully passed and Respondent has been so notified by the Board in writing.

**13. Psychological Evaluation**

Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more psychotherapists of Respondent's choice. Upon approval, and within sixty (60) days of the effective date of this Decision, and on a periodic basis as may be required by the Board or its designee, Respondent shall undergo a psychiatric evaluation by a Board-approved psychotherapist (psychiatrist or psychologist), to determine Respondent's ability to practice veterinary medicine safely. The psychotherapist shall furnish a psychological report to the Board or its designee. All costs shall be borne by Respondent.

If the psychotherapist (psychiatrist or psychologist) recommends and the Board or its designee directs psychotherapeutic treatment, Respondent shall, within thirty (30) days of written notice of the need for psychotherapy, submit the name and qualification of one or more psychotherapists of Respondent's choice to the Board for its prior approval. Upon approval of the treating psychotherapist by the Board, Respondent shall undergo and continue psychotherapy until further notice from the Board. Respondent shall have the treating psychotherapist submit quarterly written reports to the Board. All costs shall be borne by Respondent.

**ALTERNATIVE: PSYCHIATRIC EVALUATION AS A CONDITION PRECEDENT TO PRACTICE.**

As of the effective date of the Decision, Respondent shall not engage in the practice of veterinary medicine until notified in writing by the Board of this determination that Respondent is mentally fit to practice safely. If recommended by the psychotherapist (psychiatrist or psychologist) and approved by the Board or its designee, Respondent shall be barred from practicing veterinary medicine until the treating psychotherapist recommends, in writing, and stating the basis therefore, that Respondent can safely practice veterinary medicine, and the Board approves the recommendation. All costs shall be borne by Respondent.

**14. Psychotherapy**

Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more psychotherapists of Respondent's choice. Upon approval, Respondent shall undergo and continue treatment until the Board deems that no further psychotherapy is necessary. Respondent shall have the treating psychotherapist submit quarterly status reports to the Board. The Board may require Respondent to undergo psychiatric evaluations by a Board-appointed psychiatrist. All costs shall be borne by Respondent.

If the treating psychotherapist finds that Respondent cannot practice safely or independently, the psychotherapist shall notify the Board within three (3) working days. Upon notification by the Board, Respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee that Respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the Board is required until the Board or its designee has notified Respondent that they may resume practice. Respondent shall document compliance with this condition in the manner required by the Board.

**15. Medical Evaluation**

Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more physicians of Respondent's choice. Upon approval and on a periodic basis thereafter as may be required by the Board or its designee, Respondent shall undergo a medical evaluation by a Board-approved physician, to determine Respondent's ability to practice veterinary medicine safely. The physician shall furnish a medical report to the Board or its designee. If Respondent is required by the Board or its designee to undergo medical treatment, Respondent shall, within thirty (30) days of written notice from the Board, submit the name and qualifications of a physician of Respondent's choice to the Board for its prior approval. Upon approval of the treating physician by the Board, Respondent shall undergo and continue medical treatment until further notice from the Board. Respondent shall have the treating physician submit quarterly written reports to the Board. All costs shall be borne by Respondent.

If at any time an approved evaluating physician or Respondent's approved treating physician determines that Respondent is unable to practice safely or independently as a veterinarian, the evaluating or treating physician shall notify the Board immediately by telephone and follow up by written letter within three (3) working days. Upon notification from the Board or its designee of this determination, Respondent shall cease all practice and shall not resume practice until notified by the Board that practice may be resumed.

**ALTERNATIVE: MEDICAL EVALUATION AS A CONDITION PRECEDENT TO PRACTICE.**

As of the effective date of this Decision, Respondent shall not engage in the practice of veterinary medicine until notified in writing by the Board of its determination that Respondent is medically fit to practice safely. If recommended by the physician and approved by the Board or its designee, Respondent shall be barred from practicing veterinary medicine until the treating physician recommends, in writing and stating the basis therefore, that Respondent can safely practice veterinary medicine, and the Board approves said recommendation.

**16. Rehabilitation Program Alcohol or Drug**

Within thirty (30) days of the effective date of this Decision, Respondent shall submit in writing a(n) alcohol/drug rehabilitation program in which Respondent shall participate (for the duration of probation/for one/for two years) to the Board for its prior approval. Respondent shall provide documentary evidence in the quarterly written reports to the Board of continuing satisfactory participation in this program. All costs shall be borne by Respondent.

Components of the treatment contract shall be relevant to the violation and to the Respondent's current status in recovery or rehabilitation. The components may include, but are not limited to: restrictions on practice and work setting, random biological fluid testing, abstention from drugs and alcohol, use of worksite monitors, participation in chemical dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluation, and other appropriate rehabilitation or monitoring programs. All costs of participating in the program(s) shall be borne by the Respondent.

**17. Continuing Prevention and Support Groups**

Within thirty (30) days of the effective date of this Decision, Respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) that has been approved by the Board or its designee. Respondent must attend at least one group meeting per week unless otherwise directed by the Board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

**18. Submit to Drug Testing**

Respondent shall immediately submit to drug testing, at Respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and to Respondent's current employer.

Respondent shall make daily contact as directed by the Board or its designee to determine if Respondent must submit to drug testing. Respondent shall submit the drug test on the same day that Respondent is notified that a test is required.

Any confirmed positive test for alcohol or any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall result in a cease practice order resulting in a period of nonpractice/suspension from work by Respondent and may be a cause for revocation of probation. Respondent may not resume the practice of veterinary medicine in any form until notified by the Board in writing. Submit to drug testing shall not be tolled.

**19. Abstain from Controlled Substances**

Respondent shall abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act (Health and Safety Code section 11000 et seq.), and dangerous drugs as defined in Business and Professions Code Section 4022, except for medication lawfully prescribed to Respondent by a licensed practitioner for a bona fide illness.

Upon request of the Board or its designee, Respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of Respondent's treatment. Abstain from controlled substances shall not be tolled.

**20. Abstain from Alcohol Use**

Respondent shall abstain from the use of products or beverages containing alcohol. Abstain from alcohol use shall not be tolled.

**21. Community Service**

Within sixty (60) days of the effective date of this Decision, Respondent shall submit a community service program to the Board for its prior approval. In this program, Respondent shall provide free services on a regular basis to a community or charitable facility or agency for at least [insert number of hours] per [insert increment of time] for the first [insert increment of time] of probation. All services shall be subject to prior Board approval.

**22. Fine**

Respondent shall pay to the Board a fine in the amount of [insert dollar amount] (not to exceed \$5,000) pursuant to Business and Professions Code sections 4875 and 4883. Respondent shall make the payments as follows: .

**23. Restitution**

Respondent shall make restitution to any injured party in the amount of [insert dollar amount]. Proof of compliance with this term shall be submitted to the Board within sixty (60) days of the effective date of this Decision.

**24. Ethics Training**

Respondent shall submit to the Board for its prior approval, an ethics training course for a minimum of [insert number of hours] during the probationary period. Respondent shall provide proof of successful completion of the course to the Board. All costs shall be borne by Respondent.

## Definitions

**Negligence** - A departure from the standard of care or practice. It can be an act of omission or commission. Harm or injury is not a necessary component of administrative negligence because we do not seek monetary damages (redress).

**Incompetence** - A lack of knowledge or ability in discharging professional obligations.

**Fraud** - An intentional act or omission to deceive or mislead another person by misrepresentation, deceit, or concealment of a material fact.

**Deception** - Any act or omission that deceives or misleads another person.

Both fraud and deception can exist despite truthful statements if the statements made, whether written or oral, have a tendency to mislead or do in fact mislead.

DISCIPLINARY GUIDELINES

30	Anesthetic Monitoring	CCR 2032.4(b)(3)&(4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31	Surgical Packs & Sterile Indicators	CCR 2030(g)(9)&(10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32	Sterilization of Equipment	CCR 2030(f)(8)&(g)(8)(B)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33	Sanitary Attire	CCR 2030(g)(11)&(h)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Dangerous &amp; Controlled Drugs</b>		SAT	UNS	COR
34	Expired Drugs	CCR 2030(f)(6)/B&P 4169(a)(4)/4342	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35	Drug Security Controls	CCR 2030(f)(6)/CFR 1301.75	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36	Drug Logs	CCR 2030(f)(6)/CFR 1304.22(c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37	Veterinary Assistant Permit	B&P 4836.1(b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38	CURES Reporting	B&P 4170/H&S 11165	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39	Current DEA	CCR 2030(f)(6)/CFR 1301.11/12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Practice Management</b>		SAT	UNS	COR
40	Managing Licensee	CCR 2030.05	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41	Veterinary Reference Library	CCR 2030(f)(9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42	Record Keeping	CCR 2032.3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**APPENDIX C**  
**RADIATION SAFETY GUIDE**  
*relating to veterinary medicine and animal health*  
*technology in California*  
**2012**

**Veterinary Medical Board and the Registered Veterinary  
Technician Committee of California**

**Section 1:****Effects of Radiation to the Body Appx C**

Radiation injures tissue by ionizing molecules within body cells, that is, depositing energy and causing an electron or electrons to be removed from an atom of the molecule. These ionized molecules may be inactivated and cell death may result. There is a greater variation in the response of different tissues to radiation. The cells most sensitive to radiation are those which divide the most actively—examples include: epithelium, hematopoietic cells, cells lining the small intestine, and reproductive cells. The fetus is particularly sensitive to radiation. Cells more resistant to the effects of radiation include those cells which do not actively divide such as nerve and muscle cells.

Ionizing radiation can cause both somatic and genetic damage. An example of somatic damage is a squamous cell carcinoma developing on the hand of an individual who received a high level of radiation exposure to the hand. Genetic damage produces injury to the reproductive cells of the exposed individual. Such damage may result in birth defects in children born to the exposed person (Birth defects may also appear in children born in later generations).

The effects of radiation may be demonstrated almost immediately, or they may be latent and not observed for a long period of time. Examples of immediate effects of radiation include erythema of the skin following radiation therapy. Latent effects develop slowly and may not become apparent until years after the exposure. Slowly developing cataracts in the eyes of a person with small but chronic exposure to radiation could exemplify the latent effects of radiation exposure.

The radiation risks of most concern to veterinary radiographers are the sensitivity of unprotected areas of the body (i.e. the lens of the eye) and the cumulative effects of radiation. Although the cumulative effects of radiation are less understood than the effects of a single massive dose of radiation to the whole body, the repeated exposure of an individual to small amounts of radiation day after day can add up to potentially harmful levels.

Chronic exposure of individuals to low levels of radiation is believed to produce the following effects:

- Increase in the incidence of neoplasia.
- Specific increase in the incidence of squamous cell carcinoma.
- Increase in the frequency of occurrence of leukemia.
- Premature aging.

Responsibilities of the licensed veterinarian

- Following California Code of Regulations requirements including the federal standards of protection against radiation and applicable dose limits as incorporated by reference in Section 30253 of the California Code of Regulations (CCR), Title 17.
- Providing the employee with reasons for the requirements.



- Veterinarians are not required to provide individual monitoring devices unless employees are likely to receive a radiation dose in excess of 10 percent of the listed limit during one year. Most veterinarians have elected to provide individual monitors, however, other means of monitoring exposure are acceptable.
- Explaining the available options for protecting the embryo/fetus.

*Considerations for occupationally exposed women of childbearing age*

California Code of Regulations, Title 17, Section 30255 states that each California licensed veterinarian must instruct occupationally exposed individuals (veterinary radiographers) of the health protection problems associated with radiation. A special situation arises with occupationally exposed women of childbearing age. Precaution should be taken by limiting exposure to young women, especially if they are pregnant. X-ray exposure to the abdomen of such workers would involve a radiation dose to the embryo or fetus.

*Reasons for these requirements*

Some studies have shown that there is an increased risk of leukemia and other cancers in children if the expectant mother was exposed to a significant amount of radiation. Women employees must be aware of possible risks so they can take appropriate steps to protect their offspring.

*Considerations for the embryo/fetus*

*Regulatory provisions (10 CFR 20, Section 20.1208):*

- The licensed veterinarian shall ensure that the dose to an embryo/fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (500 millirems or 5 milli Seiverts (mSv)).
- The licensed veterinarian shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in paragraph (a) of Section 20.1208.
- The dose to an embryo/fetus shall be taken as the deep dose equivalent to the declared pregnant woman.
- If the dose to an embryo/fetus is found to have exceeded 0.5 rem (5 mSv), plus or minus 0.05 rems, by the time the woman declares the pregnancy to the licensed veterinarian, the veterinarian shall be deemed to be in compliance with paragraph (a) of Section 20.1208 if the additional dose to the embryo/fetus does not exceed 0.05 rems (0.5 mSv) during the remainder of the pregnancy.
- Once a woman declares her pregnancy in writing, the radiation dose of the embryo/fetus shall be no greater than 0.05 rems (50 millirems) in any month (excluding medical exposure).

Female employees should be aware of the following facts:

- The first three months of pregnancy are the most important as the embryo/fetus is most sensitive to radiation at this time.
- In most cases of occupational exposure, the actual dose received by the embryo/fetus is less than the dose received by the mother, because some of the dose is absorbed by the mother's body.
- At the present occupational dose equivalent limits, the risk to the unborn baby is considered to be small, but experts disagree on the exact amount of risk.
- There is no need for women to be concerned about sterility or loss of ability to bear children from occupational exposure that is within legal limits.
- Once a woman declares her pregnancy in writing, the radiation dose of the embryo/fetus shall be no greater than 0.05 rems in any month.
- The 0.5 rems dose equivalent limit applies to the full nine months of pregnancy.

It is strongly suggested that the instruction be given both orally and in writing.

Also, each woman employee should be given an opportunity to ask questions, and each woman employee should be asked to acknowledge in writing that the instruction has been received. Further, it would be prudent to keep records of such acknowledgment indefinitely.

*Considerations for Individuals Under the Age of 18 years*

Young individuals are considered to be at a greater risk of radiation injury because of their more rapidly reproducing cells. Thus, all individuals under the age of 18 shall be excluded from performing or assisting in the performance of radiographic examinations.

**Section 2:**

**Competency and Training of Veterinary Radiographers**

According to Section 4840.7 of the California Veterinary Medicine Practice Act, a registered veterinary technician (RVT) who has been examined by the Veterinary Medical Board in the area of radiation safety and techniques may operate radiographic equipment under indirect supervision of a licensed veterinarian.

An unregistered assistant may operate radiographic equipment under the direct supervision of an RVT or a licensed veterinarian.

**Section 3:**

**Personnel Monitoring**

*Personnel monitoring equipment (devices)*

Personnel monitoring equipment consists of devices designed to be worn or carried for the purpose of measuring the radiation dose received by an individual in the course of employment, education, or training. Personnel monitoring equipment/devices include: film badges, thermoluminescent dosimeters (TLD), pocket dosimeters, and ring or wrist badges [see CFR Section 20.1003 and CCR Section 30100 (m)]. Film and TLD badges are the most commonly used radiation monitoring devices by the veterinary profession. Personnel monitors may be performed either on a monthly or quarterly basis.

*Location of personnel monitoring equipment (devices)*

A monitoring device must be worn at the thyroid level on the collar outside the apron. Also if the fluoroscopy is used, an additional ring or wrist band must be worn.

**Section 4:**

**Occupational Dose Equivalent Limits**

*Compliance with occupational exposure requirements - [Maximum Permissible Dose equivalent (MPD)]*

The essential goal of radiation safety is to prevent injury from exposure to ionizing radiation. For this reason, CFR 20, Section 20.1201, establishes the following annual or yearly occupational dose equivalent limits:

- Whole body (total effective dose equivalent): 5 rems.
- Skin and extremities (shallow dose equivalents): 50 rems.
- Lens of the eye (eye dose equivalent): 15 rems.

The regulations distinguish the following:

- Occupational dose equivalent limits for adults (persons over 18 years of age).
- Occupational dose equivalent limits for persons under 18 years of age (may receive 10 percent of the adult occupational dose limits). This is one reason why young people should not be allowed to work in the x-ray room.
- Dose equivalent limits for general population.
- Radiation dose to an embryo/fetus (prenatal radiation exposure).

**Section 5:**

**Veterinary Radiographic Machine Requirements**

*X-ray Tube Housing*

The x-ray tube housing must be of a diagnostic type.

The x-ray beam is generated within a vacuum tube containing a cathode with a tungsten wire filament, and an anode target, usually made of tungsten. The x-ray tube itself is enclosed in a metal housing, with a window through which the useful or primary x-ray beam passes.

*Collimating device*

A rectangular collimating device, equipped with a light localizer indicating the size and location of the area to be exposed to x-rays, which is capable of restricting the useful beam to the area of clinical interest, shall be provided.

Failure to limit or restrict the x-ray beam only to the area of clinical interest represents one of the most frequent causes of violating the collimation requirement. X-rays that extend beyond the area of clinical interest serve no useful function, increase scatter, and must be eliminated by careful collimation.

There should be an unexposed border on two opposing sides of the film, proving that the x-ray beam did not exceed the size of the film cassette.

By decreasing the amount of tissue exposed, the amount of scatter radiation produced is also reduced, thus reducing the scatter radiation exposure to personnel.

Clinically, reduction of the size of the x-ray beam improves the diagnostic quality of the film by lessening the amount of fog caused by scatter radiation.

*X-ray beam filtration*

The regulations specify the amount of total filtration required for veterinary x-ray machines to be at least 1.5 millimeters (mm) of aluminum-equivalent for equipment operating up to 70 kilovolt peak (kVp) and at least 2.0 mm of aluminum-equivalent for equipment operating over 70 kVp.

*Diagnostic x-rays tubes use aluminum or its equivalent as the filter material.*

Except for the window through which the primary useful beam passes, most x-ray tubes are surrounded by oil for electrical insulation and keeping the tube cool. When x-rays leave the tube they must pass through the window's glass covering which adds a small amount of inherent filtration. The amount of inherent filtration produced by most diagnostic x-ray tubes usually ranges from 0.5 to 0.8 mm aluminum-equivalent.

The ability of the x-ray beam to penetrate through the animal patient and to expose the x-ray film is dependent upon its energy measured in kilovolts peak (kVp). The x-ray beam is made up of rays of different energies. Only the x-rays with higher energies (i.e., shorter wavelength) can penetrate the tissue of the animal body and react with the emulsion of the film. The lower energy (i.e., long wavelength) x-rays do not penetrate the patient, and therefore do not contribute to the diagnostic quality of the radiograph. It is desirable to remove the low energy rays from the x-ray beam. This can be readily accomplished by placing a filter in the path of the useful or primary beam. A filter functions by absorbing preferentially the low energy (long wavelength) x-rays before they reach the patient, while allowing the high energy (short wavelength) x-rays to pass through. [Section 30306(f)].

*Exposure cord*

The exposure cord on the hand or foot switch cannot be less than six feet in length. [Section 30314(a)(5)].

*Exposure timer*

The x-ray machine must have a device to terminate the exposure after a preset time or exposure. [Section 202114(a)(4)].

*Exposure switch*

The exposure switch must be of the dead-man type. [Section 30314(a)(5)].

*Registration requirement*

Every person possessing a reportable source of radiation shall register with the California Department of Public Health, Radiologic Health Branch [(RHB) www.cdph.ca.gov/rhb] in accordance with the provisions of Sections 30110 through 30146. [Section

30108].

*Initial registration*

(a) Every person not already registered who acquires a reportable source of radiation shall register with and pay the fee as specified in Section 30145 to RHB within 30 days of the date of acquisition.

(b) Every person who intends to acquire a radiation machine capable of operating at a potential in excess of 500 kvp shall notify RHB at least 60 days prior to his/her possession of the machine or at least 60 days prior to the commencement of construction or reconstruction of the room which will house the machine, whichever occurs first. This equipment shall not be used to treat patients until written approval of provisions for radiation safety has been obtained by the user from RHB. [Section 30110]

(c) Every person who registers or renews a registration shall complete a separate registration form furnished by RHB for each separate installation.

*Renewal of registration*

Registration must be renewed with RHB on or before the registration expiration date.

*Report of change*

The registrant shall report in writing to RHB. Within 30 days of any change in: Registrants name, address, location of the installation, receipt, sale, transfer, disposal, or discontinuance of use of x-ray machine. [Section 30115]

*Vendor Obligation*

A vendor must inform the receiver of the radiation machine of the registration requirements [Section 30118].

*Records to be maintained*

Record of individual monitoring results must be maintained until the terminations of their registration [10 CRF 20, section 20.2106].

*Payment of Fees*

Each registration and registration renewal requires payment of a fee [Section 30146].

**Section 6:**

**Veterinary Radiographer Protective Apparel**

The operator shall not stand in the beam but be well away from the tube and animal during X-raying [Section 30314(b), Title 17, CCR].

It is the veterinary radiographers responsibility to require that all individuals unnecessary to the radiographic examination leave the x-ray room prior to making an exposure.

Anyone who is in the x-ray room at the time of exposure must be behind a protective barrier or must wear a protective apron of preferably 0.5 mm lead-equivalent but not less than 0.25 millimeters of lead-equivalent.

Lead impregnated leather or vinyl is used to make aprons and gloves worn by those individuals who must remain in the x-ray room when an exposure is made.

The minimum requirement for both aprons and gloves is 0.25 millimeters of lead equivalent. However, gloves and aprons constructed of 0.5 millimeters of lead-equivalent are available and thus provide greater protection to the radiographer and assistants.

A label stating the lead equivalent thickness can be found on the hem of the apron and in the cuff of the glove.

Aprons and gloves must be evaluated periodically for tears and cracks to avoid radiation penetration. This evaluation can be accomplished by x-raying the gloves or aprons using a cassette and making a routine exposure. Recommended exposure factors are: 85 kVp, 10 milliamperes-second (mAs), 40 inch focal-film distance.

Proper storage of aprons and gloves prolongs their life and effectiveness. Aprons should be hung without creases to prevent cracking. Gloves should be stored so that liners can dry.

Gloves and aprons are designed to protect the wearer from scatter radiation only they do not reduce the primary x-ray beam enough to provide sufficient protection.

The reduction in exposure that results from placing 0.25 mm lead-equivalent apron material in a primary x-ray beam of 100 kVp is 60 percent compared to 0.50 mm lead-equivalent apron material that attenuates the beam by 85 percent.

### Section 7:

#### Veterinary Radiographer Responsibilities

Veterinary radiographers are responsible for adhering to all of the following radiation safety procedures:

1. Increase or maximize the distance between the operator and the source of radiation.
  - The intensity of the primary x-ray beam, scatter radiation and leakage from the x-ray tube diminishes rapidly as the distance between the operator and the source of radiation increase (approximately by the square of the relative distances).
  - If an operator can increase his or her distance from radiation sources by a factor of two (2), his or her exposure would be reduced to one-fourth of the original amount (four being the square of two). If the distance factor could be tripled, the exposure would be reduced to one-ninth of the original amount (nine being the square of three).
  - When taking radiographs of large animals, use cassette holders to reduce the assistant's exposure to radiation.
2. Use chemical and mechanical restraints whenever possible to eliminate the need for holding a patient during the radiographic exposure.
  - Mechanical restraining devices and positioning aids available to veterinary radiographers include vinyl or foam covered sandbags, foam wedges, plastic or foam troughs, plastic head braces and mouth specula, rope, gauze, tape, Velcro straps, etc. Their proper utilization not only helps reduce radiation exposure to veterinary radiographers but also helps to improve radiographic quality by preventing patient motion.
3. Use general anesthesia when total immobility and complete relaxation of the animal patient is required for accurate positioning.
  - In all cases, the decision to use anesthetic and tranquilizing agents rests with the attending veterinarian.
  - Tranquilizers may calm the animal patient sufficiently to allow some types of mechanical restraining devices to be used.
4. Use appropriate protective devices, such as gloves, aprons, and protective goggles, as well as fixed or mobile barriers such as walls or movable leaded Plexiglas shields.
  - Mobile lead Plexiglas shield that can be positioned in the examination room between the source of radiation and the assistant can cut radiation exposure significantly.
  - Lead glass goggles offer considerable protection to the lens of the eye.
5. Reduce the duration and amount of exposure.
  - Rare-earth screens can reduce patient dose and the exposure to the personnel from between two (2) and five (5) times without any loss of image quality compared to older Acalcium tungstate screens. From the standpoint of radiation safety, intensifying screens of this type are highly advantageous.
  - Use a film type proper for screen emittance. For example, blue-light-emitting screens should not be used with greensensitive film and vice versa. Such a film/screen mismatch will result in image degradation and increased radiation exposure.

- Low-absorption cassette fronts (such as Bakelite or carbon fiber reinforced plastic) offer minimum filtration of the x-rays passing through the cassette and can aid in keeping patient dose at a minimum.
  - Use high kVp techniques that are appropriate for the body part being x-rayed, permitting the veterinary radiographer to lower the mAs settings and decrease radiation levels. Kilovoltage determines the penetrating ability (quality) of the x-ray beam whereas mAs determines the amount (quantity) of x-radiation.
  - The x-ray imaging process starts with the normal x-ray machine, the animal patient and the x-ray cassette arranged in the usual positions. The difference is that the digital cassette contains a reusable phosphor plate, which is sensitive to x-rays but not light. Once the plate has been exposed, it is fed into a laser computer reader, which captures the image in a digital format. The reader then resets the plate ready for reuse. The phosphor plates are expensive but can be reused several thousand times; they are also more x-ray sensitive than film, allowing a slightly lower radiation dose to be used. The advantages of this process over film developing are the elimination of the expensive film, the absence of toxic developing chemicals and the speed. Within 30 seconds, the image is visible, so if the image needs to be repeated for technical reasons this can be done immediately. The radiographer orientates the image on the monitor according to established protocols and can alter the contrast and grey scale (a process known as “windowing”).
  - The company who supplies the digital equipment should provide information on the recommended receptor exposure factors to ensure diagnostic images with the lowest possible dose for each particular examination.
  - It is important for each veterinary practice to set up quality assurance systems to routinely monitor factors including clinical exposure constancy and imaging system sensitivity.
  - Digital radiography systems may have different x-ray energy responses to film screen systems. Therefore, the technical exposure factors should be different for that used for film screen systems.
  - For existing systems that have been upgraded to use digital radiography or computed radiography, the existing exposure protocols should be adjusted to reflect a 30-50% reduction in mAs and or exposure time. Each image, whether produced on film or soft copy display, should ideally have an associated number to indicate the level of exposure to the detector. Currently all computed radiography systems have a sensitivity index which is related to detector exposure, however, digital radiography systems are generally not supplied with this feature. Once computed radiography and digital radiography are in use, the constancy of applied exposure factors should be monitored on a regular basis.
6. Plan radiographic procedures carefully and avoid unnecessary retakes
- Every examination that must be repeated results in doubling the radiation received by the patient and by personnel. Retakes represent one of the biggest causes of excessive and unnecessary radiation exposure to veterinary radiographers.
  - The production of quality radiographs is a complex process demanding careful attention to each detail. Some of the principal factors relating to the production of quality radiographs are:
    - Patient positioning.
    - The body part of clinical interest should be centered on the film.
    - The body part should be perpendicular to the central main x-ray beam and parallel to the film.

- Align the x-ray tube with the film (cassette).
- Ensure correct focal-film distance is correct (usually 40 inches).
- Proper techniques selection.
- Precisely measure the body part for use with a technique chart.

**Section 8:**

**Darkroom Quality Assurance Requirements (General Provisions)**

- A consistent routine should be established in the darkroom.
- Smoking, eating, or drinking should not be permitted in the darkroom.
- The darkroom should be kept free of dust.
- Counter tops and processor feed trays should be cleaned daily.
- Darkroom safe lights should be equipped with an appropriate filter and bulb combination.
- Screens should be cleaned to remove artifacts. Screen cleaner, recommended by the screen manufacturer, should be used on a regular basis—not less than monthly.
- Films should be handled carefully to prevent artifacts due to static electricity or fingerprints.
- The developer and the fixer tanks should be covered to prevent oxidation.
- Boxes of unexposed film should be stored upright and in a protected area away from scatter radiation.
- Expired film stock should be removed from use.
- For digital image processing, strict adherence to the manufacturer’s quality assurance and system maintenance manuals is critical in order to take full advantage of any digital radiography system. “Windowing” an image to make it diagnostically acceptable is not an alternative for using the correct technical factors in producing the initial image.

**Section 9:**

**Manual Film Developing**

Proper development of film is very important in optimizing diagnostic quality radiographs and reducing the number of retakes. An x-ray film should never be overexposed in order to shorten the developing time. A film that has been overexposed and underdeveloped tends to lose most of its diagnostic quality and results in a significant increase in exposure to the animal patient and veterinary radiographer.

Developing for five (5) minutes at 68-70 degrees Fahrenheit (see Table below) produces optimum diagnostic quality films. Since the correct developing time varies with the temperature of the developing solution, measurements must be made with an accurate thermometer and timer each time a film is developed.

<i>Full Film Development Techniques</i>	
<i>Developer Temperature (Fahrenheit)</i>	<i>Minimum time (minutes)</i>
64-66	7
68-70*	5*
72-76	4
<i>*Optimum temperature and time combination.</i>	

The temperature of developing solutions should not exceed 75 degrees Fahrenheit, or fall below 65 degrees Fahrenheit. Developing solutions function correctly only within the above noted temperature range.

Solutions should be stirred well before use. Separate stirring paddles must be used for the developer and fixer.

In addition, veterinary radiographers must follow the following rules:

- Use solutions designed for medical x-ray purposes.
- Change solutions regularly and replenish solutions per manufacturer's recommendations.\*
- Avoid contaminating solutions.
- Keep films in the fixer solution for at least 10 minutes.
- Wash films in a running water bath for at least 30 minutes.
- Dry films thoroughly.

\*NOTE: Silver recovery systems must meet environmental protection laws and regulations.

Specifically, processing less than 500 gallons per month of silver-containing photographic solutions qualifies a generator to be conditionally exempt if the waste is:

- Hazardous only for silver.
- Treated on-site within 90 days.
- The silver concentration is reduced to a level less than five (5) milligrams per liter (mg/l).

#### Section 10:

##### Employing/Supervising Veterinarian Responsibilities

Employing/supervising veterinarian is responsible for all of the following:

##### *Radiation protection - general requirements.*

1. Pursuant to Section 30253 take all precautions necessary to provide reasonably adequate protection to the health and safety of all individuals who are subject to exposure to radiation. The main purpose in the control of radiation exposures is to ensure that no exposure is unjustified in relation to its benefits; that any necessary exposures are kept as low as is reasonably achievable (ALARA); and that the doses received to personnel are kept well below the allowable limits.

2. Provide radiation safety rules to each veterinary radiographer including any restrictions of the operating technique required for the safe operation of the particular x-ray equipment.

3. Ascertain that each veterinary radiographer demonstrates familiarity with the radiation safety rules.

4. All individuals whose job requires radiation exposure are monitored (provided personnel monitoring devices).

5. Occupational exposure is recorded regularly at least quarterly and preferably monthly.

6. The operator or any other individual does not stand in the path of the useful beam and remains behind a protective shield or at least six feet away from the animal patient during the exposure.

7. Make or cause to be made such reasonable and necessary surveys and/or tests, including quality assurance (QA) tests necessary for the protection of life, health or property [Section 30275].

8. Report to the RHB any overexposure of x-ray personnel [Sections 30295 and 10 CFR 20.2202/2203].

##### *Animal patient holding*

1. No individual is employed or regularly used to hold animal patients during radiation exposures.

2. Veterinary radiographers do not hold animal patients except very infrequently and then only in cases in which no other method of restraint is available.

3. Provide devices to assist in positioning and restraining the anesthetized or sedated



patient (such as cassette holders, sandbags).

4. If manual restraint must be used, require the individual to hold the animal patient at arm's length with the body positioned as far away from the animal patient as possible. (The head and body may not be bent over the animal patient.)

*Pregnant or potentially pregnant employees*

1. According to 10 CFR 20, the employing veterinarian must instruct occupationally exposed individuals in health protection problems associated with exposure to radiation, in precautions or procedures to minimize exposure, and in the purpose and function of protective devices employed. These instructions shall be given both verbally and in writing.

*Posting and record keeping requirements*

1. A current copy of Department of Health Services Form RH-2364 (Notice to Employees) must be posted in a sufficient number of places to permit individuals working in the x-ray room to observe a copy on the way to or from the room [10 CFR 20].

2. A current copy of California Control Regulations, Title 17.

3. An annual report of occupational exposure must be provided to all individuals who are being monitored [10 CFR 20].

4. "Caution X-ray" is required signage to be posted [section 30305(c), title 17, CCR].

**Section 11:**

**Review Questions**

1. The biological effect of radiation is measured in what units?
  - A. Roentgen
  - B. Rad
  - C. Rem
  - D. Curies
2. The amount of x-rays received in the course of employment by an individual since 18 years of age is called what?
  - A. Acquired dose
  - B. Total dose
  - C. Occupational dose
  - D. Allowable dose
3. The length of cord on the hand or foot switch cannot be less than how long?
  - A. 4 feet
  - B. 6 feet
  - C. 8 feet
  - D. 10 feet
4. How many millirems are there in 7.5 rems of radiation exposure?
  - A. 75
  - B. 750
  - C. 7500
  - D. 75,000
5. To evaluate the integrity of gloves, they are best radiographed using the following exposure factors:
  - A. 80 kVp, 10 mAs, 40@ffd
  - B. 85 kVp, 10 mAs, 40@ffd
  - C. 85 kVp, 15 mAs, 40@ffd
  - D. 80 kVp, 10 mAs, 36@ffd

6. Which adjustment of the x-ray machine will give variety to the penetrating ability of the x-ray beam?
- A. mA
  - B. kVp
  - C. Exposure time
  - D. Collimation
7. Chronic exposure to x-radiation will most likely cause which of the following?
- A. Increase in rates of leukemia
  - B. Increase in rates of neoplasia
  - C. Increase incidence of cataracts
  - D. All of the above
8. What is the optimum time of development of an x-ray at 68 degrees Fahrenheit?
- A. 3 minutes
  - B. 5 minutes
  - C. 6 minutes
  - D. 7 minutes
9. The minimum standard of lead equivalent for aprons is 0.25 mm and for gloves is what?
- A. The same
  - B. 0.30 mm
  - C. 0.40 mm
  - D. 0.50 mm
10. What causes a clear border around developed x-ray film?
- A. Collimation
  - B. Insufficient time in the developer
  - C. Using too big of a film for the study
  - D. Over exposure of the film

**ANSWERS:**

1-C; 2-C; 3-B; 4-C; 5-B; 6-B; 7-D; 8-B; 9-A; 10-A

**Section 12:****Resources and Regulations**

The Radiation Control Regulations are contained in the California Code of Regulations (CCR), Title 17, Division 1, Chapter 5, Subchapter 4, and they are generally referred to as laws or statutes. These regulations are not recommendations but provisions that must be complied with. Health and Safety Code, Section 25866 specifically states that any person who violates any part of the provisions of these regulations is guilty of a misdemeanor.

Copies of the California Code of Regulations (CCR), Title 17 can be obtained by contacting:

Barclays Law Publishers  
PO Box 3066  
South San Francisco, CA 94083-3066  
(415) 589-8200

To obtain a copy of Department of Health Services Form RH-2364, The Notice to Employees, contact:

California Department of Public Health  
Radiologic Health Branch

PO Box 997414, MS-7610  
 Sacramento, CA 9589-7414  
 (916) 327-5106

The Notice to Employees, regulation information and X-Ray Machine Registration forms can be found on the CDPH website:

[www.cdph.ca.gov/rhb](http://www.cdph.ca.gov/rhb)

**Additional Resources**

National Council on Radiation Protection and Measurements  
 Radiation Protection in Veterinary Medicine  
 Report No. 148, December, 2004.

Department of Toxic Substances Control  
 PO Box 806

Sacramento, CA 95812-0806

Department of Toxics website:

<http://www.dtsc.ca.gov/>

For information regarding processing solutions and their disposal, contact:

Department of Toxic Substances Control  
 Onsite Hazardous Waste Treatment Unit

400 P Street, 4th Floor, PO Box 806

Sacramento, CA 95812-0806

(916) 323-5871

Regulations that are of particular interest to the RVT are summarized below. For the complete listing of regulations, consult the California Code of Regulations (CCR), Title 17, Sections 30100-30314 and Sections 20.1003-20.2202.

**General Definitions**

*Absorbed dose*

The energy imparted by ionizing radiation per unit of irradiated material. The units of absorbed does are the rad and the Gray (Gy).

*Adult*

An individual 18 or more years of age.

*ALARA (As Low As is Reasonably Achievable)*

Making every reasonable effort to maintain exposures to radiation as far below the dose limits in this part as is practical consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed materials in the public interest.

*Automatic exposure control*

A device which automatically controls one or more technique factors in order to obtain at a preselected location(s) a required quantity of radiation.

*Collective dose*

The sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

*Controlled area*

An area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason.

*Declared pregnant woman*

A woman who has voluntarily informed her employer, in writing, of her pregnancy and the estimated date of conception.

*Dead-man switch*

A switch so constructed that a circuit-closing contact can only be maintained by continuous pressure by the operator.

*Diagnostic-type tube housing*

An x-ray tube housing so constructed that the leakage radiation measured at a distance of one meter from the source cannot exceed 100 milliroentgens in one hour when the tube is operated at its maximum continuous rate of current for the maximum rated tube potential.

*Dose equivalent (HT)*

The product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and the seivert (Sv).

*Effective dose (HE)*

The sum of the products of the dose equivalent to the organ or tissue (HT) and the weighting factors (wT) applicable to each of the body organs or tissues that are irradiated ( $HE=3wTHT$ ).

*Embryo/fetus*

The developing human organism from conception until the time of birth.

*Exposure*

Being exposed to ionizing radiation or to radioactive material.

*Eye dose equivalent*

Applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeters (300 mg/cm<sup>2</sup>).

*Filter*

Material placed in the useful beam to absorb preferentially the less penetrating radiations.

*Gray (Gy)*

The SI unit of absorbed dose. One Gray is equal to an absorbed dose of one joule/kilogram (100 rads).

*Individual*

Any human being.

*Installation*

The location where one or more reportable sources of radiation are possessed.

*Interlock*

A device for precluding access to an area of radiation hazard either by preventing entry or by automatically removing the hazard.

*Leakage radiation*

All radiation coming from within the x-ray tube housing except the useful beam.

*Licensee*

The holder of a license [Note: the licensee is usually the veterinarian].

*Member of the Public*

An individual in a controlled or unrestricted area. However, an individual is not a member of the public during any period in which the individual receives an occupational dose.

*Minor*

Any individual less than 18 years of age.

*Nonstochastic effect or deterministic effect*

Health effects, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect (also called a deterministic effect).

*Occupational dose*

The dose received by an individual in a restricted area or in the course of employment in which the individuals assigned duties involve exposure to radiation and to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other persons. Occupational dose does not include dose received from background radiation, as a patient from medical practices, from voluntary participation in medical research programs, or as a member of the general public.

*Other official agency specifically designated by the Dept.*

An agency with which the Department has entered into agreement pursuant to Section 114990 of the Health and Safety Code.

*Person*

Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor or representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, the United States Department of Energy, or any successor thereto, and other than Federal Government agencies licensed by the United States Nuclear Regulatory Commission, under prime contract to the United States Department of Energy, or any successor thereto.

*Personnel monitoring equipment*

Devices designed to be worn or carried by an individual for the purpose of measuring the dose received by that individual (e.g., film badges, pocket chambers, pocket dosimeters, film rings, etc.).

*Possessing a reportable source of radiation*

Having physical possession of, or having control of, x-ray equipment.

*Primary protective barrier*

A barrier sufficient to attenuate the useful beam to the required degree.

*Protective barrier*

A barrier of attenuating material used to reduce radiation exposure.

*Rad*

The special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs/gram or 0.01 joule/kilogram (0.01 Gray).

*Radiation (ionizing radiation)*

Gamma rays and x-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

*Radiation machine*

Any device capable of producing radiation when the associated control devices are operated, but excluding devices which produce radiation only by the use of radioactive material. For fee purposes, when a radiation machine is equipped with two or more tubes that can be used separately, each tube shall be considered as a single machine, except for machines used solely for research and teaching.

*Registrant*

Any person who is registering or who has registered with the Department pursuant to group 1.5 Registration of Sources of Radiation.

*Rem*

The special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rems is equal to the absorbed dose in rads multiplied by the quality factor (1 rem = 0.01 sievert).

*Reportable source of radiation*

Either of the following:

- (1) Radiation machines, when installed in such a manner as to be capable of producing radiation.
- (2) Radioactive material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging, controlling thickness, density, level interface location, radiation, leakage, or qualitative or quantitative chemical composition, for producing light or an ionized atmosphere, possessed pursuant to a general license under provisions of Section 30192.1 of group 2 this Subchapter (Licensing of Radioactive Materials).

*Scattered radiation*

Radiation that, during passage through matter, has been deviated in direction.

*Secondary protective barrier*

A barrier sufficient to attenuate stray radiation to the required degree.

*Shutter*

A device, generally of lead, fixed to an x-ray tube housing to intercept the useful beam.

*Sievert*

The SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sieverts is equal to the absorbed dose in Grays multiplied by the quality factor (1 Sv = 100 rems).

*Source of radiation*

A discrete or separate quantity of radioactive material or a single radiation machine.

*Stochastic effects*

Health effects that occur randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Heredity effects and cancer incidence are examples of stochastic effects.

*Stray radiation*

Radiation not serving any useful purpose. It includes leakage and scatter radiation.

*Therapeutic-type tube housing*

- (1) For x-ray therapy equipment not capable of operating at 500 kVp or above, an x-ray tube housing so constructed that the leakage radiation at a distance of one meter from the source does not exceed one roentgen in an hour when the tube is operated at its maximum rated continuous current for the maximum rated tube potential.
- (2) For x-ray therapy equipment capable of operating at 500 kVp or above, an x-ray tube housing so constructed that the leakage radiation at a distance of one meter from the source does not exceed either one roentgen in an hour or 0.1 percent of the useful beam dose rate at one meter from the source, whichever is greater, when the machine is operated at its maximum rated continuous current for the maximum rated accelerating potential.

(3) In either case, small areas of reduced protection are acceptable provided the average reading over any 100 square centimeters area at one meters distance from the source does not exceed the values given above.

*This regulation*

California Code of Regulations (CCR), Title 17, Chapter 5, Subchapter 4.

*Unrestricted area*

An area, access to which is neither limited nor controlled by the licensee.

*Useful beam*

That part of the radiation which passes through the window, aperture, cone, or other collimating device of the tube housing.

*User*

Any person who is licensed to possess radioactive material or who has registered as possessing a reportable source of radiation pursuant to groups 1.5 and 2 of this subchapter, or who otherwise possesses a source of radiation which is subject to licensure or registration.

*Whole body*

For the purposes of external exposure, head, trunk (including male gonads), arms above the elbow, or legs above the knee.

*Worker*

Any individual engaged in activities subject to Title 17, California Code of Regulations, Chapter 5, Subchapter 4, and controlled by a user but does not include the user.



**RADIATION SAFETY EXAMINATION FOR UNREGISTERED ASSISTANTS**

California law requires the employing/supervising veterinarian to provide radiation safety rules to each veterinary radiographer including any restrictions of the operating technique required for the safe operation of the particular x-ray equipment. The purpose of this examination is to ascertain that every unregistered assistant (any individual who is not a board certified Registered Veterinary Technician or a licensed veterinarian) has familiarity with the radiation safety rules.

Please read the Radiation Safety Booklet provided by your employer/supervisor and then answer the questions below. You may refer to the booklet while taking the examination. You are required to achieve a passing score of 80% in order to operate radiographic equipment.

***You may not operate radiographic equipment until you have successfully passed this examination or can provide other proof of Radiation Safety Training.***

Name: \_\_\_\_\_

Employer/Supervisor: \_\_\_\_\_

**Circle only one answer.**

1. Chronic exposure of individuals to low levels of radiation can have which of the following health effects?
  - A. Premature aging
  - B. Higher incidence of cancer
  - C. Damage to the lens of the eye
  - D. All of the above
  
2. Pregnant women should avoid exposure to radiation because of which of the following increased risks to their fetus?
  - A. Childhood leukemia and other cancers
  - B. Low birth weight
  - C. Premature birth
  - D. Glaucoma
  
3. Why are individuals under the age of 18 excluded from performing or assisting in radiography?
  - A. They cannot be held legally liable for their actions
  - B. They are at greater risk of injury because of their inexperience
  - C. They cannot be exposed to radiation without their parent’s permission
  - D. They are at greater risk of radiation injury because their cells are reproducing more rapidly





4. An unregistered assistant may operate radiographic equipment under which of the following circumstances?
- A. Under the direct supervision of an RVT or a licensed veterinarian
  - B. Under the direct supervision of a trained unregistered assistant
  - C. Under the indirect supervision of a licensed veterinarian
  - D. Under the indirect supervision of an RVT
5. Where should a radiation monitoring device be worn for routine radiography?
- A. Under the apron at waist level
  - B. Under the apron at collar level
  - C. Outside the apron at waist level
  - D. Outside the apron at thyroid level
6. Which of the following statements describes the purpose of collimation?
- A. It reduces the amount of scatter
  - B. It increases the amount of scatter
  - C. It increases the size of the primary beam.
  - D. It reduces the amount of kVp needed for exposure
7. Which of the following actions must a person who is in the x-ray room take at the time of exposure?
- A. Stand in front of a protective barrier
  - B. Place their hands directly in the primary beam
  - C. Hold their breath while the exposure is being made.
  - D. Wear a protective apron of preferably 0.5mm lead-equivalent
8. Lead gloves are required to be worn to protect the operator from which of the following dangers when performing veterinary radiography?
- A. Being bitten by the animal patient
  - B. Exposure to the primary beam
  - C. Contact with radiographic contrast media
  - D. Exposure to scatter radiation
9. Which of the following techniques should a veterinary radiographer use to increase radiation safety?
- A. General anesthesia when total mobility and complete relaxation is required for accurate positioning
  - B. Chemical and mechanical restraints whenever possible to eliminate need for holding patient
  - C. Intensifying screens and/or fast film to reduce exposure time
  - D. All of the above
10. Why should leaded goggles be worn when restraining an animal patient for radiography?
- A. To prevent contrast media from getting into the eyes
  - B. To protect the lens from exposure to x-rays
  - C. To protect the cornea from scratches
  - D. To improve the operator's vision

11. What is the effect on the operator's exposure to radiation by increasing the distance between the operator and the source of radiation?
- A. Reduces the exposure to radiation
  - B. Increases the exposure to radiation
  - C. Exposure to radiation stays the same
  - D. Cannot be determined
12. What is the purpose of cassette holders in large animal radiography?
- A. To keep the cassette from moving during exposure.
  - B. To prevent the patient from soiling the cassette
  - C. To reduce the assistant's exposure to radiation
  - D. *To allow rapid change of film in the field.*
13. Which of the following statements accurately describes appropriate radiation safety protocol?
- A. Anesthesia and restraint devices such as sandbags should be used only if manual restraint won't work
  - B. No individual should be employed or regularly used to hold animal patients during radiation exposures
  - C. During manual restraint, assistants should position themselves as close to the animal patient as possible.
  - D. Veterinary radiographers should restrain patients manually even if other restraint methods are available
14. Which of the following duties is a responsibility of the employing/supervising veterinarian?
- A. Ascertain that each veterinary radiographer demonstrates familiarity with radiation safety rules.
  - B. Assure that no individual stands in the path of the primary beam
  - C. Provide radiographers with personnel monitoring devices
  - D. All of the above
15. Which of the following statements describes a female radiographer's special risks?
- A. Female assistants should not inform their supervisors if they are pregnant to avoid being relieved of duty
  - B. The actual dose of radiation exposure to an embryo/fetus is greater than that received by the mother.
  - C. Her ability to bear children is very likely to be effected by occupational exposure within legal limits.
  - D. The embryo/fetus is most sensitive to radiation during the first three (3) months of pregnancy.
16. Which of the following statements is true regarding digital radiography?
- A. Digital radiography is no safer for the patient and the operator than conventional radiography
  - B. Digital radiographs take longer to develop than standard radiographs
  - C. Repeated exposure to digital radiography does not increase radiation dosage
  - D. The information required to be imprinted on standard, radiographs cannot be imprinted on digital, radiographs

17. Which of the following techniques is recommended when using digital radiography?
- A. Stand as close to the patient as possible when positioning them for a radiograph
  - B. Use adjustments in the software to enhance the image
  - C. Leave the film in the developer longer if the temperature is colder than normal
  - D. Open the collimator as wide as possible to get the largest view of the patient

ANSWERS:

1-D; 2-A; 3-D; 4-A; 5-D; 6-A; 7-D; 8-D; 9-D; 10-B; 11-A; 12-C; 13-B; 14-D; 15-D; 16-A; 17-B

.....

I attest that I have read the Radiation Safety Booklet provided to me by my employer/supervisor and that I have completed this examination by myself after reading the booklet.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

----- To be completed by employer/supervisor -----

Examination Score (passing is 80% or 14 out of 17 questions correct):

Employer/supervisor's signature: \_\_\_\_\_

Date: \_\_\_\_\_



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