

Veterinary Medical Board

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

Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov



**MEETING NOTICE and AGENDA
VETERINARY MEDICAL BOARD**

April 20-21, 2016

1625 N. Market Blvd. – 1st Floor Hearing Room
Sacramento, California

9:30 a.m. Wednesday, April 20, 2016

1. Call to Order - Establishment of a Quorum
2. Introductions
3. Review and Approval of January 20-21, 2016 Meeting Minutes
4. Swearing in of New Board Member, Lee Heller, PhD, J.D.
5. Board Appointments
 - A. Multidisciplinary Advisory Committee Appointment
 - B. Diversion Evaluation Committee Public Member --Justin Johnson
6. Proposed Regulations
 - A. Status of Pending Regulations
 - B. Consideration of Proposed Revisions to Section 2064 of title 16 of the California Code of Regulations Pertaining to Board Approval of Registered Veterinary Technology Schools
 - C. Consideration of Revisions to Citation and Fine Regulations Following Disapproval by the Office of Administrative Law
7. Discussion and Potential Approval of Sunset Review Background Document and Joint Legislative Committee Recommendations
 - A. Recreating the Registered Veterinary Technician Committee
 - B. CaRVTA – Fees Charged by the AAVSB to RVT Candidates
 - C. Consider Language to Authorize Veterinarians and RVTs Under Supervision to Compound Drugs
 - D. Discuss Composition of the Task Force to Examine Goals for Regulating the Practice of Animal Rehabilitation
 - E. Discuss Committee Recommendation Authorizing an RVT Under the Supervision of a Veterinarian to be the On-Site Practitioner for Rodeos
 - F. Implementation of SB 361 – Continuing Education Course for the Judicious Use of Medically Important Antimicrobial Drugs
8. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg
 - A. Review and Consideration of Multidisciplinary Advisory Committee Items and Recommendations
9. 2016 Legislation Report; Potential Adoption of Positions on Legislative Items
 - A. SB 1195 (Hill) Veterinary Medical Board: executive officer
 - B. SB 945 (Monning) Pet boarding facilities
 - C. AB 2505 (Quirk) Animals: euthanasia
 - D. SB 1039 (Hill) Professions and vocations
 - E. AB 1951 (Salas) Crimes: animal cruelty
 - F. SB 1348 (Canella) Licensure applications: military experience

- G. SB 1230 (Stone) Pharmacies: compounding
- H. SB 1182 (Galgiani) Controlled substances
- I. AB 2419 (Jones) Public postsecondary education: The New University of California
- J. Pet Lover's License Plate Legislative Concept
- K. Other Legislation of Interest

10. Board Chair Report – Dr. Mark Nunez

11. Public Comment on Items Not on the Agenda

Note: The board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 11125.7(a)).

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

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

13. Reconvene - Establishment of a Quorum

14. Introductions

15. Executive Officer & Staff Reports

- A. CURES Update
- B. Administrative/Budget
- C. Enforcement
- D. Licensing/Examination
- E. Hospital Inspection
- F. *North Carolina Board of Dental Examiners v. Federal Trade Commission*: Policy Concepts Update

16. Agenda Items and Next Meeting Dates – July 20-21, 2016; TBD

- A. Agenda Items for Next Meeting
- B. Multidisciplinary Advisory Committee Meetings – July 19, 2016; TBD
- C. Future Veterinary Medical Board Meeting Dates 2016: October 19-20, 2016; TBD

CLOSED SESSION

17. Pursuant to Government Code Section 11126(c)(3), the Board will meet in closed session to deliberate and vote on disciplinary matters including stipulations and proposed decisions.

RETURN TO OPEN SESSION

18. Adjournment

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

The Board plans to webcast items 1-16 at this meeting on its website at www.vmb.ca.gov. Webcast availability cannot, however, be guaranteed due to limitations on resources or technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location.

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

MISSION

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

Veterinary Medical Board

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

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MEETING MINUTES

January 20, 2016

Veterinary Medical Board
1747 N. Market Blvd. – Hearing Room
Sacramento, California

January 21, 2016

Veterinary Medical Board
1625 N. Market Blvd. – Hearing Room
Sacramento, California

9:00 a.m. Wednesday, January 20, 2016

1. Call to Order - Establishment of a Quorum

Dr. Mark Nunez called the Veterinary Medical Board (Board) meeting to order at 9:11 a.m. Executive Officer, Annemarie Del Mugnaio, called roll; six members of the Board were present and thus a quorum was established. Elsa Flores tendered her resignation in January 2016, which created a vacancy on the Board. Jennifer Loreda was absent.

2. Introductions

Board Members Present

Mark Nunez, DVM, President
Cheryl Waterhouse, DVM, Vice President
Kathy Bowler, Public Member
Judie Mancuso, Public Member
Jaymie Noland, DVM
Richard Sullivan, DVM

Staff Present

Elizabeth Bynum, Associate Enforcement Analyst
Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Nina Galang, Administrative Program Coordinator
Kurt Heppler, Legal Counsel
Ethan Mathes, Administrative Program Manager
Bryce Penny, DCA Webcast
Candace Raney, Enforcement Manager
Diann Sokoloff, SDAG, Board Liaison

Guests Present

Jonathan Burke, DCA
Tamera Colson, DCA Legal Affairs
Nancy Ehrlich, RVT, California Registered Veterinary Technician Association
Valerie Fenstermaker, California Veterinary Medical Association
Holly Fraumeni, Platinum Advisors on behalf of the Pet Lovers License Plate Foundation

William Grant II, DVM, Multidisciplinary Advisory Committee
Erica Hughes, Board of the Pet Lovers License Plate Foundation
Jon Klingborg, DVM, Multidisciplinary Advisory Committee
Kristi Pawlowski, Multidisciplinary Advisory Committee
Cindy Savely, Sacramento Valley Veterinary Technician Association
Dan Segna, DVM, California Veterinary Medical Association

3. Review and Approval of October 20-21, 2015 Meeting Minutes

- Dr. Richard Sullivan motioned and Kathy Bowler seconded the motion to adopt the October 20-21, 2015 meeting minutes as amended. The motion carried 6-0.

4. Election of Officers

- Dr. Richard Sullivan nominated Dr. Cheryl Waterhouse for Vice-President and Judie Mancuso seconded the nomination. The motion carried 6-0.
- Judie Mancuso nominated Dr. Mark Nunez for President and Kathy Bowler seconded the nomination. The motion carried 6-0.

Ms. Del Mugnaio clarified that both Dr. Cheryl Waterhouse and Dr. Nunez have already served one term and per the administrative manual, may only serve one consecutive term.

5. Review and Discuss Recommendations to Legislature Regarding a Veterinarian's Responsibility to Notify Parties Upon Scanning an Animal with a Microchip

Dr. Nunez clarified that the microchip scanning discussion was added to the agenda as a result of questions that arose in anticipation of the Board's Sunset Review.

Judie Mancuso expressed that the priority should be to treat the animal regardless of a microchip conflict. Dr. Richard Sullivan expressed that, as a veterinarian, his contractual obligation is to whoever comes before him, not who is the registered owner on the microchip. The Board noted that veterinarians are not law enforcement, and therefore, are not responsible for handling ownership disputes. However, if the ownership is questionable, the veterinarian may contact animal control.

Dr. Nunez noted that there is nothing in the Veterinary Medicine Practice Act that requires the scanning of a microchip, but there is a provision in the Penal Code which requires scanning for a microchip for animal ownership, prior to an animal being euthanized.

Ms. Del Mugnaio clarified that this is a civil matter of property ownership and veterinarians are not obligated to treat an animal and may turn the client away. However, if a practice scans an animal after a Veterinarian-Client-Patient Relationship (VCPR) is established, the medical records belong to the client and the veterinarian has a contractual obligation with that client.

Valerie Fenstermaker, California Veterinary Medical Association (CVMA), shared that the question of whether or not a practice is required to scan a microchip is the most common question they receive and it would be helpful to have information on the Board's website. Kurt Heppler, Legal Counsel, advised the Board not to give guidance or advice on a matter of civil liability. The Board agreed not to include a link on the Board website since it is not within the practice of veterinary medicine.

6. Proposed Regulations

A. Status of Pending Regulations

B. Review and Discuss Potential Amendments to the Registered Veterinary Technology Approval of Schools Accredited by the American Veterinary Medical Association Regulations [California Code of Regulations Title 16, Division 20, section 2064]

Ms. Del Mugnaio identified two options for Registered Veterinary Technology programs to operate in California: Registered Veterinary Technology schools may be accredited through the American Veterinary Medical Association (AVMA) accreditation process or pursue California Board-approval. Based on research of past minutes from Registered Veterinary Technician Committee (RVTC) meetings, there was an analysis comparing AVMA accreditation and California Board-approval requirements. AVMA accreditation was found to be more rigorous than the Board-approval requirements, which is why was recognized in CCR section 2064. The AVMA accredited programs are still subject to reporting requirements to the Board.

Nancy Ehrlich expressed objections regarding eliminating subsections, such as sections (l) and (m) of section 2064, as they are not required to be reported to the AVMA and some Registered Veterinary Technician (RVT) students have not been properly informed that their units may not transferable.

Ms. Ehrlich added that the law requires all schools to be approved by the Board.

Ms. Del Mugnaio noted that the Board can provide information that the AVMA accreditation standards are equivalent, at minimum, to Board-approval by comparing the requirements and having the Board review each item. The Board will still maintain authority for inspections and disciplinary action of a school if it is failing to meet minimum standards.

Mr. Heppler noted that he can prepare a legal opinion to address the question of where in regulations that AVMA accreditation is accepted as Board approved. Mr. Heppler also suggested that the Board research the enrollment agreement of the Bureau for Private Postsecondary Education (BPPE), as well as conduct a comparison of AVMA accreditation and Board approval requirements to determine if there is any significant loss to consumer protection.

7. Action on Implementation of 2015 Legislation

A. Assembly Bill 192 - Discuss Implementation of Pet Lover's License Plate Program

Mr. Heppler provided a brief background on the Pet Lover's License Plate Program and presented guidance based on Assembly Bill (AB) 192 language to provide oversight of the program, including disbursement of grant funds.

Mr. Heppler identified the following three obligations of the Board:

- 1) Allocate the accrued monies to a nonprofit organization for disbursement to spay and neuter facilities to fund grants to low or no cost providers of sterilization services as part of the Pet Lover's Program.
- 2) Determine the eligibility requirements for the grants, establish the process, and develop programing specifics.
- 3) Establish oversight mechanisms for the funds disbursed.

Mr. Heppler clarified that the funds are to be disbursed to a nonprofit organization and clarified that a nonprofit organization would not be considered a state agency.

Dr. Nunez stated that the next step would be to work with the Department of Consumer Affairs (DCA) Contract Unit to develop a solicitation document and administer a competitive bidding process for the selection of a nonprofit organization.

Ms. Del Mugnaio noted that the Board could resurrect the regulations previously disapproved by the Office of Administrative Law (OAL), as well as the guidelines that have been created during that time, to be amended and more in line with the new legislative changes.

Holly Fraumeni, Platinum Advisors on behalf of the Spay and Neuter License Plate, Inc., provided a brief history and background of the program. Ms. Fraumeni provided recommendations for the criteria for selecting a state agency to disburse the funds, including demonstrated experience of the sale of the license plates.

Erica Hughes, Board of the Spay and Neuter License Plate Inc., requested to provide input in the selection process for the nonprofit organization which may administer the grant program.

Mr. Heppler advised the Board to first determine how the process will work from application, to evaluation, to disbursement, to reporting. Mr. Heppler recommended two steps: 1) hold an interested parties workshop to receive input from stakeholders to develop criteria for the selection of the nonprofit and the formal contract(s) and 2) create a Subcommittee to develop the guidelines for qualifying providers and dispersing funds.

Dr. Nunez recommended holding a stakeholders meeting, including participation by two or three Board members, to develop guidelines for the distribution of the funds and the selection of the non-profit organization who will receive them. The proposed guidelines and criteria would then come back before the Board for approval.

Dr. Nunez appointed Ms. Mancuso, Jennifer Loredo, and Kathy Bowler to form the Subcommittee and hold a public stakeholders meeting.

B. Senate Bill 361- Discuss Tracking of Mandatory Continuing Education on Judicious Use of Medically Important Antimicrobial Drugs

Dr. Nunez reviewed Senate Bill (SB) 361, which requires a veterinarian who renews their license on or after January 1, 2018 to complete a minimum of one Continuing Education (CE) hour on the judicious use of medically important antimicrobial drugs every four years as part of the Board's CE requirements. The Board must decide how to track the CE in the Board's CE audit program.

Ms. Del Mugnaio noted that the language is unclear as to when the CE must be completed, which may create complications in the audit process. Mr. Heppler will offer a legal opinion on the intent of the language regarding when the clock starts for the CE requirement, and report his analysis to the Board at the next opportunity.

8. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg

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

Dr. Jon Klingborg reported on the progress and discussion on the existing priorities assigned to the Multidisciplinary Advisory Committee (MDC) which include:

- Animal Rehabilitation Regulations

- Drug Compounding Statutory Language
- Complaint Audit Task Force Report
- Minimum Standards for Premises
- Veterinary Student Exemption.

The MDC identified four key areas of the proposed Animal Rehabilitation regulations that still need to be addressed:

- 1a) Is animal rehabilitation the practice of veterinary medicine?
- 1b) Does the Board have authority for oversight over the premises where animal rehabilitation is taking place?
- 2a) Develop a formal definition of “animal rehabilitation”
- 2b) Does it require a Veterinarian-Client-Patient Relationship (VCPR)?
- 3) What education or training of providers should be required?
- 4) Determine appropriate levels of supervision by a veterinarian for providers of animal rehabilitation services.

Dr. Klingborg noted that further discussion is needed and the MDC recommended tabling the Animal Rehabilitation issue pending the outcome of the Sunset Review recommendation by the Legislature.

- Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to approve the Multidisciplinary Advisory Committee’s recommendation to table the issue pending the outcome of Sunset Review. The motion carried 6-0.

The Board added Item #6, Pursue “Extended Duty” for RVTs, to the MDC priority list.

The Board agreed to table Item #7, Review Standard of Care for Animal Dentistry.

Ms. Mancuso noted that Item #8 on the MDC Proposed Assignments list from January 2016, Review 1st year licensure as a temporary license, working under the supervision of a currently licensed Veterinarian, had been previously voted to be removed from the MDC assignment list. Dr. Nunez agreed that it can be removed from the list since the assignment was not included in the Board’s Strategic Plan.

Ms. Del Mugnaio clarified that Item #3, Evaluate Structure and Audit Enforcement Case Outcomes, is an ongoing assignment for the MDC Subcommittee.

Ms. Ehrlich inquired about adding “private shelters” to the discussion of Shelter Medicine.

Mr. Heppler noted that this item is not on the agenda and recommended that the Board should not vote on the item. The Board did not include this item in the motion.

- Dr. Richard Sullivan motioned and Dr. Cheryl Waterhouse seconded the motion to accept the Multidisciplinary Advisory Committee assignment list. The motion carried 6-0.

9. Review and Consider Action on 2016 Legislative Proposals

A. Sunset Review Provisions

Dr. Nunez noted that the Board submitted the Supplemental Sunset Review Report on December 1, 2015 to the Legislature. The report was finalized by the Sunset Review Subcommittee, comprised of Dr. Nunez and Ms. Bowler.

The Board has been asked to testify before the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions at the upcoming Sunset Review Oversight Hearing in early March 2016. The Board Chair must testify and may select another member to testify at the hearing, along with the Executive Officer.

Dr. Klingborg added that section 4848.1 includes revised language added by the University of California, Davis, which the MDC does not recognize. Dr. Dan Segna, CVMA, added that the new language is not as specific as was discussed at the Board meeting on July 20, 2015 and suggested that the Board clean up the proposed language to provide clarity. Ms. Del Mugnaio clarified that the Board may make changes to the report to the provide clarity to the Sunset Review Committee.

B. Exemptions for Unlicensed Veterinarians Providing Assistance to California Licensed Veterinarians

Ms. Fenstermaker presented the proposed language developed by CVMA to address unlicensed veterinarians providing assistance to California licensed veterinarians. Ms. Fenstermaker noted that the proposed language was developed by CVMA in response to an out-of-state veterinarian who was called in to California to assist on a number of veterinary cases and continued to practice without a California veterinary license after the cases were closed.

The proposed language states that the California licensed veterinarian must hold the VCPR with the client and imposes restrictions on the consulting veterinarian regarding what they can and cannot do. The language includes a requirement for the consulting veterinarian to cease treating animals within California without a California license, once the cases are closed. CVMA intends to include the proposed language in a letter to introduce during Sunset Review.

Ms. Del Mugnaio noted that there is no need for the Board to vote, but CVMA is asking for feedback. The Board suggested changing the term "attending" to "by attending" to clarify the intent of "providing assistance or consultation."

C. Review and Possible Action on Statutory Change Authorizing Veterinarians to Compound Drugs

Dr. Klingborg noted that there is no statutory grant of authority which exists in the California Veterinary Medicine Practice Act that allows veterinarians to compound drugs. The Drug Compounding Task Force, Dr. Klingborg, Dr. Sullivan, and Ms. Del Mugnaio, met with the Board of Pharmacy in November 2015 to develop proposed statutory language, taking into account recent regulatory revisions being pursued by the Board of Pharmacy.

Dr. Klingborg reviewed changes the MDC made to the draft statutory drug compounding language including striking the word "properly" and striking the last sentence of paragraph (f). The MDC recommended adding "under direct supervision" on page 1, adding "anesthesia" to section 4826.3(a), adding "RVT" to section (e) and (f), and fixing some minor clerical errors. Dr. Klingborg recommended adding new sections, (h) and (i), which recognizes the Board's regulatory authority over veterinary compounding, specifying that failure to comply with the statute is unprofessional conduct.

Dr. Klingborg added that the MDC discussed the following points: drug compounding by RVTs under the supervision of a veterinarian, sterile compounding for administration within one hour of being compounded ("table top compounding") for individual patients only, the limitation of only two entries into one bottle, and bottle labeling requirements.

Ms. Ehrlich requested this language to be posted on the Board's website.

- Judie Mancuso motioned and Dr. Cheryl Waterhouse seconded the motion to present the statutory change before the Legislative Subcommittee to carry a bill to authorize veterinarians to compound drugs. The motion carried 6-0.

10. Board Chair Report – Dr. Mark Nunez

Dr. Nunez reviewed a list of outreach activities, meetings, and workshops that have occurred since the last Board meeting in October 2015:

The following is a table of the 2015/2016 Board activities to date, as well as future activities:

September 11, 2015	Ms. Del Mugnaio, Dr. Sullivan, and Dr. Klingborg attended the CVMA Task Force on practice types, with the purpose to identify alternate premises and develop minimum standards.
November 11, 2015	Dr. Nunez attended a focus group with the National Board of Veterinary Medical Examiners in Philadelphia, PA on a practice analysis survey to help improve the North American Veterinary Licensing Examination (NAVLE).
November 12, 2015	MDC Subcommittee, Dr. Klingborg and Dr. Sullivan, and Ms. Del Mugnaio met with the Board of Pharmacy to discuss drug compounding.
November 18, 2015	Dr. Nunez and Ms. Del Mugnaio met with Awet Kidane regarding the BreEZe rollout program.
December 1, 2015	The Sunset Review Subcommittee, Dr. Nunez and Ms. Bowler, submitted the final supplemental report to the Legislature.
February 4, 2016	Hearing of the Little Hoover Commission
February 10, 2016	CVMA Task Force on practice types – 2 nd session
March 14, 2016	Hearing of the Little Hoover Commission

11. Review and Discuss Recent Guidance on the *North Carolina State Board of Dental Examiners v. Federal Trade Commission (North Carolina)*

Mr. Heppler provided a background of the recent North Carolina State Board of Dental Examiners v. Federal Trade Commission case, which focused on the Board of Dental Examiners issuing cease and desist letters to teeth whitening service providers who were not dentists. The Federal Trade Commission (FTC) determined that this was a violation of the Sherman Anti-Trust Act, because the enforcement was based on a purely economic basis, in terms of competitive pricing by non-dentists and not in response to consumer protection. The Supreme Court noted that for immunity to be sought any time there are active market participants (e.g. licensees) making decisions, the Board or State agency must be responding to a clearly expressed statutory purpose and there must be active State supervision.

Mr. Heppler noted that the Legislature has held hearings on the matter. All agencies are waiting to learn about the next steps. Mr. Heppler emphasized the importance of articulating the consumer protection rationale for any changes to statute or regulations which may affect the market.

12. Public Comment on Items Not on the Agenda

There were no comments from public/outside agencies/associations.

13. Overview of Complaint Procedures & Expert Opinion Case Review – Diann Sokoloff, Supervising Deputy Attorney General; Kimberly Kirchmeyer, Executive Director, Medical Board of California.

Kim Kirchmeyer, Medical Board of California, provided an overview of complaint procedures and expert opinion case review within the Medical Board of California. The overview included a description of the three types of “experts” (Central Complaint Unit Reviewers, Medical Consultants, and Medical Expert Reviewers), what is required to be an expert, how much they are paid, the training and example reviews that are provided, and the manuals and meetings held to train experts to discuss expectations. Ms. Kirchmeyer described the internal process for reviewing expert opinion case reports and providing feedback to the experts.

Ms. Kirchmeyer noted that the Medical Board’s position is not to use more than one expert on a case, as using more than one expert may weaken a case since the probability of the two expert reviews are unlikely to match up perfectly. However, if the expert review is not clear on the violation, the case is sent out for another expert review and the Medical Board analyzes the merits of the opinions.

The Board asked Ms. Kirchmeyer questions regarding how many licensees are regulated by the Board, how long the expert opinion case review process has been in place, the number of employees working in the complaint unit, and the amount of the Medical Board’s budget.

Ms. Kirchmeyer stressed that training and feedback are invaluable to improving the quality of expert reviews.

14. Recess until January 21, 2016, at 9:00 a.m.

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

15. Reconvene - Establishment of a Quorum

Dr. Nunez called the Board meeting to order at 9:10 a.m. and five members of the Board were present, thus a quorum was established. Jennifer Loreda was absent and Dr. Jaymie Noland was not present when the quorum was established. Dr. Noland arrived at 9:19 a.m., thus bringing the total of the quorum to six members.

16. Introductions

Board Members Present

Mark Nunez, DVM, President
Cheryl Waterhouse, DVM, Vice President
Kathy Bowler, Public Member
Judie Mancuso, Public Member
Jaymie Noland, DVM
Richard Sullivan, DVM

Staff Present

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

Diann Sokoloff, SDAG, Board Liaison
Patty Rodriguez, Hospital Inspection Program

Guests Present

Nancy Ehrlich, California Registered Veterinary Technician Association
Grant Miller, DVM, California Veterinary Medical Association

17. Executive Officer & Staff Reports

A. CURES Update

Ms. Del Mugnaio provided an update on the Controlled Substance Utilization Review and Evaluation System (CURES) requirements as of July 1, 2016. CURES requires a veterinarian to report on a weekly basis if you dispense a Drug Enforcement Administration (DEA) Schedule 2-4 controlled substance, and encourages zero dispensing, (Code of Federal Regulations sections 1308.12, 1308.13, and 1308.14).

Ms. Del Mugnaio clarified that there is currently no regulatory mandate for reporting zero dispensing.

In addition, CURES does not mandate a veterinarian to query the CURES 2.0 system, but it does require a veterinarian to register with the Prescription Drug Monitoring Program (PDMP) (Health and Safety Code Section 11165.1(a)(1)(A)(i)).

Dr. Grant Miller, CVMA, shared that the Department of Justice will accept one dispensation report for the entire practice, instead of requirement each veterinarian to report individually.

B. Administrative/Budget

Administrative Program Manager, Ethan Mathes, provided an update on the Board's Budget Report.

In FY 2014/2015, the Board was granted 11 positions, of which, five were Veterinary Assistant Controlled Substances Permit (VACSP) Program limited-term positions, and 1.5 limited-term positions in Enforcement that are scheduled to expire July 30, 2016. These positions set to expire were included in the Budget Change Proposal (BCP) to extend the positions to the next fiscal year. In the proposed Governor's Budget, the Board was given four permanent-status positions and lost one position. Funding was granted on a limited-term basis until revenue from the VACSP program is generated. The Board was not successful in obtaining approval of the 1.5 positions in Enforcement.

Mr. Mathes reviewed the FM6 Budget Report, which does not include project expenditures for the Hospital Inspection Program. The Board is experiencing salary savings, but it's projecting a deficit by the end of the fiscal year.

Ms. Del Mugnaio clarified that the Enforcement numbers we show today are more indicative of the numbers we will see from here on out because we have the staff to catch up on back log and process current cases. The Board's projection documents a deficit due an imbalance of operating costs.

In order to receive additional funding, the Department of Finance needs to see 3-5 years of history, but with the understaffing of the past, the data the Board has available may not reflect full operational expenditures. As a result, the Board can show that funding had to be pulled from other line items in order to support Enforcement.

C. Enforcement

Enforcement Manager, Candace Raney, provided a report on the latest Enforcement activities.

Ms. Raney noted that the Complaint Unit had 1.5 vacancies at the time of the last Enforcement report in October 2015, but has recently filled the vacancies.

The Enforcement Unit met the complaint intake goal for Quarter 2. Staff is focused on training and working towards improving the formal discipline timelines and taking preparatory measures for the BCP to request the 1.5 positions ongoing.

Five conditional licenses have been issued to RVTs, of which, three have obtained licensure and two are on their way to becoming licensed. At the Board meeting in April 2016, Ms. Raney will provide a breakdown of the cost savings to the Board in terms of issuing conditional licenses as opposed to proceeding with a formal hearing.

The Complaint Processing Task Force and the staff are working on developing a procedure manual for the expert witnesses, as well as expanding the Expert Witness training program.

Ms. Raney noted that the Board members may attend the Expert Witness Trainings. The next anticipated training would be in May 2016 and then October 2016, one in Northern California and another in Southern California.

Ms. Raney noted that the Board's performance measure to process formal discipline cases within 540 days (18 months) is not realistic since hearings are typically scheduled one year out. There are currently 10 formal discipline cases which exceed the 540 day performance measure.

Ms. Raney provided a brief explanation of the recent probation monitoring activities, including 74 licensees on active probation as of the end of December 2015.

The Board also hired a new veterinarian in-house consultant.

D. Licensing/Examination

Mr. Mathes reported that out of 350 North American Veterinary Licensing Examination (NAVLE) candidates, there was a pass rate of 89 percent during November/December 2015.

Mr. Mathes noted that the DCA online licensing database, BreEZe, went live on Tuesday, January 19, 2016. The Board has received 13 online applications so far, and expects to see a wave of applications through online renewals. Mr. Mathes noted that DCA has a Consumer Information Center which has been helpful in troubleshooting BreEZe-related questions from consumers, as well as support from Board staff.

Dr. Miller noted that CVMA has been utilizing its weekly e-blast to encourage members to submit their applications early. Notice has also gone out through the CVMA magazine and website (<http://www.cvma.net>). Dr. Miller offered to also use their media outlets to get information out regarding BreEZe.

Dr. Nunez noted that the California Registered Veterinary Technician Association (CaRVTA) has also offered to notice its members of the BreEZe online system. In addition, Ms. Del Mugnaio and Mr. Mathes will be making a presentation about BreEZe at a joint session of the CVMA House of Delegates and Board of Governors in Newport Beach, CA on Saturday, January 23, 2016.

The Board asked clarifying questions regarding the numbers included in the Licensing Report.

Ms. Ehrlich noted that there is nothing on the passing scores for the Veterinary Technician National Examination. Ms. Del Mugnaio clarified that the numbers are available and we can request a report from the American Association of Veterinary State Boards (AAVSB) for the results and provide a link to the scores.

E. Hospital Inspection

Patty Rodriguez reported on the Hospital Inspection Program and handed out packets of what the hospital inspectors receive at the time of inspection.

Ms. Rodriguez noted that the inspections are random and unannounced. The only time an inspection is scheduled is if it is for a mobile unit or a house call practice. The Board receives follow-up paperwork from the facility following the inspection and is it is reviewed within 30-90 days. Facilities may receive a preliminary letter up to 2-3 months after the inspection for a citation and fine.

Ms. Rodriguez clarified that record keeping is performed by pulling random records and performing a review during the time of inspection.

The Board asked Ms. Rodriguez questions regarding possible reasons for the deficiencies. Based on her findings, Ms. Rodriguez noted that the current compliance rate upon inspection is less than one percent. Ms. Rodriguez recommended improving the method to distribute the Hospital Inspection Checklist to each facility.

Ms. Rodriguez noted that the Hospital Inspection Program is experiencing a backlog in reviewing photos, receipts, and other documentation, and clarified that the staff refers medical records to the Board's in-house consultants.

Ms. Mancuso added that the Board should add an agenda item for the next meeting to address how we improve hospital compliance.

Ms. Mancuso suggested that facilities should go through an online interactive training when a renewal is sent. Ms. Del Mugnaio clarified that the Board cannot require it without statutory authority. The Board has already made efforts to communicate the Hospital Inspection Checklist during the time of inspection and the Board is currently working on a web-based training course. Ms. Mancuso requested to have information added to our social media accounts. Ms. Del Mugnaio noted that she will be doing an outreach on Hospital Inspection Program at a Central Valley Veterinary Medical Association meeting in Fresno, CA, which can be posted to the Board's website.

Dr. Sullivan added that hospital inspection according to the laws and regulations is an educational inspection, not a disciplinary one. Ms. Rodriguez noted that each hospital must be tracked manually to identify when the hospital was last inspected. Dr. Sullivan recommended improving the tracking process and moving away from manual tracking.

18. Agenda Items and Next Meeting Dates – April 20-21, 2016; Los Angeles

A. Agenda Items for Next Meeting

Ms. Mancuso motioned to raise hospital compliance awareness. The motion did not receive a second; Therefore, will not be included on the next meeting agenda.

Dr. Sullivan suggested discussing the cost of the Diversion Program per member at some point in the future.

The Board recapped the following agenda items for the next meeting:

- RVT School Approval/AVMA Accreditation Process Comparison
- Continuing Education Course for the Judicious Use of Medically Important Antimicrobial Drugs
- Sunset Review Follow Up

B. Multidisciplinary Advisory Committee Meetings – April 19, 2016; Los Angeles

C. Future Veterinary Medical Board Meeting Dates 2016: July 20-21, 2016; Sacramento, October 19-20, 2016; Sacramento

The next Board meeting will be held on April 20, 2016 in Los Angeles, CA.

CLOSED SESSION

19. The Board met in closed session (pursuant to Government Code Section 11126(c)(3) to discuss and vote on disciplinary matters including stipulations and proposed decisions.

AV 2014 10

The Board adopted the stipulated settlement.

IA 2016 18

The Board adopted the stipulated settlement.

AA 2015 15

The Board adopted the proposed decision.

IA 2014 22

The Board adopted the default decision.

RETURN TO OPEN SESSION

20. Adjournment

The Board adjourned at 11:50 a.m.



Department of Animal Services
Robert Miller, Director

Veterinary Services Division
Allan Drusys D.V.M., MVPHMgt, Chief Veterinarian

Annemarie DelMugnaio
Executive Officer
Veterinary Medical Board
California Department of Consumer Affairs
1747 N. Market Boulevard Ste 230
Sacramento CA 95834-2987

March 25, 2016

Dear Ms DelMugnaio,

Please accept this letter as my expression of continued interest for a position on the VMB's Multidisciplinary Advisory Committee. As you and the board have identified, I have a varied background in the profession in terms of education, management and experience. I have direct knowledge of the veterinary profession as an equine practitioner for almost 20 years and in shelter medicine and management for now 17 years, as well as my service as a veterinary public health professional.

Please do not hesitate to call or email if the Board has any questions relating to this application.

Sincerely,

Allan Drusys DVM, MVPHMgt

Veterinary Medical Board
1747 N. Market Blvd., Suite 230
Sacramento, California 95834-2934

February 18, 2016

My name is Justin Johnson, and I am writing to express my interest in joining the Diversion Evaluation Committee. I became aware that there was a vacant seat on the board after speaking with two of my colleagues, Jim Weisenberg and Tom Holland. Jim is presently a member of the board, and Tom recommended that I speak with Ethan Mathes.

I am currently employed as a substance abuse counselor at Impact House in Pasadena, CA. I have held that position for approximately thirteen years, and most of that time has been spent working directly with Jim and Tom. I am also an instructor for the CAARR Institute, a program which provides classroom education for persons wishing to apply for certification as a substance abuse counselor.

I am most interested in joining an organization which will benefit professionals with substance abuse problems. I have personal experience with recovery from addiction, and I learned how to remain drug and alcohol free by participating in a treatment program. Together with active membership in a twelve step program, I believe that treatment works, and it has allowed me to build a life that I am proud of.

It is my understanding from Ethan that the Board will be meeting in Southern California in April of this year. Should I be considered for appointment to the Board, I am looking forward to meeting each of you.

Thank you,

Justin Johnson

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Veterinary Medical Board/Diversion Evaluation Committee
Interview Questions**

April 20, 2016

The mission of the Veterinary Medical Board (Board) is to protect consumers and animals through development and maintenance of professional standards, licensing of veterinarians, registration of veterinary technicians and veterinary premises, and diligent enforcement of the California Veterinary Medicine Practice Act.

The Diversion Evaluation Committee (DEC) is a statutorily established advisory committee to the Board that consists of three veterinarians and two public members.

Interview Questions

1. Why are you interested in this position?
2. The Board is mandated in statute to give consideration to appointees who have recovered from impairment or who have knowledge and expertise in the management of impairment. How do you feel your education and experience have prepared you for this position?
3. Is there any reason of which you are aware that would prevent you from completing your duties as a member of the DEC?
4. Is there anything else you would like to share with the Board?

**STATUS OF PENDING VMB REGULATIONS
APRIL 2016**

Subject	CCR Section(s)	Current Status/Action	Notes
BOARD			
Civil Penalties for Citation	2043	Disapproved by OAL, 120 days to resubmit	3/20/15 – OAL Publication Date 5/4/15 – End of public comment period May 2015 – Submitted to DCA Legal for Review/Approval November 2015 – Submitted to Agency for Review/Approval February 2016 – Submitted to OAL for Approval March 2016 – Disapproved by OAL, 120 days to resubmit April 2016 – Submit language to Board for review/approval
Veterinary Assistant Controlled Substances Permit (VACSP)	2034 et. seq.	Agency Review	June 2015 – Board approved language 9/4/15 – Published 45-day notice 10/19/15 – End of public comment period 11/5/15 – Published 15-day Notice of Extension of Public Comment Period November 2015 – Submitted to DCA Legal for Review/Approval March 2016 – Submitted to Agency for Review/Approval April 2016 – Submit to OAL for Approval
Animal Control Officer Training	2039.5	In Progress	July 2014 – Board approved language April 2016 – Publish 45-day notice
CPEI (SB 1111)	TBD	In Progress	October 2014 – Board approved language May 2016 – Publish 45-day notice
Disciplinary Guidelines	2006	In Progress	January 2015 – Board approved language May 2015 – Disciplinary Guidelines Committee Meeting July 2015 – Submit language to Board for review/approval October 2015 – Board approved amended language May 2016 – Publish 45-day notice
Minimum Standards / Telemedicine	2032.1	In Progress	February 2015 – MDC approved amendments to Minimum Standards language April 2015 – Board approved language
RVT Alternate Route School Approval	2068.5	In Progress	February 2015 – MDC approved amended language and forwarded to Board for discussion. July 2015 – Board approved language

RVT Student Exemption (BPC 4841.1)	TBD	In Progress	July 2015 – MDC approved amended language and forwarded to Board for discussion. October 2015 – Board approved language
Uniform Standards for Abuse (SB 1441)	2006, 2006.5, and 2076	In Progress	October 2014 – Board approved language April 2015 – On hold per Legal March 2016 – Hold removed per Legal, approved to continue with rulemaking file

MDC			
Shelter Medicine	TBD	TBD	September 2015 – CVMA task force meetings begin
Animal Rehabilitation	TBD	TBD	November 2015 – Rulemaking file withdrawn from OAL January 2016 – Discussion on hold per Board pending Sunset Review



MEMORANDUM

DATE	April 1, 2016
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Registered Veterinary Technology Approval of Schools Accredited by the American Veterinary Medical Association Regulations

Regulatory Background:

In January 2006, the Registered Veterinary Technician Committee (RVTC) began discussions regarding using American Veterinary Medical Association (AVMA) approval criteria as a standard for California veterinary school approval. Former Executive Officer, Sue Geranen, noted that Committee members should review the AVMA approval criteria to assure that California schools are meeting a standard that is acceptable to the RVTC and one that is not duplicative with current AVMA processes. The Committee agreed that regulations would need to be developed in order recognize the AVMA accreditation and to maintain oversight over AVMA accredited, California approved veterinary schools, with regards to notification of new schools, reporting pass rates to students, and being placed on probation when necessary.

Previous Legal Counsel, noted that the change to CCR section 2064 is not an across the board exemption, and that the Board still requires AVMA-accredited schools to submit applications to the Board in order for the Board to be notified of the program's existence, as well as to comply with reporting requirements. Ms. Barker also opined that the Board does not have legal authority to defer the Board's approval of a school to another non-governmental agency.

On December 7, 2012, the Board noticed proposed regulatory changes to the California Code of Regulations (CCR), sections 2064-2066.1, that make specific that RVT educational programs accredited by the American Veterinary Medical Association (AVMA) are deemed California Board approved. The proposed regulations also exempt AVMA accredited schools from undergoing separate inspections as AVMA already performs facility inspections.

No public comments were received, the modified language and rulemaking file was approved by the Office of Administrative Law (OAL) and the Secretary of State, and the regulations took effect January 1, 2015.

Issues:

On October 20, 2015, the Board discussed clarity issues with the approved regulatory language regarding the reporting requirements for AVMA accredited schools that have been deemed equivalent to California "approved," but have not officially been approved by the Board.

Background:

On January 20, 2016, Board staff agreed to provide a comparison between the specific AVMA accreditation standards and California Board-approval requirements that are retained in Section 2064 as standards RVT programs must still submit to the Board for approval, and have the Board review each item at the next meeting.

Current legal counsel, after conducting a preliminary assessment, suggests that additional time to review the matter is necessary to make certain that both existing regulation and any proposed revisions thereto are squarely aligned with the statutory scheme. Counsel wants to be assured that there is no material loss of consumer protection in all regulatory endeavors the Board undertakes.

Action(s) Requested

- Consider directing staff to amend existing regulatory language to exempt AVMA schools from specified reporting requirements.
- Alternatively, consider deferring action on this item to a future meeting where counsel's findings can be fully discussed.

Attachment(s):

- CCR sections 2064-2066.1 - RVT School Approval Regulations
- Comparison Chart – California RVT School Approval vs. AVMA Accreditation Standards
- AVMA Email Response
- AVMA Accreditation – IV. Accreditation Standards and Guidelines for Interpretation
- AVMA Accreditation – VI. Standard Operating Procedure
- AVMA CVTEA Substantive Change Form Template
- AVMA Accredited and Board-Approved Schools in CA

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

§ 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.

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

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

- (a) The curriculum shall consist of:
 - (1) a minimum of 600 hours of classroom instruction,
 - (2) a minimum of 200 hours of clinical instruction, and
 - (3) an externship consisting of at least 200 hours.
- (b) The curriculum shall cover applicable safety training in all coursework. Coursework shall include the following:
 - (1) Principles of anatomy and physiology,
 - (2) Biology and chemistry,
 - (3) Applied mathematics,
 - (4) Orientation to the vocation of veterinary technology,
 - (5) Ethics and jurisprudence in veterinary medicine including applicable regulatory requirements,
 - (6) Anesthetic nursing and monitoring including anesthetic evaluation, induction, and maintenance. It shall also include care and use of anesthetic and monitoring equipment,
 - (7) Animal husbandry, including restraint, species and breed identification, sex determination and sanitation,
 - (8) Animal nutrition and feeding,
 - (9) Client communication,
 - (10) Dental care of companion and laboratory animals including prophylaxis and extractions,
 - (11) Diseases and nursing management of companion, food, and laboratory animals including zoonoses,
 - (12) Emergency and critical care nursing,

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

(k) Any instruction covered under subsection (a)(3) shall be in a facility that is in compliance with registration requirements of Business and Professions Code section 4853.

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

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

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

§ 2065.5. School or Degree Program Approval.

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

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

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

§ 2065.6. School and Degree Program Approval Process

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

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

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

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

(2) Disapprove the application.

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

least two years and the board has determined that the curriculum is in full compliance with the provisions of section 2065.

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

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

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

§ 2065.7. Inspections

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

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

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

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

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

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

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

§ 2065.8. Probation

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

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

(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.

§ 2065.8.1. Withdrawal of Approval

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

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

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

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

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

§ 2065.8.2. Procedures for Probation or Withdrawal of Approval

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

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

§ 2065.8.3. Director Notification

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

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

§ 2065.9. Reporting

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

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

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

§ 2066. Out of State Schools.

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

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

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

§ 2066.1 Unapproved In-State Schools

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

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

Comparison Chart for CA RVT School Approval/AVMA Accreditation

CCR Section	Description	AVMA Accreditation	AVMA Standards of Accreditation Section
2065	Schools or degree programs seeking approval from the board shall meet all of the following minimum requirements:	N/A	N/A
2065(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 institution shall have a written agreement with the site that specifies the expectations and responsibility of the parties. A staff member of the school or institution shall visit the site prior to beginning the externship or clinical rotation relationship and at least once annually following the initial inspection.	X	IV. 10d
2065 (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.	X	IV. 9e
2065 (f)(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. Each school or degree program effectively evaluate the teaching ability of each instructor.	X	IV. 9b
2065 (f)(3)	An approved 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.	X	IV. 9c-9d

Comparison Chart for CA RVT School Approval/AVMA Accreditation

2065(f)(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.	X	AVMA does not allow for an unlicensed director or interim. IV. 9c
2065(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.	X	IV. 8a
2065(h)	All students admitted shall possess a high school diploma or its equivalent.	X	IV. 7b
2065(i)	The school or degree program shall be part of an institution which is approved by the Department of Consumer Affairs, Bureau of Private Postsecondary and Vocational Education, or its successor agency, or accredited by a regional or national accrediting agency recognized by the United States Department of Education.	N/A	Regulated by BPPE
2065(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.	X	IV. 9b
2065(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.	N/A	Only facilities treating client-owned animals or offering its own externship require a premises permit.
2065(l)	The schools or degree programs shall provide all prospective students, 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 students proposed enrollment and a description of the requirements for registration as a registered veterinary technician.	X	VI. C, Reporting to the Community

Comparison Chart for CA RVT School Approval/AVMA Accreditation

2065(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.	X	IV. 7d; 10g
2065.7(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.	X	VI. C (10)
2065.7(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:	X	
2065.7(b)(1)	It believes the school or degree program has substantially deviated from the standards for approval,	X	VI. C (7, 8, 10)
2065.7(b)(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 the first time candidates for the registered veterinary technician examination.	X	IV, 11a; VI. C, Reporting to the Community
2065.7(b)(3)	There has been a change of director in charge of the curriculum for training registered veterinary technicians.	X	VI. C, Substantive Change
2065.7(c)	School or 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.	X	VI. C
2065.9	Every school shall be required to submit to the board within sixty (60) days after the close of the schools fiscal year a current course catalog with a letter outlining the following:	X	
2065.9(1)	Any courses added/deleted or significantly changed from the previous years' curriculum;	X	IV. 3d; VI. C Substantive Change (4)
2065.9(2)	Any changes in faculty, administration, or governing body; and	X	IV. 3d; VI. C, Substantive Change (2-3)
2065.9(3)	Any major change in the schools facility.	X	VI. C, Substantive Change (1-10)

Comparison Chart for CA RVT School Approval/AVMA Accreditation

Galang, Nina@DCA

From: Rachel Valentine <RValentine@avma.org>
Sent: Wednesday, April 06, 2016 6:51 AM
To: Galang, Nina@DCA
Cc: Julie Horvath; Laura Lien
Subject: RE: AVMA Accreditation for RVT Schools

Good Morning Ms. Galang –

I apologize for the delay in response but I have been out of the office for the past week. In response to your questions – see comments below.

1. CVTEA does not currently define a minimum number of hours in its standards or requirements; however, curriculum is described in Standard 10 and must include the topics listed below.

10c. The curriculum must include general education and specific veterinary technology course content. Required materials can be offered as complete course offerings or be integrated into courses involving more than one area of recommended material. Course objectives must be clearly communicated to the student through syllabi or other course documents. Course offerings to meet curriculum requirements typically take a minimum of 18 months to 2 years to accomplish.

GENERAL COURSE MATERIAL:

Applied mathematics
Biological science
Communication skills
Fundamentals of chemistry

SPECIFIC COURSE MATERIAL:

Anatomy and physiology
Anesthesia, including induction, monitoring, and instrumentation
Animal husbandry, including restraint, behavior, species and breed identification, reproduction, sex determination, and human-animal bonding
Biosecurity-safety and security issues
Clinical pathology and parasitology
Communication/Interaction skills with Clients and Colleagues
Diseases, preventive medicine (including dentistry), and nursing of companion animals, food-producing animals, horses, exotic species, and laboratory animals
Economics in veterinary practice
Ethics, professionalism, and legal applications in veterinary medicine
Humane animal care and management
Introduction to laboratory animal medicine
Life-long learning concepts
Medical terminology
Microbiology and immunology
Necropsy techniques
Nutrition and principles of feeding
Orientation to the profession of veterinary technology
Pharmacology for veterinary technicians
Principles of imaging, including radiography and ultrasonography
Value of professional organizations
Safety Issues, consistent with the CVTEA Statement on Safety with course work emphasis on zoonoses and occupational safety (see Appendix A.
Surgical nursing and assisting, including instrumentation

Technician utilization and team concepts of health care delivery

Value of professional organizations

Veterinary office management and elementary computer skills

2. Accreditation of distance learning programs is the same process as required of traditional campus programs. DL programs must meet the same AVMA CVTEA accreditation standards as any other program. Site visit reviews for DL programs typically include a thorough review of communication methods between students & faculty, curricular delivery, and validation of student assessments which commonly include video submissions of requisite clinical skills.

3. AVMA CVTEA staff will communicate in writing with veterinary licensing boards and veterinary medical associations approximately 30 days following the spring and fall meetings of the Committee. CVTEA informs the board of any accreditation decisions related to programs in each state; however, specifics regarding compliance with accreditation standards are not shared as they are considered to be of confidential nature.

I hope this information is helpful. Please let me know if I can answer anything further.

Best regards,

Rachel

Rachel A. Valentine, RVT, BS

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This communication (and any information or material transmitted with this communication) is confidential and is not intended for public disclosure. If you have received it in error, please notify the sender by reply email and immediately delete it and any attachments without copying or further transmitting the same. Thank you.

From: Galang, Nina@DCA [<mailto:Nina.Galang@dca.ca.gov>]

Sent: Friday, April 1, 2016 1:34 PM

To: Rachel Valentine

Subject: FW: AVMA Accreditation for RVT Schools

Importance: High

Good Morning Ms. Valentine,

My name is Nina Galang and I work for the California Veterinary Medical Board. I was directed to you by my Executive Officer, Annemarie Del Mugnaio, as a backup contact to Julie Horvath in her absence. I had some time-sensitive questions regarding RVT School AVMA Accreditation that I was hoping you could help answer.

Specifically, we are trying to understand the following:

- Does the AVMA require a minimum number of hours of instruction to cover the required curriculum? If so, how is this reviewed or reported by the program?
- How are distance learning programs handled through the accreditation process?
- How are these changes/failures to comply reported to the California Veterinary Medical Board?

Any information you can provide will be of great assistance to us as we prepare for our Veterinary Medical Board meeting in a couple of weeks. Please feel free to contact me via phone or email if you have any questions. Thank you so much for your time.



CVTEA Accreditation Policies and Procedures - Standards

Last Update to this Section: January 2016

IV. Accreditation Standards and Guidelines for Interpretation

Accreditation is the voluntary process by which educational institutions are evaluated for quality based on conformity with established standards. Accreditation serves to enhance the profession and to protect the public by identifying goals and assisting institutions in achieving those goals. The following minimum standards have been established by the AVMA CVTEA for quality assessment and quality enhancement of accredited veterinary technology programs.

All accredited programs must substantially meet the Standards of Accreditation. Programs of veterinary technology are evaluated by the CVTEA on the basis of compliance with the Standards. These Standards are intended to assist programs in preparing entry-level veterinary technicians. Standards are written to allow flexibility in the design and implementation of a program. It is recognized that the Standards reflect an evolving process and are subject to change. Primary learning supervised by program personnel whether on campus or at off-site clinical facilities is considered "on-campus" learning. Primary learning taking place off-campus but graded via electronic submission (video) by program personnel is considered "distance learning".

STANDARDS OF ACCREDITATION

1. Institutional Accreditation
2. Finances
3. Organization and Communications
4. Physical Facilities and Equipment
5. Resources for Clinical Instruction
6. Library and Informational Resources
7. Admissions
8. Students
9. Faculty and Staff
10. Curriculum
11. Outcomes Assessment

The following definitions shall be used in applying the Standards:

- **Must, shall:** Indicates an imperative need, duty or requirement; an essential or indispensable item; mandatory.

- **Should:** Indicates the recommended and highly desirable manner in which to attain the Standard. Compliance is expected unless there are extraordinary and justifiable circumstances that preclude full compliance.
- **May:** Indicates freedom or liberty to follow a suggested alternative.

1) Institutional Accreditation

An accredited veterinary technology program in the United States must be part of an institution of higher education accredited by an agency recognized by the U.S. Department of Education. Non-US programs must be part of an institution of higher learning recognized by the appropriate national, provincial, or regional agency with that authority.

2) Finances

Sustainable financial support must be adequate for the program to attain the educational goals and support its mission.

3) Organization and Communications

3a. The program must develop and follow its mission statement.

3b. There must be clearly defined lines of communication between the institution and the program director, program director and faculty/adjuncts, and between program personnel.

3c. Program relationships with students, faculty, administrators, and the public must be conducted with integrity. Policies and available educational services for veterinary technology students must be clearly defined.

3d. The CVTEA must be apprised of changes in administration, organization, association with the parent institution, and major changes in the curriculum, faculty, or stated objectives. All changes must be reported to CVTEA within sixty (60) days of implementation with an explanation of how the program will continue to comply with accreditation Standards.

3e. The program must have an advisory committee that meets at least annually to provide counsel regarding equipment, curriculum, demographic trends and other matters pertaining to the veterinary technology profession. Membership must include veterinarians and veterinary technicians with diverse professional interests, and should include veterinary technician students, industry representatives, and public members.

3f. Programs with agreements between two or more institutions are recognized. The institution accredited by CVTEA is declared the parent (home) institution and grants the degree or certificate.

3g. Communication and interactions with veterinary technician educator associations, veterinary medical associations, and veterinary technician associations should be maintained.

4) Physical Facilities and Equipment

4a. All aspects of the physical facilities must provide an environment conducive to learning and the achievement of the educational goals. Classrooms, teaching laboratories, and other teaching spaces shall be clean, maintained in good repair, adequate in number, appropriate in capacity, and provided with sufficient equipment to meet the instructional need and the number of students enrolled.

4b. Clinical facilities must emulate contemporary veterinary facilities. Standard types of laboratory and clinical equipment, consistent with those used in contemporary veterinary facilities, shall be provided and shall comply with the *Equipment and Instructional Resource List*, [Appendix H](#).

4c. Office space must be sufficient for the instructional, advisement, and administrative needs of the faculty, staff, and program.

4d. Animal housing must be consistent with accepted humane standards and federal and state regulations. See 5b.

4e. Safety of students, program personnel, and animals must be of prime consideration. (Refer to *Statement on Safety, Appendix A*.

4f. All use of drugs, biologics, reagents, and other materials used in conjunction with animal care must be in compliance with state and federal regulations including current dating and appropriate labeling. Materials used for demonstration purposes must be appropriately identified and stored. Controlled substances shall be stored and logged in accordance with state and federal regulations.

4g. Waste management shall be appropriate for the needs of the program and consistent with regulatory agency requirements.

4h. Storage must be sufficient for program needs.

5) Resources for Clinical Instruction

5a. Programs must follow all applicable federal and state regulations and guidelines for the care and use of animals utilized by the program. CVTEA endorses the principles of humane care and use of animals as codified in the Animal Welfare Act (AWA) and requires programs to follow AWA regulations and policies with respect to all animal use. All animal activities conducted by a program must be reviewed and approved by an animal care and use committee whose structure and functions are in accord with AWA requirements.

5b. Adequate numbers of common domestic and laboratory animal species are required to provide the necessary quantity and quality of clinical instruction to meet curriculum requirements without overuse of the animals or violation of AWA requirements for humane use and care (see *Use of Animals in Veterinary Technology Teaching Programs, Appendix B*

5c. Models and other alternate methods of teaching that are consistent with the goals of the curriculum must be considered to replace, reduce or refine animal use.

5d. Records and logs for animals used by the program must be comprehensive and accurately maintained.

5e. Off-campus providers of instructional support must meet objective requirements set by the program with respect to the physical facilities, staff, and available equipment. A memorandum of understanding or contractual arrangement must be established with all off-campus sites including, but not limited to, externship, preceptorship, and distance learning sites. (See *Off-Campus Clinical Instruction, Appendix C*.)

5f. If program staffed clinical veterinary services are offered, documented evidence must exist that clients are informed that student instruction is a major component of patient care. The primary purpose of such clinical veterinary services, regardless of animal ownership, must be teaching, not revenue generation.

6) Library and Informational Resources

6a. Libraries and information retrieval are essential to veterinary technician education and continuing education. Timely access to current information resources pertaining to veterinary technology through print, electronic media, and/or other means must be available to students, faculty, and staff. Students must have access to a qualified resource specialist.

6b. Knowledge of quality information resources, library use and development and application of information retrieval skills must be included in the educational experience.

7) Admissions

7a. The institution and program admission policies must be well defined and documented.

7b. Applicants must have a high school diploma or its equivalent. Consideration of the qualifications of applicants for admission must include aptitude for, and interest in, a career in veterinary technology.

7c. CVTEA recognizes that some institutions must perform under open admissions policies that prohibit selective entry into veterinary technician education programs. However, the development and consistent application of selective admissions standards may be helpful in admitting more qualified students, reducing attrition, and producing graduates who are most likely to succeed, and therefore should be implemented.

7d. Catalogs, website, or other official publications must contain the institutional and programmatic purposes and objectives, admission requirements and procedures, academic offerings, degree granted, and program requirements for completion of the degree, including the existence of any technical standards. This information must include the length of time necessary for completion; policies with respect to satisfactory academic progress; policies on transfer of credits; tuition, fees, and other program costs; refund policies; and national and state requirements for eligibility for credentialing or entry into the field of veterinary technology.

7e. The institution and program must demonstrate integrity and responsibility in student recruitment practices. Admission must be non-discriminatory and in accordance with federal and state statutes, rules, and regulations. Personnel who are knowledgeable about the program and its requirements should conduct student recruitment.

7f. The program director or director's appointee should participate in the deliberations of the admissions committee and selection of students.

8) Students

8a. The number of students must be appropriate to achieve the mission of the program. Enrollment must not exceed the available resources including the number of faculty and support staff needed to meet the educational goals of the curriculum. An appropriate instructor-to-student ratio must be maintained to ensure student safety and adequate delivery of instruction in a variety of teaching environments.

8b. Student support services must be available within the institution for program students. Interactions between students and faculty/staff must be sufficient to communicate expectations for successful academic performance, provide feedback for improvement of skills and knowledge, and encourage professional growth and development.

8c. Throughout the curriculum, students must be exposed to veterinary team concepts and appropriate modeling of ethical and professional behavior.

8d. Students should be encouraged to form a student organization, and this organization should become an affiliate of the National Association of Veterinary Technicians in America (NAVTA) and appropriate state veterinary technology associations. Students should be encouraged to be active in local, state, and national veterinary technician organizations.

9) Faculty and Staff

9a. Faculty and staff numbers must be sufficient to deliver the educational program and meet the instructional goals of the program.

9b. Instructors in the program must have knowledge and expertise in the topics they teach and promote the appropriate role of the veterinary technician in the veterinary health care team. Instructional duties must not violate local, state, or federal laws regarding the practice of veterinary medicine.

9c. The program director must be a licensed veterinarian or a credentialed veterinary technician who must be a graduate of an AVMA-accredited program. The program director must have the educational background and

occupational experience appropriate to understand and fulfill program goals. The position of the program director should be full time with the institution.

9d. The director must have the responsibility, authority, and support necessary to manage the program successfully. This shall be documented in a written job description that also shall clearly define the position of the director within the institutional hierarchy. The program director must be responsible for organizing continuous program review and development processes that assure program effectiveness. The program director's appointment must include sufficient time for administrative and teaching responsibilities as well as opportunities and support for professional development.

9e. Each program must have a minimum equivalent of one full-time licensed veterinarian and a minimum equivalent of one full-time credentialed veterinary technician who must be a graduate of an AVMA-accredited program.

9f. Academic positions must offer sufficient compensation, incentives, and employment security to attract and retain qualified personnel in order to maintain program stability. Faculty and staff must have sufficient time for development and delivery of instruction, curriculum development, student evaluation, student advisement and counseling, and professional development. Programs should provide financial support for veterinary professional development activities.

9g. The institution must provide evidence that it evaluates program personnel regularly and assists and facilitates professional growth. Program personnel should be encouraged and financially supported to be participating members of local, state, and national veterinary professional associations.

10) Curriculum

10a. The curriculum must prepare graduates who will be fully capable of performing in a wide variety of professional roles within the veterinary field. At the completion of the curriculum, graduates must have attained entry-level skills needed to support companion animal, equine, and food animal practice, biomedical research, and other veterinary medical activities. The curriculum shall provide a foundation in veterinary technology that will inspire the student to continue life-long learning.

10b. The specific courses shall teach basic medical science, communication, critical thinking, decision-making, and clinical application skills. Integration of nursing, technical, and medical skills within the curriculum must use live animals. Whenever possible, animal nursing skills should be developed in a setting and under conditions that are a reflection of the manner in which graduates will use these skills.

10c. The curriculum must include general education and specific veterinary technology course content. Required materials can be offered as complete course offerings or be integrated into courses involving more than one area of recommended material. Course objectives must be clearly communicated to the student through syllabi or other course documents. Course offerings to meet curriculum requirements typically take a minimum of 18 months to 2 years to accomplish.

GENERAL COURSE MATERIAL:

Applied mathematics
Biological science
Communication skills
Fundamentals of chemistry

SPECIFIC COURSE MATERIAL:

Anatomy and physiology
Anesthesia, including induction, monitoring, and instrumentation
Animal husbandry, including restraint, behavior, species and breed identification, reproduction, sex determination, and

Biosecurity-safety and security issues
 Clinical pathology and parasitology
 Communication/Interaction skills with Clients and Colleagues
 Diseases, preventive medicine (including dentistry), and nursing of companion animals, food-producing animals, horses, exotic species, and laboratory animals
 Economics in veterinary practice
 Ethics, professionalism, and legal applications in veterinary medicine
 Humane animal care and management
 Introduction to laboratory animal medicine
 Life-long learning concepts
 Medical terminology
 Microbiology and immunology
 Necropsy techniques
 Nutrition and principles of feeding
 Orientation to the profession of veterinary technology
 Pharmacology for veterinary technicians
 Principles of imaging, including radiography and ultrasonography
 Value of professional organizations
 Safety Issues, consistent with the CVTEA Statement on Safety with course work emphasis on zoonoses and occupational safety (see Appendix A.
 Surgical nursing and assisting, including instrumentation
 Technician utilization and team concepts of health care delivery
 Value of professional organizations
 Veterinary office management and elementary computer skills

10d. Practical veterinary experience that expands student knowledge and builds proficiency of acquired skills through task-specific exercises is a required portion of the curriculum. These experiences are usually termed preceptorships, practicums, internships, or externships. Practical experiences are for the purpose of honing skills learned in formal instructional settings and should be scheduled to occur following completion of skills acquisition. These practical experiences should be a minimum of 240 cumulative contact hours and must be monitored by the program director or the director's appointee who must be a program faculty or staff member. Prior to the beginning of the practical experience, on-site supervisors must be contacted by the program. Students and faculty should seek progressive contemporary facilities that employ credentialed veterinary technicians to act as professional role models and mentors. During the practical experience, contact must be maintained with students and their on-site supervisors to monitor students' personal and educational experiences. It is highly recommended that such contact take place through personal visits and interviews by the program director or appointee. Specific criteria must be used to assist on-site supervisors in monitoring student progress. The program director or appointee shall review student performance evaluations by on-site supervisors, student evaluation of the experiences, and a final student performance evaluation.

10e. Successful completion of all required skills found in the *Veterinary Technology Student Essential and Recommended Skills List*, Appendix I must be evaluated and documented by program personnel who use standard criteria that reflect contemporary veterinary practice. Program personnel should be a credentialed veterinary technician or veterinarian. Program personnel must have a signed agreement with the parent institution, complete training in evaluating essential skills, and regularly communicate with the program director.

10f. CVTEA recognizes that a program may wish to emphasize certain areas within the curriculum to capitalize on regional variation, institutional strengths, and available job markets. This emphasis should be clearly stated in the mission statement/objectives of the program, and the curriculum shall then reflect that emphasis. A choice to emphasize one aspect of the curriculum must not interfere with the acquisition of all skills listed on the *Veterinary Technology Student Essential and Recommended Skills list* (Appendix I).

10g. CVTEA recognizes that academic institutions have the inherent right to accept credits from other colleges, universities, or recognized educational entities. However, if the program accepts veterinary technician-related course credit from institutions not accredited by AVMA, the program must ensure that the rigor of transfer courses meets CVTEA Standards. Documentation of the assurance may be requested for review during the program accreditation process.

10h. At times, accredited programs are requested to give credit for high school courses with titles similar to those required for graduation from a CVTEA-accredited program. If credit is to be given for such courses, the student must first be required to demonstrate to veterinary technology program faculty a level of competency comparable to that of students who complete the required course successfully.

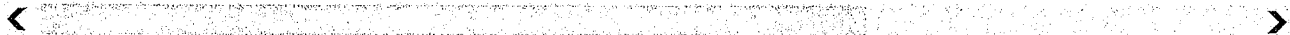
11) Outcomes Assessment

11a. The program must develop program-specific outcome assessment instruments that assist in determining attainment of the educational goals. Such instruments shall include, but are not limited to, attrition rates, graduate and employer surveys, pass rates and domain scores of the Veterinary Technician National Examination (VTNE) as compared to the national average and applicable state examination pass rates. The results of all outcome assessments must be used to improve the program. In absence of significant data from peer reviewed examinations, programs must develop objective means to assess student competency.

11b. CVTEA expects the institution to encourage and support the program review and evaluation process for the outcomes of the educational program.

11c. Programs must comply with VTNE reporting requirements. (see Reporting to the Community, section VI)

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CVTEA Accreditation Policies and Procedures - Operating Procedure

Last Update to this Section: January 2016

VI. Standard Operating Procedure for Accreditation of Programs Educating Veterinary Technicians

The AVMA accreditation of veterinary technology programs is voluntary. Expenses incurred for a site visit are the responsibility of the program. Communication prior to application is encouraged and available by contacting the AVMA Division of Education and Research at 800/248-2862 ext. 6624 www.avma.org.

A. Standard Operating Procedure for Initial Accreditation of Veterinary Technology Programs

Veterinary technology programs seeking initial accreditation must submit an Application prior to the enrollment of students.

Veterinary technology programs seeking initial AVMA CVTEA accreditation are required to provide the following on the CVTEA Application and Material Review Form available from AVMA staff:

1. Initial Program Application

a. Prior to the enrollment of students, the program director must file an application (Appendix E) that includes:

- i. Identification of institution offering program
- ii. Evidence of Institutional accreditation
- iii. Rationale for program
- iv. Membership roster and charge of Advisory Committee
- v. Date the program director was hired
- vi. Date full-time equivalent veterinarian and full-time equivalent credentialed veterinary technician hired on staff*.
- vii. A \$3,000 (non-refundable) application fee.
- viii. Completed submission of Steps 1 and 2 of the *Initial Application Material and Feedback* document (available from AVMA staff).

b. AVMA staff will confirm receipt of initial application within 10 days of receipt. Confirmation of the site visit date** will be granted upon approval of items requested in Step 2 below.

* A program director, who is a licensed veterinarian or a credentialed veterinary technician who is a graduate of an AVMA-accredited program must be in place at the time of the initial application for accreditation. The full-time equivalent

licensed veterinarian and the full-time equivalent credentialed veterinary technician who is a graduate of an AVMA-accredited program must be on staff three (3) months prior to the enrollment of students to allow adequate time for curriculum development and course preparation.

****Site Visit Limitations**

The cumulative number of site visits in a 12-month period shall not exceed 50 so all requests may not be met in a given year. The CVTEA may in its sole discretion and for good cause shown give consideration to exceed the maximum number of site visits. Currently accredited programs will be given priority in scheduling.

2. Initial Review

- a. Prior to student enrollment in veterinary technology specific coursework, the program must submit the following information:
 - i. Date students were first enrolled and anticipated date of first graduating class
 - ii. List of program faculty with date of hire and credentials
 - iii. Program curriculum outline with suggested course sequence and descriptions
 - iv. Description of facility to be used for primary clinical instruction
 - v. An example of standardized criteria used for evaluation of student acquisition of essential skills
 - vi. A description of how student acquisition of essential skills will be evaluated and documented
 - vii. A description of clinical resources available to the program (Standard V)

- b. Prior to animal use in program coursework, the Program must submit the following:
 - i. Membership of the Institutional Animal Care and Use Committee (IACUC),
 - ii. Example of an IACUC-approved animal care and use protocol, and
 - iii. Copy of recent IACUC meeting minutes.

3. Confirmation of Acceptance of Initial Application

Information received from the program will be reviewed by AVMA staff. If it appears that the program is making appropriate progress toward significantly meeting the Standards of Accreditation, AVMA staff will confirm a mutually agreed upon site visit date. Classes must be in session during the site visit evaluation. An initial accreditation site visit is usually conducted when the initial class has completed approximately two-thirds of the curriculum. A self-study report will be due no later than 8 weeks prior to the site visit

4. The Program must then meet the criteria and follow the steps outlined in the Standard Operating Procedures for an Accreditation Site Visit in Section VI part C.

INITIAL REVIEW OF THE PROGRAM AND SCHEDULING OF A SITE VISIT IS NOT A GUARANTEE OF ACCREDITATION NOR DOES IT GRANT ANY TEMPORARY ACCREDITATION STATUS.

B. Standard Operating Procedures for Re-accreditation of Veterinary Technology Programs

1. Programs due for re-accreditation are notified of a required site visit approximately one year in advance. Programs should contact AVMA staff to schedule a mutually agreed upon site visit time. Classes must be in session during the site visit evaluation. A self-study report for programs seeking re-accreditation is due 6 weeks prior to the site visit.

C. Standard Operating Procedures for an Accreditation Site Visit (Initial or Re-accreditation)

1. The program will submit copies of a self-evaluation report (Appendix G) (see also format guidelines in Appendix F) and a link to the college catalog to the site team members, and an electronic copy of the self-evaluation report to AVMA

2. The self-evaluation report is reviewed by the AVMA for major deficiencies or any other needed clarification. If no major deficiency is apparent, the site visit date is finalized.
3. An evaluation team is formed. The evaluation team consists of five members: a chair who is a CVTEA member or past CVTEA member who has completed their term within the previous three years, a veterinarian from the state preferably a member of the state veterinary medical association, a veterinary technician from the state or within the community the program serves, a public member, and an AVMA staff member. AVMA staff is responsible for identifying the CVTEA member and securing a state veterinarian member. The program director is responsible for providing the names, addresses, phone, and email information of the public member and the veterinary technician as follows:
 - a. The name of an individual willing to serve as the public member must be submitted. The public member must not be associated with the College, be a veterinarian, veterinary technician, veterinary assistant or be associated with the veterinary profession including animal care industry. The person must not serve on the program's advisory committee or IACUC. Submitted name should include a brief background.
 - b. The veterinary technician member must be a graduate of an AVMA-accredited veterinary technology program and should be chosen by the state technician association, if at all possible. While preferable that the veterinary technician not be a graduate of the program being evaluated, a graduate may be accepted if graduates of other programs are not available. The technician must not be a member of the program's advisory committee or IACUC.
 - c. To ensure that all matters dealing with accreditation of programs of veterinary technology are conducted in an unbiased manner, the CVTEA has adopted the following Conflict of Interest Policy:

The site team member:

 - is not currently associated with the program or faculty/staff/personnel being evaluated.
 - is not employed by the program being evaluated.
 - is not a member of the advisory council or animal care and use committee of the program being evaluated.
 - will reveal any potential conflict of interest to the site team (including having graduated from the program being evaluated or provided consultation on accreditation matters with the program being evaluated).

Potential conflicts of interest revealed to the entire team may not preclude service on the site team if the team agrees the individual can serve in an unbiased manner.

4. AVMA staff will write a first draft report based on the self-evaluation materials and send the draft Report of Evaluation to the evaluation team.

5. The site visit evaluation is conducted. The site visit will be structured to include sites where primary clinical and/or technical instruction is provided. Video or audio recording of any portion of the site visit evaluation is prohibited. The evaluation team will:

- a. Interview the program director.
- b. Inspect physical facilities, equipment, and library.
- c. Interview faculty members and staff.
- d. Review curriculum and course outlines.
- e. Interview students.

- g. Report findings to program director.
- h. Report findings to institutional administration.
- i. Prepare a written report of site visit.
- j. Sign an AVMA CVTEA confidentiality agreement (Section II)

6. After the site visit, a second draft Report of Evaluation will be prepared by AVMA staff and distributed to the evaluation team for review and appropriate changes. All documents (print and electronic) related to the site visit are considered confidential. Accreditation materials provided by the program must be returned to the program or destroyed following the site visit. AVMA CVTEA documents and personal notes (print and electronic including email correspondence) relating to the site visit must be destroyed following site team review of the second draft of the Report of Evaluation.

7. A third draft Report of Evaluation will be submitted to the program director of the institution for verification and comment. If the third draft ROE contains critical and/or major deficiencies, these findings may result in an adverse decision upon review by the full committee. An adverse decision is defined as withholding initial or renewed accreditation, denial of a request for change of accreditation status, or the granting of less than full accreditation status once full accreditation status has been granted. The program must notify AVMA staff of the intent to respond to the critical and/or major deficiencies within ten (10) business days after receipt of the third draft report of evaluation and file its response with the committee within twenty (20) business days after receipt of the third draft report of evaluation. The Program's response must only include documentation, data, or other information relevant to critical and/or major deficiencies identified in the ROE that may result in an adverse accreditation decision. The Committee reserves the right to conduct a special site visit, as needed, to validate information submitted for reconsideration.

8. The site team chair will present a final draft Report of Evaluation, the program's response, if any, and site visit information to the CVTEA at the earliest possible regular meeting. Reports from site visits conducted less than 60 days prior to a CVTEA meeting may be deferred and considered at the next Committee meeting. AVMA staff will provide information about the specific dates for consideration of a particular report.

If the Committee develops additional critical and/or major deficiencies not presented to the program in paragraph 7, then it will defer the accreditation decision, give written notice to the program of each critical and major deficiency, and provide the program with an opportunity to respond in writing. The program must notify the Committee of its intent to respond to these additional critical and/or major deficiencies within ten (10) business days after receipt of the final draft report of evaluation and file its response with the committee within twenty (20) business days after receipt of the final draft report of evaluation.

The Committee will consider the written response and documentation sent by the program within forty (40) business days of receipt. The Committee reserves the right to conduct a special site visit, as needed, to validate information submitted for reconsideration. Should an adverse accreditation decision be made the program will be notified in writing of the reasons for the action and reminded of the appeal process.

After opportunities to respond in writing or appeal have passed or the processes completed, the action of the Committee is considered final and a final report of evaluation is prepared.

9. CVTEA will determine the accreditation status of the program based on a majority vote of CVTEA members.

10. AVMA staff will notify the program director and chief executive officer of the institution of the program's assigned status and provide a final Report of Evaluation with recommendations for improvement. Deficiencies, recommendations, and final reports of site visits are considered private communication between CVTEA and the institution involved. Release of reports shall be at the discretion of the institution. AVMA will notify the state veterinary medical association and state regulatory agencies of the assigned accreditation status of the program.

11. AVMA staff will include the program on its published list of accredited programs after a 30-day period for potential

12. The evaluation process is repeated at five year intervals until a program has been fully accredited for two cycles, after which time site visits are conducted at six-year intervals. Major changes or concerns can also precipitate site visits. ^
13. All site visit participants are required to sign an AVMA CVTEA confidentiality agreement. (Section II, page 2)
14. Programs are responsible for all costs associated with the accreditation process including the site visit.

Subsequent Reporting

Subsequent to receiving initial accreditation, programs are required to submit annual evaluation reports until the program has been accredited for five years. Please refer to Appendix J for the annual/biennial/interim report format. Programs are assigned to either a spring or fall reporting schedule.

CVTEA will review the annual report at its next meeting and if the Committee finds that a program has not made sufficient progress on critical and/or major deficiencies or other issues which may result in an adverse accreditation decision, it will follow the procedures set forth above in paragraph 8 and will provide written notice to the program of critical and/or major deficiencies or other issues, and provide the program with an opportunity to respond in writing. The program must notify the Committee of its intent to respond within ten(10) business days after receipt of the report evaluation letter and file its response with the Committee within twenty (20) business days of receipt of the report evaluation letter. The CVTEA member who manages the program and CVTEA chair or vice chair will review any submissions and recommend committee action on accreditation status within forty (40) business days of the receipt of the response from the program. Program submissions will be electronically copied to all CVTEA members for comment. Each member has the right to request full committee deliberation and vote. If at the end of 72 hours no requests for full committee deliberation have been made, the recommendation of the designated reviewers will be final and the program will be notified. If full committee deliberation is requested, the committee will vote. Following review, AVMA staff will report its decision to the program director, chief executive office of the school, the state VMA, and other appropriate agencies

A program that has been fully accredited for five consecutive years, and has again been granted full accreditation status after a second complete evaluation and site visit, shall be required to submit biennial reports and shall be subject to a complete re-evaluation every six years unless major changes in the program indicate to CVTEA that an earlier site visit may be necessary.

Programs are placed on either a spring or fall annual or biennial reporting schedule. Reports are due for review approximately 60 days prior to the scheduled CVTEA meeting. AVMA staff will announce when reports are due at least six months in advance of the due date. The CVTEA reserves the right to lower the accreditation of a program that, after due notice, fails to submit a self-evaluation, annual, biennial, or interim report. Subsequent accreditation will be considered only after submission of application for accreditation, self-evaluation and other accreditation materials, followed by a site visit to the program. Based on the progress noted in an annual or biennial report, the CVTEA may request an appearance of a program representative at its next regularly scheduled meeting. The cost for such an appearance will be borne by the respective program/parent institution.

Substantive changes in the program must be reported within sixty days of implementation. This report must document how the program will continue to comply with the Standards. Failure to meet any reporting requirement may result in Administrative Probation or other changes in accreditation status.

Substantive Change

The CVTEA must be notified of any of the following changes in the program within 60 days of implementation:

1. Change in the established mission or objective of the program.
2. Change in the legal status, form of control, or ownership of the parent college. v

3. Change in administration (including change of Program Director, primary Program faculty, Dean, and College President), organization, or association with the parent institution or Program instructional personnel.
4. Changes in courses that represent a significant departure in either content or method of delivery.
5. Changes in name of degree or addition of any degree or credential level offered.
6. Changes in the clock hours (student contact hours) for completion.
7. Changes in off-campus sites that provide primary instructional support where essential skills are taught and evaluated.
8. Any USDA non-compliance report and subsequent action.
9. Other changes that affect teaching/education of students.
10. Changes in general contact information including email, phone, and name changes.

Approval of substantive changes is at the discretion of the CVTEA based upon the information received and continued compliance with the standards. A site visit may be required to verify the reported substantive changes.

Accreditation may be withdrawn from a program that fails to provide a report of self-evaluation at least 6 weeks before a scheduled site visit; fails to provide an annual, biennial, or requested interim report by the published due date prior to the CVTEA meeting at which the program is to be reviewed; or fails to invite a site visit at the required time.

A program for which accreditation has been withdrawn may apply for accreditation after one year by submitting a report of self evaluation and other accreditation forms, requesting a site visit, and demonstrating that it meets the Standards of Accreditation.

Initial Accreditation and Adverse Accreditation Decisions

All programs achieving initial accreditation are assigned the status of Initial accreditation for the first five years of accreditation. Initial accreditation is an accredited status and is not punitive nor is it considered an inferior status. A program that fails to meet the requirements for full accreditation after five consecutive years of initial accreditation shall be placed on probationary accreditation or have accreditation withdrawn. Programs assigned less than full accreditation status shall be immediately notified of the actions necessary to achieve full accreditation.

Programs with probationary accreditation must show annual progress toward achieving full/initial accreditation and meet the requirements for full/initial accreditation within a two-year period. Full/initial accreditation may be sought at any time by providing evidence in a self-evaluation and re-accreditation report, showing that the program has complied with the deficiencies related to the program's accreditation status. Those deficiencies are contained in the Report of Evaluation. Subsequent to receipt of the report, a site visit by an evaluation team may be required.

Programs have the right to appeal adverse accreditation decisions. The CVTEA will notify the appropriate credentialing agencies and the public within thirty days of any final adverse accreditation decision. Programs may reapply for accreditation one year after accreditation has been withdrawn. Please refer to the *Procedures for Appeal of Adverse Decisions on Accreditation* (Section IX).

Programs on terminal accreditation may reapply for initial accreditation once all students have matriculated from the program on terminal accreditation.

Reporting to the Community

Following the final decision regarding the accreditation status of a program, the CVTEA will notify the program director, chief executive officer of the school, the state VMA, state credentialing authorities, and other appropriate agencies of its decision. The public will be notified via the AVMA website.

When the accreditation decision is finalized, each program must notify the public of its performance in educating veterinary technicians by posting on its website the following:

- 1) the three-year pass rate (based on a July 1 to June 30 reporting year) on the Veterinary Technician National Examination (VTNE);
- 2) the number of eligible first-time candidates and;
- 3) the number of first-time candidates that have taken the VTNE, for the corresponding time frame as the reported VTNE pass rate.

The VTNE data on the website must be updated by September 1st of each calendar years. Information released to the public must be readily accessible and accurate. the number of first-time candidates that have taken the VTNE, for the corresponding time frame as the reported VTNE pass rate. Information released to the public must be current, readily accessible, and accurate.

Any reference by an institution or program to CVTEA accreditation may state the following: "[Identification of program] is accredited (or fully accredited) by the AVMA as a program for educating veterinary technicians." Programs that have had an initial application accepted, may state that an application for accreditation has been accepted but must also state that application for accreditation does not guarantee accreditation and that applying for accreditation does not grant any temporary status of accreditation.

Accreditation Fees

An annual accreditation fee is invoiced to all AVMA CVTEA-accredited programs to cover the costs of maintaining accreditation. This fee is adjusted on an annual basis. The annual fee will be communicated to programs via the website or by contacting the AVMA office.

- This fee also applies in years in which a site visit is conducted; in addition, programs are responsible for all costs associated with conducting the site visit.
- New programs are assessed an application fee of \$3,000 in addition to the costs associated with site visit. The first annual accreditation fee will be deferred until the year following the initial accreditation decision.
- Programs reapplying for accreditation following an initial accreditation-withheld decision will be assessed a reapplication fee equal to the amount of the application fee.
- Failure to pay the annual accreditation fee by July 1 of the assessed calendar year will result in a \$500 penalty fee.
- Programs with unpaid annual accreditation fees as of October 1 of the year due may result in Administrative Probation. Administrative Probation accreditation may result in a penalty fee up to double the annual accreditation fee.
- Self-study reports received after the required due date may result in a late fee of \$250.

Participation of Site Visit Observers

As a principal goal of accreditation is to improve educational outcomes, it is recognized that observation of the practices of the CVTEA as they conduct veterinary technology accreditation site visits is of value to certain individuals. To facilitate this process, the following guidelines have been established.

Observers are welcome to participate in CVTEA site visits if the following conditions are met.

1. Each Observer must be a(n):
 - a. Recently appointed CVTEA member
 - b. Newly appointed director of an accredited veterinary technology program or the Program director of a non-accredited veterinary technology program.

- c. Other individuals who may benefit from observation of the accreditation site visit. CVTEA will determine if appropriate to observe.

2. The chairperson of the site team and the Program director of the host institution must agree to each proposed observer.

3. A maximum of two observers (from all sources) may be accommodated on each site visit. Observers will be selected on a first come, first served basis within the constraints of the priority list in Item 1 (see above).

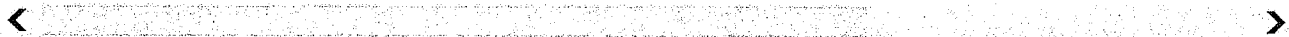
4. The observer may be recused from sessions that the site team chairperson considers confidential.

5. Observer requirements

All Observers must;

- a. Arrange to pay the full costs of their participation in the site visit.
- b. Arrange for personal hotel accommodations and transportation to the site visit.
- c. Assume full liability for personal safety during the visit.
- d. Be competent in spoken and written English.
- e. Sign a CVTEA confidentiality statement.
- f. Sign a CVTEA conflict of interest statement
- g. Prepare for the site visit by reading information provided.
- h. Be cognizant that the role is as an observer.

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AVMA CVTEA SUBSTANTIVE CHANGE REPORT
Changes must be reported within sixty days of implementation.

Program Name:		
Address:		
City, State, Zip:		
<i>Name of Person filling out Substantive Change Report</i>		
By:		
Date:	Phone:	Email:

Type of Changes(s): Select each that is appropriate.	
<input type="checkbox"/>	Change in the established mission or objective of the program.
<input type="checkbox"/>	Change in the legal status, form of control, or ownership of the parent college.
<input type="checkbox"/>	Change in administration (including change of Program Director, primary Program faculty, Dean, and College President), organization, association with the parent institution or Program personnel. When reporting changes in primary faculty, provide name(s) of current full-time equivalent (FTE) licensed veterinarian and name(s) of current FTE credentialed veterinary technician who is a graduate of an AVMA-accredited program. When reporting changes in primary Program faculty submit a copy of CV/resume and the following: Veterinarian(s) who fulfill(s) the FTE requirement: <ul style="list-style-type: none"> o Copy of license(s) Credentialed veterinary technician(s) who fulfill(s) the FTE requirement: <ul style="list-style-type: none"> o Copy of degree transcript(s) from CVTEA accredited veterinary technology program o Copy of veterinary technician credential(s) (i.e. LVT, CVT, or RVT)
<input type="checkbox"/>	Changes in courses that represent a significant departure in either content or method of delivery.
<input type="checkbox"/>	Changes in name of degree or addition of any degree or credential level offered.
<input type="checkbox"/>	Changes in the clock hours (student contact hours) for completion.
<input type="checkbox"/>	Major changes in physical facilities used for primary instruction.
<input type="checkbox"/>	Changes in off-campus sites that provide primary instructional support where essential skills are taught and evaluated.
<input type="checkbox"/>	Any USDA non-compliance report and subsequent action.
<input type="checkbox"/>	Other changes that affect teaching/education of students.
<input type="checkbox"/>	Changes in general contact information including email, phone, and name changes.
Description of change: (Must include effective date of change and documentation of continued compliance with the AVMA CVTEA Standards of Accreditation.)	

Reference: Accreditation Policies and Procedures of the American Veterinary Medical Association (AVMA) Committee on Veterinary Technician Education and Activities (CVTEA); Section VI

California AVMA Accredited RVT Programs

California State Polytechnic University-Pomona
College of Agriculture
Animal Health Technology Program
3801 W. Temple Ave.
Pomona, CA 91768
909-869-2136
Joanne Sohn, DVM Director
Bachelor in Animal Health Science
Initial Accreditation-April, 1996;Next Evaluation: 2018
FULL ACCREDITATION

Carrington College-Citrus Heights Campus
7301 Greenback Lane, Suite A
Citrus Heights, CA 95621
916-722-8200
Phoebe Gill, DVM Director
Associate of Science
Initial Accreditation-June 16, 2006;Next Evaluation: 2016
FULL ACCREDITATION

Carrington College-Pleasant Hill
Veterinary Technician Program
380 Civic Drive, #300
Pleasant Hill, CA 94523
925-609-6650
Jeremy Eaton, RVT Director
Associate in Science
Initial Accreditation-March 31, 2004;Next Evaluation: 2021
FULL ACCREDITATION

Carrington College-Pomona
901 Corporate Center Drive
Pomona, CA 91768
916-388-2884
Susan Funston, RVT Director
Associate of Science
Initial Accreditation-February 3, 2012;Next Evaluation: 2017
INITIAL ACCREDITATION

Carrington College-Sacramento
Veterinary Technology Program
8909 Folsom Blvd.
Sacramento, CA 95826
916-361-1660
Janelle Emmett, DVM Director
Associate in Science

Initial Accreditation-August 20, 2004;Next Evaluation: 2020
FULL ACCREDITATION

Carrington College-San Jose
Veterinary Technician Education Program
5883 Rue Ferrari, Suite 125
San Jose, CA 95138
408-360-0840
Candace Morton, RVT Director
Associate in Science
Initial Accreditation-December 1, 2006;Next Evaluation: 2016
FULL ACCREDITATION

Carrington College-San Leandro
Veterinary Technology Program
170 Bayfair Mall
San Leandro, CA 94578
510- 276-3888
Julie Forseth, RVT Director
Associate in Science
Initial Accreditation-August 18, 2004;Next Evaluation:2020
FULL ACCREDITATION

Carrington College-Stockton
Veterinary Technician Education Program
1313 West Robinhood Drive, Suite B
Stockton, CA 95207
209-956-1240 x 44116
Brenda Crossley, RVT Director
Associate in Science
Initial Accrediation - June 14, 2006;Next Evaluation: 2016
FULL ACCREDITATION

Cosumnes River College
Veterinary Technology Program
8401 Center Pkwy.
Sacramento, CA 95823
916-691-7355
Christopher Impinna, DVM Director
Associate in Science
Initial Accreditation-April, 1975;Next Evaluation: 2016
FULL ACCREDITATION

Foothill College
Veterinary Technology Program
12345 El Monte Rd.
Los Altos Hills, CA 94022
650-949-7203

Lisa Eshman, DVM Director
Associate in Science
Initial Accreditation-April, 1977;Next Evaluation: 2016
FULL ACCREDITATION

Los Angeles Pierce College
Veterinary Technology Program
6201 Winnetka Ave.
Woodland Hills, CA 91371
818-347-0551
Elizabeth White, RVT Director
Associate in Science
Initial Accreditation-December, 1975; April, 1993;Next Evaluation: 2021
FULL ACCREDITATION

Mount San Antonio College
Registered Veterinary Technology Program
1100 N. Grand Ave.
Walnut, CA 91789
909-594-5611
Dawn Waters, RVT Director
Associate in Science
Initial Accreditation-April, 1977;Next Evaluation: 2017
FULL ACCREDITATION

Pima Medical Institute-Chula Vista
780 Bay Blvd, Suite 101
Chula Vista, CA 91910
619-425-3200
Anne Serdy, DVM Director
Associate of Applied Science
Initial Accreditation: June 18, 2010;Next Evaluation: 2020
FULL ACCREDITATION

Platt College-Alhambra
Veterinary Technology Program
1000 S Fremont Ave, Suite A9W
Alhambra, CA 91764
626-300-5444
David Liss, RVT Director
Associate of Science
Initial Accreditation: August 17, 2012;Next Evaluation: 2017
INITIAL ACCREDITATION

Platt College-Ontario
Veterinary Technology Program
3700 Inland Empire Blvd, Suite 400
Ontario, CA 91764

909-941-9410
William Raines, RVT Director
Associate of Science
Initial Accreditation: February 8, 2013;Next Evaluation: 2018
INITIAL ACCREDITATION

Platt College-Riverside
Veterinary Technology Program
6465 Sycamore Canyon Blvd.
Riverside, CA 92507
951-572-4300
Jennifer Bench, RVT Director
Associate of Science
Initial Accreditation: January 17, 2014; Next Evaluation: 2019
INITIAL ACCREDITATION

San Joaquin Valley College
Veterinary Technology Program
295 East Sierra Ave
Fresno, CA 93710
866-544-7898
Michele Perez, RVT Director
Associate of Science
Initial Accreditation: January 18, 2013;Next Evaluation: 2018
INITIAL ACCREDITATION

Stanbridge College
Veterinary Technology Program
2041 Business Center Drive, Suite 107
Irvine, CA 92612
949-794-9090
Lawrence Kosmin DVM, Director
Associate of Science
Initial Accreditation: August 28, 2015; Next Evaluation: 2021
INITIAL ACCREDITATION

Yuba College
Veterinary Technology Program
2088 N. Beale Rd.
Marysville, CA 95901
530-741-6962
Kyle Mathis, DVM Interim Director
Associate in Science
Initial Accreditation-April, 1978;Next Evaluation: 2019
FULL ACCREDITATION

State of California
Office of Administrative Law

RECEIVED
MAR 16 2016
VMB/RVTC

In re:
Veterinary Medical Board

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 2043

Repeal sections:

DECISION OF DISAPPROVAL OF
REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2016-0125-04

OAL Matter Type: Regular (S)

SUMMARY OF REGULATORY ACTION

This proposed rulemaking action by the Veterinary Medical Board (Board) amends section 2043 of title 16 of the California Code of Regulations, which governs the assessment of civil penalties for violation of the Board's rules. This amendment would reclassify the existing three categories of citations issued by the Board, including accompanying fines, and add new rules regarding orders of abatement and public disclosure of citations.

DECISION

On March 8, 2016, the Office of Administrative Law (OAL) notified the Board of the disapproval of this regulatory action. The reason for the disapproval was failure to comply with the "clarity" standard of Government Code section 11349.1.

DISCUSSION

Regulations adopted by the Board must generally be adopted pursuant to the rulemaking provisions of the California Administrative Procedure Act (APA), Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code (Gov. Code, secs. 11340 through 11361). Any regulatory action a state agency adopts through the exercise of quasi-legislative power delegated to the agency by statute is subject to the requirements of the APA, unless a statute expressly exempts or excludes the regulation from compliance with the APA (Gov. Code, sec. 11346). No exemption or exclusion applies to the regulatory action here under review. Consequently, before these regulations may become effective, the regulations and rulemaking record must be reviewed by OAL for compliance with the substantive standards and procedural requirements of the APA, in accordance with Government Code section 11349.1.

A. CLARITY

OAL must review regulations for compliance with the “clarity” standard of the APA, as required by Government Code section 11349.1. Government Code section 11349, subdivision (c), defines “clarity” as meaning “...written or displayed so that the meaning of regulations will be easily understood by those persons directly affected by them.”

The “clarity” standard is further defined in section 16 of title 1 of the California Code of Regulations (CCR), OAL’s regulation on “clarity,” which provides the following:

In examining a regulation for compliance with the “clarity” requirement of Government Code section 11349.1, OAL shall apply the following standards and presumptions:

- (a) A regulation shall be presumed not to comply with the “clarity” standard if any of the following conditions exists:
 - (1) the regulation can, on its face, be reasonably and logically interpreted to have more than one meaning; or
 - (2) the language of the regulation conflicts with the agency’s description of the effect of the regulation; or
 - (3) the regulation uses terms which do not have meanings generally familiar to those “directly affected” by the regulation, and those terms are defined neither in the regulation nor in the governing statute; or
 - (4) the regulation uses language incorrectly. This includes, but is not limited to, incorrect spelling, grammar or punctuation; or
 - (5) the regulation presents information in a format that is not readily understandable by persons “directly affected;” or
 - (6) the regulation does not use citation styles which clearly identify published material cited in the regulation.

- (b) Persons shall be presumed to be “directly affected” if they:
 - (1) are legally required to comply with the regulation; or
 - (2) are legally required to enforce the regulation; or
 - (3) derive from the enforcement of the regulation a benefit that is not common to the public in general; or
 - (4) incur from the enforcement of the regulation a detriment that is not common to the public in general.

In this “Civil Penalties for Citation” rulemaking, a number of proposed regulatory provisions fail to comply with the “clarity” standard. These clarity problems are discussed below.

1. Section 2043, first paragraph

This regulatory action proposes to amend the opening paragraph of section 2043, which currently reads:

“Where citations issued pursuant to Section 4875.2 and 125.9 of the Code include an assessment of a civil penalty, they shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows[.]”

Proposed regulation section 2043 begins:

“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 an assessment of a civil penalty. The classification of the citation shall be as follows[.]” [Highlighted changes from existing CCR text omitted.]

Pursuant to section 16 of title 1 of the CCR, *supra*, proposed regulatory language must be consistent with the effect of the proposed regulatory language as described by the rulemaking agency. The existing CCR text in this case is discretionary, providing that if a citation includes a civil penalty, the citation shall reflect the amount. Implicit in the existing text is that citations without civil penalties may be issued by the Board. By contrast, the proposed new text eliminates the Board’s discretion and plainly mandates that for every violation, the citation issued shall include a civil penalty.

The Board’s Initial Statement of Reasons (ISOR) identifies the general purpose of this amendment to the opening paragraph of section 2043 as clarification of who issues citations and to whom citations may be issued. The Board reasons that this amendment “would make it easier for someone who is reading this section alone to understand it.” (ISOR, p.2.) The ISOR does not provide any specific information in support of the apparent change in policy from discretionary to mandatory fines. This lack of substantial evidence for a substantive regulatory change would ordinarily be a violation of the “necessity” standard of the APA (Gov. Code, sec. 11349(a)).

However, page 7 of the ISOR states: “If a citation is resolved by payment of the civil penalty *or compliance with the order of abatement* [...]” [Emphasis added.] Thus, the ISOR provides no reason for the substantive change in policy and simultaneously demonstrates the Board’s intent to issue citations without civil penalties when such penalties are unwarranted. Considering this evidence, OAL believes that the apparent shift from discretionary to mandatory civil penalties was unintended by the Board; however, a clarity problem remains because the proposed text and related record materials are inconsistent. The Board must harmonize the text and record in order to resolve the clarity issue.

2. Section 2043, subdivision (g)

Two clarity issues result from ambiguous phrasing in proposed section 2043, subdivision (g), which provides:

“(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 governing veterinary medicine

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 approved by the Board related to the violation for which the citation was issued. Any courses required by the order of abatement shall be in addition to those required as continuing education for license renewal.”

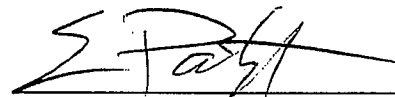
First, subdivision (g)(1) can reasonably be interpreted as requiring a cited individual to demonstrate how future compliance with all laws and regulations governing veterinary medicine will be achieved. This subdivision may also be interpreted as requiring a showing of how future compliance with only those laws related to the specific violation will be achieved. A directly affected person should not be left to guess as to which meaning the Board intended.

Second, subdivision (g)(2) is unclear regarding approval of the course. A directly affected person reading subdivision (g)(2) as a whole might reasonably assume that all continuing education courses offered by Board-approved continuing education providers are, by extension, Board-approved, and that no further feedback from the Board is required when selecting an appropriate course. However, another reasonable interpretation is that the Board must approve each course on a case-by-case basis, to ensure that the cited individual selected a course appropriately related to the violation, and will satisfy the order of abatement by effectively educating and rehabilitating the individual. As above, the Board must modify the proposed text to resolve all ambiguity.

CONCLUSION

For the foregoing reasons, OAL disapproves this regulatory action. Pursuant to Government Code section 11349.4(a), the Board may resubmit revised regulations within 120 days of its receipt of this Decision of Disapproval. Any changes made to the regulation text to address the clarity issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR prior to adoption by the Board.

Date: March 15, 2016



Eric J. Partington
Attorney

For: Debra M. Cornez
Director

Original: Annemarie Del Mugnaio
Copy: Elizabeth Bynum

Veterinary Medical Board Addendum to Final Statement of Reasons

On March 15, 2016, the Office of Administrative Law (OAL) disapproved the proposed regulations amending section 2043 of title 16 of the California Code of Regulations. In response, the Veterinary Medical Board (VMB) further amended the proposed regulations. The following substantive changes were made:

--In the introductory paragraph, the words “may include” have been added before “an assessment of a civil penalty”. This change was made in response to the OAL’s comment that the regulation was unclear because it sounded like all citations must include a civil penalty, which is not always the case.

--In subsection (e), the words “Notwithstanding the foregoing” have been added at the beginning of the paragraph. This change was made because of discussions with the OAL in which they commented that subsection (d) made it sound as if the VMB must consider all of the listed criteria when deciding whether a citation should be Class A, B, or C. In fact, the VMB does consider all of the factors listed in subsection (d) during its initial investigation into a case, but once unlicensed activity is found, the VMB has made the determination that all such cases should be Class C violations.

--In subsection (g)(1), the words “governing veterinary medicine” have been replaced by “related to the violation for which the citation was issued”. This change was made in response to the OAL comment that it was unclear whether the VMB meant that the individual to whom the citation was issued must demonstrate how future compliance with *all* laws governing veterinary medicine will be accomplished, or just the laws related to the violation for which the citation was issued. The VMB intended the latter meaning.

--In subsection (g)(2), the words “offered by a Board-approved provider, individual courses of which must also be” have been added before “approved by the Board”. This addition was made in response to the OAL comment that it was unclear whether the course provider or the course itself must be approved by the Board. The answer is that both levels of approval are necessary.

--The following Business and Professions Code sections have also been added as Reference citations at OAL’s request: 12.5, 4826, 4846.5, and 4875.2.

The following non-substantive grammatical changes have also been made, to make the proposed regulations clearer:

--The words “from the violation” were added at the end of the first sentence of subsection (a).

--The word “paragraph” has been replaced by “subsection” in the following places: the second sentence of subsection (b), and the second sentence of subsection (c).

--The word "previous" has been deleted from before "actions" in the second sentence of subsection (b), and the words "to enforce the previous citations" have been added in this same sentence after "actions". This same change was made in the second sentence of subsection (c).

--The word "and" has been replaced with "or" before "safety" in the first sentence of subsection (c).

--The word "which" has been replaced with "that" in two places in the first sentence of subsection (c).

--The word "their" has been deleted from subsection (d)(5).

--The word "That" has been added at the beginning of the first sentence of subsection (g)(1), and in this same sentence ", to" has been deleted. This same change was made in the first sentence of subsection (g)(2).

--The words "of the" have been deleted from the "Authority Cited" and "Reference" lines at the end of the regulation, and a comma has been added to each of these lines after "4875.4".

No hearing was held regarding the proposed regulations.

Subject matter of proposed regulations: civil penalties for citation.

Section affected: Section 2043 of Article 5.5 of Division 20 of Title 16 of the California Code of Regulations.

Updated Information:

The Initial Statement of Reasons is included in this file. The information contained therein is updated as follows:

Underlying Data:

The Veterinary Medical Board did not rely on any documents, reports, or other material in developing the proposed regulations.

Local Mandate:

A mandate is not imposed on local agencies or school districts.

Small Business Impact:

The Board has determined that the proposed regulations may affect small businesses. A veterinary practitioner who is also the managing licensee of a veterinary hospital may see his or her business affected by the issuance of a citation and fine. However, the regulatory proposal affects small businesses only if they are found to be in violation of any statutes or regulations enforced by the Board, which may result in the Board assessing an administrative fine of no more than \$5,000 for each violation. The Board has determined that the effects of the proposed regulations on small business do not rise to the level of a significant adverse economic impact.

The anticipated benefits of this regulatory proposal are:

- Provides clarity regarding who issues and receives citations.
- Increased penalties for citations will act as a greater deterrent to undesirable behavior than did the former penalties.
- The Board may receive greater income from the collection of fines.
- The term "harm" replaces "bodily injury" in sections 2043(a), (b) and (c), allowing citations for types of harm other than bodily injury.
- The Board may assess the existence of harm pursuant to section 2043(a) whether or not it is "significant and substantial in nature".
- The extension of the "lookback" period for prior citations to 5 years in sections

2043(b) and (c) will allow regulators to better assess whether the practitioner involved has previously offended and may therefore be more likely to reoffend in the future.

- The new language in section 2043(c) expands the categories of harm that can give rise to a “class C” violation, as compared to “class A” violations in the old language.
- Eliminating “The good or bad faith exhibited by the cited person” from section 2043(d) will rid the regulator of the task of trying to determine something which by its nature is amorphous and hard to quantify.
- The relatively high penalty for unlicensed activity set forth in section 2043(e) will deter unlicensed persons from practicing veterinary medicine.
- Persons subject to citations will have a clear idea about how citations affect their public records because of the new language of section 2043(f), in that the record of a citation remains a matter of public record for five years.
- The new language in section 2043(g) provides affected persons with a better idea of what is involved in “abatement”, gives the regulator suggested tools for enforcing an abatement, sets expectations for affected persons, and will lead to more educated and proficient practitioners.

Consideration of Alternatives:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Objections or Recommendations/Responses:

There were no objections or recommendations regarding the proposed action.

VETERINARY MEDICAL BOARD

ORDER OF ADOPTION

AMEND SECTION 2043 OF ARTICLE 5.5 OF DIVISION 20 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS TO READ AS FOLLOWS:

--Double underline and double strikethrough represent changes that were made because of the Office of Administrative Law's Decision of Disapproval dated March 15, 2016.

--Single underline and strikethrough represent changes that were submitted to the Office of Administrative Law on January 25, 2016.

§2043. Civil Penalties for Citation.

~~Where citations issued pursuant to Section 4875.2~~ When the executive officer determines that a violation has occurred and 125.9 of the Code 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, they. The classification of the citation shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:

(a) ~~Class "A" violations are violations which the executive officer of the board has determined involve a person who has committed a violation which meets the criteria for a class "B" violation and has been issued two or more prior citations for a class "B" violation within the 24 month period immediately preceding the act serving as the basis for the citation, without regard to whether the actions to enforce the previous citations have become final. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "A" violation is subject to a civil penalty in an amount not less than one thousand one dollars (\$1,001) and not exceeding one thousand five hundred dollars (\$1,500) for each citation.~~

~~(b) Class "B" violations are violations which the executive officer has determined involve either (1) a person who, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine and either (1) but has not caused bodily injury either death or harm to an animal which is not significant and substantial in nature or (2) presents patient and has not presented a substantial probability that death or serious harm would to an animal patient could result therefrom 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, while engaged in the practice of veterinary medicine, 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 "CA" violation and has two or more prior citations for a class "CA" violation within

the ~~24-month~~ 5-year period immediately preceding the act serving as the basis for the citation, ~~without regard to whether the actions to enforce the previous citations have become final.~~ However, the increase in the civil penalty required by this ~~paragraph~~ subsection shall not be due and payable unless and until the ~~previous 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 ~~five hundred one dollars (\$501) and not exceeding one thousand dollars (\$1,000)~~ and not exceeding four thousand dollars (\$4,000) for each citation.

(c) ~~Class “C” violations are violations which the executive officer has determined involve a person who, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine and which has not: (1) has caused either death or bodily injury to a patient and which does not present a substantial probability that death or serious harm to an animal patient would result therefrom, or (2) has committed a violation that has endangered the health and or safety of another person or animal, or (3) has committed multiple violations which that show a willful disregard of the law, or (4) has committed a violation which 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 paragraph subsection shall not be due and payable unless and until the previous 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 ~~forty two thousand dollars (\$42,000)~~ and not exceeding five hundred thousand dollars (\$500,000) for each citation.

(d) In assessing the amount of a civil penalty, the executive officer shall consider the following criteria:

- ~~(1) — The good or bad faith exhibited by the cited person.~~
- ~~(2)~~ (1) The nature and severity of the violation.
- ~~(3)~~ (2) Evidence that the violation was willful.
- ~~(4)~~ (3) History of violations of the same or similar nature.
- ~~(5)~~ (4) The extent to which the cited person has cooperated with the board’s investigations.
- ~~(6)~~ (5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her ~~the~~ violation.
- ~~(7)~~ (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 no less than two thousand dollars (\$2,000) and no more than five thousand dollars (\$5,000) 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, ~~to~~ demonstrate how future compliance with the laws and regulations ~~governing veterinary medicine~~ 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, ~~to~~ take a course offered by a Board-approved provider, individual courses of which must also be approved by the Board, related to the violation for which the citation was issued. Any courses required by the order of abatement shall be in addition to those required as continuing education for license renewal.

Note: **Authority Cited:** Sections 125.9, 4808, and 4875.4, ~~of the~~ Business and Professions Code.

Reference: Sections 12.5, 125.9, 148, 4826, 4846.5, 4875.2, and 4875.4, ~~of the~~ Business and Professions Code.

Date: _____

Annemarie Del Mugnaio
Executive Officer, Veterinary Medical Board
Department of Consumer Affairs



MEMORANDUM

DATE	April 5, 2016
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Sunset Review Joint Legislative Committee Recommendations and Veterinary Medical Board Responses

Please find enclosed the Sunset Review Background Paper for the Veterinary Medical Board as prepared by the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions.

The second document is the Board's proposed responses to the Joint Legislative Committee recommendations.

**BACKGROUND PAPER FOR THE
Veterinary Medical Board
(Oversight Hearing, March 14, 2016, Senate Committee on
Business, Professions and Economic Development and the Assembly
Committee on Business and Professions)**

**IDENTIFIED ISSUES, BACKGROUND,
AND RECOMMENDATIONS REGARDING
THE VETERINARY MEDICAL BOARD**

**BRIEF OVERVIEW OF THE
VETERINARY MEDICAL BOARD**

History and Function of the Veterinary Medical Board

Created in 1893, the Veterinary Medical Board (Board) licenses and regulates veterinarians, registered veterinary technicians (RVTs), RVT schools and programs, and veterinary premises and hospitals through the enforcement of the California Veterinary Medicine Practice Act (Practice Act).

The veterinary medical profession provides health care to livestock, poultry, and pets from birds, fish, rabbits, hamsters, and snakes to dogs, cats, goats, pigs, horses, and llamas. The quality of health care is on a par with that of human medicine. Currently there are 36 recognized specialties in veterinary medicine such as surgery, internal medicine, pathology, and ophthalmology. In some cases, drugs and procedures are identical in human and animal medicine. Frequently, techniques and procedures are developed in veterinary medical research prior to their use in human medicine.

Every day, Californians are protected by the veterinary profession through its responsibilities for food safety and control of zoonotic diseases (diseases spread from animals to people). Early recognition of symptoms, aggressive vaccination campaigns, and accompanying education by veterinarians have significantly reduced the public health threat of rabies, the most well-known disease that is transmitted between animals and people. Although there are fluctuations in numbers of occurrences of other diseases such as tuberculosis, brucellosis, Eastern and Western encephalomyelitis, and West Nile virus, the overall low incidence rate of these diseases is due to the competency of veterinarians who diagnose and supervise preventive medicine programs. In addition, veterinary medicine is on the front line of defense against bio-terrorism threats such as anthrax, foot and mouth disease, and food and water resource contamination.

The services veterinarians and registered veterinary technicians (RVTs) provide to the food, agricultural, pharmaceutical, research, horse racing, and pet care industries have a major impact on the State's economy. According to the American Veterinary Medical Association (AVMA), veterinary services are a \$1.2 billion industry in the State. Based on 2010 statistics from the California Department of Food and Agriculture, livestock and poultry products alone generate over \$9.8 billion in

sales with dairy as the leading commodity.

In its 2014-2015 Annual Report, the California Horse Racing Board estimates that the horse racing industry generates revenue in California in excess of \$3 billion per year. All of these services are dependent on veterinary services and the figures do not include the revenues generated by support industries such as feeds, equipment, construction, advertising, financial services, real estate, and transportation.

In a pet ownership survey based on data from 2011, the AVMA shows that 56% of all American households own at least one pet. A national average shows that dog owners spend approximately \$19.1 billion and cat owners spend approximately \$7.4 billion for veterinary health care maintenance. Ninety percent of dog owners use veterinary services at least once per year and make 2.2 repeat visits, while 75% of cat owners use veterinary services with 1.2 repeat visits per year.

The Board protects the public from the incompetent, unprofessional, and unlicensed practice of veterinary medicine. The Board requires adherence to strict licensure requirements for California veterinarians and RVTs. The pet-owning public expects that the providers of their pet's health care are well-trained and are competent to provide these services. The Board assures the public that veterinarians and RVTs possess the level of competence required to perform these services by developing and enforcing standards for examinations, licensing, and hospital and school inspection. The Board also conducts regular practice analyses to validate the licensing examinations for both veterinarians and RVTs. Additional eligibility pathways have also been approved for licensure of internationally trained veterinary graduates and certification of RVTs to allow qualified applicants from other states in the U.S. and countries around the world to come to California and to improve the provision of veterinary health care for consumers and their animals.

The Board's current mission statement is as follows:

The mission of the Veterinary Medical Board (VMB) is to protect consumers and animals through development and maintenance of professional standards, licensing of veterinarians, registered veterinary technicians, and premises, and diligent enforcement of the California Veterinary Medicine Practice Act.

To meet this mission, the Board: promotes legal and ethical standards of professional conduct, conducts background checks for all applicants; promotes a national examination reflective of the current practice of veterinary medicine, in addition to a jurisprudence examination focused specifically on California laws and regulation; provides for an examination for RVTs, both a state laws and regulations examination and the National Veterinary Technician Examination; licenses veterinarians and RVTs and maintains oversight responsibility for others working within veterinarian offices and hospitals such as veterinarian assistants; establishes animal health care tasks and the appropriate degree of supervision required for those tasks that may be performed by a licensed veterinarian, RVT, or a veterinarian assistant; investigates complaints on veterinarians, RVTs, and unlicensed veterinary medicine practice; takes disciplinary action and issues citations when appropriate; conducts various outreach activities to provide the public, licensees, and potential licensees the most comprehensive and current information and; routinely develops a Strategic Plan to establish goals and objectives for the Board. The Board's goals, as stated in its Strategic Plan, include decreased enforcement cycle times, enhanced quality and training of hospital inspectors, inspecting existing hospitals within one year of

registration, and working with DCA to reduce the amount of unlicensed activity occurring in the marketplace.

The Board is composed of eight members: four veterinarians, one RVT, and three public members. An RVT was added as a full member of the Board in 2010, and the RVT Committee consisting of five members was allowed to sunset on June 30, 2011. The Board meets about four times per year. All Board meetings are subject to the Bagley-Keene Open Meetings Act and are webcasted. The following is a listing of the current members of the Board:

Name and Short Bio	Appointment Date	Term Expiration Date	Appointing Authority	Professional or Public
<p>Mark T. Nunez, DVM - President, Professional Member</p> <p>Dr. Mark T. Nunez of Burbank was appointed to the Board in August, 2013.</p> <p>Dr. Nunez has been associate veterinarian at the Veterinary Care Center since 2012. He was practice owner and veterinarian at Animal Medical Center Inc., Van Nuys from 2006 to 2012 and held multiple positions at the Veterinary Centers of American (VCA), including medical director and veterinarian at VCA Animal Hospital, Burbank 2002 to 2005 and VCA regional medical director from 1999 to 2001. Dr. Nunez was associate veterinarian at the Animal Medical Center Inc., Van Nuys from 1994 to 1999 and at Dill Veterinary Hospital from 1993 to 1994. He earned a Doctor of Veterinary Medicine degree from the University of California, Davis.</p>	08/14/2013	06/01/2017	Governor	Professional
<p>Cheryl Waterhouse, DVM – Vice President, Professional Member</p> <p>Dr. Cheryl Waterhouse of Fresno was appointed to the Board in July, 2012. She is a 1981 graduate of Iowa State University School of Veterinary Medicine, and has practiced in Iowa, Kansas, and for the last 23 years, in Fresno, California. She started her own small animal practice in 1995.</p> <p>Dr. Waterhouse is a member of AVMA, AAHA, CVMA, the Southern California Veterinary Medical Association, the Central California Veterinary Medical Association, and the American Veterinary Dental Society.</p>	05/31/2012	06/01/2016	Governor	Professional
<p>Richard Sullivan, DVM – Professional Member</p> <p>Dr. Richard Sullivan of Palos Verdes Estates was</p>	06/01/2014	06/01/2018	Governor	Professional

<p>appointed to the Board in June, 2012, and reappointed in June of 2014. He graduated from Purdue University School of Veterinary Medicine in 1972. After serving two years in the Peace Corps in Mato Grosso, Brazil, he has been practicing small animal medicine and surgery at Bay Cities Pet Hospital in Torrance.</p> <p>He is co-owner of a six-person practice. He was also on the Board of Directors of the South Bay Emergency Pet Clinic, Torrance, CA, for 20 years.</p> <p>Dr. Sullivan has been active in organized veterinary medicine at the local, state and national level.</p>				
<p>Judie Mancuso – Public Member</p> <p>Judie Mancuso of Laguna Beach was appointed to the Board in July, 2010 and reappointed in June 2014.</p> <p>Following a successful 20+ year career in the Information Technology industry, Ms. Mancuso left the corporate world to volunteer full time to improve the care and welfare of animals in California through legislation, animal rescue, advocacy and program development.</p> <p>In 2007, Ms. Mancuso founded Social Compassion, a 501(c)(3) organization formed to raise awareness and funding for free spay and neuter programs for pets of low-income families, and founded Social Compassion in Legislation, a 501(c)(4) organization which was created to sponsor and support legislation that promotes the care and protection of animals.</p> <p>She is the former President of the California Spay and Neuter License Plate Fund, Inc., a 501(c)(3) organization formed to administer the new “Pet Lover’s License Plate” and oversee the distribution of grants generated by the fund for free and low-cost spay and neuter programs statewide.</p>	06/01/2014	06/01/2018	Assembly	Public
<p>Kathy Bowler – Public Member</p> <p>Kathy Bowler of Fair Oaks was appointed to the Board in August, 2014. Ms. Bowler has been a political consultant at the K. Bowler Group since 2009. She was the California director for Gore 2000 in 2000 and executive director of the California Democratic Party from 1995 to 2009. Ms. Bowler was chief executive officer at Statewide Information Systems from 1987 to 1993 and consultant for California State</p>	07/24/2014	06/01/2018	Governor	Public

<p>Senator David Roberti from 1985 to 1987.</p>				
<p>Jennifer Loreda, RVT – Professional Member</p> <p>Jennifer Loreda of Riverside was appointed to the Board in September, 2014. Ms. Loreda has been the supervising Registered Veterinary Technician (RVT) at the Riverside County Department of Animal Services since 2005. She was an RVT at Advanced Critical Care and Internal Medicine from 2004 to 2005 and at the Animal Hospital of Walnut from 2001 to 2004. Ms. Loreda was a patient relations representative at Magan Medical Clinic from 1997 to 2003.</p>	<p>08/28/2014</p>	<p>06/01/2018</p>	<p>Governor</p>	<p>Professional</p>
<p>Jaymie J Noland, DVM – Professional Member</p> <p>Dr. Jaymie J Noland of Los Osos was appointed to the Board in September, 2015. Dr. Noland has been head of the California Polytechnic State University, San Luis Obispo Animal Science Department since 2013, where she has been an animal science professor since 1998. She has been an independent thoroughbred breeder consultant since 2008. Noland was an associate veterinarian at the Oak Park Veterinary Clinic from 1996 to 2000 and at the South County Veterinary Hospital from 1991 to 1996 and was co-owner and operator at Cal-Tex Feed Yard from 1977 to 1988.</p>	<p>9/01/2015</p>	<p>06/01/2019</p>	<p>Governor</p>	<p>Professional</p>
<p>Lee Heller, PhD, JD – Public Member</p> <p>Lee Heller of Summerland was appointed to the Board February, 2016. Dr. Heller is a retired assistant professor (at Mercer University and Hampshire College) and education consultant. She previously served on the boards of the Animal Shelter Assistance Program, and Dog PAC, among others, and is a former Board President of the Environmental Defense Center. She has been active in animal welfare policy and rescue since 1997.</p>	<p>02/24/2016</p>	<p>06/01/2016</p>	<p>Senate</p>	<p>Public</p>

The Board has one ongoing working committee, the Executive Committee consisting of the President and the Vice President, and one statutorily mandated advisory committee, the Multidisciplinary Advisory Committee (MDC). In addition, the Board utilizes working Ad Hoc Committees that consist of two board members each. Examples of some of the Ad Hoc Committees the Board has utilized in the past few years include: Legislative and Sunset Review Committees.

The Board’s MDC was created in 2009 by the Legislature to assist, advise, and make recommendations for the implementation of rules and regulations necessary to ensure proper

administration and enforcement of the Board's laws and regulations and to assist the Board in its examination, licensure, and registration programs. It was also created to address the various practices of the profession and address veterinarian, RVT, and veterinarian assistant issues. The MDC was initially created as a seven member committee, composed of four veterinarians, two RVTs and one public member. In June 2011, the Legislature sunsetted the RVT Committee and added two additional members to the MDC, one veterinarian member of the Board, and the RVT member of the Board, who are both voting members of the MDC. Today, the composition of the MDC is nine members: five licensed veterinarians, three registered veterinary technicians, and one public member. The MDC has made recommendations to the Board regarding RVT school approvals, the RVT Student Exemption, and other major policy decisions such as telemedicine. Currently, the MDC is working on resolving issues with related to shelter medicine, advance practice by RVTs, and animal rehabilitation.

Fiscal, Fund, and Fee Analysis

The Board is a special fund agency with revenue primarily generated from the licensing of veterinarians and registration of RVTs and veterinary premises, and their corresponding biennial and annual renewal fees.

With the new Veterinary Assistant Controlled Substances Permit (VACSP) program launching in FY 2015/2016, the Board anticipates an additional \$680,000 in revenue in FYs 2015/2016 and 2016/2017, bringing total revenue anticipated for FY 2015/16 to \$7,732,000 and \$7,377,000 in FY 2016/2017. However, if implementation of the Program is not realized during FY 2015/2016 due to regulatory approvals being delayed, the Board's anticipated revenue is decreased to \$7,050,000 in FY 2015/2016 and \$6,010,000 in FY 2016/2017. The total expenditures anticipated for the Board for FY 2015/16 is \$4,686,000 and for FY 2016/2017 is \$4,520,000. The Board anticipates it will have approximately 8.0 months in reserve for FY 2016/17 with projected VACSP revenue. Without the projected revenue, the Board's reserve may drop to 4.1 months. It is prudent for boards to have from three to six months in reserve for unintended expenditures.

According to the Board, enforcement expenditures accounted for 56 percent of expenditures, licensing expenditures account for 15 percent of the Board's budget, and administration represents 17 percent of expenditures for FY 2014/15.

Through its divisions, DCA provides centralized administrative services to all boards, committees, commissions, and bureaus, which are funded through a pro rata calculation that appears to be based on the number of authorized staff positions for an entity rather than actual number of employees. DCA Pro Rata accounted for 12 percent of expenditures in FY 2014/15.

Staffing Levels

Currently, the Board is authorized 23.2 positions, with eight positions identified as two-year limited term positions. The Board had a history of being short staffed, especially between 2007 and 2014 with less than 12 authorized positions. The Board was successful in securing a fee increase in 2012 which generated an additional \$455,000 in new revenue starting in FY 2013-14 and on-going to support increasing the Board's staff size though BCP requests.

The Board has endured major transition the past two years. In late 2013, the former Executive Officer of the Board retired after more than twenty-years with the Board. Shortly thereafter,

75 percent of the existing staff moved on to other opportunities in the state. In July 2014, the Board was appropriated 11 new staff which nearly doubled its staff size and provided opportunities to address an enforcement backlog, promulgating regulations, bolstering its hospital inspection program as well as planning for the transition to the BreEZe program. The Governor's 2016/17 budget includes a budget change proposal (BCP) for the Board to allow it to transition a number of authorized positions from limited term to permanent which will result in dedicated staff to administer and enforce the VACSP program.

The Board was successful in securing a fee increase in 2012, which generated an additional \$455,000 in new revenue starting in FY 2013/14 and on-going to support increasing the Board's staff size. Currently, the initial veterinary license fee for a veterinarian is \$290 and the biennial license fee is \$290. The initial registration fee for an RVT is \$140 and the biennial registration fee is \$140. The initial registration fee for a veterinary premise is \$200 and the annual registration fee is \$200. The Board's license and registration fees are 40% to 60% of the statutory limit allowed by law. The Board does not anticipate increasing fees since legislation in 2010 increased the statutory maximums allowed, and the Board increased its fees via regulation in 2012.

Licensing

The Board licenses 12,086 Veterinarians and 6,424 RVTs. The licensee population has increased steadily over the past five years. The Board also requires registration of all premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof, is being practiced. The Board currently registers 3,636 veterinary premises.

The requirements for licensure as a veterinarian generally includes graduation from a degree program of an accredited postsecondary institution or institutions approved by the Board and passing a national veterinarian examination and an examination provided by the Board to test the knowledge of the laws and regulations related to the practice of veterinary medicine in California. If a veterinary college is not recognized by the Board, the Board has 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 requirements for licensure as a RVT is to be at least 18 years of age and graduation from, at a 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 of Private Postsecondary Education. The Board may also consider a combination of education and clinical experience of the RVT as equivalent of the graduation requirement. The RVT must pass a national examination and another state examination provided by the Board.

Veterinary assistants, under the supervision of a veterinarian, and an RVT, are not required to meet any specific requirements for education or examination. RVTs and veterinary assistants may perform those animal health care services and tasks as prescribed by law or regulation under the supervision of a veterinarian. However, RVTs may perform animal health care services on impounded animals pursuant to direct, written, or telephonic order of a veterinarian and may directly purchase sodium pentobarbital for performance of euthanasia without the supervision or authorization of a veterinarian.

Historically, veterinary assistants who obtained or administered controlled substances under the supervision of a licensed veterinarian were not required to hold a license or permit with the Board. However, SB 304, effective July 1, 2015, requires a veterinary assistant who obtains or administers a controlled substance pursuant to the order, control, and professional responsibility of a licensed veterinarian to hold a permit as issued by Board. The new VACSP program will require every applicant to be fingerprinted through the Department of Justice (DOJ) and will enable the Board to determine whether an individual seeking a permit has a history of controlled substance offenses that may prevent the individual from being granted the authority to hold the VACSP permit.

The Board requires both primary source documentation of training and education and certification verification of documents to prevent falsification of licensing documents. To ensure authenticity, all documents verifying an applicant's training, examination status, out-of-state licensure, and disciplinary actions must be sent directly to the Board from the respective agency rather than from the applicant. As part of the licensing process, all applicants are required to submit fingerprint cards or utilize the "Live Scan" electronic fingerprinting process in order to obtain prior criminal history and criminal record clearance from DOJ and FBI. Licenses are not issued until clearance is obtained from both DOJ and FBI background checks. Additionally, since applicants are fingerprinted, the Board is able to obtain any subsequent criminal conviction information that may occur while the individual is licensed. The Board also queries the American Association of Veterinary State Board's national disciplinary database – the Veterinary Information Verifying Agency – to determine if prior disciplinary actions have been taken against licensees in other states.

The Board states in its veterinary, RVT, and premises permit eligibility application instructions that the application will take up to eight weeks to review. Applications that are received in completed form are being processed within the Board's prescribed review timeline. The average review time of a complete application is 30 days or less. With the augmentation in staffing in FY 2014/2015, the Board states that it is able to meet and is in fact exceeding its licensing goals in terms of processing applications and renewals.

Enforcement

The Board has historically struggled to meet its enforcement mandates. Under the DCA Consumer Protection Enforcement Initiative (CPEI), aimed at overhauling the enforcement process of healing arts boards and reduce timeframes for cases, the Board requested 7.1 first year and 8.1 ongoing staff positions but received approval for only 1.0 special non-sworn investigator position, which was further reduced in later budget years, resulting in the Board not being provided sufficient staffing to enhance its enforcement program and meet goals. Due to the number of years the Board was severely understaffed, processing times for enforcement cases, especially in the area of formal discipline exceeded three years. While the Board is still working through older cases in an effort to bring dated cases to resolution, significant strides have been made to reduce the overall processing timelines – specifically in complaint intake and investigations. The Board is now meeting its target performance measures in these two areas. However, the Board still struggles with meeting its target of 540 days in formal discipline which is discussed further in Issue #11.

The Board contracts with Maximus Inc. to provide licensees with access to its Diversion Program. The purpose of such a program is to identify and rehabilitate licensed veterinary professionals whose competency is impaired due to the abuse of drugs and/or alcohol. There are currently six licensees enrolled in the Diversion Program. Typically, the length of the program for a licensee seeking

treatment is anywhere from three to five years, and the cost to the licensee is \$2,000 for the entire length of the program. The cost to the Board for each licensee enrolled is currently \$338.15 per month. Over the course of the program, the Board may incur costs of \$10,000 to \$20,000 per licensee. Annually, the Board enters into a contract with Maximus Inc. for \$24,400 to cover its costs for its program participants.

PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS

The Board was last reviewed by the Senate Committee on Business, Professions and Economic Development and Assembly Committee on Business, Professions and Consumer Protection [now Assembly Business and Profession] (Committees) in 2012-13. At that time, both committees identified 12 issues for discussion. The Board's sunset date was only extended for two years because of serious concerns raised by the Committees during its review. However, it was determined that the Board would only have to submit a report to the Committees that addressed only the most significant issues for the Board to discuss. On December 1, 2015, the Board submitted its required Supplemental Sunset Review Report to the Committees.

Below are prior issues raised by the Committees in the Background Paper of 2013, the Committees' recommendations, and the Board's responses to how the issues or recommendations were addressed by the Board. (The prior "Veterinary Medical Board's Background Paper of 2013", which details these issues and the staff Recommendations regarding the Board, can be obtained from this Committee or found on its website.)

- **Consumer Outreach Efforts Have Improved**

The Committees raised concerns about lack of public information and lack of knowledge about the public's impression of dealing with the Board. The Board now plans to include provisions in its Minimum Standards to require signage in veterinary premises notifying consumers of Board contact information in the case that they wish to file a complaint regarding a veterinarian, RVT, or veterinarian assistant. The Board also created a new web-based consumer satisfaction survey that accepts complaints and also allows users to provide information about experiences based on interaction with the Board. The Board also revamped its website and added social media to improve access to pertinent information regarding practice issues, enforcement matters, and new mandates. In addition, the Board now posts all disciplinary documents and citation information on the website. The Board also provided outreach to local groups regarding minimum standards for veterinary hospitals and expectations for compliant medical records.

- **Staffing Levels Are Stabilizing and Funding For Staff Is Available**

In response to concerns about the Board's significantly inadequate staffing and the impacts to the Board's productivity, the Board is now staffed at a more appropriate level and has secured funding for ongoing maintenance of staff levels. Since the prior review, the Board increased staff from 12.2 to 23.5, created two managers positions to lead licensing/administration and enforcement efforts and hired an additional 13 inspectors. The Board also developed a report outlining plans for succession of staff when vacancies occur and created desk manuals for Board staff. As a result of increases in staff, the Board has been more responsive to Legislative concerns about its programs and is now able to resolve issues raised by the Legislature in a more timely manner than the troubling rate highlighted to prior reviews of the Board.

- **Enforcement Strides Have Been Made**

While the Board still faces some challenges in processing time for its enforcement cases, it has made improvements to its enforcement program since the prior review. Timelines for processing complaint intake and desk investigations have improved. The Board updated its citation and fine regulations and Disciplinary Guidelines. The Board's expert witness pool was expanded, training was provided to witnesses in both Northern and Southern California and the Board created a new manual for these important individuals. The Board also hired a dedicated probation monitor to closely monitor compliance issues. Specific to CPEI, the Committees were concerned that disciplinary cases were taking three years or more on average to complete. The Board believes that it has made progress by increasing staffing and is addressing the backlog of complaints identified in the prior review. The Board is now meeting its 10 day performance measure target for complaint intake.

- **Licensing and Examination Improvements Have Been Made**

The Board implemented a new RVT state exam since the prior review and updated the criteria necessary for Board approval of a RVT school. The Board also transitioned to the National Veterinary Technician Examination. In response to a recommendation from the Committees that veterinary assistants obtain a permit from the Board so they may be allowed to access controlled substances under a veterinarian's supervision, the Board is in the process of implementing the VACSP described above. The Board is now part of the Department's BreZE online application and licensing portal allowing applicants and licensees to access most Board applications online.

- **Veterinary Premises Are Inspected More Regularly**

The Committees were concerned about its inspection program, lack of inspections and lack of staff to increase the number of inspections of veterinary premises it was able to manage. The Board reports that it has bolstered its inspection program and has already reached the requirement to inspect 20 percent of premises for FY 2015/16. The Board received a budget augmentation in order to hire additional staff and support current Hospital Inspector staff throughout the state. Staff members attend an extensive inspection training workshop and the Board appears able to continue to meet the important requirement for inspections.

- **The Board's Strategic Plan Is Current**

Throughout 2015, the Board held strategic planning and action planning sessions with Board members, key staff, and interested stakeholders, resulting in an updated Strategic Plan that was adopted and published in May 2015. The Board also updated its Administrative Procedures Manual. The 2015 VMB Strategic Plan was adopted and published in May 2015.

CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to the Board, or areas of concern for the Committees to consider, along with background information concerning the particular issue. Also included are recommendations made by Committee staff regarding particular issues or problem areas that need to be addressed. The Board and other interested parties, including the professions, have been provided with this Background Paper and can respond to the issues presented and the recommendations of staff.

BOARD ADMINISTRATION ISSUES

ISSUE #1: (BREEZE.) Board staff is significantly impacted by BreEZe implementation and the potential costs to the Board are still uncertain.

Background: The DCA has been working since 2009 on replacing multiple antiquated standalone information technology (IT) systems with one fully integrated system. In September 2011, the DCA awarded Accenture LLC (Accenture) with a contract to develop a new customized IT system, which it calls BreEZe. According to the DCA, BreEZe is intended to provide applicant tracking, licensing, renewals, enforcement, monitoring, cashiering, and data management capabilities. In addition, BreEZe is web-enabled and designed to allow licensees to complete and submit applications, renewals, and the necessary fees through the internet. The public also will be able to file complaints, access complaint status, and check licensee information if and when the program is fully operational.

The project plan called for BreEZe to be implemented in three releases. The Board is part of the Release 2 (R2) plan for BreEZe rollout which went live on January 19, 2016. Board staff has provided regular updates on the project to the Board and has explained that the system consists of two main components, Versa Regulation and Versa Online. Versa Regulation is the back-office component of the BreEZe database system and is utilized for internal processes that guide an initial application through licensure. Versa Online is the front facing component of the BreEZe database system and is used by external customers for online payments and activities such as submitting a complaint, checking the status of a complaint, applying for examination eligibility, applying for licensure, renewing a license, updating an address of record, etc.

According to information presented to the Board, the process of transitioning to BreEZe has required a substantial staff commitment, with up to 30 to 40 percent of Board staff working full-time on BreEZe programming tasks, including system configuration and testing. As of November 2015, Board staff continued to be heavily impacted by BreEZe activities and was working on various components of the rollout leading up to Release 2 of the BreEZe system. Preparation activities included validating legacy systems data to ensure that all legacy data will be accurately converted to the BreEZe system, continued review of the Board's system design Profile Reports, and user acceptance testing. User acceptance testing started September 23, 2015 and lasted approximately 8-10 weeks. Staff members were asked to commit a significant amount of time to assist in testing the functionality of the BreEZe system during this testing period. Board staff additionally participated in training for all staff, in addition to continued Organizational Change Management efforts to ensure staff is prepared to adjust processes for the new system. Board staff has worked on various outreach components of BreEZe including updating Board forms and the Board website as well as interfacing with various interested parties, professional organizations, and schools.

The Board reports that BreEZe has had fiscal impacts on the Board's budget. The Board has paid \$270,608 in BreEZe related costs from FY 2009/10 to FY 2014/15. According to an analysis of the Board's 2016/17 fund, total projected BreEZe expenditures for the Board will be \$809,248 by FY 2016/17. The current project budget augmentation authorized for the Board under the most recent special project report for BreEZe is \$786,896.

Staff Recommendation: *The Board should report to the Committees on the status of the transition to BreEZe. Does the Board expect to have any maintenance needs? Has staff been able to resume*

normal duties now that R2 is live? It would be helpful to understand how BreEZe related costs will continue to impact the Board's budget.

ISSUE #2: (RVT ISSUES.) RVT issues appear to still be persisting.

Background: According to representatives of the RVT profession, there have been several RVT issues that either the MDC or the Board have not addressed or have delayed action in resolving. During the prior sunset review, the Committees were concerned the Board had no direct input during MDC meetings and had not given the MDC clear directives to address RVT issues. The Committee also acknowledged that the Board had allowed RVT matters to be splintered between different subcommittees. While the Board did make improvements by removing RVT issues from subcommittees and handling them more directly through appointments to the MDC, concern remains, that RVT issues are not being prioritized by the Board.

In 1975, the profession of Animal Health Technician (AHT) was created by the Legislature in response to the desire by the veterinary profession to have a well-trained and reliable work force. The AHT Examining Committee (AHTEC) was created as an independent committee with a separate budget to assist the Board with issues related to the new profession. In 1994, the title “Animal Health Technician” was changed to Registered Veterinary Technician, and AHTEC was renamed the RVTEC. In 1998, the original independent RVTEC was allowed to sunset, and a new committee of the Board, the Registered Veterinary Technician Committee (RVTC), was created. The Legislature gave the new RVTC the statutory authority to advise the Board on issues pertaining to the practice of RVTs, assist the Board with RVT examinations, CE, and approval of RVT schools. The Legislature also specifically stated in the law its intent that the Board give specific consideration to the recommendations of the RVTC. In 2004, the Joint Legislative Sunset Review Committee was concerned that the RVTC had no independent authority over issues within its jurisdiction like examinations, eligibility categories and establishing criteria for and approval of RVT school programs. In 2006, the duties of the RVTC were expanded to include assisting the Board in developing regulations to define procedures for citations and fines. In 2010, the Legislature added an RVT to the Board for the first time, increasing the Board composition to a total of eight members: four veterinarians, one RVT and three public members. At the same time the RVTC was allowed to sunset upon appointment of this RVT. The newly created MDC was made up of four veterinarians, two RVTs, and one public member.

Today, the MDC includes one veterinarian member of the Board and the RVT member of the Board, both of whom are voting members of the MDC. There are no longer RVT or MDC subcommittees addressing RVT matters, as RVT professional issues are delegated to the MDC by the Board. It appeared that both veterinarians and RVTs believed this structure would allow for issues regarding the RVT profession to be adequately addressed. Current concerns indicate, however, that this may not be the case. RVTs may not be able to provide important input about regulations to define the parameters for a student exemption allowing them to perform restricted RVT job tasks. Additionally, a regulation to clarify the Board's authority over RVT schools took two and half years to go to public hearing after approval by the Board. The Board also was significantly delayed in transition from using the state RVT examination to using a national RVT exam.

While the Board has historically cited limited staffing as the rationale for past unresponsiveness to RVT issues, some of those within the RVT profession believe that the lack of responsiveness has persisted past the 2010 change in MDC structure. Some RVTs have cited the supervisory relationship

between veterinarians and RVTs as a barrier to success in the current structure. The power dynamic naturally creates an imbalance in the issues that are addressed by the Board and MDC. Additionally, with over 6,000 licensed RVTs in California, many believe that issues of the profession require more significant and consistent attention.

Staff Recommendation: *RVTs represent an important part of animal care services whose issues are significant and warrant consistent attention. If the Committees believe that RVT issues are not be adequately addressed then consideration should be given to recreating the RVTC with a legislative mandate to advise the VMB on issues pertaining to the practice of veterinary technicians and assist the VMB with RVT examinations, continuing education, and approval of RVT schools. The MDC should continue considering issues referred by the Board with its current structure. To provide necessary context and continuity, the RVT member who sits on the Board and MDC should also serve as a voting member of the RVTC.*

LICENSING AND EXAMINATION ISSUES

ISSUE #3: (RVT LAW EXAM COSTS.) Should the California RVT Law Examination be converted to a mail out examination?

Background: For a profession in which the cost of education can be upwards of \$40,000 and the starting wage is roughly \$12 to \$17 per hour, the cost of licensure can be a barrier to potential RVT candidates. In March of 2014, the Board transitioned from use of its own RVT examination to utilizing the national RVT examination (VTNE). The national RVT examination does not test candidates on their knowledge of California-specific veterinary practice; therefore, RVT candidates are required to take an additional California-specific practice examination. This examination predominately serves as a jurisprudence examination for RVT. Business and Professions Code Section 4841.1 (c) requires the Board to administer an examination specific to the animal health care tasks limited to California RVTs. This transition from a single examination to two separate examinations brought about a total examination cost increase from \$300 to \$600 for RVT candidates. Concern has been raised that the higher cost for RVT candidates is burdensome, unjustified, and inconsistent with requirements for veterinary candidates.

The California law examination for veterinary candidates is administered in a mail out format. However, in practice, only out of state veterinary candidates are required to take the mail out law examination. Veterinary students at UC Davis and Western University are exempt from the law examination because they complete a Board approved course on veterinary law and ethics that covers the Medicine Practice Act.

It is inconsistent and arbitrary to impose a more stringent standard at a higher cost on RVTs than what is required for the veterinarians who will be supervising them.

Staff Recommendation: *No recommendation at this time.*

ISSUE #4: (University Licensure.) Should the Board license veterinarians employed by veterinary medical schools?

Background: Existing law, BPC Section 4830(a)(4) allows for an exemption to licensure for veterinarians working at both veterinary medical schools in California, UC Davis and Western University.

States that have veterinary schools typically have exemptions or some form of university licensure to accommodate the schools' hiring needs. Veterinary schools hire veterinarians from all over the world who sometimes come into a state for a limited period of time, and who do not practice outside the confines of the university. However, problems can arise when the university veterinary hospital is providing services to the general public and the consumer does not have recourse through a licensing board for standard of care issues.

The Board receives calls periodically from consumers whom are unhappy with the services at a university teaching hospital and request the Board to intervene. Since veterinarians working at the universities are exempt from licensure, the Board states that it has no authority to pursue disciplinary action and must advise the consumer to seek recourse through the university's complaint mediation process. The exemption presents consumer protection issue, and the Board believes that all veterinarians providing treatment to the public's animals should be licensed and regulated. Faculty recruited for clinical positions within the university typically specialize in certain species and conditions, are experts in their field of study, and have undergone intensive specialty testing that exceeds the examinations required for entry-level licensure. In fact, for employment in clinical faculty positions, the university requires specialty training or other advanced clinical training. Some faculty may have graduated from foreign veterinary schools that are recognized but not accredited by the American Veterinary Medical Association. As reported by UC Davis and Western University, requiring full licensure would negatively impact the universities' ability to attract and recruit the best qualified veterinarians.

During the past two years, the MDC has debated the issue of requiring veterinarians working in a university setting to obtain a University License and therefore, no longer be exempt from Board oversight. As part of the MDC's research, former legal counsel reviewed the pertinent statutes, BPC section 4830 (a)(4), and concluded that the existing exemption for veterinarians employed by the universities would need to be amended to either to strike the language in section 4830 (a)(4) and thus require a license for university personnel or include language in 4830 (a)(4) that would qualify when a "University License" must be issued in order for a veterinarian employed by a university to provide veterinary services to the public's animals.

The MDC voted to recommend to the Board that a separate University License be issued to veterinarians who are employed by and who engage in the practice of veterinary medicine in the performance of their duties for the university. Both UC Davis and Western University are supportive of requiring a University License for veterinarians practicing within the university setting as it will provide consumer recourse through the Board and the Board may assist the university in handling enforcement matters involving university employees.

The Board voted to approve the request for a statutory change at its October 2015 meeting and is requesting assistance from the Legislature to amend Section BPC Section 4830 and add new BPC 4848.1.

The change would require an implementation date set out at least 6 months from the effective date to enable university personnel to comply with the proposed examination requirements (California jurisprudence exam) and educational course on regionally specific diseases and conditions.

Staff Recommendation: *The exemption for university-employed veterinarians presents a consumer protection issue. The Committees should amend the Business and Professions Code to require the Board to separately license veterinarians practicing within the university setting.*

Add New BPC 4848.1 – University License Status

(a) Veterinarians engaged in the practice of veterinary medicine as defined in Section 4826, employed by the University of California while engaged in the performance of duties in connection with the School of Veterinary Medicine or employed by the Western University of Health Sciences while engaged in the performance of duties in connection with the College of Veterinary Medicine shall be licensed in California or shall hold a University License issued by the Board.

(b) An applicant is eligible to hold 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) Passes an examination concerning the statutes and regulations of the Veterinary Medicine Practice Act, administered by the board, pursuant to Section 4848, subdivision (a) paragraph (2) subparagraph (C); and
(3) Successfully completes the approved educational curriculum described in Section 4848 subdivision (b) paragraph 5 on regionally specific and important diseases and conditions.

(c) A University License:
(1) Shall be numbered as described in Section 4847;
(2) Shall cease to be valid upon termination of employment by the University of California or by the Western University of Health Sciences;
(3) Is subject to the license renewal provisions pursuant to Section 4846.4; and
(4) Is subject to denial, revocation, or suspension pursuant to Sections 4875 and 4883.

(d) Individuals who hold a University License are exempt from satisfying the license renewal requirements of Section 4846.5.

Strike BPC 4830(a)(4) – Practice Provisions Exception

~~(4) Veterinarians employed by the University of California while engaged in the performance of duties in connection with the College of Agriculture, the Agricultural Experiment Station, the School of Veterinary Medicine, or the agricultural extension work of the university or employed by the Western University of Health Sciences while engaged in the performance of duties in connection with the College of Veterinary Medicine or the agricultural extension work of the university.~~

ISSUE #5: (DELINQUENT REGISTRATION STATUS.) Should the premises registration be cancelled after 5 years if they are in a delinquent status?

Background: Currently there is no provision for the premises registration to cancel after five years, as would be consistent with other license types regulated by the Board. Instead hospital premises

registrations are left in a delinquent status indefinitely and remain on the Board's records. The records are accessible on the Board's website under the "License Verification" feature. It is confusing for consumers who use the website to find registered veterinary premises and retrieve data on hospitals that have been in a delinquent status for more than five years. Many of these hospitals are no longer operating veterinary premises, yet there is not mechanism by which the Board may cancel the premises registration. In addition, the retention of electronic records for delinquent premises registrations is a resource issue for the Board as there is a "per record" cost for maintaining the data.

Staff Recommendation: *The Committees may wish to consider adding language that would allow the Board to cancel the premises registration of veterinary premises that have remained in delinquent status for more than five years.*

VETERINARY PRACTICE ISSUES

ISSUE #6: (COMPOUNDING OF DRUGS.) Should veterinarians be granted authority to compound drugs for animal patients?

Background: During hospital inspections, Board inspectors routinely encounter bulk form drugs used for compounding medications stored at veterinary hospitals. If the drugs are not properly stored, labeled, or are expired, the inspector will advise the Licensing Manager of the compliance issue. However, there are no specific provisions in the Practice Act to provide oversight of a veterinarian compounding drugs for use in day-to-day veterinary practices and for dispensing to clients. Instead, the Board has looked to laws and regulations governing pharmacies (BPC Sections 4051, 4052, and 4127 & Title 16 CCR Sections 1735-1735.8 and 1751 et. seq.) since veterinarians are authorized prescribers under BPC Section 4170. Pharmacy regulations not only include specific requirements for pharmacies that compound and dispense medications, but also define the "reasonable quantity" of a compounded medication that may be furnished to a prescriber (in this case, veterinarian) by the pharmacy to administer to the prescriber's patients within their facility, or to dispense to their patient/client. It should be noted that the Board of Pharmacy is currently pursuing a regulatory amendment to its Compounding Drug Preparation regulations that includes amendments to the "reasonable quantity" definition of compounded drugs that may be supplied to veterinarians for the purposes of dispensing. In addition to pharmacy provisions, federal law provides for *Extralabel Drug Use in Animals*, CFR Title 21 Part 530.13, which authorizes veterinarians to compound medications in following situations:

- There is no approved animal or human drug available that is labeled for, and in a concentration or form appropriate for, treating the condition diagnosed.
- The compounding is performed by a licensed veterinarian within the scope of a professional practice.
- Adequate measures are followed to ensure the safety and effectiveness of the compounded product.
- The quantity of compounding is commensurate with the established need of the identified patient.

The Board has been actively engaged in discussions regarding the regulation of veterinarians compounding drugs since October 2014 when the US Government Accountability Office contacted the

Board to obtain information on California's regulation of animal drug compounding. At that time, the federal Food and Drug Administration (FDA) was considering changes to its guidance on Compounding Animal Drugs from Bulk Drug Substances. Ultimately, the FDA released Draft Guidance #230 in May 2015, which was intended to provide parameters for compounding animal drugs.

At its October 20, 2014 meeting, the MDC reviewed the issue of drug compounding by veterinarians for their animal patients. The issue, as raised by Board legal counsel, was that there is no explicit grant of authority in the Practice Act authorizing licensed veterinarians to compound drugs pursuant to federal law. Board counsel advised that provisions for veterinarians to compound drugs for animal patients would need to be added to the veterinary medicine scope of practice. The MDC examined the lack of statutory guidance for veterinarians and ultimately recommended that the Board consider a legislative proposal to grant veterinarians the authority to compound drugs for their animal patients under the existing limitations of CFR Title 21 Part 530.13.

Staff Recommendation: *The Board should continue its work with the Pharmacy Board and legal counsel to develop language to be added to the Veterinary Medicine Practice Act granting limited state authority for veterinarians to compound drugs.*

ISSUE #7: (ANIMAL REHABILITATION.) Should the Board continue to pursue regulations to more clearly define and describe the scope of animal rehabilitation, the level of veterinary supervision, and what minimum education and training requirements may be necessary?

Background: For the past four years, the Board, with the help of the MDC, has examined the issue of persons involved in rehabilitative services for animals. The impetus for the research, and an eventual regulatory solution, was the number of concerns the Board received regarding unlicensed persons diagnosing and treating animals under the guise of "animal rehabilitation". The Board became increasingly concerned about the welfare of the animals being treated by unlicensed personnel, and ultimately learned through oral testimony at its public meetings, that animal harm has occurred.

Thirty-five states define Animal Physical Therapy, also known as "Animal Rehabilitation" (AR), as the practice of veterinary medicine. A few states such as Colorado, Nevada, and Utah include some authority to provide AR under the scope or practice of physical therapists who work under the authorization or supervision of a licensed veterinarian. State provisions vary in terms of the level of veterinary oversight required in order for physical therapists, registered veterinary assistants, or other support personnel to provide AR services. At least four states require direct or immediate supervision, while others allow a less restrictive oversight role by a veterinarian.

The Board has included the issue of AR at a number of its meetings throughout 2012-2013 and the discussion has generated a great deal of interest from the public who attended the Board meetings to express their support or concern regarding the Board's role in regulating AR services. In June 2015, the Board filed its regulatory proposal for AR, and a public hearing was held September 10, 2015. The Board received several hundred comments, thousands of signed petitions, and heard testimony from over 60 interested parties. The testimony at that hearing included similar opposition as was raised in public meetings in 2012/2013 and highlighted the following sentiments:

- Complementary therapy, such as massage, should not be defined as AR.

- Supervision parameters are overly restrictive.
- The lack of specific training in AR for all providers poses a consumer protection problem.
- The definition of AR in the Board's proposal is too broad.

The following reflects some of the more recent concerns and feedback from interested parties in response to the Board's regulatory proposal:

- This is an attempt by the Board to restrict business competition.
- AR should be regulated to protect animal patients from incompetent providers.
- Specifically state that Musculoskeletal Manipulation (chiropractic treatment) 16 C.C.R. Section 2038 is not being modified by the regulatory proposal.
- Since animals are deemed property, the consumer should have a right to choose complementary services for their animals.
- Significant negative impact to jobs and businesses would result if the regulations were to take effect.
- The supervision requirement is far too restrictive; there should be a change from the direct supervision requirement to indirect supervision.
- The level of supervision should be determined by the referring veterinarian.
- Massage should be removed from the definition of AR.
- Exercise for the prevention of disease is not medicine and should be excluded.
- Horse trainers are not licensed and yet provide most of the exercise therapy for race horses.
- There are not enough veterinarians to oversee AR services and thus the regulations present a barrier to access for the consumer.
- The regulations will drive up consumer costs for AR.

Although this issue has been considered by the Board for some time, several more recent policy and legal issues have been raised. Initially, the Board must consider the definition of the practice of veterinary medicine and whether the practice of veterinary medicine pursuant to BPC Section 4825 authorizes the Board to adopt regulations that would allow other practitioners who are not licensed by the Board to engage in aspects of veterinary medicine. If the modalities or interventions included in the regulatory proposal do not constitute the practice of veterinary medicine, it is questionable whether the Board can adopt regulations to govern areas outside its scope of practice.

In either case, concerns have been raised that the Board is attempting to limit business competition and protect the profession's financial interests, not to further its consumer protection mandate. The Board is confident that the impetus and rationale for pursuing a regulatory proposal regarding AR is purely motivated by the concerns raised before the Board regarding animal welfare and not a form of protectionism. That being said, the Board is mindful of the public perception and is taking another look at how the regulatory proposal may be modified to address the public's concerns.

At its October 20, 2015 meeting, the Board voted to withdraw its regulatory action on AR from the OAL and delegate to the MDC the task of revising the proposed regulation in light of the numerous challenges raised by interested parties. The Board provided specific direction to the MDC to formulate language that would: define that AR is the practice of veterinary medicine, describe the practice of AR and eliminate the laundry list of modalities, address whether minimal education or training requirements should be specified, explore the option of an indirect supervision parameter, and include the requirement that the settings where AR is performed is subject to holding a premises registration with the oversight of a Licensee Manager (BPC Section 4853).

At the January 2016 meeting, after a lengthy discussion, the MDC decided to table consideration of the animal rehabilitation issue pending a recommendation from the legislature through the sunset process.

Staff Recommendation: *The Board should create a task force comprised of stakeholders including veterinarians, RVTs, animal rehabilitation and related animal industry professionals, consumers, and representatives from the legislature to further examine the issue and present a recommendation to the Board by January 1, 2017.*

ISSUE #8: (ANIMAL INJURIES AT RODEO EVENTS.) Should there be better oversight and more immediate treatment of injured animals by veterinarians and possibly RVT's at rodeo events?

Background: The welfare of animals in rodeo events has been a topic of discussion for the industry, the public, and the law for decades. The American Humane Association (AHA) has worked with the rodeo industry, specifically the Professional Rodeo Cowboys Association (PRCA) to establish rules improving animal welfare in rodeo events and the treatment of rodeo animals. The PRCA has adopted what it considers as 60 humane rules for the protection of rodeo animals for all PRCA-sanctioned events. One of the rules requires that a veterinarian be present for every performance. There are approximately about 90 sanctioned rodeos in California per year and many more amateur events some of which are considered as "backyard events" with little if any oversight. (It has been indicated that there may be as many as 800 of these rodeo events per year.) The PRCA acknowledges that they only sanction about 30 percent of all rodeos, while another 50 percent are sanctioned by other organizations and 20 percent are completely unsanctioned.

The types of injuries that can occur to rodeo animals include the following:

- Traumatic leg injuries
- Back injuries
- Spinal cord injuries

- Neck injuries
- Internal injuries
- Trachea injuries
- Sprained and torn ligaments
- Broken horns and spurring injuries

Although the injuries suffered by animals in rodeo events can be severe, past studies by both the PRCA and American Veterinary Medical Association (AVMA) have indicated that the rate of animal injury is less than one percent for sanctioned events which require a veterinarian present at the day(s) of the event. (There appear to be no more recent independent studies on animal injuries at rodeos than the survey conducted by the AVMA of 21 PRCA sanctioned rodeos in 2001.)

Veterinarians who have had extensive experience with rodeo events, and may now serve as the veterinarian on-site, have indicated that having a veterinarian present at the rodeo event helps in preparing the rodeos for the best outcome possible for the health and welfare of the animals. There are meetings with rodeo management and officials both before the event and immediately after the event to evaluate, assess, discuss and, if needed, change any practice for animal handling or health procedures at the rodeo. This also provides an opportunity to help prevent further injuries and evaluate the level of care to the animals and revise procedures as necessary. As one veterinarian, Chairman of the PRCA Animal Welfare Committee, has stated, veterinarians themselves agree that the mere fact that they are the caregiver to animals, lends them more credibility. This individual went on to indicate that as veterinarians they are expected to know more on these issues and are able to work more closely with rodeo committees and the rodeo community as a whole to provide for the care of these animals. Of greater importance is that veterinarians are able to identify possible disease outbreaks. For example, the veterinarians on-site were able to deal with outbreak of equine herpesvirus (EH-1) in 2012, and also bovine tuberculosis regarding Mexico-origin cattle. Rodeos (at least sanctioned rodeos) rely on veterinarians when such as outbreak occurs and they are really the professionals that can work closely with government officials and others to assure there is not a widespread outbreak of a disease.

In response to the concerns of potential animal injuries at rodeo events and the availability of a veterinarian, California law (Penal Code § 596.7) requires that the management of any professionally sanctioned or amateur rodeo that intends to perform in any city or county shall ensure that there is a licensed veterinarian present at all times during the performances of a rodeo, or that a licensed veterinarian is “on-call” and able to arrive at the rodeo within one hour after a determination has been made that there is an injury which requires treatment to be provided by a veterinarian. PC § 596.7 also requires that any animal that is injured during the course of, or as a result of, any rodeo event shall receive immediate examination and appropriate treatment by the attending veterinarian or shall begin receiving examination and appropriate treatment by a licensed veterinarian within one hour of the determination of the injury requiring veterinary treatment. The attending veterinarian must also submit a brief written listing of any animal injury requiring veterinary treatment to the Veterinary Medical Board within 48 hours of the conclusion of the rodeo. Business and Professions Code § 4830.8 also restates this requirement to report an animal injury and further states that the attending veterinarian shall also 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.

Animal welfare groups have continued to voice concerns about animal injuries that may be occurring at rodeo events. They argue that many animals are injured and even killed in rodeos and that because they are only able to observe a very small percentage of rodeos each year, that only a very small percentage of injuries or deaths are documented. In some instances they believe that rodeos frequently try to cover up animal injuries and even deaths. Some groups have even attempted or captured video footage documenting animals injured at an event. Of most concern is that unsanctioned rodeos which do not require veterinarians on-site may have higher abuse and injury rates. Likewise, anecdotal reports suggest that events held in small venues with little public notice, some of which are considered as private “backyard” events, may have some of the highest injuries. It is argued that even though California now requires reporting of animal injuries by veterinarians to the Board, this is not an adequate reflection of the amount of injuries that actually occur. They believe there is underreporting or no reporting at all for many of the rodeo events held in California and that rodeos are not forthcoming about the animals injured in an event so as to avoid any problem with animal authorities. For example, based on the chart below, since 2002 when reporting became required, there have been only 43 injury reports up to June, 2015 and in some years there were zero.

STATISTICS FOR RODEO INJURY REPORTS

Fiscal Year	Rodeo Injury Report
7/1/2014 - 6/30/2015	5
7/1/2014 - 6/30/2015	1
7/1/2013 - 6/30/2014	3
7/1/2012 - 6/30/2013	6
7/1/2011 - 6/30/2012	4
7/1/2010 - 6/30/2011	4
7/1/2009 - 6/30/2010	2
7/1/2008 - 6/30/2009	0
7/1/2007 - 6/30/2008	6
7/1/2006 - 6/30/2007	2
7/1/2005 - 6/30/2006	0
7/1/2004 - 6/30/2005	2
7/1/2003 - 6/30/2004	7
7/1/2002 - 6/30/2003	1
Total	43

Animal welfare groups believe that requiring a veterinarian to be present at every rodeo event and to provide immediate veterinary care to injured animals must be established and that requirements to report animal injuries must be enforced to at least provide some protection to rodeo animals. As an alternative to having to use a veterinarian for every rodeo event, a RVT could be utilized if under the appropriate supervision of a veterinarian.

Staff Recommendation: *It should be required that the management of any professionally sanctioned or amateur rodeo that intends to perform in any city or county shall ensure that there is a licensed veterinarian present at all times during the performances of the rodeo or a RVT who is under the appropriate degree of supervision of the veterinarian for those animal health care tasks that may be performed by the RVT at a rodeo event. The on-call requirement for a veterinarian should be considered as insufficient to provide for appropriate oversight and the immediate treatment of injured animals at rodeo events.*

CONTINUING EDUCATION REQUIREMENTS

ISSUE #9: (USE OF ANTIMICROBIAL DRUGS.) Are there any additional requirements or resources necessary to implement SB 27 (Hill) and SB 361 (Hill)?

Background: The Board has reviewed the provisions of SB 27 and SB 361 and has not identified the need for additional resources and implementing regulations at this time.

SB 27 (Hill, Statutes of 2015) places the onus on veterinarians to only prescribe medically important antimicrobial drugs for livestock if, in the professional judgment of the veterinarian, the drugs are necessary to treat or control the spread of a disease or infection or is warranted as a preventative measure to address an elevated risk of contraction of a disease or infection. If a veterinarian was found to have prescribed a medically important antimicrobial drug that was not warranted or medically necessary based on expert review, the Board would be responsible to pursue disciplinary action against the licensed veterinarian. SB 27 also calls for the development of antimicrobial stewardship guidelines and best management practices on the proper use of medically important antimicrobial drugs. The Board is one of the consulting entities involved in the development of such guidelines however, since the mandate is placed on the California Department of Food and Agriculture (CDFA), any necessary resources to develop the guidelines would be identified by the CDFA.

SB 361 (Hill, Statutes of 2015) requires that on or after January 1, 2018, a licensed veterinarian must complete one hour of continuing education on the judicious use of medically important antimicrobial drugs every four years as part of the existing 36 hours of continuing education required every two years. Such courses would be offered by Board-approved providers. Since the provisions in the statute are specific, it does not appear that further regulations regarding the requirement for the new course work are necessary.

Staff Recommendation: *The Board should continue implementation of SB 27 and SB 361 and report back to the Committees on the results of implementation during the next sunset review.*

ENFORCEMENT ISSUES

ISSUE #10: (INCREASED INSPECTION OF VETERINARY PREMISES.) Are there any outstanding issues regarding the Board's inspection of veterinary premises?

Background: California Code of Regulations Section 2030 sets the minimum standards for fixed veterinary premises where veterinary medicine is practiced, as well as all instruments, apparatus, and apparel used in connection with those practices. The method the Board has selected to enforce such standards is premises inspections.

SB 304 (Lieu, Chapter 515, Statutes of 2013) required the Board to make every effort to inspect at least 20% of veterinary premises on an annual basis. Pursuant to language in SB 304, the Board has bolstered its inspection program and is quickly approaching the 20% goal. In 2014-15, the Board's budget was augmented by \$277,000 for each fiscal year to fund the staff position authority for 2.0 positions (1.0 Staff Services Analyst and 1.0 Office Technician) and the work of the Hospital Inspectors.. In order to meet its mandate of SB 304, the Board contracted twelve new Hospital Inspectors located throughout the state in an effort to inspect at least 600 registered veterinary premises in 2014-15. The new inspection team included a veterinarian who specialized in avian and exotics, an equine specialist, a former Area Director for VCA Hospitals and a former Associate Dean of External Relations for Clinical Rotations for Western University. Staff completed an extensive Inspection Training Workshop in the fall of 2014 and ended the fiscal year with 590 inspections completed, or 19% of the premises population, just shy of the mandate. With the increase in in veterinary hospital inspection program staff and inspectors, the number of inspections completed per year has more than doubled since FY 2013/14. Keeping up on reviewing compliance documentation, the administrative paperwork to contract with and pay Inspectors, and the enforcement actions that result from non-complaint hospitals has been challenging. However, staff has eliminated the backlog of inspection compliance review documentation.

For 2015-16, the number of premises has increased 14% to nearly 3,500 facilities. This means approximately 700 inspections must be completed in order to meet the 20% mandate; 100 more inspections than were completed this past fiscal year. The Board has contracted with additional Inspectors, bringing the number of Inspectors to 16. The Board conducted Inspector training in January 2015, and again in August 2015, which included presentations from the Pharmacy Board, Radiologic Health Branch, and DOJ.

Also, the Board anticipates inspecting all new registered premises within the first year of opening as this is an objective in the VMB's Strategic Plan and will be phased in during the coming year.

The Board's Hospital Inspection Program costs were \$143,000 in FY 2014/15. With the increased workload for 2015-16, the Board's Inspection costs are anticipated to be approximately \$185,000.

Staff Recommendation: *The Board should continue its efforts to meet the inspection mandate of 20% and inform the Committees if additional resources are needed to comply with SB 304.*

ISSUE #11: (FORMAL DISCIPLINE IS STILL TAKING MORE THAN TWO YEARS.) Are there other steps the Board can take to reduce the timeframe for taking formal disciplinary action against a licensee?

Background: In 2009, the DCA evaluated the needs of the boards' staffing levels and put forth a new program titled the "Consumer Protection Enforcement Initiative" (CPEI) to overhaul the enforcement process of healing arts boards. According to the DCA, the CPEI was a systematic approach designed to address three specific areas: Legislative Changes, Staffing and Information Technology Resources, and Administrative Improvements. The CPEI was intended to streamline and standardize the complaint intake/analysis, reorganize investigative resources, and reduce the average enforcement completion timeline for healing arts boards to between 12-18 months by FY 2012/13. For purposes of funding the CPEI, the DCA requested an increase of 106.8 authorized positions and \$12,690,000 (special funds) in FY 2010-11 and 138.5 positions and \$14,103,000 in FY 2011-12 and ongoing to specified healing arts boards. As part of CPEI, the Board requested 7.1 first year and 8.1 ongoing staff positions. The Board received approval for only 1.0 special non-sworn investigator position. In 2010 and 2011, the position was reduced to .70 due to the Governor's Workforce Cap Reduction and Salary Savings Elimination plans, which left the Board with .30 of a non-sworn investigator position. Under the CPEI, this Board never had an opportunity to utilize any additional staffing to improve its enforcement program. There was an expectation that with additional staffing, the average enforcement completion timeframes (from intake, investigation of the case and prosecution of the case by the AG resulting in formal discipline) could be reduced. The implementation of the CPEI and the additional staff provided improved performance levels of some boards, but not this Board. The goal set for the Board, and all boards under CPEI, was 12 to 18 months to complete the entire enforcement process for cases resulting in formal discipline. In 2011/2012, it took the Board nearly three years (36 months) or more to complete a disciplinary action against a licensee.

Other reasons the Board is unable to meet its performance measures and goal of 12 to 18 months to complete disciplinary action include its necessary reliance on the Division of Investigation (DOI) to investigate the case, on the Attorney General's Office (AG) to file an accusation and prosecute the case, and on the Office of Administrative Law (OAL) to schedule an Administrative Law Judge (ALJ) to hear the case. According to the Board, an investigation by DOI can take anywhere from six to 18 months. Once the case is transferred to the AG, it can take six months to a year to file an accusation and another year to have the case heard before an ALJ. These timelines are outside the Board's control, but add greatly to the overall length of time it takes from receipt of a complaint to ultimate resolution.

With the increased staffing in the enforcement unit, that being: two AGPAs, two SSAs, and one OT, as authorized by the Budget Change Proposal effective July 1, 2014, the Board has made significant progress toward elimination of a backlog of complaints identified in its 2012 Sunset Report. Additionally, the Board continues to work toward meeting its performance measures for handling of disciplinary cases through reduction of processing timeframes. The following is an update to the focused efforts in each of the Board's enforcement program areas:

Complaint Intake and Investigation:

The Board, with the increased staffing levels, has worked diligently to reduce the timeframe for intake of a complaint despite an increasing number of incoming complaints.

The performance measure target for intake of a complaint as established during the Consumer Protection Enforcement Initiative (CPEI) is 10 days. Over the past four years, the average number of

days to complete the intake process hit a high of 147 days in FY 2012/13 Quarter 4. As of June 30, 2015, this number has decreased to 21 days. It is anticipated that the Board will meet this performance measure target of 10 days in FY 15/16 Q2.

The performance measure target established pursuant to CPEI for the average time from complaint receipt to closure of the investigation process is 365 days. The Board has met this goal of 365 days in 13 of the 16 quarters that make up FY 2011/12 through 2014/15. During the first six months of 2015, the enforcement unit's newly trained staff was tasked with conducting a comprehensive audit of all pending complaint investigation cases to identify the status of the all pending investigations and to determine how many cases were beyond the established performance target of 365 days. As of June 30, 2015, staff has nearly eliminated the backlog with a mere 124 of a total 598 cases pending resolution that were identified as beyond the target of 365 days.

Citation and Fine:

With the diminishing backlog, staff has been able to devote resources to other enforcement areas where process improvement was critical. Prior to 2014, the citation and fine program duties were bifurcated and the process for issuing citations, setting informal conferences, and monitoring outcomes was shared between multiple staff where important legal timeframes were not carefully monitored. Today, the program is centralized and has been overhauled to streamline the investigative process, the informal conference procedures, and the collection of fines levied against licensees.

As identified above, the Board is currently pursuing regulatory authority to increase its maximum fine authority to \$5,000. It is anticipated that the new regulatory language will be implemented March 2016.

Due to staffing shortages, the Board was forced to temporarily suspend its use of the Franchise Tax Board Intercepts Program. With increased staffing, the Board has been able to once again begin to employ the use of this program for those citations and fines that have been closed as uncollectible.

Expert Witness:

The Board conducted two separate Expert Witness trainings, December 2014 and August 2015. Approximately twenty (20) new Experts were trained in the two sessions facilitated by Board staff and the Office of the Attorney General (OAG). Prior to 2014, it had been several years since the Board conducted Expert Witness training and the Experts working for the Board at that time, were performing their services with limited knowledge of the administrative disciplinary process and basic confusion about their role within the process. The lack of guidance for the Experts resulted in expert reports that were not conclusive. However, as a result of the more recent training, the Board's Experts are now submitting complete reports with clear conclusions regarding substandard care. This has also resulted in a greater percentage of cases referred to the OAG being accepted and less cases being declined. Today, the percentage of cases accepted by the OAG is 98%.

Formal Discipline:

As indicated in the 2012 Sunset Review Report, in FY 2011/12, it took nearly three years (36 months) or more to complete a formal disciplinary action against a licensee by the Board. The Board continues to see extended processing timelines in the area of formal discipline.

The performance measure target established pursuant to CPEI for the average number of days to complete the entire enforcement process for cases resulting in formal discipline is 540 days (Initially, the Board identified its target at 740 days. However, the Department's CPEI target is 540 days.) Although staff has made significant progress in moving formal disciplinary actions through the adjudication process as expeditiously as possible, the average timeframes for completion continues to exceed two years.

In January 2015, staff was tasked with conducting a comprehensive audit of all pending formal discipline cases. It was determined that there were several cases that were completely resolved or very near complete resolution that had not been closed in the database which necessitated review and closure of the cases. The result was an unusual spike in the processing times for case closure.

In FY 2014/15, the Board closed a total of 60 formal discipline cases, many of which were over 540 days old. In the coming fiscal year, the Board should have identified and closed all dated disciplinary cases and as a result, the Board anticipates a significant reduction in processing timeframes. However, since many of the procedural factors involved in the resolution of formal disciplinary matters reside with the OAG and the Office of Administrative Hearings (OAH), it is unlikely the Board will meet its performance measure target of 540 days. The length of time necessary for processing of a formal discipline case through the OAG and the OAH continues to serve as a barrier in the enforcement process. In the past, it has taken anywhere from six months to one year to prepare an accusation and as much as one year to schedule and conduct a hearing. Unfortunately, this is still the case. These are factors outside the Board's control.

Probation:

The Board's probation program is critical to the formal disciplinary process. It provides the Board with a mechanism to consider practice restrictions that serve to protect the health, welfare, and safety of animals and their owners, while addressing the licensee's compliance issues, whether related to substandard care or ethical violations. It provides for appropriate and meaningful discipline and consumer protection, by placing the licensee under careful monitoring, while affording the licensee an opportunity to continue to practice and ultimately, demonstrate rehabilitation. The goal of the probation program is to ensure the practice deficiencies or unprofessional conduct behaviors are addressed through mandatory continuing education, examinations, practice monitoring, etc., and that the issues are corrected before the licensee returns to unrestricted practice.

With the improved focus on adjudication and resolution of formal disciplinary actions, the Board has seen a significant increase in the number of probationers currently being monitored. As of June 30, 2012, the Board was monitoring 36 probationers. Today, the Board's probationer caseload has more than doubled and the Board currently monitors a total of 76 probationers.

The increased staffing has allowed the Board to utilize a dedicated staff member to serve as a probation monitor and immediately address compliance issues while also serving as a resource to supervisors and practice monitors who are approved to supervise probationers.

Staff Recommendation: The Board should continue strategies to decrease the timeframe for areas of the disciplinary process over which it has control. The Board should also continue to monitor

progress within each stage of the disciplinary process and provide the committee with an update during the next sunset review.

CONTINUATION OF THE VETERINARY MEDICAL BOARD

ISSUE #12: (SHOULD THE VETERINARY MEDICAL BOARD BE CONTINUED?) Should the licensing and regulation of the practice of veterinarian medicine be continued and be regulated by the current Board membership?

Background: The health, safety, and welfare of consumers are protected by a well-regulated veterinary profession. Although the Board has been slow to implement changes as recommended by the former JLSRC and other matters presented to the Board for consideration over the past eight years, it appears as if the current Board has shown a strong commitment to improving the Board's overall efficiency and effectiveness. The current Board has worked cooperatively with the Legislature and this Committee to bring about necessary changes. It is obvious that there are still important regulations and problems that need to be addressed by this Board, but it seems more than willing to work with the Legislature, the DCA, and other professional groups to act more expeditiously to deal with these issues in a timely fashion. The Board should be continued with a four-year extension of its sunset date so that the Committee may review once again if the issues and recommendations in this Paper and others of the Committee have been addressed.

Staff Recommendation: *Recommend that the practice of veterinary medicine continue to be regulated by the current Board members of the Veterinary Medical Board in order to protect the interests of the public and that the Board be reviewed by this Committee once again in four years.*

**VETERINARY MEDICAL BOARD
RESPONSES TO RECOMMENDATIONS BY THE JOINT COMMITTEES
SUNSET REVIEW HEARING, MARCH 14, 2016**

CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to the Board, or areas of concern for the Committees to consider, along with background information concerning the particular issue. Also included are recommendations made by Committee staff regarding particular issues or problem areas that need to be addressed. The Board and other interested parties, including the professions, have been provided with this Background Paper and can respond to the issues presented and the recommendations of staff.

BOARD ADMINISTRATION ISSUES

ISSUE #1: (BREEZE.) Board staff is significantly impacted by BreEZe implementation and the potential costs to the Board are still uncertain.

Background: The DCA has been working since 2009 on replacing multiple antiquated standalone information technology (IT) systems with one fully integrated system. In September 2011, the DCA awarded Accenture LLC (Accenture) with a contract to develop a new customized IT system, which it calls BreEZe. According to the DCA, BreEZe is intended to provide applicant tracking, licensing, renewals, enforcement, monitoring, cashiering, and data management capabilities. In addition, BreEZe is web-enabled and designed to allow licensees to complete and submit applications, renewals, and the necessary fees through the internet. The public also will be able to file complaints, access complaint status, and check licensee information if and when the program is fully operational.

The project plan called for BreEZe to be implemented in three releases. The Board is part of the Release 2 (R2) plan for BreEZe rollout which went live on January 19, 2016. Board staff has provided regular updates on the project to the Board and has explained that the system consists of two main components, Versa Regulation and Versa Online. Versa Regulation is the back-office component of the BreEZe database system and is utilized for internal processes that guide an initial application through licensure. Versa Online is the front facing component of the BreEZe database system and is used by external customers for online payments and activities such as submitting a complaint, checking the status of a complaint, applying for examination eligibility, applying for licensure, renewing a license, updating an address of record, etc.

According to information presented to the Board, the process of transitioning to BreEZe has required a substantial staff commitment, with up to 30 to 40 percent of Board staff working full-time on BreEZe programming tasks, including system configuration and testing. As of November 2015, Board staff continued to be heavily impacted by BreEZe activities and was working on various components of the rollout leading up to Release 2 of the BreEZe system. Preparation activities included validating legacy systems data to ensure that all legacy data will be accurately converted to the BreEZe system, continued review of the Board's system design Profile Reports, and user acceptance testing. User acceptance testing started September 23, 2015 and lasted approximately 8-10 weeks. Staff members were asked to commit a significant amount of time to assist in testing the functionality of the BreEZe system during this testing period. Board staff additionally participated in training for all staff, in

addition to continued Organizational Change Management efforts to ensure staff is prepared to adjust processes for the new system. Board staff has worked on various outreach components of BreEZe including updating Board forms and the Board website as well as interfacing with various interested parties, professional organizations, and schools.

The Board reports that BreEZe has had fiscal impacts on the Board's budget. The Board has paid \$270,608 in BreEZe related costs from FY 2009/10 to FY 2014/15. According to an analysis of the Board's 2016/17 fund, total projected BreEZe expenditures for the Board will be \$809,248 by FY 2016/17. The current project budget augmentation authorized for the Board under the most recent special project report for BreEZe is \$786,896.

Staff Recommendation: *The Board should report to the Committees on the status of the transition to BreEZe. Does the Board expect to have any maintenance needs? Has staff been able to resume normal duties now that R2 is live? It would be helpful to understand how BreEZe related costs will continue to impact the Board's budget.*

2016 Board Response:

The Board went live on January 19, 2016, and while much time pre-go-live was spent on system functionality, the Board continues to experience challenges with the functionality of the BreEZe system. Generally, the Board is experiencing issues related to data conversion, as well as understanding and adapting to new cashiering procedures, and application and business processes. There are a number of outstanding business process improvements as well as system enhancements and data patch solutions that are being addressed. Management of the various phases of the project, post-go-live, continue to consume a measurable portion of staff time. To date, the Board has identified well over 140 potential post-go-live change orders (request a fix for a system defect, or request a system enhancement). Some are based on known issues (including department-wide issues), and some are system enhancements that will make processing applications and complaints more efficient. The time involved to request the system fixes, in terms of researching the problem, proposing a solution, and finally creating the request change order, has been significant since go-live. However, the Department has provided the Board with additional staff to help triage and capture the aforementioned changes.

Notwithstanding staff challenges post-go-live, applicants and licensees have taken well to the new BreEZe online system. Among the most significant benefits, is the ability to accept applications and payments online which expedited back-office processing timelines. The Board directs applicants to BreEZe on its website and includes the option on its forms. The Board continues to receive increasing numbers of applications online, including many renewal applications.

The cost to the Board for the implementation of the BreEZe program as noted by the Department is, \$275,000 in current year 2015/16 and \$264,000 in BY 2016/17. The on-going BreEZe costs including, maintenance costs for Department staff and other program costs, have not been identified by the Department. As such, the Board is uncertain of the ongoing impact of BreEZe to the Board's budget and overall fund health.

ISSUE #2: (RVT ISSUES.) RVT issues appear to still be persisting.

Background: According to representatives of the RVT profession, there have been several RVT issues that either the MDC or the Board have not addressed or have delayed action in resolving. During the prior sunset review, the Committees were concerned the Board had no direct input during MDC meetings and had not given the MDC clear directives to address RVT issues. The Committee also acknowledged that the Board had allowed RVT matters to be splintered between different subcommittees. While the Board did make improvements by removing RVT issues from subcommittees and handling them more directly through appointments to the MDC, concern remains, that RVT issues are not being prioritized by the Board.

In 1975, the profession of Animal Health Technician (AHT) was created by the Legislature in response to the desire by the veterinary profession to have a well-trained and reliable work force. The AHT Examining Committee (AHTEC) was created as an independent committee with a separate budget to assist the Board with issues related to the new profession. In 1994, the title “Animal Health Technician” was changed to Registered Veterinary Technician, and AHTEC was renamed the RVTEC. In 1998, the original independent RVTEC was allowed to sunset, and a new committee of the Board, the Registered Veterinary Technician Committee (RVTC), was created. The Legislature gave the new RVTC the statutory authority to advise the Board on issues pertaining to the practice of RVTs, assist the Board with RVT examinations, CE, and approval of RVT schools. The Legislature also specifically stated in the law its intent that the Board give specific consideration to the recommendations of the RVTC. In 2004, the Joint Legislative Sunset Review Committee was concerned that the RVTC had no independent authority over issues within its jurisdiction like examinations, eligibility categories and establishing criteria for and approval of RVT school programs. In 2006, the duties of the RVTC were expanded to include assisting the Board in developing regulations to define procedures for citations and fines. In 2010, the Legislature added an RVT to the Board for the first time, increasing the Board composition to a total of eight members: four veterinarians, one RVT and three public members. At the same time the RVTC was allowed to sunset upon appointment of this RVT. The newly created MDC was made up of four veterinarians, two RVTs, and one public member.

Today, the MDC includes one veterinarian member of the Board and the RVT member of the Board, both of whom are voting members of the MDC. There are no longer RVT or MDC subcommittees addressing RVT matters, as RVT professional issues are delegated to the MDC by the Board. It appeared that both veterinarians and RVTs believed this structure would allow for issues regarding the RVT profession to be adequately addressed. Current concerns indicate, however, that this may not be the case. RVTs may not be able to provide important input about regulations to define the parameters for a student exemption allowing them to perform restricted RVT job tasks. Additionally, a regulation to clarify the Board’s authority over RVT schools took two and half years to go to public hearing after approval by the Board. The Board also was significantly delayed in transition from using the state RVT examination to using a national RVT exam.

While the Board has historically cited limited staffing as the rationale for past unresponsiveness to RVT issues, some of those within the RVT profession believe that the lack of responsiveness has persisted past the 2010 change in MDC structure. Some RVTs have cited the supervisory relationship

between veterinarians and RVTs as a barrier to success in the current structure. The power dynamic naturally creates an imbalance in the issues that are addressed by the Board and MDC. Additionally, with over 6,000 licensed RVTs in California, many believe that issues of the profession require more significant and consistent attention.

Staff Recommendation: *RVTs represent an important part of animal care services whose issues are significant and warrant consistent attention. If the Committees believe that RVT issues are not be adequately addressed then consideration should be given to recreating the RVTC with a legislative mandate to advise the VMB on issues pertaining to the practice of veterinary technicians and assist the VMB with RVT examinations, continuing education, and approval of RVT schools. The MDC should continue considering issues referred by the Board with its current structure. To provide necessary context and continuity, the RVT member who sits on the Board and MDC should also serve as a voting member of the RVTC.*

2016 Board Response:

While the Board agrees with staff that issues related to RVT education, training, and scope of responsibility as it relates to consumer protection are vitally important in providing competent and necessary animal health care services, the Board does not support recreating the RVTC.

As outlined in the Board's Sunset Review Supplemental Report, the MDC was not delegated RVT issues until 2013, as the RVTC was sunset in June 2011, and the MDC was still completing its initial charge of addressing enforcement provisions, e.g., minimum standards, hospital inspections, and the citation and fine program. Although the MDC was unable to take on new issues in 2011-2012, it did form a two member subcommittee specifically to handle RVT issues.

In 2013, the Board asked its RVT subcommittee to merge with the MDC RVT subcommittee and hold RVT Task Force meetings to discuss the transition to the national exam, to solicit public input on the RVT student exemption issue, and to develop standards for regulating the RVT alternate route programs. The RVT Task Force held three public meetings in 2013 and then all pending matters were transitioned to the MDC.

Today, the composition of the MDC includes one veterinarian member of the Board and the RVT member of the Board, who are both voting members of the MDC. RVT professional issues are delegated to the MDC by the Board. **Subsection (f) of 4809.8 clearly expresses the Legislature's intent that the MDC give appropriate consideration to issues pertaining to the practice of registered veterinary technicians**, which is exactly what the MDC has done over the past two years. In reviewing the past two+ years of meeting agendas of the MDC, and decisions of the Board, RVT issues have been given a very high priority. The MDC has examined each of the pending RVT issues, including RVT education and training and alternate route programs and the RVT student exemption:

- April 2015 – MDC adopted recommendations regarding regulations for the California Veterinary Technology Alternate Route Program Regulations.
- In July 2015 - Board approved a regulatory proposal that would establish program approval criteria for students enrolling in a Veterinary Technology Alternate Route Program.
- July 2015 – MDC made regulatory recommendations to the Board regarding the RVT Student Exemption matter. The issue had been previously discussed by the **RVT Subcommittee, but no formal action was taken**. The Board considered and approved the language in October 2015.

- The Board's 2015-2019 Strategic Plan includes specific objectives for RVT issues moving forward:
 - Complete a cost-benefit analysis of the RVT exam to determine reasonable and equitable fees.
 - Monitor and approve the education and training offered by RVT Alternative Route Programs to measure quality and consistency.
 - Address Shelter Medicine Minimum Standards and the RVT's role in triaging and administering medication to animals upon intake).

In addition to the issues above, the MDC has recently examined the RVTs role in drug compounding, animal rehabilitation, and is continuing its work as delegated by the Board on determining the appropriate scope of autonomy for RVT practice in shelter medicine and extended functions for RVTs related to neutering male cats.

The long delays as cited in the Background Paper were delays both at the RVTC and the MDC, and were delays prior to 2014, when there was not sufficient staff to compile research, prepare issue memos, and facilitate the on-going work of the Committees. It was not due to a lack of prioritization. The Board and MDC have worked diligently to elevate and resolve many long-standing RVT matters in recent years.

To the extent that the Board may improve the visibility and tracking of all RVT matters before the Board and the MDC, the Board will institute a standing RVT report at each scheduled Board meeting which will be provided to the Board by the RVT member, and which will outline the RVT issues and priorities before the Board. The report may serve as an on-going action item report for future updates to the Legislature on the work of the MDC as it relates to RVT matters.

LICENSING AND EXAMINATION ISSUES

ISSUE #3: (RVT LAW EXAM COSTS.) Should the California RVT Law Examination be converted to a mail out examination?

Background: For a profession in which the cost of education can be upwards of \$40,000 and the starting wage is roughly \$12 to \$17 per hour, the cost of licensure can be a barrier to potential RVT candidates. In March of 2014, the Board transitioned from use of its own RVT examination to utilizing the national RVT examination (VTNE). The national RVT examination does not test candidates on their knowledge of California-specific veterinary practice; therefore, RVT candidates are required to take an additional California-specific practice examination. This examination predominately serves as a jurisprudence examination for RVT. Business and Professions Code Section 4841.1 (c) requires the Board to administer an examination specific to the animal health care tasks limited to California RVTs. This transition from a single examination to two separate examinations brought about a total examination cost increase from \$300 to \$600 for RVT candidates. Concern has been raised that the higher cost for RVT candidates is burdensome, unjustified, and inconsistent with requirements for veterinary candidates.

The California law examination for veterinary candidates is administered in a mail out format. However, in practice, only out of state veterinary candidates are required to take the mail out law examination. Veterinary students at UC Davis and Western University are exempt from the law examination because they complete a Board approved course on veterinary law and ethics that covers

the Medicine Practice Act.

It is inconsistent and arbitrary to impose a more stringent standard at a higher cost on RVTs than what is required for the veterinarians who will be supervising them.

Staff Recommendation: *No recommendation at this time.*

2016 Board Response:

When the Board decided to make the transition to the Veterinary Technician National Examination (VTNE) for the purpose of creating portability for RVT applicants, it contracted with the Department's Office of Professional Examination Services (OPES) to conduct a study of the VTNE. The report was published on July 12, 2010, and the results of the report concluded that while the competencies assessed in the national exams are relevant and comprehensive to veterinary technician practice in California, the specific RVT animal health care tasks and knowledge statements related to California laws and regulations were not reflected in the national exam. As such, the experts who participated in the national exam study concluded that a California supplemental examination for RVT-related California laws and regulations must be administered. The OPES advised the Board that an open-book examination would not suffice as a psychometrically validated exam.

Also, it should be noted that licensed veterinarians are required to take a pass the California Board Exam in addition to an open-book jurisprudence exam.

ISSUE #4: (University Licensure.) Should the Board license veterinarians employed by veterinary medical schools?

Background: Existing law, BPC Section 4830(a)(4) allows for an exemption to licensure for veterinarians working at both veterinary medical schools in California, UC Davis and Western University.

States that have veterinary schools typically have exemptions or some form of university licensure to accommodate the schools' hiring needs. Veterinary schools hire veterinarians from all over the world who sometimes come into a state for a limited period of time, and who do not practice outside the confines of the university. However, problems can arise when the university veterinary hospital is providing services to the general public and the consumer does not have recourse through a licensing board for standard of care issues.

The Board receives calls periodically from consumers whom are unhappy with the services at a university teaching hospital and request the Board to intervene. Since veterinarians working at the universities are exempt from licensure, the Board states that it has no authority to pursue disciplinary action and must advise the consumer to seek recourse through the university's complaint mediation process. The exemption presents consumer protection issue, and the Board believes that all veterinarians providing treatment to the public's animals should be licensed and regulated. Faculty recruited for clinical positions within the university typically specialize in certain species and conditions, are experts in their field of study, and have undergone intensive specialty testing that exceeds the examinations required for entry-level licensure. In fact, for employment in clinical faculty positions, the university requires specialty training or other advanced clinical training. Some faculty may have graduated from foreign veterinary schools that are recognized but not accredited by the American Veterinary Medical Association. As reported by UC Davis and Western University,

requiring full licensure would negatively impact the universities' ability to attract and recruit the best qualified veterinarians.

During the past two years, the MDC has debated the issue of requiring veterinarians working in a university setting to obtain a University License and therefore, no longer be exempt from Board oversight. As part of the MDC's research, former legal counsel reviewed the pertinent statutes, BPC section 4830 (a)(4), and concluded that the existing exemption for veterinarians employed by the universities would need to be amended to either to strike the language in section 4830 (a)(4) and thus require a license for university personnel or include language in 4830 (a)(4) that would qualify when a "University License" must be issued in order for a veterinarian employed by a university to provide veterinary services to the public's animals.

The MDC voted to recommend to the Board that a separate University License be issued to veterinarians who are employed by and who engage in the practice of veterinary medicine in the performance of their duties for the university. Both UC Davis and Western University are supportive of requiring a University License for veterinarians practicing within the university setting as it will provide consumer recourse through the Board and the Board may assist the university in handling enforcement matters involving university employees.

The Board voted to approve the request for a statutory change at its October 2015 meeting and is requesting assistance from the Legislature to amend Section BPC Section 4830 and add new BPC 4848.1. The change would require an implementation date set out at least 6 months from the effective date to enable university personnel to comply with the proposed examination requirements (California jurisprudence exam) and educational course on regionally specific diseases and conditions.

Staff Recommendation: *The exemption for university-employed veterinarians presents a consumer protection issue. The Committees should amend the Business and Professions Code to require the Board to separately license veterinarians practicing within the university setting.*

Add New BPC 4848.1 – University License Status

(a) Veterinarians engaged in the practice of veterinary medicine as defined in Section 4826, employed by the University of California while engaged in the performance of duties in connection with the School of Veterinary Medicine or employed by the Western University of Health Sciences while engaged in the performance of duties in connection with the College of Veterinary Medicine shall be licensed in California or shall hold a University License issued by the Board.

(b) An applicant is eligible to hold 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) Passes an examination concerning the statutes and regulations of the Veterinary Medicine Practice Act, administered by the board, pursuant to Section 4848, subdivision (a) paragraph (2) subparagraph (C); and

(3) Successfully completes the approved educational curriculum described in Section 4848 subdivision (b) paragraph 5 on regionally specific and important diseases and conditions.

(c) A University License:

(1) Shall be numbered as described in Section 4847;

(2) Shall cease to be valid upon termination of employment by the University of California or by the Western University of Health Sciences;

- (3) Is subject to the license renewal provisions pursuant to Section 4846.4; and
(4) Is subject to denial, revocation, or suspension pursuant to Sections 4875 and 4883.

(d) Individuals who hold a University License are exempt from satisfying the license renewal requirements of Section 4846.5.

Strike BPC 4830(a)(4) – Practice Provisions Exception

~~(4) Veterinarians employed by the University of California while engaged in the performance of duties in connection with the College of Agriculture, the Agricultural Experiment Station, the School of Veterinary Medicine, or the agricultural extension work of the university or employed by the Western University of Health Sciences while engaged in the performance of duties in connection with the College of Veterinary Medicine or the agricultural extension work of the university.~~

2016 Board Response:

The Board supports the staff recommendation and appreciates the Committee’s willingness to assist with legislative amendments.

ISSUE #5: (DELINQUENT REGISTRATION STATUS.) Should the premises registration be cancelled after 5 years if they are in a delinquent status?

Background: Currently there is no provision for the premises registration to cancel after five years, as would be consistent with other license types regulated by the Board. Instead hospital premises registrations are left in a delinquent status indefinitely and remain on the Board’s records. The records are accessible on the Board’s website under the “License Verification” feature. It is confusing for consumers who use the website to find registered veterinary premises and retrieve data on hospitals that have been in a delinquent status for more than five years. Many of these hospitals are no longer operating veterinary premises, yet there is not mechanism by which the Board may cancel the premises registration. In addition, the retention of electronic records for delinquent premises registrations is a resource issue for the Board as there is a “per record” cost for maintaining the data.

Staff Recommendation: *The Committees may wish to consider adding language that would allow the Board to cancel the premises registration of veterinary premises that have remained in delinquent status for more than five years.*

2016 Board Response:

The Board appreciates the Committee’s willingness to assist the Board with a legislative change which would update the Board’s public records and ensure up-to-date and accurate information is available to the public regarding registered veterinary premises.

VETERINARY PRACTICE ISSUES

ISSUE #6: (COMPOUNDING OF DRUGS.) Should veterinarians be granted authority to compound drugs for animal patients?

Background: During hospital inspections, Board inspectors routinely encounter bulk form drugs used for compounding medications stored at veterinary hospitals. If the drugs are not properly stored, labeled, or are expired, the inspector will advise the Licensing Manager of the compliance issue. However, there are no specific provisions in the Practice Act to provide oversight of a veterinarian compounding drugs for use in day-to-day veterinary practices and for dispensing to clients. Instead, the Board has looked to laws and regulations governing pharmacies (BPC Sections 4051, 4052, and 4127 & Title 16 CCR Sections 1735-1735.8 and 1751 et. seq.) since veterinarians are authorized prescribers under BPC Section 4170. Pharmacy regulations not only include specific requirements for pharmacies that compound and dispense medications, but also define the “reasonable quantity” of a compounded medication that may be furnished to a prescriber (in this case, veterinarian) by the pharmacy to administer to the prescriber’s patients within their facility, or to dispense to their patient/client. It should be noted that the Board of Pharmacy is currently pursuing a regulatory amendment to its Compounding Drug Preparation regulations that includes amendments to the “reasonable quantity” definition of compounded drugs that may be supplied to veterinarians for the purposes of dispensing. In addition to pharmacy provisions, federal law provides for *Extralabel Drug Use in Animals*, CFR Title 21 Part 530.13, which authorizes veterinarians to compound medications in following situations:

- There is no approved animal or human drug available that is labeled for, and in a concentration or form appropriate for, treating the condition diagnosed.
- The compounding is performed by a licensed veterinarian within the scope of a professional practice.
- Adequate measures are followed to ensure the safety and effectiveness of the compounded product.
- The quantity of compounding is commensurate with the established need of the identified patient.

The Board has been actively engaged in discussions regarding the regulation of veterinarians compounding drugs since October 2014 when the US Government Accountability Office contacted the Board to obtain information on California’s regulation of animal drug compounding. At that time, the federal Food and Drug Administration (FDA) was considering changes to its guidance on Compounding Animal Drugs from Bulk Drug Substances. Ultimately, the FDA released Draft Guidance #230 in May 2015, which was intended to provide parameters for compounding animal drugs.

At its October 20, 2014 meeting, the MDC reviewed the issue of drug compounding by veterinarians for their animal patients. The issue, as raised by Board legal counsel, was that there is no explicit grant of authority in the Practice Act authorizing licensed veterinarians to compound drugs pursuant to federal law. Board counsel advised that provisions for veterinarians to compound drugs for animal patients would need to be added to the veterinary medicine scope of practice. The MDC examined the lack of statutory guidance for veterinarians and ultimately recommended that the Board consider a legislative proposal to grant veterinarians the authority to compound drugs for their animal patients under the existing limitations of CFR Title 21 Part 530.13.

Staff Recommendation: *The Board should continue its work with the Pharmacy Board and legal counsel to develop language to be added to the Veterinary Medicine Practice Act granting limited state authority for veterinarians to compound drugs.*

2016 Board Response:

The Board is currently working with the Board of Pharmacy, the California Veterinary Medical Association, and Committee staff to refine the proposed statutory language and address very specific labeling requirements, etc., that do not translate from human prescribing to veterinary medicine. More to follow....

ISSUE #7: (ANIMAL REHABILITATION.) Should the Board continue to pursue regulations to more clearly define and describe the scope of animal rehabilitation, the level of veterinary supervision, and what minimum education and training requirements may be necessary?

Background: For the past four years, the Board, with the help of the MDC, has examined the issue of persons involved in rehabilitative services for animals. The impetus for the research, and an eventual regulatory solution, was the number of concerns the Board received regarding unlicensed persons diagnosing and treating animals under the guise of “animal rehabilitation”. The Board became increasingly concerned about the welfare of the animals being treated by unlicensed personnel, and ultimately learned through oral testimony at its public meetings, that animal harm has occurred.

Thirty-five states define Animal Physical Therapy, also known as “Animal Rehabilitation” (AR), as the practice of veterinary medicine. A few states such as Colorado, Nevada, and Utah include some authority to provide AR under the scope or practice of physical therapists who work under the authorization or supervision of a licensed veterinarian. State provisions vary in terms of the level of veterinary oversight required in order for physical therapists, registered veterinary assistants, or other support personnel to provide AR services. At least four states require direct or immediate supervision, while others allow a less restrictive oversight role by a veterinarian.

The Board has included the issue of AR at a number of its meetings throughout 2012-2013 and the discussion has generated a great deal of interest from the public who attended the Board meetings to express their support or concern regarding the Board’s role in regulating AR services. In June 2015, the Board filed its regulatory proposal for AR, and a public hearing was held September 10, 2015. The Board received several hundred comments, thousands of signed petitions, and heard testimony from over 60 interested parties. The testimony at that hearing included similar opposition as was raised in public meetings in 2012/2013 and highlighted the following sentiments:

- Complementary therapy, such as massage, should not be defined as AR.
- Supervision parameters are overly restrictive.
- The lack of specific training in AR for all providers poses a consumer protection problem.
- The definition of AR in the Board’s proposal is too broad.

The following reflects some of the more recent concerns and feedback from interested parties in response to the Board’s regulatory proposal:

- This is an attempt by the Board to restrict business competition.
- AR should be regulated to protect animal patients from incompetent providers.

- Specifically state that Musculoskeletal Manipulation (chiropractic treatment) 16 C.C.R. Section 2038 is not being modified by the regulatory proposal.
- Since animals are deemed property, the consumer should have a right to choose complementary services for their animals.
- Significant negative impact to jobs and businesses would result if the regulations were to take effect.
- The supervision requirement is far too restrictive; there should be a change from the direct supervision requirement to indirect supervision.
- The level of supervision should be determined by the referring veterinarian.
- Massage should be removed from the definition of AR.
- Exercise for the prevention of disease is not medicine and should be excluded.
- Horse trainers are not licensed and yet provide most of the exercise therapy for race horses.
- There are not enough veterinarians to oversee AR services and thus the regulations present a barrier to access for the consumer.
- The regulations will drive up consumer costs for AR.

Although this issue has been considered by the Board for some time, several more recent policy and legal issues have been raised. Initially, the Board must consider the definition of the practice of veterinary medicine and whether the practice of veterinary medicine pursuant to BPC Section 4825 authorizes the Board to adopt regulations that would allow other practitioners who are not licensed by the Board to engage in aspects of veterinary medicine. If the modalities or interventions included in the regulatory proposal do not constitute the practice of veterinary medicine, it is questionable whether the Board can adopt regulations to govern areas outside its scope of practice.

In either case, concerns have been raised that the Board is attempting to limit business competition and protect the profession's financial interests, not to further its consumer protection mandate. The Board is confident that the impetus and rationale for pursuing a regulatory proposal regarding AR is purely motivated by the concerns raised before the Board regarding animal welfare and not a form of protectionism. That being said, the Board is mindful of the public perception and is taking another look at how the regulatory proposal may be modified to address the public's concerns.

At its October 20, 2015 meeting, the Board voted to withdraw its regulatory action on AR from the OAL and delegate to the MDC the task of revising the proposed regulation in light of the numerous challenges raised by interested parties. The Board provided specific direction to the MDC to formulate language that would: define that AR is the practice of veterinary medicine, describe the practice of AR and eliminate the laundry list of modalities, address whether minimal education or training requirements should be specified, explore the option of an indirect supervision parameter, and include the requirement that the settings where AR is performed is subject to holding a premises registration with the oversight of a Licensee Manager (BPC Section 4853).

At the January 2016 meeting, after a lengthy discussion, the MDC decided to table consideration of the animal rehabilitation issue pending a recommendation from the legislature through the sunset process.

Staff Recommendation: *The Board should create a task force comprised of stakeholders including veterinarians, RVTs, animal rehabilitation and related animal industry professionals, consumers, and representatives from the legislature to further examine the issue and present a recommendation to the Board by January 1, 2017.*

2016 Board Response:

The Board appreciates the complexity of the issue of animal rehabilitation and has approached the concept of regulation from the standpoint of how to most effectively protect the public and the public's animals, while considering issues such as access, as well as, the vast difference in terms of the level of experience and training of individuals who provide this specialized care. Several public Board meetings and hearings have attracted interested parties to the issue, and although the Board has considered much of the input it's received from the stakeholders, the Board is eager to compose a diverse task force with the charge of addressing issues related to supervision, education and training, and settings where AR services may be provided.

ISSUE #8: (ANIMAL INJURIES AT RODEO EVENTS.) **Should there be better oversight and more immediate treatment of injured animals by veterinarians and possibly RVT's at rodeo events?**

Background: The welfare of animals in rodeo events has been a topic of discussion for the industry, the public, and the law for decades. The American Humane Association (AHA) has worked with the rodeo industry, specifically the Professional Rodeo Cowboys Association (PRCA) to establish rules improving animal welfare in rodeo events and the treatment of rodeo animals. The PRCA has adopted what it considers as 60 humane rules for the protection of rodeo animals for all PRCA-sanctioned events. One of the rules requires that a veterinarian be present for every performance. There are approximately about 90 sanctioned rodeos in California per year and many more amateur events some of which are considered as "backyard events" with little if any oversight. (It has been indicated that there may be as many as 800 of these rodeo events per year.) The PRCA acknowledges that they only sanction about 30 percent of all rodeos, while another 50 percent are sanctioned by other organizations and 20 percent are completely unsanctioned.

The types of injuries that can occur to rodeo animals include the following:

- Traumatic leg injuries
- Back injuries
- Spinal cord injuries
- Neck injuries
- Internal injuries
- Trachea injuries

- Sprained and torn ligaments
- Broken horns and spurring injuries

Although the injuries suffered by animals in rodeo events can be severe, past studies by both the PRCA and American Veterinary Medical Association (AVMA) have indicated that the rate of animal injury is less than one percent for sanctioned events which require a veterinarian present at the day(s) of the event. (There appear to be no more recent independent studies on animal injuries at rodeos than the survey conducted by the AVMA of 21 PRCA sanctioned rodeos in 2001.)

Veterinarians who have had extensive experience with rodeo events, and may now serve as the veterinarian on-site, have indicated that having a veterinarian present at the rodeo event helps in preparing the rodeos for the best outcome possible for the health and welfare of the animals. There are meetings with rodeo management and officials both before the event and immediately after the event to evaluate, assess, discuss and, if needed, change any practice for animal handling or health procedures at the rodeo. This also provides an opportunity to help prevent further injuries and evaluate the level of care to the animals and revise procedures as necessary. As one veterinarian, Chairman of the PRCA Animal Welfare Committee, has stated, veterinarians themselves agree that the mere fact that they are the caregiver to animals, lends them more credibility. This individual went on to indicate that as veterinarians they are expected to know more on these issues and are able to work more closely with rodeo committees and the rodeo community as a whole to provide for the care of these animals. Of greater importance is that veterinarians are able to identify possible disease outbreaks. For example, the veterinarians on-site were able to deal with outbreak of equine herpesvirus (EH-1) in 2012, and also bovine tuberculosis regarding Mexico-origin cattle. Rodeos (at least sanctioned rodeos) rely on veterinarians when such as outbreak occurs and they are really the professionals that can work closely with government officials and others to assure there is not a widespread outbreak of a disease.

In response to the concerns of potential animal injuries at rodeo events and the availability of a veterinarian, California law (Penal Code § 596.7) requires that the management of any professionally sanctioned or amateur rodeo that intends to perform in any city or county shall ensure that there is a licensed veterinarian present at all times during the performances of a rodeo, or that a licensed veterinarian is “on-call” and able to arrive at the rodeo within one hour after a determination has been made that there is an injury which requires treatment to be provided by a veterinarian. PC § 596.7 also requires that any animal that is injured during the course of, or as a result of, any rodeo event shall receive immediate examination and appropriate treatment by the attending veterinarian or shall begin receiving examination and appropriate treatment by a licensed veterinarian within one hour of the determination of the injury requiring veterinary treatment. The attending veterinarian must also submit a brief written listing of any animal injury requiring veterinary treatment to the Veterinary Medical Board within 48 hours of the conclusion of the rodeo. Business and Professions Code § 4830.8 also restates this requirement to report an animal injury and further states that the attending veterinarian shall also 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.

Animal welfare groups have continued to voice concerns about animal injuries that may be occurring at rodeo events. They argue that many animals are injured and even killed in rodeos and that because they are only able to observe a very small percentage of rodeos each year, that only a very small percentage of injuries or deaths are documented. In some instances they believe that rodeos frequently try to cover

up animal injuries and even deaths. Some groups have even attempted or captured video footage documenting animals injured at an event. Of most concern is that unsanctioned rodeos which do not require veterinarians on-site may have higher abuse and injury rates. Likewise, anecdotal reports suggest that events held in small venues with little public notice, some of which are considered as private “backyard” events, may have some of the highest injuries. It is argued that even though California now requires reporting of animal injuries by veterinarians to the Board, this is not an adequate reflection of the amount of injuries that actually occur. They believe there is underreporting or no reporting at all for many of the rodeo events held in California and that rodeos are not forthcoming about the animals injured in an event so as to avoid any problem with animal authorities. For example, based on the chart below, since 2002 when reporting became required, there have been only 43 injury reports up to June, 2015 and in some years there were zero.

STATISTICS FOR RODEO INJURY REPORTS

Fiscal Year	Rodeo Injury Report
7/1/2014 - 6/30/2015	5
7/1/2014 - 6/30/2015	1
7/1/2013 - 6/30/2014	3
7/1/2012 - 6/30/2013	6
7/1/2011 - 6/30/2012	4
7/1/2010 - 6/30/2011	4
7/1/2009 - 6/30/2010	2
7/1/2008 - 6/30/2009	0
7/1/2007 - 6/30/2008	6
7/1/2006 - 6/30/2007	2
7/1/2005 - 6/30/2006	0
7/1/2004 - 6/30/2005	2
7/1/2003 - 6/30/2004	7
7/1/2002 - 6/30/2003	1
Total	43

Animal welfare groups believe that requiring a veterinarian to be present at every rodeo event and to provide immediate veterinary care to injured animals must be established and that requirements to report animal injuries must be enforced to at least provide some protection to rodeo animals. As an alternative to having to use a veterinarian for every rodeo event, a RVT could be utilized if under the appropriate supervision of a veterinarian.

Staff Recommendation: *It should be required that the management of any professionally*

sanctioned or amateur rodeo that intends to perform in any city or county shall ensure that there is a licensed veterinarian present at all times during the performances of the rodeo or a RVT who is under the appropriate degree of supervision of the veterinarian for those animal health care tasks that may be performed by the RVT at a rodeo event. The on-call requirement for a veterinarian should be considered as insufficient to provide for appropriate oversight and the immediate treatment of injured animals at rodeo events.

2016 Board Response: NEED TO FORMULATE A RESPONSE TO THE ABOVE

CONTINUING EDUCATION REQUIREMENTS

ISSUE #9: (USE OF ANTIMICROBIAL DRUGS.) Are there any additional requirements or resources necessary to implement SB 27 (Hill) and SB 361 (Hill).

Background: The Board has reviewed the provisions of SB 27 and SB 361 and has not identified the need for additional resources and implementing regulations at this time.

SB 27 (Hill, Statutes of 2015) places the onus on veterinarians to only prescribe medically important antimicrobial drugs for livestock if, in the professional judgment of the veterinarian, the drugs are necessary to treat or control the spread of a disease or infection or is warranted as a preventative measure to address an elevated risk of contraction of a disease or infection. If a veterinarian was found to have prescribed a medically important antimicrobial drug that was not warranted or medically necessary based on expert review, the Board would be responsible to pursue disciplinary action against the licensed veterinarian. SB 27 also calls for the development of antimicrobial stewardship guidelines and best management practices on the proper use of medically important antimicrobial drugs. The Board is one of the consulting entities involved in the development of such guidelines however, since the mandate is placed on the California Department of Food and Agriculture (CDFA), any necessary resources to develop the guidelines would be identified by the CDFA.

SB 361 (Hill, Statutes of 2015) requires that on or after January 1, 2018, a licensed veterinarian must complete one hour of continuing education on the judicious use of medically important antimicrobial drugs every four years as part of the existing 36 hours of continuing education required every two years. Such courses would be offered by Board-approved providers. Since the provisions in the statute are specific, it does not appear that further regulations regarding the requirement for the new course work are necessary.

Staff Recommendation: *The Board should continue implementation of SB 27 and SB 361 and report back to the Committees on the results of implementation during the next sunset review.*

2016 Board Response:

The mandate for developing antimicrobial stewardship guidelines and best practices is placed on the California Department of Food and Agriculture (CDFA), and therefore, any resource needs for the development of the guidelines would be identified and allocated to CDFA. The Board is one of the consulting agencies, and has identified a member to serve on the Ad Hoc Technical Advisory Committee currently being developed by the CDFA. The Ad Hoc Committee is scheduled to meet in April 2016 and discuss the plan and approach for developing monitoring strategies and analyzing the legal impacts of Senate Bill 27 on CDFA's role in oversight of retail veterinary drugs.

Once stewardship guidelines are in place, the Board may see an increase in enforcement activity generated from complaints filed by CDFA against veterinarians who prescribe a medically important antimicrobial drug to livestock that is not warranted for medical purposes. However, it is too early to forecast whether the volume will be such that the Board needs additional staff resources. The Board will continue to monitor the impact to its enforcement program.

The Board has sought clarification regarding implementing the provisions of SB 361, and the requirement for veterinarians to complete one hour of continuing education on the judicious use of medically important antimicrobial drugs, every four years. Existing language in BPC Section 4846.5 (k)(1) states, “*On or after January 1, 2018, a licensed veterinarian who renews his or her license shall complete....*,” which made it unclear as to whether a licensed veterinarian must have completed the one hour course by the 2018 renewal, or whether the mandate begins January 1, 2018.

Ultimately, the Board worked with Senator Hill’s staff, the Governor’s Office, and the California Veterinary Medical Association, to resolve the clarity issue. The parties have agreed to support an amendment to BPC Section 4846.5 (k)(1) to read *Beginning January 1, 2018, a licensed veterinarian who renews his or her license shall complete...”*.

The Board will begin to educate its licensing population through various modes of communication regarding the new continuing education requirement.

ENFORCEMENT ISSUES

ISSUE #10: (INCREASED INSPECTION OF VETERINARY PREMISES.) Are there any outstanding issues regarding the Board’s inspection of veterinary premises?

Background: California Code of Regulations Section 2030 sets the minimum standards for fixed veterinary premises where veterinary medicine is practiced, as well as all instruments, apparatus, and apparel used in connection with those practices. The method the Board has selected to enforce such standards is premises inspections.

SB 304 (Lieu, Chapter 515, Statutes of 2013) required the Board to make every effort to inspect at least 20% of veterinary premises on an annual basis. Pursuant to language in SB 304, the Board has bolstered its inspection program and is quickly approaching the 20% goal. In 2014-15, the Board’s budget was augmented by \$277,000 for each fiscal year to fund the staff position authority for 2.0 positions (1.0 Staff Services Analyst and 1.0 Office Technician) and the work of the Hospital Inspectors.. In order to meet its mandate of SB 304, the Board contracted twelve new Hospital Inspectors located throughout the state in an effort to inspect at least 600 registered veterinary premises in 2014-15. The new inspection team included a veterinarian who specialized in avian and exotics, an equine specialist, a former Area Director for VCA Hospitals and a former Associate Dean of External Relations for Clinical Rotations for Western University. Staff completed an extensive Inspection Training Workshop in the fall of 2014 and ended the fiscal year with 590 inspections completed, or 19% of the premises population, just shy of the mandate. With the increase in in veterinary hospital inspection program staff and inspectors, the number of inspections completed per year has more than doubled since FY 2013/14. Keeping up on reviewing compliance documentation, the administrative paperwork to contract with and pay Inspectors, and the enforcement actions that result from non-

complaint hospitals has been challenging. However, staff has eliminated the backlog of inspection compliance review documentation.

For 2015-16, the number of premises has increased 14% to nearly 3,500 facilities. This means approximately 700 inspections must be completed in order to meet the 20% mandate; 100 more inspections than were completed this past fiscal year. The Board has contracted with additional Inspectors, bringing the number of Inspectors to 16. The Board conducted Inspector training in January 2015, and again in August 2015, which included presentations from the Pharmacy Board, Radiologic Health Branch, and DOJ.

Also, the Board anticipates inspecting all new registered premises within the first year of opening as this is an objective in the VMB's Strategic Plan and will be phased in during the coming year.

The Board's Hospital Inspection Program costs were \$143,000 in FY 2014/15. With the increased workload for 2015-16, the Board's Inspection costs are anticipated to be approximately \$185,000.

Staff Recommendation: The Board should continue its efforts to meet the inspection mandate of 20% and inform the Committees if additional resources are needed to comply with SB 304.

2016 Board Response:

The Board appreciates the Committees support in meeting the mandate of inspecting 20% of its registered hospital premises. In the past two years, the Board has been just shy of the 20% mark, coming in at about 19% last year. The hospital inspection program expenditures are an area of concern, as budget projections have not historically tracked program costs uniformly. Staff is currently working with the Department's budget staff to ensure program expenditures are budgeted appropriately to meet the 20% goal. Should there be a need for a budget change, the Board will report such detail to the Committee.

ISSUE #11: (FORMAL DISCIPLINE IS STILL TAKING MORE THAN TWO YEARS.) Are there other steps the Board can take to reduce the timeframe for taking formal disciplinary action against a licensee?

Background: In 2009, the DCA evaluated the needs of the boards' staffing levels and put forth a new program titled the "Consumer Protection Enforcement Initiative" (CPEI) to overhaul the enforcement process of healing arts boards. According to the DCA, the CPEI was a systematic approach designed to address three specific areas: Legislative Changes, Staffing and Information Technology Resources, and Administrative Improvements. The CPEI was intended to streamline and standardize the complaint intake/analysis, reorganize investigative resources, and reduce the average enforcement completion timeline for healing arts boards to between 12-18 months by FY 2012/13. For purposes of funding the CPEI, the DCA requested an increase of 106.8 authorized positions and \$12,690,000 (special funds) in FY 2010-11 and 138.5 positions and \$14,103,000 in FY 2011-12 and ongoing to specified healing arts boards. As part of CPEI, the Board requested 7.1 first year and 8.1 ongoing staff positions. The Board received approval for only 1.0 special non-sworn investigator position. In 2010 and 2011, the position was reduced to .70 due to the Governor's Workforce Cap Reduction and Salary Savings Elimination plans, which left the Board with .30 of a non-sworn investigator position. Under the CPEI, this Board never had an opportunity to utilize any additional staffing to improve its enforcement program. There was an expectation that with additional staffing, the average enforcement completion timeframes (from intake, investigation of the case and prosecution of the case by the AG resulting in formal discipline)

could be reduced. The implementation of the CPEI and the additional staff provided improved performance levels of some boards, but not this Board. The goal set for the Board, and all boards under CPEI, was 12 to 18 months to complete the entire enforcement process for cases resulting in formal discipline. In 2011/2012, it took the Board nearly three years (36 months) or more to complete a disciplinary action against a licensee.

Other reasons the Board is unable to meet its performance measures and goal of 12 to 18 months to complete disciplinary action include its necessary reliance on the Division of Investigation (DOI) to investigate the case, on the Attorney General's Office (AG) to file an accusation and prosecute the case, and on the Office of Administrative Law (OAL) to schedule an Administrative Law Judge (ALJ) to hear the case. According to the Board, an investigation by DOI can take anywhere from six to 18 months. Once the case is transferred to the AG, it can take six months to a year to file an accusation and another year to have the case heard before an ALJ. These timelines are outside the Board's control, but add greatly to the overall length of time it takes from receipt of a complaint to ultimate resolution.

With the increased staffing in the enforcement unit, that being: two AGPAs, two SSAs, and one OT, as authorized by the Budget Change Proposal effective July 1, 2014, the Board has made significant progress toward elimination of a backlog of complaints identified in its 2012 Sunset Report. Additionally, the Board continues to work toward meeting its performance measures for handling of disciplinary cases through reduction of processing timeframes. The following is an update to the focused efforts in each of the Board's enforcement program areas:

Complaint Intake and Investigation:

The Board, with the increased staffing levels, has worked diligently to reduce the timeframe for intake of a complaint despite an increasing number of incoming complaints.

The performance measure target for intake of a complaint as established during the Consumer Protection Enforcement Initiative (CPEI) is 10 days. Over the past four years, the average number of days to complete the intake process hit a high of 147 days in FY 2012/13 Quarter 4. As of June 30, 2015, this number has decreased to 21 days. It is anticipated that the Board will meet this performance measure target of 10 days in FY 15/16 Q2.

The performance measure target established pursuant to CPEI for the average time from complaint receipt to closure of the investigation process is 365 days. The Board has met this goal of 365 days in 13 of the 16 quarters that make up FY 2011/12 through 2014/15. During the first six months of 2015, the enforcement unit's newly trained staff was tasked with conducting a comprehensive audit of all pending complaint investigation cases to identify the status of the all pending investigations and to determine how many cases were beyond the established performance target of 365 days. As of June 30, 2015, staff has nearly eliminated the backlog with a mere 124 of a total 598 cases pending resolution that were identified as beyond the target of 365 days.

Citation and Fine:

With the diminishing backlog, staff has been able to devote resources to other enforcement areas where process improvement was critical. Prior to 2014, the citation and fine program duties were bifurcated and the process for issuing citations, setting informal conferences, and monitoring outcomes was shared between multiple staff where important legal timeframes were not carefully monitored. Today, the program is centralized and has been overhauled to streamline the investigative process, the informal conference procedures, and the collection of fines levied against licensees.

As identified above, the Board is currently pursuing regulatory authority to increase its maximum fine authority to \$5,000. It is anticipated that the new regulatory language will be implemented March 2016.

Due to staffing shortages, the Board was forced to temporarily suspend its use of the Franchise Tax Board Intercepts Program. With increased staffing, the Board has been able to once again begin to employ the use of this program for those citations and fines that have been closed as uncollectible.

Expert Witness:

The Board conducted two separate Expert Witness trainings, December 2014 and August 2015. Approximately twenty (20) new Experts were trained in the two sessions facilitated by Board staff and the Office of the Attorney General (OAG). Prior to 2014, it had been several years since the Board conducted Expert Witness training and the Experts working for the Board at that time, were performing their services with limited knowledge of the administrative disciplinary process and basic confusion about their role within the process. The lack of guidance for the Experts resulted in expert reports that were not conclusive. However, as a result of the more recent training, the Board's Experts are now submitting complete reports with clear conclusions regarding substandard care. This has also resulted in a greater percentage of cases referred to the OAG being accepted and less cases being declined. Today, the percentage of cases accepted by the OAG is 98%.

Formal Discipline:

As indicated in the 2012 Sunset Review Report, in FY 2011/12, it took nearly three years (36 months) or more to complete a formal disciplinary action against a licensee by the Board. The Board continues to see extended processing timelines in the area of formal discipline.

The performance measure target established pursuant to CPEI for the average number of days to complete the entire enforcement process for cases resulting in formal discipline is 540 days (Initially, the Board identified its target at 740 days. However, the Department's CPEI target is 540 days.) Although staff has made significant progress in moving formal disciplinary actions through the adjudication process as expeditiously as possible, the average timeframes for completion continues to exceed two years.

In January 2015, staff was tasked with conducting a comprehensive audit of all pending formal discipline cases. It was determined that there were several cases that were completely resolved or very near complete resolution that had not been closed in the database which necessitated review and closure of the cases. The result was an unusual spike in the processing times for case closure.

In FY 2014/15, the Board closed a total of 60 formal discipline cases, many of which were over 540 days old. In the coming fiscal year, the Board should have identified and closed all dated disciplinary cases and as a result, the Board anticipates a significant reduction in processing timeframes. However, since many of the procedural factors involved in the resolution of formal disciplinary matters reside with the OAG and the Office of Administrative Hearings (OAH), it is unlikely the Board will meet its performance measure target of 540 days. The length of time necessary for processing of a formal discipline case through the OAG and the OAH continues to serve as a barrier in the enforcement process. In the past, it has taken anywhere from six months to one year to prepare an accusation and as much as one year to schedule and conduct a hearing. Unfortunately, this is still the case. These are

factors outside the Board's control.

Probation:

The Board's probation program is critical to the formal disciplinary process. It provides the Board with a mechanism to consider practice restrictions that serve to protect the health, welfare, and safety of animals and their owners, while addressing the licensee's compliance issues, whether related to substandard care or ethical violations. It provides for appropriate and meaningful discipline and consumer protection, by placing the licensee under careful monitoring, while affording the licensee an opportunity to continue to practice and ultimately, demonstrate rehabilitation. The goal of the probation program is to ensure the practice deficiencies or unprofessional conduct behaviors are addressed through mandatory continuing education, examinations, practice monitoring, etc., and that the issues are corrected before the licensee returns to unrestricted practice.

With the improved focus on adjudication and resolution of formal disciplinary actions, the Board has seen a significant increase in the number of probationers currently being monitored. As of June 30, 2012, the Board was monitoring 36 probationers. Today, the Board's probationer caseload has more than doubled and the Board currently monitors a total of 76 probationers.

The increased staffing has allowed the Board to utilize a dedicated staff member to serve as a probation monitor and immediately address compliance issues while also serving as a resource to supervisors and practice monitors who are approved to supervise probationers.

Staff Recommendation: The Board should continue strategies to decrease the timeframe for areas of the disciplinary process over which it has control. The Board should also continue to monitor progress within each stage of the disciplinary process and provide the committee with an update during the next sunset review.

2016 Board Response:

Prior to 2015, many disciplinary cases lingered without timely resolution and a large portion of that case aging had to do with the Board's limited staffing in its enforcement unit.

In December 2014, (pursuant to a new budget augmentation), the Board hired 5 new enforcement staff members and began digging out of its backlog. It has taken the better part of a year to identify all of the aging cases, as some were merely never closed-out in the database, while others were near resolution, but were not finalized. The actual clean-up explains some of the more lengthy timeframes noted in the Board's statistical data, which averaged cases taking almost 1,000 days in FY 14/15 to complete. In that same year, the Board closed 60 disciplinary cases, which is up from an average of 20 cases in years past.

The Board has made tremendous strides in reducing its timeframes for formal disciplinary action. Having more staff in the Board's disciplinary unit monitoring each stage of the case has helped move cases through the disciplinary process. Staff monitors each case from: transmittal to the Office of the Attorney General (OAG), date of filing of the pleading, receipt of the respondent's notice of defense, receipt of mitigation, scheduling mandatory settlement conferences, and dates or continuances of formal hearings. Staff schedules status updates every 60 days to continue to monitor all stages of the process.

The performance measure of 540 days as established by the Department for formal discipline will continue to be a challenge. Current processing timelines gathered by the Board, reflect that on average, from the date the board transmits a case to the OAG, to the date a pleading is filed, is between 100-150

days; from the date of referral of a case, to the actual hearing date, is on average another 420 days. Those two stages of the process alone are beyond the performance measure of 540 days, and this timeframe doesn't include the process for the Board to review and deliberate a decision. Another factor that affects the Board's performance timeframes, are case reassignments at the OAG. Recently, the Board has had a number of cases reassigned to a new Deputy Attorney General which delays the case and is an added expense to the Board.

Despite the many challenges, things are beginning to turn around. In the first two quarters of the FY 15/16, 27 cases have been closed with formal discipline, which means the Board is on track to close over 60 cases this year. While disciplinary case processing timelines have yet to come down dramatically, , the Board is confident that with the increased staff, the resolution of older cases, and the partnership with the OAG to reduce case aging, we will continue to reduce the average case processing timelines for formal discipline.

CONTINUATION OF THE VETERINARY MEDICAL BOARD

ISSUE #12: (SHOULD THE VETERINARY MEDICAL BOARD BE CONTINUED?) Should the licensing and regulation of the practice of veterinarian medicine be continued and be regulated by the current Board membership?

Background: The health, safety, and welfare of consumers are protected by a well-regulated veterinary profession. Although the Board has been slow to implement changes as recommended by the former JLSRC and other matters presented to the Board for consideration over the past eight years, it appears as if the current Board has shown a strong commitment to improving the Board's overall efficiency and effectiveness. The current Board has worked cooperatively with the Legislature and this Committee to bring about necessary changes. It is obvious that there are still important regulations and problems that need to be addressed by this Board, but it seems more than willing to work with the Legislature, the DCA, and other professional groups to act more expeditiously to deal with these issues in a timely fashion. The Board should be continued with a four-year extension of its sunset date so that the Committee may review once again if the issues and recommendations in this Paper and others of the Committee have been addressed.

Staff Recommendation: *Recommend that the practice of veterinary medicine continue to be regulated by the current Board members of the Veterinary Medical Board in order to protect the interests of the public and that the Board be reviewed by this Committee once again in four years.*

2016 Board Response:

The Board concurs with and appreciates the Committee's recommendation to extend the Board's sunset date by four years.



RECEIVED
FEB 17 2016
VMB / RVTC

February 8, 2016

Veterinary Medical Board
1747 N Market Blvd
Sacramento CA 95834

Dear Veterinary Medical Board:

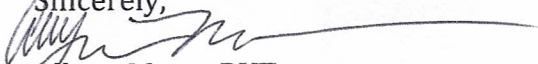
I am writing to request that the subject of fees charged by the AAVSB to RVT candidates be placed on the Board's April agenda.

It has come to our attention that the AAVSB has just increased the fee for the VTNE from \$300 to \$310. We also learned that the AAVSB charges \$80 to transfer a VTNE score electronically and \$100 for a hard copy transfer. In contrast, the National Council of State Boards of Nursing (NCSBN) charges its candidates \$200 for their licensing examination and \$50 to transfer a score.

Several years ago, Dr. Tom Kendall who was on the AAVSB Finance Committee, reported that in his opinion, the AAVSB was holding excessive amounts of money in their reserve account and could consider lowering their fees to RVT candidates. CaRVTA sent a letter to the AAVSB requesting that they do so, but we did not receive a reply.

At this point, we would ask that the VMB address the issue. We understand that the AAVSB is an independent organization, but we also understand that California supplies more candidates for the VTNE than any other constituency in the United States. We believe that it is reasonable to ask the AAVSB to explain why they charge significantly more for their exam and score transfers than the NCSBN charges for theirs.

Sincerely,


Allyne Moon, RVT
President, CaRVTA

1017 L St. #389

Sacramento CA 95814

916 244-2494

www.carvta.org

Veterinary Compounding

Draft Statutory Proposal- Pending Further Modifications April 2016

§ 4825.1. Definitions –

(e) “Compounding,” for the purposes of veterinary medicine, shall have the same meaning as that given in California Code of Regulations, title 16, section 1735, except that every reference therein to “pharmacy” and “pharmacist” shall be replaced by “veterinary premises” and “veterinarian,” and except that only a licensed veterinarian or a licensed RVT under direct supervision of a veterinarian, may perform compounding, and may not delegate to or supervise any part of the performance of compounding by any other person.

§ 4826.3. Veterinary Compounding

(a) Notwithstanding section 4051, a veterinarian or RVT under the direct supervision of a veterinarian, with a current and active license may compound a drug for anesthesia, the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal, in a premises currently and actively registered with the board, only under the following conditions:

(1) Where there is no FDA-approved animal or human drug that can be used as labeled or in an appropriate extralabel manner to properly treat the disease, symptom, or condition for which the drug is being prescribed;

(2) Where the compounded drug is not available from a compounding pharmacy, outsourcing facility, or other compounding supplier, in a dosage form and concentration to appropriately treat the disease, symptom, or condition for which the drug is being prescribed;

(3) Where the need and prescription for the compounded medication has arisen within an established veterinarian-client-patient relationship, as a means to treat a specific occurrence of a disease, symptom, or condition observed and diagnosed by the veterinarian in a specific animal which threatens the health of the animal or will cause suffering or death if left untreated;

(4) Where the quantity compounded does not exceed a quantity demonstrably needed to treat patients with which the veterinarian has a current veterinarian-client-patient relationship; and

(5) Except as specified in (c), where the compound is prepared only with commercially available FDA-approved animal or human drugs as active ingredients.

(b) A compounded veterinary drug may be prepared from an FDA-approved animal or human drug for extralabel use only when there is no approved animal or human drug that, when used as labeled or in an appropriate extralabel manner will, in the available dosage form and concentration, treat the disease, symptom, or condition. Compounding from an approved human drug for use in food-producing animals is not permitted if an approved animal drug can be used for compounding.

(c) A compounded veterinary drug may be prepared from bulk drug substances only when:

- (1) The drug is compounded and dispensed by the veterinarian to treat an individually identified animal patient under his or her care;
- (2) The drug is not intended for use in food-producing animals;
- (3) If the drug contains a bulk drug substance that is a component of any marketed FDA-approved animal or human drug, there is a change between the compounded drug and the comparable marketed drug made for an individually identified animal patient that produces a clinical difference for that individually identified animal patient, as determined by the veterinarian prescribing the compounded drug for his or her patient;
- (4) There are no FDA-approved animal or human drugs that can be used as labeled or in an appropriate extralabel manner to properly treat the disease, symptom, or condition for which the drug is being prescribed;
- (5) All bulk drug substances used in compounding are manufactured by an establishment registered under 21 U.S.C. § 360 and are accompanied by a valid certificate of analysis;
- (6) The drug is not sold or transferred by the veterinarian compounding the drug, except that the veterinarian shall be permitted to administer the drug to a patient under his or her care, or dispense it to the owner or caretaker of an animal under his or her care;
- (7) Within fifteen (15) days of becoming aware of any product defect or serious adverse event associated with any drug compounded by the veterinarian from bulk drug substances, the veterinarian reports it to the FDA on Form FDA 1932a; and
- (8) In addition to other requirements, the label of any veterinary drug compounded from bulk drug substances indicates the species of the intended animal patient, the name of the animal patient, and the name of the owner or caretaker of the patient.

(d) Each compounded veterinary drug preparation shall meet the labeling requirements of section 4076, and of California Code of Regulations, title 16, sections 1707.5 and 1735.4, except that every reference therein to “pharmacy” and “pharmacist” shall be replaced by “veterinary premises” and “veterinarian,” and any reference to “patient” shall be understood to refer to the animal patient. In addition, each label on a compounded veterinary drug preparation shall include withdrawal/holding times, if needed, and the disease, symptom, or condition for which the drug is being prescribed. Any compounded veterinary drug preparation that is intended to be sterile, including for injection, administration into the eye, or inhalation, shall in addition meet the labeling requirements of California Code of Regulations, title 16, section 1751.2, except that every reference therein to “pharmacy” and “pharmacist” shall be replaced by “veterinary premises” and “veterinarian,” and any reference to “patient” shall be understood to refer to the animal patient.

(e) Any veterinarian, RVT under the direct supervision of a veterinarian, and veterinary premises engaged in compounding shall meet the compounding requirements for pharmacies and pharmacists

stated by the following sections and subdivisions of Article 4.5 of Title 16 of the California Code of Regulations, except that every reference therein to “pharmacy” and “pharmacist” shall be replaced by “veterinary premises” and “veterinarian,” and any reference to “patient” shall be understood to refer to the animal patient:

(1) Section 1735.1;

(2) Section 1735.2, subdivisions (d), (e), (f), (g), (h), (i), (j), (k), and (l);

(3) Section 1735.3, except that only a licensed veterinarian or RVT may perform compounding, and may not delegate to or supervise any part of the performance of compounding by any other person.

(4) Section 1735.4;

(5) Section 1735.5;

(6) Section 1735.6;

(7) Section 1735.7; and

(8) Section 1735.8.

(f) Any veterinarian, RVT under the direct supervision of a veterinarian, and veterinary premises engaged in sterile compounding shall meet the sterile compounding requirements for pharmacies and pharmacists stated by Article 7 of Title 16 of the California Code of Regulations (sections 1751 through 1751.8, inclusive), except that every reference therein to “pharmacy” and “pharmacist” shall be replaced by “veterinary premises” and “veterinarian,” and any reference to “patient” shall be understood to refer to the animal patient.

(g) The California State Board of Pharmacy shall have authority with the Veterinary Medical Board to ensure compliance with this section, and shall have the right to inspect any veterinary premises engaged in compounding, along with or separate from the Veterinary Medical Board, to ensure compliance. The Veterinary Medical Board is specifically charged with enforcing this section with regard to its licensees.

§ 4826.5. Unprofessional Conduct; Veterinary Compounding

Failure by a licensed veterinarian, RVT, or veterinary premises to comply with the provisions of this Article shall be deemed unprofessional conduct and constitute grounds for discipline.

§ 4826.7. Authority to Adopt Regulations; Veterinary Compounding

The Board may adopt regulations to implement the provisions of this Article.

4846.5. (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) Continuing education credits shall be granted to those veterinarians taking self-study courses, which may include, but are not limited to, reading journals, viewing video recordings, or listening to audio recordings. The taking of these courses shall be limited to no more than six hours biennially.

(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.

(5) Continuing education hours earned by attending courses sponsored or cosponsored by those entities listed in paragraph (1) between January 1, 2000, and January 1, 2001, shall be credited toward a veterinarian's continuing education requirement under this section.

(c) Every person renewing his or her license issued pursuant to Section 4846.4, or any person applying for relicensure or for reinstatement of his or her license to active status, shall submit proof of compliance with this section to the board certifying that he or she 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) ~~On or after~~ Beginning January 1, 2018, a licensed veterinarian who continuing education on the judicious use of medically important 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.

Multidisciplinary Advisory Committee Assignments

April 2016

EXISTING PRIORITIES – Currently being addressed by MDC

- 1) **Evaluate Structure and Audit Enforcement Case Outcomes**
Complaint Process/Audit Taskforce
a. Expert Witness Subcommittee

- 2) **Develop minimum standards for alternate premises (large animal, equine mobile, public and private shelter medicine, ambulatory, etc.)**
 - a. **Shelter Medicine Subcommittee**

- 3) **Review Business and Professions Code Section 4830(5) regarding veterinary student exemption, duties and supervision at a California veterinary university. (Off-site surgery programs- should they be limited to 3rd/4th year students?)**

- 4) **Pursue "extended duty" for Registered Veterinary Technicians.**

FUTURE PRIORITIES

- 5) **Review standard of care for animal dentistry**

- 6) **Animal Rehabilitation assigning task force – 5 specific content areas**
January 2016 - The Board voted to table the issue pending the outcome of the Sunset Review recommendation by the Legislature.

Legislation

A. SB 1195 (HILL) – VETERINARY MEDICAL BOARD: EXECUTIVE OFFICER

AMENDED: 4/6/16

STATUS: From Senate Business, Professions and Economic Development Committee with author's amendments. Read second time and amended. Re-referred to Senate Business, Professions and Economic Development Committee.

BOARD POSITION: Support

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, and authorizes those boards to adopt regulations to enforce the laws pertaining to the profession and vocation for which they have jurisdiction. Existing law makes decisions of any board within the department pertaining to setting standards, conducting examinations, passing candidates, and revoking licenses final, except as specified, and provides that those decisions are not subject to review by the Director of Consumer Affairs. Existing law authorizes the director to audit and review certain inquiries and complaints regarding licensees, including the dismissal of a disciplinary case. Existing law requires the director to annually report to the chairpersons of certain committees of the Legislature information regarding findings from any audit, review, or monitoring and evaluation. Existing law authorizes the director to contract for services of experts and consultants where necessary. Existing law requires regulations, except those pertaining to examinations and qualifications for licensure and fee changes proposed or promulgated by a board within the department, to comply with certain requirements before the regulation or fee change can take effect, including that the director is required to be notified of the rule or regulation and given 30 days to disapprove the regulation. Existing law prohibits a rule or regulation that is disapproved by the director from having any force or effect, unless the director's disapproval is overridden by a unanimous vote of the members of the board, as specified.

This bill would instead authorize the director, upon his or her own initiative, and require the director, upon the request of a consumer or licensee, to review a decision or other action, except as specified, of a board within the department to determine whether it unreasonably restrains trade and to approve, disapprove, or modify the board decision or action, as specified. The bill would require the director to post on the department's Internet Web site his or her final written decision and the reasons for the decision within 90 days from receipt of the request of a consumer or licensee. The bill would, commencing on March 1, 2017, require the director to annually report to the chairs of specified committees of the Legislature information regarding the director's disapprovals, modifications, or findings from any audit, review, or monitoring and evaluation. The bill would authorize the director to seek, designate, employ, or contract for the services of independent antitrust experts for purposes of reviewing board actions for unreasonable restraints on trade. The bill would also require the director to review and approve any regulation promulgated by a board within the department, as specified. The bill would authorize the director to modify any regulation as a condition of approval, and to disapprove a

regulation because it would have an impermissible anticompetitive effect. The bill would prohibit any rule or regulation from having any force or effect if the director does not approve the regulation because it has an impermissible anticompetitive effect.

(2) Existing law, until January 1, 2018, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to appoint an executive officer who is a nurse currently licensed by the board.

This bill would instead prohibit the executive officer from being a licensee of the board.

(3) The Veterinary Medicine Practice Act provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs, and authorizes the board to appoint an executive officer, as specified. Existing law repeals the provisions establishing the board and authorizing the board to appoint an executive officer as of January 1, 2017. That act exempts certain persons from the requirements of the act, including a veterinarian employed by the University of California or the Western University of Health Sciences while engaged in the performance of specified duties. That act requires all premises where veterinary medicine, dentistry, and surgery is being practiced to register with the board. That act requires all fees collected on behalf of the board to be deposited into the Veterinary Medical Board Contingent Fund, which continuously appropriates fees deposited into the fund. That act makes a violation of any provision of the act punishable as a misdemeanor.

This bill would extend the operation of the board and the authorization of the board to appoint an executive officer to January 1, 2021. The bill would authorize a veterinarian and registered veterinary technician who is under the direct supervision of a veterinarian with a current and active license to compound a drug for anesthesia, the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal in a premises currently and actively registered with the board, as specified. The bill would authorize the California State Board of Pharmacy and the board to ensure compliance with these requirements. The bill would instead require veterinarians engaged in the practice of veterinary medicine employed by the University of California or by the Western University of Health Sciences while engaged in the performance of specified duties to be licensed as a veterinarian in the state or hold a university license issued by the board. The bill would require an applicant for a university license to meet certain requirements, including that the applicant passes a specified exam. The bill would also prohibit a premise registration that is not renewed within 5 years after its expiration from being renewed, restored, reissued, or reinstated; however, the bill would authorize a new premise registration to be issued to an applicant if no fact, circumstance, or condition exists that would justify the revocation or suspension of the registration if the registration was issued and if specified fees are paid. By requiring additional persons to be licensed and pay certain fees that would go into a continuously appropriated fund, this bill would make an appropriation. By requiring additional persons to be licensed under the act that were previously exempt, this bill would expand the definition of an existing crime and would, therefore, result in a state-mandated local program.

(4) Existing law, except as provided, requires a public entity to pay any judgment or any compromise or settlement of a claim or action against an employee or former employee of the public entity if the employee or former employee requests the public entity to defend him or her

against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action.

This bill would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board for an act or omission occurring within the scope of his or her employment as a member of a regulatory board.

(5) The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. That act requires the review by the office to follow certain standards, including, among others, necessity, as defined. That act requires an agency proposing to adopt, amend, or repeal a regulation to prepare a notice to the public that includes specified information, including reference to the authority under which the regulation is proposed.

This bill would add competitive impact, as defined, as an additional standard for the office to follow when reviewing regulatory actions of a state board on which a controlling number of decisionmakers are active market participants in the market that the board regulates, and requires the office to, among other things, consider whether the anticompetitive effects of the proposed regulation are clearly outweighed by the public policy merits. The bill would authorize the office to designate, employ, or contract for the services of independent antitrust or applicable economic experts when reviewing proposed regulations for competitive impact. The bill would require state boards on which a controlling number of decisionmakers are active market participants in the market that the board regulates, when preparing the public notice, to additionally include a statement that the agency has evaluated the impact of the regulation on competition and that the effect of the regulation is within a clearly articulated and affirmatively expressed state law or policy.

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

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

B. SB 945 (MONNING) – PET BOARDING FACILITIES

AMENDED: 3/29/16

STATUS: Re-referred to Senate Business, Professions, and Economic Development Committee.

BOARD POSITION: Neutral

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

This bill would establish procedures for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, sanitation, provision of enrichment devices, health of the pet, and safety. The bill would also prohibit a person convicted of an offense related

to the welfare of animals, as specified, from operating a pet boarding facility or from being employed as an employee of a pet boarding facility. The bill would make a violation of these provisions an infraction punishable by a fine not to exceed \$250 for the first violation and not to exceed \$1,000 for each subsequent violation. Because it would create a new crime, this bill would impose a state-mandated local program.

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

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

C. AB 2505 (QUIRK) – ANIMALS; EUTHANASIA

INTRODUCED: 2/19/16

STATUS: Re-Referred to Assembly Appropriations Committee.

BOARD POSITION: Propose Watch

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

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

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

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

D. SB 1039 (HILL) – PROFESSIONS AND VOCATIONS

AMENDED: 4/12/16

STATUS: From Senate Business, Professions and Economic Development Committee with author's amendments. Read second time and amended. Re-referred to Senate Business, Professions and Economic Development Committee.

BOARD POSITION: Propose Support

Omnibus Bill

- Veterinary Consultant Language
- Other related provisions

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

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

(2) The Dental Practice Act provides for the licensure and regulation of persons engaged in the practice of dentistry by the Dental Board of California, which is within the Department of Consumer Affairs, and requires the board to be responsible for the approval of foreign dental schools by evaluating foreign dental schools based on specified criteria. That act authorizes the board to contract with outside consultants or a national professional organization to survey and evaluate foreign dental schools, as specified. That act requires the board to establish a technical advisory group to review the survey and evaluation contracted for prior to the board taking any final action regarding a foreign dental school. That act also requires periodic surveys and evaluations of all approved schools be made to ensure compliance with the act.

This bill would authorize the board, in lieu of conducting its own survey and evaluation of a foreign dental school, to accept the findings of any commission or accreditation agency approved by the board, if the findings meet specified standards and the foreign dental school is not under review by the board on January 1, 2017, and adopt those findings as the board's own. The bill would delete the requirement to establish a technical advisory group. The bill would instead authorize periodic surveys and evaluations be made to ensure compliance with that act.

(3) The Medical Practice Act creates, within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine. Under the act, certificates to practice podiatric medicine and registrations of spectacle lens dispensers and contact lens dispensers, among others, expire on a certain date during the second year of a 2-year term if not renewed.

This bill would instead create the California Board of Podiatric Medicine in the Department of Consumer Affairs, and would make conforming and related changes. The bill would discontinue the above-described requirement for the expiration of the registrations of spectacle lens dispensers and contact lens dispensers.

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

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

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

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

(6) Existing law requires certain businesses that provide telephone medical advice services to a patient at a California address to be registered with the Telephone Medical Advice Services Bureau and further requires telephone medical advice services to comply with the requirements established by the Department of Consumer Affairs, among other provisions, as specified.

This bill would repeal those provisions.

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

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

(8) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California within the Department of Consumer Affairs. That law authorizes the board, by resolution, to establish a fee for the renewal of a certificate issued by the board, and prohibits the fee from exceeding \$125, as specified. Under existing law, all fees and revenues received by the board are deposited into the Court Reporters' Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would raise that fee limit to \$250. By authorizing an increase in a fee deposited into a continuously appropriated fund, this bill would make an appropriation.

(9) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board, which is within the Department of Consumer Affairs, and requires a licensee to pay a specified license fee. Existing law makes any violation of those provisions punishable as a misdemeanor. Existing law places certain

requirements on a registered company or licensee with regards to wood destroying pests or organisms, including that a registered company or licensee is prohibited from commencing work on a contract until an inspection has been made by a licensed Branch 3 field representative or operator, that the address of each property inspected or upon which work was completed is required to be reported to the board, as specified, and that a written inspection report be prepared and delivered to the person requesting the inspection or his or her agent. Existing law requires the original inspection report to be submitted to the board upon demand. Existing law requires that written report to contain certain information, including a foundation diagram or sketch of the structure or portions of the structure inspected, and requires the report, and any contract entered into, to expressly state if a guarantee for the work is made, and if so, the terms and time period of the guarantee. Existing law establishes the Structural Pest Control Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

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

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

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

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

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

E. AB 1951 (SALAS) – CRIMES: ANIMAL CRUELTY

AMENDED: 3/30/16

STATUS: Re-Referred to Assembly Committee on Public Safety

BOARD POSITION: Propose Watch

Existing law makes it a crime to maliciously and intentionally maim, mutilate, torture, or wound a living animal, or maliciously and intentionally kill an animal. Existing law also makes it a crime to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, drink, or shelter, cruelly beat, mutilate, or cruelly kill an animal. Existing law makes these crimes punishable as a felony by imprisonment in the county jail for 16 months, 2, or 3 years, or as a misdemeanor punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than \$20,000, or by both that fine and either imprisonment.

This bill would instead make the above crimes punishable as a felony by imprisonment in either the state prison for 2, 3, or 4 years, or a county jail for 16 months, 2, or 3 years, or as a misdemeanor by imprisonment in a county jail, or a fine of not more than \$20,000, or by both that fine and either the felony or misdemeanor terms of imprisonment.

Existing law makes it a crime to own, possess, keep, or train any dog with the intent that the dog shall be engaged in an exhibition of fighting with another dog. Existing law additionally makes it a crime to, for amusement or gain, cause any dog to fight with another dog, or cause any dog to injure another dog. Existing law also makes it a crime for a person to permit either of these acts to be done on premises under his or her charge or control, or to aid or abet either act. Existing law makes these crimes punishable as a felony by imprisonment in a county jail, or by a fine not to exceed \$50,000, or by both that fine and imprisonment.

This bill would instead make these crimes punishable as a felony by imprisonment in the state prison, or by a fine not to exceed \$50,000, or by both that fine and imprisonment.

Existing law makes it a crime to willfully and maliciously and with no legal justification take specified actions, including strike, beat, and hurl or project objects at, any horse or dog under the supervision of a peace officer in the discharge or attempted discharge of his or her duties. If the act causes a serious injury, existing law makes it punishable by imprisonment in the county jail for 16 months, 2, or 3 years, or as a misdemeanor punishable by imprisonment in the county jail for not more than one year, or by a fine of not more than (\$2,000), or by both that fine and either imprisonment.

This bill would instead make the above crime punishable as a felony by imprisonment in either the state prison for 2, 3, or 4 years, or a county jail for 16 months, 2, or 3 years, or as a misdemeanor by imprisonment in a county jail, or a fine of not more than \$20,000, or by both that fine and either the felony or misdemeanor terms of imprisonment.

Existing law makes any person who intentionally causes injury to or the death of any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding one year, or by a fine of not more than \$10,000, or by both a fine and that imprisonment.

This bill would instead make that crime punishable as a felony by imprisonment in either the state prison for 2, 3, or 4 years, or a county jail for 16 months, 2, or 3 years, or as a misdemeanor by imprisonment in a county jail, or by a fine of not more than \$20,000, or by both that fine and either the felony or misdemeanor terms of imprisonment.

By increasing the punishments for crimes, this bill would create a state-mandated local program.

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

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

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

INTRODUCED: 2/19/16

STATUS: Set for hearing April 11, 2016 with Senate Business, Professions and Economic Development Committee.

BOARD POSITION: Propose Watch

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

This bill would require each board, with a governing law authorizing veterans to apply military experience and training towards licensure requirements, to modify their application for licensure to advise veteran applicants about their ability to apply that experience and training towards licensure requirements.

G. SB 1230 (STONE) – PHARMACIES: COMPOUNDING

INTRODUCED: 2/18/16

STATUS: Set for hearing April 11, 2016 with Senate Business, Professions and Economic Development Committee.

BOARD POSITION:

Under the Pharmacy Law, a violation of which is a crime, the California State Board of Pharmacy licenses and regulates the practice of pharmacy. That law authorizes a pharmacy to furnish prescription drugs only to certain entities, including specific health care entities, and individual patients either pursuant to prescription or as otherwise authorized by law.

This bill would authorize a pharmacy that provides compounding services to provide to a clinic commercial products that are unique or otherwise unavailable to the clinic, if the compounding pharmacy and the clinic have entered into a professional compounding services agreement to provide nonpatient-specific compounded medications that cannot be planned for prospectively. The bill would require the board to adopt regulations for establishing a professional compounding services agreement.

H. SB 1182 (GALGIANI) – CONTROLLED SUBSTANCES

INTRODUCED: 2/18/16

STATUS: Set for hearing April 11, 2016 with Senate Appropriations Committee.

BOARD POSITION:

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

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

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

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

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

INTRODUCED: 2/19/16

STATUS: Referred to Assembly Committee on Higher Education.

BOARD POSITION:

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

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

AMENDED IN SENATE APRIL 6, 2016

SENATE BILL

No. 1195

Introduced by Senator Hill

February 18, 2016

An act to amend Sections ~~4800 and 4804.5~~ of 109, 116, 153, 307, 313.1, 2708, 4800, 4804.5, 4825.1, 4830, and 4846.5 of, and to add Sections 4826.3, 4826.5, 4826.7, 4848.1, and 4853.7 to, the Business and Professions Code, and to amend Sections 825, 11346.5, 11349, and 11349.1 of the Government Code, relating to ~~healing arts~~, professional regulation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1195, as amended, Hill. ~~Veterinary Medical Board: executive officer.~~ *Professions and vocations: board actions: competitive impact.*

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, and authorizes those boards to adopt regulations to enforce the laws pertaining to the profession and vocation for which they have jurisdiction. Existing law makes decisions of any board within the department pertaining to setting standards, conducting examinations, passing candidates, and revoking licenses final, except as specified, and provides that those decisions are not subject to review by the Director of Consumer Affairs. Existing law authorizes the director to audit and review certain inquiries and complaints regarding licensees, including the dismissal of a disciplinary case. Existing law requires the director to annually report to the chairpersons of certain committees of the Legislature information regarding findings from any audit, review, or monitoring and evaluation. Existing law authorizes the director to contract for services of experts and consultants where necessary.

Existing law requires regulations, except those pertaining to examinations and qualifications for licensure and fee changes proposed or promulgated by a board within the department, to comply with certain requirements before the regulation or fee change can take effect, including that the director is required to be notified of the rule or regulation and given 30 days to disapprove the regulation. Existing law prohibits a rule or regulation that is disapproved by the director from having any force or effect, unless the director's disapproval is overridden by a unanimous vote of the members of the board, as specified.

This bill would instead authorize the director, upon his or her own initiative, and require the director, upon the request of a consumer or licensee, to review a decision or other action, except as specified, of a board within the department to determine whether it unreasonably restrains trade and to approve, disapprove, or modify the board decision or action, as specified. The bill would require the director to post on the department's Internet Web site his or her final written decision and the reasons for the decision within 90 days from receipt of the request of a consumer or licensee. The bill would, commencing on March 1, 2017, require the director to annually report to the chairs of specified committees of the Legislature information regarding the director's disapprovals, modifications, or findings from any audit, review, or monitoring and evaluation. The bill would authorize the director to seek, designate, employ, or contract for the services of independent antitrust experts for purposes of reviewing board actions for unreasonable restraints on trade. The bill would also require the director to review and approve any regulation promulgated by a board within the department, as specified. The bill would authorize the director to modify any regulation as a condition of approval, and to disapprove a regulation because it would have an impermissible anticompetitive effect. The bill would prohibit any rule or regulation from having any force or effect if the director does not approve the regulation because it has an impermissible anticompetitive effect.

(2) Existing law, until January 1, 2018, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to appoint an executive officer who is a nurse currently licensed by the board.

This bill would instead prohibit the executive officer from being a licensee of the board.

~~The~~

(3) *The Veterinary Medicine Practice Act provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs, and authorizes the board to appoint an executive officer, as specified. Existing law repeals the provisions establishing the board and authorizing the board to appoint an executive officer as of January 1, 2017. That act exempts certain persons from the requirements of the act, including a veterinarian employed by the University of California or the Western University of Health Sciences while engaged in the performance of specified duties. That act requires all premises where veterinary medicine, dentistry, and surgery is being practiced to register with the board. That act requires all fees collected on behalf of the board to be deposited into the Veterinary Medical Board Contingent Fund, which continuously appropriates fees deposited into the fund. That act makes a violation of any provision of the act punishable as a misdemeanor.*

This bill would extend the operation of the board and the authorization of the board to appoint an executive officer to January 1, 2021. *The bill would authorize a veterinarian and registered veterinary technician who is under the direct supervision of a veterinarian with a current and active license to compound a drug for anesthesia, the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal in a premises currently and actively registered with the board, as specified. The bill would authorize the California State Board of Pharmacy and the board to ensure compliance with these requirements. The bill would instead require veterinarians engaged in the practice of veterinary medicine employed by the University of California or by the Western University of Health Sciences while engaged in the performance of specified duties to be licensed as a veterinarian in the state or hold a university license issued by the board. The bill would require an applicant for a university license to meet certain requirements, including that the applicant passes a specified exam. The bill would also prohibit a premise registration that is not renewed within 5 years after its expiration from being renewed, restored, reissued, or reinstated; however, the bill would authorize a new premise registration to be issued to an applicant if no fact, circumstance, or condition exists that would justify the revocation or suspension of the registration if the registration was issued and if specified fees are paid. By requiring*

additional persons to be licensed and pay certain fees that would go into a continuously appropriated fund, this bill would make an appropriation. By requiring additional persons to be licensed under the act that were previously exempt, this bill would expand the definition of an existing crime and would, therefore, result in a state-mandated local program.

(4) Existing law, except as provided, requires a public entity to pay any judgment or any compromise or settlement of a claim or action against an employee or former employee of the public entity if the employee or former employee requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action.

This bill would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board for an act or omission occurring within the scope of his or her employment as a member of a regulatory board.

(5) The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. That act requires the review by the office to follow certain standards, including, among others, necessity, as defined. That act requires an agency proposing to adopt, amend, or repeal a regulation to prepare a notice to the public that includes specified information, including reference to the authority under which the regulation is proposed.

This bill would add competitive impact, as defined, as an additional standard for the office to follow when reviewing regulatory actions of a state board on which a controlling number of decisionmakers are active market participants in the market that the board regulates, and requires the office to, among other things, consider whether the anticompetitive effects of the proposed regulation are clearly outweighed by the public policy merits. The bill would authorize the office to designate, employ, or contract for the services of independent antitrust or applicable economic experts when reviewing proposed regulations for competitive impact. The bill would require state boards on which a controlling number of decisionmakers are active market participants

in the market that the board regulates, when preparing the public notice, to additionally include a statement that the agency has evaluated the impact of the regulation on competition and that the effect of the regulation is within a clearly articulated and affirmatively expressed state law or policy.

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

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

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

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

1 SECTION 1. Section 109 of the Business and Professions Code
2 *is amended to read:*

3 ~~109. (a) The decisions of any of the boards comprising the~~
4 ~~department with respect to setting standards, conducting~~
5 ~~examinations, passing candidates, and revoking licenses, are not~~
6 ~~subject to review by the director, but are final within the limits~~
7 ~~provided by this code which are applicable to the particular board,~~
8 ~~except as provided in this section.~~

9 ~~(b)~~

10 109. (a) The director may initiate an investigation of any
11 allegations of misconduct in the preparation, administration, or
12 scoring of an examination which is administered by a board, or in
13 the review of qualifications which are a part of the licensing process
14 of any board. A request for investigation shall be made by the
15 director to the Division of Investigation through the chief of the
16 division or to any law enforcement agency in the jurisdiction where
17 the alleged misconduct occurred.

18 ~~(c)~~

19 (b) (1) The director may intervene in any matter of any board
20 where an investigation by the Division of Investigation discloses
21 probable cause to believe that the conduct or activity of a board,
22 or its members or employees constitutes a violation of criminal
23 law.

24 ~~The~~

1 (2) ~~The term “intervene,” as used in paragraph (c) of this section~~
2 (1) may include, but is not limited to, an application for a
3 restraining order or injunctive relief as specified in Section 123.5,
4 or a referral or request for criminal prosecution. For purposes of
5 this section, the director shall be deemed to have standing under
6 Section 123.5 and shall seek representation of the Attorney
7 General, or other appropriate counsel in the event of a conflict in
8 pursuing that action.

9 (c) *The director may, upon his or her own initiative, and shall,*
10 *upon request by a consumer or licensee, review any board decision*
11 *or other action to determine whether it unreasonably restrains*
12 *trade. Such a review shall proceed as follows:*

13 (1) *The director shall assess whether the action or decision*
14 *reflects a clearly articulated and affirmatively expressed state law.*
15 *If the director determines that the action or decision does not*
16 *reflect a clearly articulated and affirmatively expressed state law,*
17 *the director shall disapprove the board action or decision and it*
18 *shall not go into effect.*

19 (2) *If the action or decision is a reflection of clearly articulated*
20 *and affirmatively expressed state law, the director shall assess*
21 *whether the action or decision was the result of the board’s*
22 *exercise of ministerial or discretionary judgment. If the director*
23 *finds no exercise of discretionary judgment, but merely the direct*
24 *application of statutory or constitutional provisions, the director*
25 *shall close the investigation and review of the board action or*
26 *decision.*

27 (3) *If the director concludes under paragraph (2) that the board*
28 *exercised discretionary judgment, the director shall review the*
29 *board action or decision as follows:*

30 (A) *The director shall conduct a full review of the board action*
31 *or decision using all relevant facts, data, market conditions, public*
32 *comment, studies, or other documentary evidence pertaining to*
33 *the market impacted by the board’s action or decision and*
34 *determine whether the anticompetitive effects of the action or*
35 *decision are clearly outweighed by the benefit to the public. The*
36 *director may seek, designate, employ, or contract for the services*
37 *of independent antitrust or economic experts pursuant to Section*
38 *307. These experts shall not be active participants in the market*
39 *affected by the board action or decision.*

1 (B) If the board action or decision was not previously subject
2 to a public comment period, the director shall release the subject
3 matter of his or her investigation for a 30-day public comment
4 period and shall consider all comments received.

5 (C) If the director determines that the action or decision furthers
6 the public protection mission of the board and the impact on
7 competition is justified, the director may approve the action or
8 decision.

9 (D) If the director determines that the action furthers the public
10 protection mission of the board and the impact on competition is
11 justified, the director may approve the action or decision. If the
12 director finds the action or decision does not further the public
13 protection mission of the board or finds that the action or decision
14 is not justified, the director shall either refuse to approve it or
15 shall modify the action or decision to ensure that any restraints
16 of trade are related to, and advance, clearly articulated state law
17 or public policy.

18 (4) The director shall issue, and post on the department's
19 Internet Web site, his or her final written decision approving,
20 modifying, or disapproving the action or decision with an
21 explanation of the reasons and rationale behind the director's
22 decision within 90 days from receipt of the request from a
23 consumer or licensee. Notwithstanding any other law, the decision
24 of the director shall be final, except if the state or federal
25 constitution requires an appeal of the director's decision.

26 (d) The review set forth in paragraph (3) of subdivision (c) shall
27 not apply when an individual seeks review of disciplinary or other
28 action pertaining solely to that individual.

29 (e) The director shall report to the Chairs of the Senate Business,
30 Professions, and Economic Development Committee and the
31 Assembly Business and Professions Committee annually,
32 commencing March 1, 2017, regarding his or her disapprovals,
33 modifications, or findings from any audit, review, or monitoring
34 and evaluation conducted pursuant to this section. That report
35 shall be submitted in compliance with Section 9795 of the
36 Government Code.

37 (f) If the director has already reviewed a board action or
38 decision pursuant to this section or Section 313.1, the director
39 shall not review that action or decision again.

1 (g) *This section shall not be construed to affect, impede, or*
2 *delay any disciplinary actions of any board.*

3 *SEC. 2. Section 116 of the Business and Professions Code is*
4 *amended to read:*

5 116. (a) The director may audit and review, upon his or her
6 own initiative, or upon the request of a consumer or licensee,
7 inquiries and complaints regarding licensees, dismissals of
8 disciplinary cases, the opening, conduct, or closure of
9 investigations, informal conferences, and discipline short of formal
10 accusation by ~~the Medical Board of California, the allied health~~
11 ~~professional boards, and the California Board of Podiatric~~
12 ~~Medicine. The director may make recommendations for changes~~
13 ~~to the disciplinary system to the appropriate board, the Legislature,~~
14 ~~or both.~~ *any board or bureau within the department.*

15 (b) The director shall report to the ~~Chairpersons~~ *Chairs* of the
16 ~~Senate Business and Professions~~ *Business, Professions, and*
17 *Economic Development* Committee and the ~~Assembly Health~~
18 *Business and Professions* Committee annually, commencing March
19 1, ~~1995,~~ 2017, regarding his or her findings from any audit, review,
20 or monitoring and evaluation conducted pursuant to this section.
21 *This report shall be submitted in compliance with Section 9795 of*
22 *the Government Code.*

23 *SEC. 3. Section 153 of the Business and Professions Code is*
24 *amended to read:*

25 153. The director may investigate the work of the several
26 boards in his department and may obtain a copy of all records and
27 full and complete data in all official matters in possession of the
28 boards, their members, officers, or ~~employees, other than~~
29 ~~examination questions prior to submission to applicants at~~
30 ~~scheduled examinations.~~ *employees.*

31 *SEC. 4. Section 307 of the Business and Professions Code is*
32 *amended to read:*

33 307. The director may contract for the services of experts and
34 consultants where necessary to carry out ~~the provisions of this~~
35 chapter and may provide compensation and reimbursement of
36 expenses for ~~such~~ *those* experts and consultants in accordance with
37 state law.

38 *SEC. 5. Section 313.1 of the Business and Professions Code*
39 *is amended to read:*

1 313.1. (a) Notwithstanding any other ~~provision~~ of law to the
2 contrary, no rule or ~~regulation, except those relating to~~
3 ~~examinations and qualifications for licensure, regulation~~ and no
4 fee change proposed or promulgated by any of the boards,
5 commissions, or committees within the department, shall take
6 effect pending compliance with this section.

7 (b) The director shall be formally notified of and shall ~~be~~
8 ~~provided a full opportunity to review, in accordance with the~~
9 requirements of Article 5 (commencing with Section 11346) of
10 Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government
11 Code, *the requirements in subdivision (c) of Section 109*, and this
12 section, all of the following:

13 (1) All notices of proposed action, any modifications and
14 supplements thereto, and the text of proposed regulations.

15 (2) Any notices of sufficiently related changes to regulations
16 previously noticed to the public, and the text of proposed
17 regulations showing modifications to the text.

18 (3) Final rulemaking records.

19 (4) *All relevant facts, data, public comments, market conditions,*
20 *studies, or other documentary evidence pertaining to the market*
21 *impacted by the proposed regulation. This information shall be*
22 *included in the written decision of the director required under*
23 *paragraph (4) of subdivision (c) of Section 109.*

24 (c) The submission of all notices and final rulemaking records
25 to the director and the ~~completion of the director's review,~~
26 *approval*, as authorized by this section, shall be a precondition to
27 the filing of any rule or regulation with the Office of Administrative
28 Law. The Office of Administrative Law shall have no jurisdiction
29 to review a rule or regulation subject to this section until after the
30 ~~completion of the director's review and only then if the director~~
31 ~~has not disapproved it.~~ *approval*. The filing of any document with
32 the Office of Administrative Law shall be accompanied by a
33 certification that the board, commission, or committee has complied
34 with the requirements of this section.

35 (d) Following the receipt of any final rulemaking record subject
36 to subdivision (a), the director shall have the authority for a period
37 of 30 days to *approve a proposed rule or regulation or disapprove*
38 *a proposed rule or regulation on the ground that it is injurious to*
39 *the public health, safety, or ~~welfare.~~ welfare, or has an*
40 *impermissible anticompetitive effect. The director may modify a*

1 rule or regulation as a condition of approval. Any modifications
2 to regulations by the director shall be subject to a 30-day public
3 comment period before the director issues a final decision
4 regarding the modified regulation. If the director does not approve
5 the rule or regulation within the 30-day period, the rule or
6 regulation shall not be submitted to the Office of Administrative
7 Law and the rule or regulation shall have no effect.

8 (e) Final rulemaking records shall be filed with the director
9 within the one-year notice period specified in Section 11346.4 of
10 the Government Code. If necessary for compliance with this
11 section, the one-year notice period may be extended, as specified
12 by this subdivision.

13 (1) In the event that the one-year notice period lapses during
14 the director's 30-day review period, or within 60 days following
15 the notice of the director's disapproval, it may be extended for a
16 maximum of 90 days.

17 (2) If the director approves the final rulemaking record or
18 declines to take action on it within 30 days, record, the board,
19 commission, or committee shall have five days from the receipt
20 of the record from the director within which to file it with the
21 Office of Administrative Law.

22 (3) If the director disapproves a rule or regulation, it shall have
23 no force or effect unless, within 60 days of the notice of
24 disapproval, (A) the disapproval is overridden by a unanimous
25 vote of the members of the board, commission, or committee, and
26 (B) the board, commission, or committee files the final rulemaking
27 record with the Office of Administrative Law in compliance with
28 this section and the procedures required by Chapter 3.5
29 (commencing with Section 11340) of Part 1 of Division 3 of Title
30 2 of the Government Code. *This paragraph shall not apply to any*
31 *decision disapproved by the director under subdivision (c) of*
32 *Section 109.*

33 (f) ~~Nothing in this~~ This section shall *not* be construed to prohibit
34 the director from affirmatively approving a proposed rule,
35 regulation, or fee change at any time within the 30-day period after
36 it has been submitted to him or her, in which event it shall become
37 effective upon compliance with this section and the procedures
38 required by Chapter 3.5 (commencing with Section 11340) of Part
39 1 of Division 3 of Title 2 of the Government Code.

1 *SEC. 6. Section 2708 of the Business and Professions Code is*
2 *amended to read:*

3 2708. (a) The board shall appoint an executive officer who
4 shall perform the duties delegated by the board and who shall be
5 responsible to it for the accomplishment of those duties.

6 (b) The executive officer shall *not* be a ~~nurse currently licensed~~
7 *licensee* under this chapter and shall possess other qualifications
8 as determined by the board.

9 (c) The executive officer shall not be a member of the board.

10 (d) This section shall remain in effect only until January 1, 2018,
11 and as of that date is repealed, unless a later enacted statute, that
12 is enacted before January 1, 2018, deletes or extends that date.

13 ~~SECTION 1.~~

14 *SEC. 7. Section 4800 of the Business and Professions Code is*
15 *amended to read:*

16 4800. (a) There is in the Department of Consumer Affairs a
17 Veterinary Medical Board in which the administration of this
18 chapter is vested. The board consists of the following members:

19 (1) Four licensed veterinarians.

20 (2) One registered veterinary technician.

21 (3) Three public members.

22 (b) This section shall remain in effect only until January 1, 2021,
23 and as of that date is repealed.

24 (c) Notwithstanding any other law, the repeal of this section
25 renders the board subject to review by the appropriate policy
26 committees of the Legislature. However, the review of the board
27 shall be limited to those issues identified by the appropriate policy
28 committees of the Legislature and shall not involve the preparation
29 or submission of a sunset review document or evaluative
30 questionnaire.

31 ~~SEC. 2.~~

32 *SEC. 8. Section 4804.5 of the Business and Professions Code*
33 *is amended to read:*

34 4804.5. (a) The board may appoint a person exempt from civil
35 service who shall be designated as an executive officer and who
36 shall exercise the powers and perform the duties delegated by the
37 board and vested in him or her by this chapter.

38 (b) This section shall remain in effect only until January 1, 2021,
39 and as of that date is repealed.

1 *SEC. 9. Section 4825.1 of the Business and Professions Code*
2 *is amended to read:*

3 4825.1. These definitions shall govern the construction of this
4 chapter as it applies to veterinary medicine.

5 (a) “Diagnosis” means the act or process of identifying or
6 determining the health status of an animal through examination
7 and the opinion derived from that examination.

8 (b) “Animal” means any member of the animal kingdom other
9 than humans, and includes fowl, fish, and reptiles, wild or
10 domestic, whether living or dead.

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

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

20 (e) “Compounding,” for the purposes of veterinary medicine,
21 shall have the same meaning given in Section 1735 of Title 16 of
22 the California Code of Regulations, except that every reference
23 therein to “pharmacy” and “pharmacist” shall be replaced with
24 “veterinary premises” and “veterinarian,” and except that only
25 a licensed veterinarian or a licensed registered veterinarian
26 technician under direct supervision of a veterinarian may perform
27 compounding and shall not delegate to or supervise any part of
28 the performance of compounding by any other person.

29 *SEC. 10. Section 4826.3 is added to the Business and*
30 *Professions Code, to read:*

31 4826.3. (a) *Notwithstanding Section 4051, a veterinarian or*
32 *registered veterinarian technician under the direct supervision of*
33 *a veterinarian with a current and active license may compound a*
34 *drug for anesthesia, the prevention, cure, or relief of a wound,*
35 *fracture, bodily injury, or disease of an animal in a premises*
36 *currently and actively registered with the board and only under*
37 *the following conditions:*

38 (1) *Where there is no FDA-approved animal or human drug*
39 *that can be used as labeled or in an appropriate extralabel manner*

1 *to properly treat the disease, symptom, or condition for which the*
2 *drug is being prescribed.*

3 *(2) Where the compounded drug is not available from a*
4 *compounding pharmacy, outsourcing facility, or other*
5 *compounding supplier in a dosage form and concentration to*
6 *appropriately treat the disease, symptom, or condition for which*
7 *the drug is being prescribed.*

8 *(3) Where the need and prescription for the compounded*
9 *medication has arisen within an established*
10 *veterinarian-client-patient relationship as a means to treat a*
11 *specific occurrence of a disease, symptom, or condition observed*
12 *and diagnosed by the veterinarian in a specific animal that*
13 *threatens the health of the animal or will cause suffering or death*
14 *if left untreated.*

15 *(4) Where the quantity compounded does not exceed a quantity*
16 *demonstrably needed to treat a patient with which the veterinarian*
17 *has a current veterinarian-client-patient relationship.*

18 *(5) Except as specified in subdivision (c), where the compound*
19 *is prepared only with commercially available FDA-approved*
20 *animal or human drugs as active ingredients.*

21 *(b) A compounded veterinary drug may be prepared from an*
22 *FDA-approved animal or human drug for extralabel use only when*
23 *there is no approved animal or human drug that, when used as*
24 *labeled or in an appropriate extralabel manner will, in the*
25 *available dosage form and concentration, treat the disease,*
26 *symptom, or condition. Compounding from an approved human*
27 *drug for use in food-producing animals is not permitted if an*
28 *approved animal drug can be used for compounding.*

29 *(c) A compounded veterinary drug may be prepared from bulk*
30 *drug substances only when:*

31 *(1) The drug is compounded and dispensed by the veterinarian*
32 *to treat an individually identified animal patient under his or her*
33 *care.*

34 *(2) The drug is not intended for use in food-producing animals.*

35 *(3) If the drug contains a bulk drug substance that is a*
36 *component of any marketed FDA-approved animal or human drug,*
37 *there is a change between the compounded drug and the*
38 *comparable marketed drug made for an individually identified*
39 *animal patient that produces a clinical difference for that*
40 *individually identified animal patient, as determined by the*

1 veterinarian prescribing the compounded drug for his or her
2 patient.

3 (4) There are no FDA-approved animal or human drugs that
4 can be used as labeled or in an appropriate extralabel manner to
5 properly treat the disease, symptom, or condition for which the
6 drug is being prescribed.

7 (5) All bulk drug substances used in compounding are
8 manufactured by an establishment registered under Section 360
9 of Title 21 of the United States Code and are accompanied by a
10 valid certificate of analysis.

11 (6) The drug is not sold or transferred by the veterinarian
12 compounding the drug, except that the veterinarian shall be
13 permitted to administer the drug to a patient under his or her care
14 or dispense it to the owner or caretaker of an animal under his or
15 her care.

16 (7) Within 15 days of becoming aware of any product defect or
17 serious adverse event associated with any drug compounded by
18 the veterinarian from bulk drug substances, the veterinarian shall
19 report it to the federal Food and Drug Administration on Form
20 FDA 1932a.

21 (8) In addition to any other requirements, the label of any
22 veterinary drug compounded from bulk drug substances shall
23 indicate the species of the intended animal patient, the name of
24 the animal patient, and the name of the owner or caretaker of the
25 patient.

26 (d) Each compounded veterinary drug preparation shall meet
27 the labeling requirements of Section 4076 and Sections 1707.5
28 and 1735.4 of Title 16 of the California Code of Regulations, except
29 that every reference therein to “pharmacy” and “pharmacist”
30 shall be replaced by “veterinary premises” and “veterinarian,”
31 and any reference to “patient” shall be understood to refer to the
32 animal patient. In addition, each label on a compounded veterinary
33 drug preparation shall include withdrawal and holding times, if
34 needed, and the disease, symptom, or condition for which the drug
35 is being prescribed. Any compounded veterinary drug preparation
36 that is intended to be sterile, including for injection, administration
37 into the eye, or inhalation, shall in addition meet the labeling
38 requirements of Section 1751.2 of Title 16 of the California Code
39 of Regulations, except that every reference therein to “pharmacy”
40 and “pharmacist” shall be replaced by “veterinary premises” and

1 “veterinarian,” and any reference to “patient” shall be understood
2 to refer to the animal patient.

3 (e) Any veterinarian, registered veterinarian technician who is
4 under the direct supervision of a veterinarian, and veterinary
5 premises engaged in compounding shall meet the compounding
6 requirements for pharmacies and pharmacists stated by the
7 provisions of Article 4.5 (commencing with Section 1735) of Title
8 16 of the California Code of Regulations, except that every
9 reference therein to “pharmacy” and “pharmacist” shall be
10 replaced by “veterinary premises” and “veterinarian,” and any
11 reference to “patient” shall be understood to refer to the animal
12 patient:

13 (1) Section 1735.1 of Title 16 of the California Code of
14 Regulations.

15 (2) Subdivisions (d),(e), (f), (g), (h), (i), (j), (k), and (l) of Section
16 1735.2 of Title 16 of the California Code of Regulations.

17 (3) Section 1735.3 of Title 16 of the California Code of
18 Regulations, except that only a licensed veterinarian or registered
19 veterinarian technician may perform compounding and shall not
20 delegate to or supervise any part of the performance of
21 compounding by any other person.

22 (4) Section 1735.4 of Title 16 of the California Code of
23 Regulations.

24 (5) Section 1735.5 of Title 16 of the California Code of
25 Regulations.

26 (6) Section 1735.6 of Title 16 of the California Code of
27 Regulations.

28 (7) Section 1735.7 of Title 16 of the California Code of
29 Regulations.

30 (8) Section 1735.8 of Title 16 of the California Code of
31 Regulations.

32 (f) Any veterinarian, registered veterinarian technician under
33 the direct supervision of a veterinarian, and veterinary premises
34 engaged in sterile compounding shall meet the sterile compounding
35 requirements for pharmacies and pharmacists under Article 7
36 (commencing with Section 1751) of Title 16 of the California Code
37 of Regulations, except that every reference therein to “pharmacy”
38 and “pharmacist” shall be replaced by “veterinary premises” and
39 “veterinarian,” and any reference to “patient” shall be understood
40 to refer to the animal patient.

1 (g) *The California State Board of Pharmacy shall have authority*
 2 *with the board to ensure compliance with this section and shall*
 3 *have the right to inspect any veterinary premises engaged in*
 4 *compounding, along with or separate from the board, to ensure*
 5 *compliance with this section. The board is specifically charged*
 6 *with enforcing this section with regard to its licensees.*

7 *SEC. 11. Section 4826.5 is added to the Business and*
 8 *Professions Code, to read:*

9 *4826.5. Failure by a licensed veterinarian, registered*
 10 *veterinarian technician, or veterinary premises to comply with the*
 11 *provisions of this article shall be deemed unprofessional conduct*
 12 *and constitute grounds for discipline.*

13 *SEC. 12. Section 4826.7 is added to the Business and*
 14 *Professions Code, to read:*

15 *4826.7. The board may adopt regulations to implement the*
 16 *provisions of this article.*

17 *SEC. 13. Section 4830 of the Business and Professions Code*
 18 *is amended to read:*

19 4830. (a) This chapter does not apply to:

20 (1) Veterinarians while serving in any armed branch of the
 21 military service of the United States or the United States
 22 Department of Agriculture while actually engaged and employed
 23 in their official capacity.

24 (2) Regularly licensed veterinarians in actual consultation from
 25 other states.

26 (3) Regularly licensed veterinarians actually called from other
 27 states to attend cases in this state, but who do not open an office
 28 or appoint a place to do business within this state.

29 ~~(4) Veterinarians employed by the University of California~~
 30 ~~while engaged in the performance of duties in connection with the~~
 31 ~~College of Agriculture, the Agricultural Experiment Station, the~~
 32 ~~School of Veterinary Medicine, or the agricultural extension work~~
 33 ~~of the university or employed by the Western University of Health~~
 34 ~~Sciences while engaged in the performance of duties in connection~~
 35 ~~with the College of Veterinary Medicine or the agricultural~~
 36 ~~extension work of the university.~~

37 ~~(5)~~

38 (4) Students in the School of Veterinary Medicine of the
 39 University of California or the College of Veterinary Medicine of
 40 the Western University of Health Sciences who participate in

1 diagnosis and treatment as part of their educational experience,
2 including those in off-campus educational programs under the
3 direct supervision of a licensed veterinarian in good standing, as
4 defined in paragraph (1) of subdivision (b) of Section 4848,
5 appointed by the University of California, Davis, or the Western
6 University of Health Sciences.

7 ~~(6)~~

8 (5) A veterinarian who is employed by the Meat and Poultry
9 Inspection Branch of the California Department of Food and
10 Agriculture while actually engaged and employed in his or her
11 official capacity. A person exempt under this paragraph shall not
12 otherwise engage in the practice of veterinary medicine unless he
13 or she is issued a license by the board.

14 ~~(7)~~

15 (6) Unlicensed personnel employed by the Department of Food
16 and Agriculture or the United States Department of Agriculture
17 when in the course of their duties they are directed by a veterinarian
18 supervisor to conduct an examination, obtain biological specimens,
19 apply biological tests, or administer medications or biological
20 products as part of government disease or condition monitoring,
21 investigation, control, or eradication activities.

22 (b) (1) For purposes of paragraph (3) of subdivision (a), a
23 regularly licensed veterinarian in good standing who is called from
24 another state by a law enforcement agency or animal control
25 agency, as defined in Section 31606 of the Food and Agricultural
26 Code, to attend to cases that are a part of an investigation of an
27 alleged violation of federal or state animal fighting or animal
28 cruelty laws within a single geographic location shall be exempt
29 from the licensing requirements of this chapter if the law
30 enforcement agency or animal control agency determines that it
31 is necessary to call the veterinarian in order for the agency or
32 officer to conduct the investigation in a timely, efficient, and
33 effective manner. In determining whether it is necessary to call a
34 veterinarian from another state, consideration shall be given to the
35 availability of veterinarians in this state to attend to these cases.
36 An agency, department, or officer that calls a veterinarian pursuant
37 to this subdivision shall notify the board of the investigation.

38 (2) Notwithstanding any other provision of this chapter, a
39 regularly licensed veterinarian in good standing who is called from
40 another state to attend to cases that are a part of an investigation

1 described in paragraph (1) may provide veterinary medical care
2 for animals that are affected by the investigation with a temporary
3 shelter facility, and the temporary shelter facility shall be exempt
4 from the registration requirement of Section 4853 if all of the
5 following conditions are met:

6 (A) The temporary shelter facility is established only for the
7 purpose of the investigation.

8 (B) The temporary shelter facility provides veterinary medical
9 care, shelter, food, and water only to animals that are affected by
10 the investigation.

11 (C) The temporary shelter facility complies with Section 4854.

12 (D) The temporary shelter facility exists for not more than 60
13 days, unless the law enforcement agency or animal control agency
14 determines that a longer period of time is necessary to complete
15 the investigation.

16 (E) Within 30 calendar days upon completion of the provision
17 of veterinary health care services at a temporary shelter facility
18 established pursuant to this section, the veterinarian called from
19 another state by a law enforcement agency or animal control agency
20 to attend to a case shall file a report with the board. The report
21 shall contain the date, place, type, and general description of the
22 care provided, along with a listing of the veterinary health care
23 practitioners who participated in providing that care.

24 (c) For purposes of paragraph (3) of subdivision (a), the board
25 may inspect temporary facilities established pursuant to this
26 section.

27 *SEC. 14. Section 4846.5 of the Business and Professions Code*
28 *is amended to read:*

29 4846.5. (a) Except as provided in this section, the board shall
30 issue renewal licenses only to those applicants that have completed
31 a minimum of 36 hours of continuing education in the preceding
32 two years.

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

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

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

40 (C) The American Veterinary Medical Association.

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

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

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

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

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

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

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

19 (2) Continuing education credits shall be granted to those
20 veterinarians taking self-study courses, which may include, but
21 are not limited to, reading journals, viewing video recordings, or
22 listening to audio recordings. The taking of these courses shall be
23 limited to no more than six hours biennially.

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

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

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

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

36 (5) Continuing education hours earned by attending courses
37 sponsored or cosponsored by those entities listed in paragraph (1)
38 between January 1, 2000, and January 1, 2001, shall be credited
39 toward a veterinarian's continuing education requirement under
40 this section.

1 (c) Every person renewing his or her license issued pursuant to
2 Section 4846.4, or any person applying for relicensure or for
3 reinstatement of his or her license to active status, shall submit
4 proof of compliance with this section to the board certifying that
5 he or she is in compliance with this section. Any false statement
6 submitted pursuant to this section shall be a violation subject to
7 Section 4831.

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

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

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

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

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

39 (i) The administration of this section may be funded through
40 professional license and continuing education provider fees. The

1 fees related to the administration of this section shall not exceed
2 the costs of administering the corresponding provisions of this
3 section.

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

14 (k) (1) ~~On or after~~ Beginning January 1, 2018, a licensed
15 veterinarian who renews his or her license shall complete a
16 minimum of one credit hour of continuing education on the
17 judicious use of medically important antimicrobial drugs every
18 four years as part of his or her continuing education requirements.

19 (2) For purposes of this subdivision, “medically important
20 antimicrobial drug” means an antimicrobial drug listed in Appendix
21 A of the federal Food and Drug Administration’s Guidance for
22 Industry #152, including critically important, highly important,
23 and important antimicrobial drugs, as that appendix may be
24 amended.

25 *SEC. 15. Section 4848.1 is added to the Business and*
26 *Professions Code, to read:*

27 *4848.1. (a) A veterinarian engaged in the practice of veterinary*
28 *medicine, as defined in Section 4826, employed by the University*
29 *of California while engaged in the performance of duties in*
30 *connection with the School of Veterinary Medicine or employed*
31 *by the Western University of Health Sciences while engaged in the*
32 *performance of duties in connection with the College of Veterinary*
33 *Medicine shall be licensed in California or shall hold a university*
34 *license issued by the board.*

35 *(b) An applicant is eligible to hold a university license if all of*
36 *the following are satisfied:*

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

1 (2) *Passes an examination concerning the statutes and*
 2 *regulations of the Veterinary Medicine Practice Act, administered*
 3 *by the board, pursuant to subparagraph (C) of paragraph (2) of*
 4 *subdivision (a) of Section 4848.*

5 (3) *Successfully completes the approved educational curriculum*
 6 *described in paragraph (5) of subdivision (b) of Section 4848 on*
 7 *regionally specific and important diseases and conditions.*

8 (c) *A university license:*

9 (1) *Shall be numbered as described in Section 4847.*

10 (2) *Shall cease to be valid upon termination of employment by*
 11 *the University of California or by the Western University of Health*
 12 *Sciences.*

13 (3) *Shall be subject to the license renewal provisions in Section*
 14 *4846.4.*

15 (4) *Shall be subject to denial, revocation, or suspension pursuant*
 16 *to Sections 4875 and 4883.*

17 (d) *An individual who holds a University License is exempt from*
 18 *satisfying the license renewal requirements of Section 4846.5.*

19 SEC. 16. *Section 4853.7 is added to the Business and*
 20 *Professions Code, to read:*

21 4853.7. *A premise registration that is not renewed within five*
 22 *years after its expiration may not be renewed and shall not be*
 23 *restored, reissued, or reinstated thereafter. However, an*
 24 *application for a new premise registration may be submitted and*
 25 *obtained if both of the following conditions are met:*

26 (a) *No fact, circumstance, or condition exists that, if the premise*
 27 *registration was issued, would justify its revocation or suspension.*

28 (b) *All of the fees that would be required for the initial premise*
 29 *registration are paid at the time of application.*

30 SEC. 17. *Section 825 of the Government Code is amended to*
 31 *read:*

32 825. (a) *Except as otherwise provided in this section, if an*
 33 *employee or former employee of a public entity requests the public*
 34 *entity to defend him or her against any claim or action against him*
 35 *or her for an injury arising out of an act or omission occurring*
 36 *within the scope of his or her employment as an employee of the*
 37 *public entity and the request is made in writing not less than 10*
 38 *days before the day of trial, and the employee or former employee*
 39 *reasonably cooperates in good faith in the defense of the claim or*
 40 *action, the public entity shall pay any judgment based thereon or*

1 any compromise or settlement of the claim or action to which the
2 public entity has agreed.

3 If the public entity conducts the defense of an employee or
4 former employee against any claim or action with his or her
5 reasonable good-faith cooperation, the public entity shall pay any
6 judgment based thereon or any compromise or settlement of the
7 claim or action to which the public entity has agreed. However,
8 where the public entity conducted the defense pursuant to an
9 agreement with the employee or former employee reserving the
10 rights of the public entity not to pay the judgment, compromise,
11 or settlement until it is established that the injury arose out of an
12 act or omission occurring within the scope of his or her
13 employment as an employee of the public entity, the public entity
14 is required to pay the judgment, compromise, or settlement only
15 if it is established that the injury arose out of an act or omission
16 occurring in the scope of his or her employment as an employee
17 of the public entity.

18 Nothing in this section authorizes a public entity to pay that part
19 of a claim or judgment that is for punitive or exemplary damages.

20 (b) Notwithstanding subdivision (a) or any other provision of
21 law, a public entity is authorized to pay that part of a judgment
22 that is for punitive or exemplary damages if the governing body
23 of that public entity, acting in its sole discretion except in cases
24 involving an entity of the state government, finds all of the
25 following:

26 (1) The judgment is based on an act or omission of an employee
27 or former employee acting within the course and scope of his or
28 her employment as an employee of the public entity.

29 (2) At the time of the act giving rise to the liability, the employee
30 or former employee acted, or failed to act, in good faith, without
31 actual malice and in the apparent best interests of the public entity.

32 (3) Payment of the claim or judgment would be in the best
33 interests of the public entity.

34 As used in this subdivision with respect to an entity of state
35 government, “a decision of the governing body” means the
36 approval of the Legislature for payment of that part of a judgment
37 that is for punitive damages or exemplary damages, upon
38 recommendation of the appointing power of the employee or
39 former employee, based upon the finding by the Legislature and
40 the appointing authority of the existence of the three conditions

1 for payment of a punitive or exemplary damages claim. The
2 provisions of subdivision (a) of Section 965.6 shall apply to the
3 payment of any claim pursuant to this subdivision.

4 The discovery of the assets of a public entity and the introduction
5 of evidence of the assets of a public entity shall not be permitted
6 in an action in which it is alleged that a public employee is liable
7 for punitive or exemplary damages.

8 The possibility that a public entity may pay that part of a
9 judgment that is for punitive damages shall not be disclosed in any
10 trial in which it is alleged that a public employee is liable for
11 punitive or exemplary damages, and that disclosure shall be
12 grounds for a mistrial.

13 (c) Except as provided in subdivision (d), if the provisions of
14 this section are in conflict with the provisions of a memorandum
15 of understanding reached pursuant to Chapter 10 (commencing
16 with Section 3500) of Division 4 of Title 1, the memorandum of
17 understanding shall be controlling without further legislative action,
18 except that if those provisions of a memorandum of understanding
19 require the expenditure of funds, the provisions shall not become
20 effective unless approved by the Legislature in the annual Budget
21 Act.

22 (d) The subject of payment of punitive damages pursuant to this
23 section or any other provision of law shall not be a subject of meet
24 and confer under the provisions of Chapter 10 (commencing with
25 Section 3500) of Division 4 of Title 1, or pursuant to any other
26 law or authority.

27 (e) Nothing in this section shall affect the provisions of Section
28 818 prohibiting the award of punitive damages against a public
29 entity. This section shall not be construed as a waiver of a public
30 entity's immunity from liability for punitive damages under Section
31 1981, 1983, or 1985 of Title 42 of the United States Code.

32 (f) (1) Except as provided in paragraph (2), a public entity shall
33 not pay a judgment, compromise, or settlement arising from a
34 claim or action against an elected official, if the claim or action is
35 based on conduct by the elected official by way of tortiously
36 intervening or attempting to intervene in, or by way of tortiously
37 influencing or attempting to influence the outcome of, any judicial
38 action or proceeding for the benefit of a particular party by
39 contacting the trial judge or any commissioner, court-appointed
40 arbitrator, court-appointed mediator, or court-appointed special

1 referee assigned to the matter, or the court clerk, bailiff, or marshal
2 after an action has been filed, unless he or she was counsel of
3 record acting lawfully within the scope of his or her employment
4 on behalf of that party. Notwithstanding Section 825.6, if a public
5 entity conducted the defense of an elected official against such a
6 claim or action and the elected official is found liable by the trier
7 of fact, the court shall order the elected official to pay to the public
8 entity the cost of that defense.

9 (2) If an elected official is held liable for monetary damages in
10 the action, the plaintiff shall first seek recovery of the judgment
11 against the assets of the elected official. If the elected official's
12 assets are insufficient to satisfy the total judgment, as determined
13 by the court, the public entity may pay the deficiency if the public
14 entity is authorized by law to pay that judgment.

15 (3) To the extent the public entity pays any portion of the
16 judgment or is entitled to reimbursement of defense costs pursuant
17 to paragraph (1), the public entity shall pursue all available
18 creditor's remedies against the elected official, including
19 garnishment, until that party has fully reimbursed the public entity.

20 (4) This subdivision shall not apply to any criminal or civil
21 enforcement action brought in the name of the people of the State
22 of California by an elected district attorney, city attorney, or
23 attorney general.

24 *(g) Notwithstanding subdivision (a), a public entity shall pay*
25 *for a judgment or settlement for treble damage antitrust awards*
26 *against a member of a regulatory board for an act or omission*
27 *occurring within the scope of his or her employment as a member*
28 *of a regulatory board.*

29 *SEC. 18. Section 11346.5 of the Government Code is amended*
30 *to read:*

31 11346.5. (a) The notice of proposed adoption, amendment, or
32 repeal of a regulation shall include the following:

33 (1) A statement of the time, place, and nature of proceedings
34 for adoption, amendment, or repeal of the regulation.

35 (2) Reference to the authority under which the regulation is
36 proposed and a reference to the particular code sections or other
37 provisions of law that are being implemented, interpreted, or made
38 specific.

1 (3) An informative digest drafted in plain English in a format
2 similar to the Legislative Counsel’s digest on legislative bills. The
3 informative digest shall include the following:

4 (A) A concise and clear summary of existing laws and
5 regulations, if any, related directly to the proposed action and of
6 the effect of the proposed action.

7 (B) If the proposed action differs substantially from an existing
8 comparable federal regulation or statute, a brief description of the
9 significant differences and the full citation of the federal regulations
10 or statutes.

11 (C) A policy statement overview explaining the broad objectives
12 of the regulation and the specific benefits anticipated by the
13 proposed adoption, amendment, or repeal of a regulation, including,
14 to the extent applicable, nonmonetary benefits such as the
15 protection of public health and safety, worker safety, or the
16 environment, the prevention of discrimination, the promotion of
17 fairness or social equity, and the increase in openness and
18 transparency in business and government, among other things.

19 (D) An evaluation of whether the proposed regulation is
20 inconsistent or incompatible with existing state regulations.

21 (4) Any other matters as are prescribed by statute applicable to
22 the specific state agency or to any specific regulation or class of
23 regulations.

24 (5) A determination as to whether the regulation imposes a
25 mandate on local agencies or school districts and, if so, whether
26 the mandate requires state reimbursement pursuant to Part 7
27 (commencing with Section 17500) of Division 4.

28 (6) An estimate, prepared in accordance with instructions
29 adopted by the Department of Finance, of the cost or savings to
30 any state agency, the cost to any local agency or school district
31 that is required to be reimbursed under Part 7 (commencing with
32 Section 17500) of Division 4, other nondiscretionary cost or
33 savings imposed on local agencies, and the cost or savings in
34 federal funding to the state.

35 For purposes of this paragraph, “cost or savings” means
36 additional costs or savings, both direct and indirect, that a public
37 agency necessarily incurs in reasonable compliance with
38 regulations.

39 (7) If a state agency, in proposing to adopt, amend, or repeal
40 any administrative regulation, makes an initial determination that

1 the action may have a significant, statewide adverse economic
2 impact directly affecting business, including the ability of
3 California businesses to compete with businesses in other states,
4 it shall include the following information in the notice of proposed
5 action:

6 (A) Identification of the types of businesses that would be
7 affected.

8 (B) A description of the projected reporting, recordkeeping, and
9 other compliance requirements that would result from the proposed
10 action.

11 (C) The following statement: “The (name of agency) has made
12 an initial determination that the (adoption/amendment/repeal) of
13 this regulation may have a significant, statewide adverse economic
14 impact directly affecting business, including the ability of
15 California businesses to compete with businesses in other states.
16 The (name of agency) (has/has not) considered proposed
17 alternatives that would lessen any adverse economic impact on
18 business and invites you to submit proposals. Submissions may
19 include the following considerations:

20 (i) The establishment of differing compliance or reporting
21 requirements or timetables that take into account the resources
22 available to businesses.

23 (ii) Consolidation or simplification of compliance and reporting
24 requirements for businesses.

25 (iii) The use of performance standards rather than prescriptive
26 standards.

27 (iv) Exemption or partial exemption from the regulatory
28 requirements for businesses.”

29 (8) If a state agency, in adopting, amending, or repealing any
30 administrative regulation, makes an initial determination that the
31 action will not have a significant, statewide adverse economic
32 impact directly affecting business, including the ability of
33 California businesses to compete with businesses in other states,
34 it shall make a declaration to that effect in the notice of proposed
35 action. In making this declaration, the agency shall provide in the
36 record facts, evidence, documents, testimony, or other evidence
37 upon which the agency relies to support its initial determination.

38 An agency’s initial determination and declaration that a proposed
39 adoption, amendment, or repeal of a regulation may have or will
40 not have a significant, adverse impact on businesses, including the

1 ability of California businesses to compete with businesses in other
2 states, shall not be grounds for the office to refuse to publish the
3 notice of proposed action.

4 (9) A description of all cost impacts, known to the agency at
5 the time the notice of proposed action is submitted to the office,
6 that a representative private person or business would necessarily
7 incur in reasonable compliance with the proposed action.

8 If no cost impacts are known to the agency, it shall state the
9 following:

10 “The agency is not aware of any cost impacts that a
11 representative private person or business would necessarily incur
12 in reasonable compliance with the proposed action.”

13 (10) A statement of the results of the economic impact
14 assessment required by subdivision (b) of Section 11346.3 or the
15 standardized regulatory impact analysis if required by subdivision
16 (c) of Section 11346.3, a summary of any comments submitted to
17 the agency pursuant to subdivision (f) of Section 11346.3 and the
18 agency’s response to those comments.

19 (11) The finding prescribed by subdivision (d) of Section
20 11346.3, if required.

21 (12) (A) A statement that the action would have a significant
22 effect on housing costs, if a state agency, in adopting, amending,
23 or repealing any administrative regulation, makes an initial
24 determination that the action would have that effect.

25 (B) The agency officer designated in paragraph ~~(14)~~ (15) shall
26 make available to the public, upon request, the agency’s evaluation,
27 if any, of the effect of the proposed regulatory action on housing
28 costs.

29 (C) The statement described in subparagraph (A) shall also
30 include the estimated costs of compliance and potential benefits
31 of a building standard, if any, that were included in the initial
32 statement of reasons.

33 (D) For purposes of model codes adopted pursuant to Section
34 18928 of the Health and Safety Code, the agency shall comply
35 with the requirements of this paragraph only if an interested party
36 has made a request to the agency to examine a specific section for
37 purposes of estimating the costs of compliance and potential
38 benefits for that section, as described in Section 11346.2.

39 (13) *If the regulatory action is submitted by a state board on*
40 *which a controlling number of decisionmakers are active market*

1 *participants in the market the board regulates, a statement that*
2 *the adopting agency has evaluated the impact of the proposed*
3 *regulation on competition, and that the proposed regulation*
4 *further a clearly articulated and affirmatively expressed state law*
5 *to restrain competition.*

6 ~~(13)~~

7 (14) A statement that the adopting agency must determine that
8 no reasonable alternative considered by the agency or that has
9 otherwise been identified and brought to the attention of the agency
10 would be more effective in carrying out the purpose for which the
11 action is proposed, would be as effective and less burdensome to
12 affected private persons than the proposed action, or would be
13 more cost effective to affected private persons and equally effective
14 in implementing the statutory policy or other provision of law. For
15 a major regulation, as defined by Section 11342.548, proposed on
16 or after November 1, 2013, the statement shall be based, in part,
17 upon the standardized regulatory impact analysis of the proposed
18 regulation, as required by Section 11346.3, as well as upon the
19 benefits of the proposed regulation identified pursuant to
20 subparagraph (C) of paragraph (3).

21 ~~(14)~~

22 (15) The name and telephone number of the agency
23 representative and designated backup contact person to whom
24 inquiries concerning the proposed administrative action may be
25 directed.

26 ~~(15)~~

27 (16) The date by which comments submitted in writing must
28 be received to present statements, arguments, or contentions in
29 writing relating to the proposed action in order for them to be
30 considered by the state agency before it adopts, amends, or repeals
31 a regulation.

32 ~~(16)~~

33 (17) Reference to the fact that the agency proposing the action
34 has prepared a statement of the reasons for the proposed action,
35 has available all the information upon which its proposal is based,
36 and has available the express terms of the proposed action, pursuant
37 to subdivision (b).

38 ~~(17)~~

39 (18) A statement that if a public hearing is not scheduled, any
40 interested person or his or her duly authorized representative may

1 request, no later than 15 days prior to the close of the written
2 comment period, a public hearing pursuant to Section 11346.8.

3 ~~(18)~~

4 (19) A statement indicating that the full text of a regulation
5 changed pursuant to Section 11346.8 will be available for at least
6 15 days prior to the date on which the agency adopts, amends, or
7 repeals the resulting regulation.

8 ~~(19)~~

9 (20) A statement explaining how to obtain a copy of the final
10 statement of reasons once it has been prepared pursuant to
11 subdivision (a) of Section 11346.9.

12 ~~(20)~~

13 (21) If the agency maintains an Internet Web site or other similar
14 forum for the electronic publication or distribution of written
15 material, a statement explaining how materials published or
16 distributed through that forum can be accessed.

17 ~~(21)~~

18 (22) If the proposed regulation is subject to Section 11346.6, a
19 statement that the agency shall provide, upon request, a description
20 of the proposed changes included in the proposed action, in the
21 manner provided by Section 11346.6, to accommodate a person
22 with a visual or other disability for which effective communication
23 is required under state or federal law and that providing the
24 description of proposed changes may require extending the period
25 of public comment for the proposed action.

26 (b) The agency representative designated in paragraph~~(14)~~ (15)
27 of subdivision (a) shall make available to the public upon request
28 the express terms of the proposed action. The representative shall
29 also make available to the public upon request the location of
30 public records, including reports, documentation, and other
31 materials, related to the proposed action. If the representative
32 receives an inquiry regarding the proposed action that the
33 representative cannot answer, the representative shall refer the
34 inquiry to another person in the agency for a prompt response.

35 (c) This section shall not be construed in any manner that results
36 in the invalidation of a regulation because of the alleged inadequacy
37 of the notice content or the summary or cost estimates, or the
38 alleged inadequacy or inaccuracy of the housing cost estimates, if
39 there has been substantial compliance with those requirements.

1 *SEC. 19. Section 11349 of the Government Code is amended*
2 *to read:*

3 11349. The following definitions govern the interpretation of
4 this chapter:

5 (a) “Necessity” means the record of the rulemaking proceeding
6 demonstrates by substantial evidence the need for a regulation to
7 effectuate the purpose of the statute, court decision, or other
8 provision of law that the regulation implements, interprets, or
9 makes specific, taking into account the totality of the record. For
10 purposes of this standard, evidence includes, but is not limited to,
11 facts, studies, and expert opinion.

12 (b) “Authority” means the provision of law which permits or
13 obligates the agency to adopt, amend, or repeal a regulation.

14 (c) “Clarity” means written or displayed so that the meaning of
15 regulations will be easily understood by those persons directly
16 affected by them.

17 (d) “Consistency” means being in harmony with, and not in
18 conflict with or contradictory to, existing statutes, court decisions,
19 or other provisions of law.

20 (e) “Reference” means the statute, court decision, or other
21 provision of law which the agency implements, interprets, or makes
22 specific by adopting, amending, or repealing a regulation.

23 (f) “Nonduplication” means that a regulation does not serve the
24 same purpose as a state or federal statute or another regulation.
25 This standard requires that an agency proposing to amend or adopt
26 a regulation must identify any state or federal statute or regulation
27 which is overlapped or duplicated by the proposed regulation and
28 justify any overlap or duplication. This standard is not intended
29 to prohibit state agencies from printing relevant portions of
30 enabling legislation in regulations when the duplication is necessary
31 to satisfy the clarity standard in paragraph (3) of subdivision (a)
32 of Section 11349.1. This standard is intended to prevent the
33 indiscriminate incorporation of statutory language in a regulation.

34 (g) “Competitive impact” means that the record of the
35 rulemaking proceeding or other documentation demonstrates that
36 the regulation is authorized by a clearly articulated and
37 affirmatively expressed state law, that the regulation furthers the
38 public protection mission of the state agency, and that the impact
39 on competition is justified in light of the applicable regulatory
40 rationale for the regulation.

1 *SEC. 20. Section 11349.1 of the Government Code is amended*
2 *to read:*

3 11349.1. (a) The office shall review all regulations adopted,
4 amended, or repealed pursuant to the procedure specified in Article
5 5 (commencing with Section 11346) and submitted to it for
6 publication in the California Code of Regulations Supplement and
7 for transmittal to the Secretary of State and make determinations
8 using all of the following standards:

9 (1) Necessity.

10 (2) Authority.

11 (3) Clarity.

12 (4) Consistency.

13 (5) Reference.

14 (6) Nonduplication.

15 (7) *For those regulations submitted by a state board on which*
16 *a controlling number of decisionmakers are active market*
17 *participants in the market the board regulates, the office shall*
18 *review for competitive impact.*

19 In reviewing regulations pursuant to this section, the office shall
20 restrict its review to the regulation and the record of the rulemaking
21 ~~proceeding~~ *except as directed in subdivision (h)*. The office shall
22 approve the regulation or order of repeal if it complies with the
23 standards set forth in this section and with this chapter.

24 (b) In reviewing proposed regulations for the criteria in
25 subdivision (a), the office may consider the clarity of the proposed
26 regulation in the context of related regulations already in existence.

27 (c) The office shall adopt regulations governing the procedures
28 it uses in reviewing regulations submitted to it. The regulations
29 shall provide for an orderly review and shall specify the methods,
30 standards, presumptions, and principles the office uses, and the
31 limitations it observes, in reviewing regulations to establish
32 compliance with the standards specified in subdivision (a). The
33 regulations adopted by the office shall ensure that it does not
34 substitute its judgment for that of the rulemaking agency as
35 expressed in the substantive content of adopted regulations.

36 (d) The office shall return any regulation subject to this chapter
37 to the adopting agency if any of the following occur:

38 (1) The adopting agency has not prepared the estimate required
39 by paragraph (6) of subdivision (a) of Section 11346.5 and has not

1 included the data used and calculations made and the summary
2 report of the estimate in the file of the rulemaking.

3 (2) The agency has not complied with Section 11346.3.
4 “Noncompliance” means that the agency failed to complete the
5 economic impact assessment or standardized regulatory impact
6 analysis required by Section 11346.3 or failed to include the
7 assessment or analysis in the file of the rulemaking proceeding as
8 required by Section 11347.3.

9 (3) The adopting agency has prepared the estimate required by
10 paragraph (6) of subdivision (a) of Section 11346.5, the estimate
11 indicates that the regulation will result in a cost to local agencies
12 or school districts that is required to be reimbursed under Part 7
13 (commencing with Section 17500) of Division 4, and the adopting
14 agency fails to do any of the following:

15 (A) Cite an item in the Budget Act for the fiscal year in which
16 the regulation will go into effect as the source from which the
17 Controller may pay the claims of local agencies or school districts.

18 (B) Cite an accompanying bill appropriating funds as the source
19 from which the Controller may pay the claims of local agencies
20 or school districts.

21 (C) Attach a letter or other documentation from the Department
22 of Finance which states that the Department of Finance has
23 approved a request by the agency that funds be included in the
24 Budget Bill for the next following fiscal year to reimburse local
25 agencies or school districts for the costs mandated by the
26 regulation.

27 (D) Attach a letter or other documentation from the Department
28 of Finance which states that the Department of Finance has
29 authorized the augmentation of the amount available for
30 expenditure under the agency’s appropriation in the Budget Act
31 which is for reimbursement pursuant to Part 7 (commencing with
32 Section 17500) of Division 4 to local agencies or school districts
33 from the unencumbered balances of other appropriations in the
34 Budget Act and that this augmentation is sufficient to reimburse
35 local agencies or school districts for their costs mandated by the
36 regulation.

37 (4) The proposed regulation conflicts with an existing state
38 regulation and the agency has not identified the manner in which
39 the conflict may be resolved.

1 (5) The agency did not make the alternatives determination as
2 required by paragraph (4) of subdivision (a) of Section 11346.9.

3 (6) *The office decides that the record of the rulemaking*
4 *proceeding or other documentation for the proposed regulation*
5 *does not demonstrate that the regulation is authorized by a clearly*
6 *articulated and affirmatively expressed state law, that the*
7 *regulation does not further the public protection mission of the*
8 *state agency, or that the impact on competition is not justified in*
9 *light of the applicable regulatory rationale for the regulation.*

10 (e) The office shall notify the Department of Finance of all
11 regulations returned pursuant to subdivision (d).

12 (f) The office shall return a rulemaking file to the submitting
13 agency if the file does not comply with subdivisions (a) and (b)
14 of Section 11347.3. Within three state working days of the receipt
15 of a rulemaking file, the office shall notify the submitting agency
16 of any deficiency identified. If no notice of deficiency is mailed
17 to the adopting agency within that time, a rulemaking file shall be
18 deemed submitted as of the date of its original receipt by the office.
19 A rulemaking file shall not be deemed submitted until each
20 deficiency identified under this subdivision has been corrected.

21 (g) Notwithstanding any other law, return of the regulation to
22 the adopting agency by the office pursuant to this section is the
23 exclusive remedy for a failure to comply with subdivision (c) of
24 Section 11346.3 or paragraph (10) of subdivision (a) of Section
25 11346.5.

26 (h) *The office may designate, employ, or contract for the services*
27 *of independent antitrust or applicable economic experts when*
28 *reviewing proposed regulations for competitive impact. When*
29 *reviewing a regulation for competitive impact, the office shall do*
30 *all of the following:*

31 (1) *If the Director of Consumer Affairs issued a written decision*
32 *pursuant to subdivision (c) of Section 109 of the Business and*
33 *Professions Code, the office shall review and consider the decision*
34 *and all supporting documentation in the rulemaking file.*

35 (2) *Consider whether the anticompetitive effects of the proposed*
36 *regulation are clearly outweighed by the public policy merits.*

37 (3) *Provide a written opinion setting forth the office's findings*
38 *and substantive conclusions under paragraph (2), including, but*
39 *not limited to, whether rejection or modification of the proposed*
40 *regulation is necessary to ensure that restraints of trade are related*

1 *to and advance the public policy underlying the applicable*
2 *regulatory rationale.*

3 *SEC. 21. No reimbursement is required by this act pursuant*
4 *to Section 6 of Article XIII B of the California Constitution because*
5 *the only costs that may be incurred by a local agency or school*
6 *district will be incurred because this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*

O

AMENDED IN SENATE MARCH 29, 2016

AMENDED IN SENATE MARCH 7, 2016

SENATE BILL

No. 945

Introduced by Senator Monning

February 3, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SB 945, as amended, Monning. Pet boarding facilities.

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

This bill would establish procedures for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, ~~size of enclosures~~, sanitation, provision of enrichment devices, health of the pet, and safety. *The bill would also prohibit a person convicted of an offense related to the welfare of animals, as specified, from operating a pet boarding facility or from being employed as an employee of a pet boarding facility.* The bill would make a violation of these provisions an infraction punishable by a fine not to exceed \$250 for the first violation and not to exceed \$1,000 for each subsequent violation. Because it would create a new crime, this bill would impose a state-mandated local program.

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

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

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

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

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

4
5 CHAPTER 11. PET BOARDING FACILITIES
6

7 122380. As used in this chapter, the following definitions apply:

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

11 (b) “Pet” means any nonhuman animal housed in the pet
12 boarding facility, including, but not limited to, mammals, birds,
13 reptiles, amphibians, and fish.

14 (c) “Pet boarding facility” means any lot, building, structure,
15 enclosure, or premises whereupon ~~two~~ *four* or more dogs, cats, or
16 other pets in any combination are boarded for compensation.
17 *However, “pet boarding facility” does not include a city, county,*
18 *or city and county animal control agency, society for the prevention*
19 *of cruelty to animals, or humane society that contracts for the care*
20 *of stray or abandoned animals.*

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

23 (e) “Primary enclosure” means a structure, including, but not
24 limited to, an exercise run, kennel, or room, used to restrict a pet,
25 that provides for the effective separation of a pet from the pet’s
26 waste ~~products, such as by providing the pet with access to a~~
27 ~~separate indoor room or outside area. A primary enclosure shall~~
28 ~~enable the pet to turn about freely, stand easily, and sit or lie in a~~
29 ~~comfortable position.~~ *products.*

30 (f) (1) “Temporary enclosure” means a structure used to restrict
31 a pet, including, but not limited to, a crate or ~~cage~~ *cage*, that does
32 not provide for the effective separation of a pet from the pet’s
33 waste products.

34 (2) A pet may be contained in a temporary enclosure for a period
35 not to exceed ~~eight hours~~ *four hours during the day and 12 hours*

1 *at night* or the length of time that is humane for that particular pet,
2 whichever is less. However, the pet shall remain outside the
3 temporary enclosure for ~~no less than 15 minutes for each~~
4 ~~consecutive hour spent in the enclosure.~~ For example, if a pet
5 spends four consecutive hours in a temporary enclosure, the pet
6 shall remain outside the temporary enclosure for ~~no less than 60~~
7 ~~consecutive minutes.~~ *no less than the amount of time needed for*
8 *the pet to eliminate its waste.*

9 (3) A temporary enclosure shall allow the pet to turn about
10 freely, stand easily, and sit or lie in a comfortable position.

11 122381. Each pet boarding facility operator shall be responsible
12 for all of the following:

13 (a) Ensuring that the entire pet boarding facility is structurally
14 sound and maintained in good repair, including, but not limited
15 to, heating and cooling systems, drying cages, flooring, and door
16 latches and locks.

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

20 (c) Ensuring the containment of pets within the pet boarding
21 facility, and, in the event that a pet escapes, being responsible for
22 reporting this fact immediately to the local agency responsible for
23 animal control and to the owner and making reasonable efforts to
24 immediately capture the escaped pet.

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

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

31 (f) When pet grooming services are offered by a pet boarding
32 facility, separating the grooming work area from the pet boarding
33 facility's primary enclosures, pet food storage areas, and isolation
34 areas for housing sick pets. The grooming area shall be cleaned
35 and sanitized at least once daily.

36 122382. (a) Each primary and temporary enclosure shall
37 comply with all of the following standards:

38 (1) Be structurally sound and maintained in good repair to
39 protect the enclosed pet from injury, to contain the pet, to keep

1 other animals out, and to promote the health and well-being of the
2 pet.

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

7 (3) Be constructed of a ~~nonporous~~ material suitable for regular
8 cleaning and sanitizing.

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

13 (b) Each enclosure is either a primary enclosure or a temporary
14 enclosure.

15 (c) In addition to the requirements set forth in subdivision (a),
16 a primary enclosure for a cat shall provide an elevated platform
17 appropriate for the size of the cat.

18 ~~(d) In addition to the requirements set forth in subdivision (a),
19 a primary enclosure for a dog shall meet both of the following
20 requirements:~~

21 ~~(1) Contain an indoor or outdoor area that is no less than three
22 feet wide for a dog weighing not more than 45 pounds and four
23 feet wide for a dog weighing more than 45 pounds and no less than
24 10 feet long no matter the size of the dog.~~

25 ~~(2) The area described in paragraph (1) shall also have an
26 adjacent indoor enclosure that has at least the following floor area:~~

27 ~~(A) For a dog weighing not more than 25 pounds, five square
28 feet.~~

29 ~~(B) For a dog weighing more than 25 pounds but not more than
30 45 pounds, nine square feet.~~

31 ~~(C) For a dog weighing over 45 pounds, 16 square feet.~~

32 122383. A pet boarding facility operator shall comply with all
33 of the following animal care requirements:

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

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

1 ~~(e) Remove each dog from its primary enclosure at least once~~
2 ~~every 24 hours and enable the dog to remain outside the primary~~
3 ~~enclosure for at least 15 minutes each time unless otherwise~~
4 ~~directed in writing by the owner.~~

5 ~~(d)~~

6 (c) Provide each pet with easy and convenient access to potable
7 water at all times, or if the behavior of the pet makes unrestricted
8 access to water impracticable, offer water as often as necessary to
9 ensure the pet's health and well-being, but not less than every eight
10 hours for at least one hour each time. *well-being*. However, water
11 may be restricted as directed by the owner or a licensed
12 veterinarian.

13 ~~(e)~~

14 (d) Provide each pet with food of the type, in the quantities, and
15 at the intervals as directed in writing by the owner, or in the
16 absence of written directions by the owner, with nutritious food
17 in quantities and at intervals suitable for that pet.

18 ~~(f)~~

19 (e) Provide each pet with at least one enrichment device that is
20 appropriate for the age, size, and condition of the pet unless
21 otherwise directed in writing by the owner.

22 ~~(g)~~

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

32 ~~(h)~~

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

35 ~~(i)~~

36 (h) Ensure that each sick or injured pet is immediately provided
37 with veterinary treatment and that the owner of the pet is notified
38 immediately of the pet's condition.

39 ~~(j)~~

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

5 122384. A pet boarding facility operator shall provide, in
6 writing, each owner with all of the following:

7 (a) Times, if any, when there will be no personnel on site.

8 (b) The square footage of any primary and temporary enclosures
9 in which the pet will be contained.

10 (c) The number of times and at which intervals during each
11 24-hour period the pet will be observed by personnel.

12 (d) The pet’s anticipated daily activity schedule, including the
13 length of time the pet will spend in and out of primary and
14 temporary enclosures, the time or times at which the pet will be
15 fed, and the opportunities the pet will have to exercise and
16 eliminate bodily waste.

17 122385. *A person convicted of an infraction, misdemeanor, or*
18 *felony related to the welfare of animals, including, but not limited*
19 *to, a violation of Section 597 of the Penal Code, is prohibited from*
20 *operating a pet boarding facility or from being employed as an*
21 *employee of a pet boarding facility.*

22 ~~122385.~~

23 122386. A pet boarding facility operator who violates any
24 provision of this chapter is guilty of an infraction punishable by a
25 fine not to exceed two hundred fifty dollars (\$250) for the first
26 violation and by a fine not to exceed one thousand dollars (\$1,000)
27 for each subsequent violation. The court shall weigh the gravity
28 of the offense in setting the penalty.

29 ~~122386.~~

30 122387. (a) Nothing in this chapter shall be construed to in
31 any way limit or affect the application or enforcement of any other
32 law that protects animals or the rights of consumers, including,
33 but not limited to, Section 597 of the Penal Code.

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

38 SEC. 2. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

O

ASSEMBLY BILL

No. 2505

Introduced by Assembly Member Quirk

February 19, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2505, as introduced, Quirk. Animals: euthanasia.

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

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

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

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

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

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

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

3 597u. (a) ~~No~~A person, peace officer, officer of a humane
4 society, or officer of a pound or animal regulation department of
5 a public agency shall *not* kill~~any~~ *an* animal by using~~any~~ *either*
6 of the following methods:

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

12 (b) With respect to the killing of~~any~~ *a* dog or cat,~~no~~ *a* person,
13 peace officer, officer of a humane society, or officer of a pound
14 or animal regulation department of a public agency shall *not* use
15 any of the methods specified in subdivision (a) or any of the
16 following methods:

- 17 (1) High-altitude decompression chamber.
- 18 (2) Nitrogen~~gas~~ *gas*.
- 19 (3) *Carbon dioxide gas*.

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

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE APRIL 7, 2016

SENATE BILL

No. 1039

Introduced by Senator Hill

February 12, 2016

An act to amend Sections 1636.4, 2423, 2460, 2461, 2475, 2479, 2486, 2488, 2492, 2499, 2733, 2746.51, 2786.5, 2811, 2811.5, 2815, 2815.5, 2816, 2830.7, 2836.3, 2838.2, 4128.2, 7137, 7153.3, 8031, 8516, ~~8518, and 8555~~ and 8518 of, to amend, repeal, and add Section 4400 of, to add Section 2499.7 to, and to repeal Chapter 15 (commencing with Section 4999) of Division 2 of, the Business and Professions Code, to repeal Section 1348.8 of the Health and Safety Code, and to repeal Section 10279 of the Insurance Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as amended, Hill. Professions and vocations.

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

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

(2) The Dental Practice Act provides for the licensure and regulation of persons engaged in the practice of dentistry by the Dental Board of California, which is within the Department of Consumer Affairs, and requires the board to be responsible for the approval of foreign dental

schools by evaluating foreign dental schools based on specified criteria. That act authorizes the board to contract with outside consultants or a national professional organization to survey and evaluate foreign dental schools, as specified. That act requires the board to establish a technical advisory group to review the survey and evaluation contracted for prior to the board taking any final action regarding a foreign dental school. That act also requires periodic surveys and evaluations of all approved schools be made to ensure compliance with the act.

This bill would ~~delete the authorization to contract with outside consultants and would instead~~ authorize the board, in lieu of conducting its own survey and evaluation of a foreign dental school, to accept the findings of any commission or accreditation agency approved by the board, if the findings meet specified standards and the foreign dental school is not under review by the board on January 1, 2017, and adopt those findings as the board's own. The bill would delete the requirement to establish a technical advisory group. The bill would instead authorize periodic surveys and evaluations be made to ensure compliance with that act.

(3) The Medical Practice Act creates, within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine. Under the act, certificates to practice podiatric medicine and registrations of spectacle lens dispensers and contact lens dispensers, among others, expire on a certain date during the second year of a 2-year term if not renewed.

This bill would instead create the California Board of Podiatric Medicine in the Department of Consumer Affairs, and would make conforming and related changes. The bill would discontinue the above-described requirement for the expiration of the registrations of spectacle lens dispensers and contact lens dispensers.

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

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

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

~~This bill would discontinue the fee for issuance or annual renewal of a centralized hospital packaging pharmacy license. The bill would, on and after July 1, 2017, also modify other specified fees to be paid by licensees and applicants for licensure pursuant to that act. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.~~

(6) Existing law requires certain businesses that provide telephone medical advice services to a patient at a California address to be registered with the Telephone Medical Advice Services Bureau and further requires telephone medical advice services to comply with the requirements established by the Department of Consumer Affairs, among other provisions, as specified.

This bill would repeal those provisions.

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

This bill would raise specified fees and would require the board to establish criteria for the approval of expedited processing of applications,

as specified. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.

(8) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California within the Department of Consumer Affairs. That law authorizes the board, by resolution, to establish a fee for the renewal of a certificate issued by the board, and prohibits the fee from exceeding \$125, as specified. Under existing law, all fees and revenues received by the board are deposited into the Court Reporters' Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would raise that fee limit to \$250. By authorizing an increase in a fee deposited into a continuously appropriated fund, this bill would make an appropriation.

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

This bill would require the operator who is conducting the inspection prior to the commencement of work to be employed by a registered company, except as specified. The bill would not require the address of an inspection report prepared for use by an attorney for litigation to be reported to the board or assessed a filing fee. The bill would require

instead that the written inspection report be prepared and delivered to the person requesting it, the property owner, or the property owner's designated agent, as specified. The bill would allow an inspection report to be a complete, limited, supplemental, or reinspection report, as defined. The bill would require all inspection reports to be submitted to the board and maintained with field notes, activity forms, and notices of completion until one year after the guarantee expires if the guarantee extends beyond 3 years. The bill would require the inspection report to clearly list the infested or infected wood members or parts of the structure identified in the required diagram or sketch. By placing new requirements on a registered company or licensee, this bill would expand an existing crime and would, therefore, impose a state-mandated local program.

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

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

~~Existing law provides that the laws governing structural pest control operators, including licensure, do not apply to persons engaged in the live capture and removal of vertebrate pests, bees, or wasps from a structure without the use of pesticides.~~

~~This bill would instead apply those laws to persons that engage in the live capture and removal of vertebrate pests without the use of pesticides. By requiring persons that engage in the live capture and removal of vertebrate pests without the use of pesticides to comply with the laws governing structural pest control operators, this bill would expand an existing crime, and would, therefore, impose a state-mandated local program. By requiring those persons to be licensed, this bill would require them to pay a license fee that would go into a continuously appropriated fund, which would, therefore, result in an appropriation.~~

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

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

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

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

6 SEC. 2. Section 1636.4 of the Business and Professions Code
7 is amended to read:

8 1636.4. (a) The Legislature recognizes the need to ensure that
9 graduates of foreign dental schools who have received an education
10 that is equivalent to that of accredited institutions in the United
11 States and that adequately prepares their students for the practice
12 of dentistry shall be subject to the same licensure requirements as
13 graduates of approved dental schools or colleges. It is the purpose
14 of this section to provide for the evaluation of foreign dental
15 schools and the approval of those foreign dental schools that
16 provide an education that is equivalent to that of similar accredited
17 institutions in the United States and that adequately prepare their
18 students for the practice of dentistry.

19 (b) The board shall be responsible for the approval of foreign
20 dental schools based on standards established pursuant to
21 subdivision (c). *The board may contract with outside consultants*
22 *or a national professional organization to survey and evaluate*
23 *foreign dental schools. The consultant or organization shall report*
24 *to the board regarding its findings in the survey and evaluation.*
25 The board may, in lieu of conducting its own survey and evaluation
26 of a foreign dental school, accept the findings of any commission
27 or accreditation agency approved by the board if the findings meet
28 the standards of subdivision (c) and adopt those findings as the
29 board's own. This subdivision shall not apply to foreign dental
30 schools seeking board approval that are under review by the board
31 on January 1, 2017.

32 (c) Any foreign dental school that wishes to be approved
33 pursuant to this section shall make application to the board for this
34 approval, which shall be based upon a finding by the board that
35 the educational program of the foreign dental school is equivalent
36 to that of similar accredited institutions in the United States and
37 adequately prepares its students for the practice of dentistry.
38 Curriculum, faculty qualifications, student attendance, plant and

1 facilities, and other relevant factors shall be reviewed and
2 evaluated. The board shall identify by rule the standards and review
3 procedures and methodology to be used in the approval process
4 consistent with this subdivision. The board shall not grant approval
5 if deficiencies found are of such magnitude as to prevent the
6 students in the school from receiving an educational base suitable
7 for the practice of dentistry.

8 (d) Periodic surveys and evaluations of all approved schools
9 may be made to ensure continued compliance with this section.
10 Approval shall include provisional and full approval. The
11 provisional form of approval shall be for a period determined by
12 the board, not to exceed three years, and shall be granted to an
13 institution, in accordance with rules established by the board, to
14 provide reasonable time for the school seeking permanent approval
15 to overcome deficiencies found by the board. Prior to the expiration
16 of a provisional approval and before the full approval is granted,
17 the school shall be required to submit evidence that deficiencies
18 noted at the time of initial application have been remedied. A
19 school granted full approval shall provide evidence of continued
20 compliance with this section. In the event that the board denies
21 approval or reapproval, the board shall give the school a specific
22 listing of the deficiencies that caused the denial and the
23 requirements for remedying the deficiencies, and shall permit the
24 school, upon request, to demonstrate by satisfactory evidence,
25 within 90 days, that it has remedied the deficiencies listed by the
26 board.

27 (e) A school shall pay a registration fee established by rule of
28 the board, not to exceed one thousand dollars (\$1,000), at the time
29 of application for approval and shall pay all reasonable costs and
30 expenses incurred for conducting the approval survey.

31 (f) The board shall renew approval upon receipt of a renewal
32 application, accompanied by a fee not to exceed five hundred
33 dollars (\$500). Each fully approved institution shall submit a
34 renewal application every seven years. Any approval that is not
35 renewed shall automatically expire.

36 SEC. 3. Section 2423 of the Business and Professions Code is
37 amended to read:

38 2423. (a) Notwithstanding Section 2422:

39 (1) All physician and surgeon's certificates and certificates to
40 practice midwifery shall expire at 12 midnight on the last day of

1 the birth month of the licensee during the second year of a two-year
2 term if not renewed.

3 (2) Registrations of dispensing opticians will expire at midnight
4 on the last day of the month in which the license was issued during
5 the second year of a two-year term if not renewed.

6 (b) The board shall establish by regulation procedures for the
7 administration of a birth date renewal program, including, but not
8 limited to, the establishment of a system of staggered license
9 expiration dates such that a relatively equal number of licenses
10 expire monthly.

11 (c) To renew an unexpired license, the licensee shall, on or
12 before the dates on which it would otherwise expire, apply for
13 renewal on a form prescribed by the licensing authority and pay
14 the prescribed renewal fee.

15 SEC. 4. Section 2460 of the Business and Professions Code is
16 amended to read:

17 2460. (a) There is created within the Department of Consumer
18 Affairs a California Board of Podiatric Medicine.

19 (b) This section shall remain in effect only until January 1, 2017,
20 and as of that date is repealed, unless a later enacted statute, that
21 is enacted before January 1, 2017, deletes or extends that date.
22 Notwithstanding any other provision of law, the repeal of this
23 section renders the California Board of Podiatric Medicine subject
24 to review by the appropriate policy committees of the Legislature.

25 SEC. 5. Section 2461 of the Business and Professions Code is
26 amended to read:

27 2461. As used in this article:

28 (a) "Board" means the California Board of Podiatric Medicine.

29 (b) "Podiatric licensing authority" refers to any officer, board,
30 commission, committee, or department of another state that may
31 issue a license to practice podiatric medicine.

32 SEC. 6. Section 2475 of the Business and Professions Code is
33 amended to read:

34 2475. Unless otherwise provided by law, no postgraduate
35 trainee, intern, resident postdoctoral fellow, or instructor may
36 engage in the practice of podiatric medicine, or receive
37 compensation therefor, or offer to engage in the practice of
38 podiatric medicine unless he or she holds a valid, unrevoked, and
39 unsuspended certificate to practice podiatric medicine issued by
40 the board. However, a graduate of an approved college or school

1 of podiatric medicine upon whom the degree doctor of podiatric
2 medicine has been conferred, who is issued a resident’s license,
3 which may be renewed annually for up to eight years for this
4 purpose by the board, and who is enrolled in a postgraduate training
5 program approved by the board, may engage in the practice of
6 podiatric medicine whenever and wherever required as a part of
7 that program and may receive compensation for that practice under
8 the following conditions:

9 (a) A graduate with a resident’s license in an approved
10 internship, residency, or fellowship program may participate in
11 training rotations outside the scope of podiatric medicine, under
12 the supervision of a physician and surgeon who holds a medical
13 doctor or doctor of osteopathy degree wherever and whenever
14 required as a part of the training program, and may receive
15 compensation for that practice. If the graduate fails to receive a
16 license to practice podiatric medicine under this chapter within
17 three years from the commencement of the postgraduate training,
18 all privileges and exemptions under this section shall automatically
19 cease.

20 (b) Hospitals functioning as a part of the teaching program of
21 an approved college or school of podiatric medicine in this state
22 may exchange instructors or resident or assistant resident doctors
23 of podiatric medicine with another approved college or school of
24 podiatric medicine not located in this state, or those hospitals may
25 appoint a graduate of an approved school as such a resident for
26 purposes of postgraduate training. Those instructors and residents
27 may practice and be compensated as provided in this section, but
28 that practice and compensation shall be for a period not to exceed
29 two years.

30 SEC. 7. Section 2479 of the Business and Professions Code is
31 amended to read:

32 2479. The board shall issue a certificate to practice podiatric
33 medicine to each applicant who meets the requirements of this
34 chapter. Every applicant for a certificate to practice podiatric
35 medicine shall comply with the provisions of Article 4
36 (commencing with Section 2080) which are not specifically
37 applicable to applicants for a physician’s and surgeon’s certificate,
38 in addition to the provisions of this article.

39 SEC. 8. Section 2486 of the Business and Professions Code is
40 amended to read:

1 2486. The board shall issue a certificate to practice podiatric
2 medicine if the applicant has submitted directly to the board from
3 the credentialing organizations verification that he or she meets
4 all of the following requirements:

5 (a) The applicant has graduated from an approved school or
6 college of podiatric medicine and meets the requirements of Section
7 2483.

8 (b) The applicant, within the past 10 years, has passed parts I,
9 II, and III of the examination administered by the National Board
10 of Podiatric Medical Examiners of the United States or has passed
11 a written examination that is recognized by the board to be the
12 equivalent in content to the examination administered by the
13 National Board of Podiatric Medical Examiners of the United
14 States.

15 (c) The applicant has satisfactorily completed the postgraduate
16 training required by Section 2484.

17 (d) The applicant has passed within the past 10 years any oral
18 and practical examination that may be required of all applicants
19 by the board to ascertain clinical competence.

20 (e) The applicant has committed no acts or crimes constituting
21 grounds for denial of a certificate under Division 1.5 (commencing
22 with Section 475).

23 (f) The board determines that no disciplinary action has been
24 taken against the applicant by any podiatric licensing authority
25 and that the applicant has not been the subject of adverse judgments
26 or settlements resulting from the practice of podiatric medicine
27 that the board determines constitutes evidence of a pattern of
28 negligence or incompetence.

29 (g) A disciplinary databank report regarding the applicant is
30 received by the board from the Federation of Podiatric Medical
31 Boards.

32 SEC. 9. Section 2488 of the Business and Professions Code is
33 amended to read:

34 2488. Notwithstanding any other law, the board shall issue a
35 certificate to practice podiatric medicine by credentialing if the
36 applicant has submitted directly to the board from the credentialing
37 organizations verification that he or she is licensed as a doctor of
38 podiatric medicine in any other state and meets all of the following
39 requirements:

1 (a) The applicant has graduated from an approved school or
2 college of podiatric medicine.

3 (b) The applicant, within the past 10 years, has passed either
4 part III of the examination administered by the National Board of
5 Podiatric Medical Examiners of the United States or a written
6 examination that is recognized by the board to be the equivalent
7 in content to the examination administered by the National Board
8 of Podiatric Medical Examiners of the United States.

9 (c) The applicant has satisfactorily completed a postgraduate
10 training program approved by the Council on Podiatric Medical
11 Education.

12 (d) The applicant, within the past 10 years, has passed any oral
13 and practical examination that may be required of all applicants
14 by the board to ascertain clinical competence.

15 (e) The applicant has committed no acts or crimes constituting
16 grounds for denial of a certificate under Division 1.5 (commencing
17 with Section 475).

18 (f) The board determines that no disciplinary action has been
19 taken against the applicant by any podiatric licensing authority
20 and that the applicant has not been the subject of adverse judgments
21 or settlements resulting from the practice of podiatric medicine
22 that the board determines constitutes evidence of a pattern of
23 negligence or incompetence.

24 (g) A disciplinary databank report regarding the applicant is
25 received by the board from the Federation of Podiatric Medical
26 Boards.

27 SEC. 10. Section 2492 of the Business and Professions Code
28 is amended to read:

29 2492. (a) The board shall examine every applicant for a
30 certificate to practice podiatric medicine to ensure a minimum of
31 entry-level competence at the time and place designated by the
32 board in its discretion, but at least twice a year.

33 (b) Unless the applicant meets the requirements of Section 2486,
34 applicants shall be required to have taken and passed the
35 examination administered by the National Board of Podiatric
36 Medical Examiners.

37 (c) The board may appoint qualified persons to give the whole
38 or any portion of any examination as provided in this article, who
39 shall be designated as examination commissioners. The board may

1 fix the compensation of those persons subject to the provisions of
2 applicable state laws and regulations.

3 (d) The provisions of Article 9 (commencing with Section 2170)
4 shall apply to examinations administered by the board except where
5 those provisions are in conflict with or inconsistent with the
6 provisions of this article.

7 SEC. 11. Section 2499 of the Business and Professions Code
8 is amended to read:

9 2499. There is in the State Treasury the Board of Podiatric
10 Medicine Fund. Notwithstanding Section 2445, the board shall
11 report to the Controller at the beginning of each calendar month
12 for the month preceding the amount and source of all revenue
13 received by the board, pursuant to this chapter, and shall pay the
14 entire amount thereof to the Treasurer for deposit into the fund.
15 All revenue received by the board from fees authorized to be
16 charged relating to the practice of podiatric medicine shall be
17 deposited in the fund as provided in this section, and shall be used
18 to carry out the provisions of this chapter relating to the regulation
19 of the practice of podiatric medicine.

20 SEC. 12. Section 2499.7 is added to the Business and
21 Professions Code, to read:

22 2499.7. (a) Certificates to practice podiatric medicine shall
23 expire at 12 midnight on the last day of the birth month of the
24 licensee during the second year of a two-year term.

25 (b) To renew an unexpired certificate, the licensee, on or before
26 the date on which the certificate would otherwise expire, shall
27 apply for renewal on a form prescribed by the board and pay the
28 prescribed renewal fee.

29 SEC. 13. Section 2733 of the Business and Professions Code
30 is amended to read:

31 2733. (a) (1) (A) Upon approval of an application filed
32 pursuant to subdivision (b) of Section 2732.1, and upon the
33 payment of the fee prescribed by subdivision (k) of Section 2815,
34 the board may issue a temporary license to practice professional
35 nursing, and a temporary certificate to practice as a certified public
36 health nurse for a period of six months from the date of issuance.

37 (B) Upon approval of an application filed pursuant to
38 subdivision (b) of Section 2732.1, and upon the payment of the
39 fee prescribed by subdivision (d) of Section 2838.2, the board may

1 issue a temporary certificate to practice as a certified clinical nurse
2 specialist for a period of six months from the date of issuance.

3 (C) Upon approval of an application filed pursuant to
4 subdivision (b) of Section 2732.1, and upon the payment of the
5 fee prescribed by subdivision (e) of Section 2815.5, the board may
6 issue a temporary certificate to practice as a certified nurse midwife
7 for a period of six months from the date of issuance.

8 (D) Upon approval of an application filed pursuant to
9 subdivision (b) of Section 2732.1, and upon the payment of the
10 fee prescribed by subdivision (d) of Section 2830.7, the board may
11 issue a temporary certificate to practice as a certified nurse
12 anesthetist for a period of six months from the date of issuance.

13 (E) Upon approval of an application filed pursuant to subdivision
14 (b) of Section 2732.1, and upon the payment of the fee prescribed
15 by subdivision (p) of Section 2815, the board may issue a
16 temporary certificate to practice as a certified nurse practitioner
17 for a period of six months from the date of issuance.

18 (2) A temporary license or temporary certificate shall terminate
19 upon notice thereof by certified mail, return receipt requested, if
20 it is issued by mistake or if the application for permanent licensure
21 is denied.

22 (b) Upon written application, the board may reissue a temporary
23 license or temporary certificate to any person who has applied for
24 a regular renewable license pursuant to subdivision (b) of Section
25 2732.1 and who, in the judgment of the board has been excusably
26 delayed in completing his or her application for or the minimum
27 requirements for a regular renewable license, but the board may
28 not reissue a temporary license or temporary certificate more than
29 twice to any one person.

30 SEC. 14. Section 2746.51 of the Business and Professions
31 Code is amended to read:

32 2746.51. (a) Neither this chapter nor any other provision of
33 law shall be construed to prohibit a certified nurse-midwife from
34 furnishing or ordering drugs or devices, including controlled
35 substances classified in Schedule II, III, IV, or V under the
36 California Uniform Controlled Substances Act (Division 10
37 commencing with Section 11000) of the Health and Safety Code),
38 when all of the following apply:

39 (1) The drugs or devices are furnished or ordered incidentally
40 to the provision of any of the following:

1 (A) Family planning services, as defined in Section 14503 of
2 the Welfare and Institutions Code.

3 (B) Routine health care or perinatal care, as defined in
4 subdivision (d) of Section 123485 of the Health and Safety Code.

5 (C) Care rendered, consistent with the certified nurse-midwife's
6 educational preparation or for which clinical competency has been
7 established and maintained, to persons within a facility specified
8 in subdivision (a), (b), (c), (d), (i), or (j) of Section 1206 of the
9 Health and Safety Code, a clinic as specified in Section 1204 of
10 the Health and Safety Code, a general acute care hospital as defined
11 in subdivision (a) of Section 1250 of the Health and Safety Code,
12 a licensed birth center as defined in Section 1204.3 of the Health
13 and Safety Code, or a special hospital specified as a maternity
14 hospital in subdivision (f) of Section 1250 of the Health and Safety
15 Code.

16 (2) The drugs or devices are furnished or ordered by a certified
17 nurse-midwife in accordance with standardized procedures or
18 protocols. For purposes of this section, standardized procedure
19 means a document, including protocols, developed and approved
20 by the supervising physician and surgeon, the certified
21 nurse-midwife, and the facility administrator or his or her designee.
22 The standardized procedure covering the furnishing or ordering
23 of drugs or devices shall specify all of the following:

24 (A) Which certified nurse-midwife may furnish or order drugs
25 or devices.

26 (B) Which drugs or devices may be furnished or ordered and
27 under what circumstances.

28 (C) The extent of physician and surgeon supervision.

29 (D) The method of periodic review of the certified
30 nurse-midwife's competence, including peer review, and review
31 of the provisions of the standardized procedure.

32 (3) If Schedule II or III controlled substances, as defined in
33 Sections 11055 and 11056 of the Health and Safety Code, are
34 furnished or ordered by a certified nurse-midwife, the controlled
35 substances shall be furnished or ordered in accordance with a
36 patient-specific protocol approved by the treating or supervising
37 physician and surgeon. For Schedule II controlled substance
38 protocols, the provision for furnishing the Schedule II controlled
39 substance shall address the diagnosis of the illness, injury, or

1 condition for which the Schedule II controlled substance is to be
2 furnished.

3 (4) The furnishing or ordering of drugs or devices by a certified
4 nurse-midwife occurs under physician and surgeon supervision.
5 For purposes of this section, no physician and surgeon shall
6 supervise more than four certified nurse-midwives at one time.
7 Physician and surgeon supervision shall not be construed to require
8 the physical presence of the physician, but does include all of the
9 following:

10 (A) Collaboration on the development of the standardized
11 procedure or protocol.

12 (B) Approval of the standardized procedure or protocol.

13 (C) Availability by telephonic contact at the time of patient
14 examination by the certified nurse-midwife.

15 (b) (1) The furnishing or ordering of drugs or devices by a
16 certified nurse-midwife is conditional on the issuance by the board
17 of a number to the applicant who has successfully completed the
18 requirements of paragraph (2). The number shall be included on
19 all transmittals of orders for drugs or devices by the certified
20 nurse-midwife. The board shall maintain a list of the certified
21 nurse-midwives that it has certified pursuant to this paragraph and
22 the number it has issued to each one. The board shall make the list
23 available to the California State Board of Pharmacy upon its
24 request. Every certified nurse-midwife who is authorized pursuant
25 to this section to furnish or issue a drug order for a controlled
26 substance shall register with the United States Drug Enforcement
27 Administration.

28 (2) The board has certified in accordance with paragraph (1)
29 that the certified nurse-midwife has satisfactorily completed a
30 course in pharmacology covering the drugs or devices to be
31 furnished or ordered under this section. The board shall establish
32 the requirements for satisfactory completion of this paragraph.
33 The board may charge the applicant a fee to cover all necessary
34 costs to implement this section, that shall be not less than four
35 hundred dollars (\$400) nor more than one thousand five hundred
36 dollars (\$1,500) for an initial application, nor less than one hundred
37 fifty dollars (\$150) nor more than one thousand dollars (\$1,000)
38 for an application for renewal. The board may charge a penalty
39 fee for failure to renew a furnishing number within the prescribed

1 time that shall be not less than seventy-five dollars (\$75) nor more
2 than five hundred dollars (\$500).

3 (3) A physician and surgeon may determine the extent of
4 supervision necessary pursuant to this section in the furnishing or
5 ordering of drugs and devices.

6 (4) A copy of the standardized procedure or protocol relating
7 to the furnishing or ordering of controlled substances by a certified
8 nurse-midwife shall be provided upon request to any licensed
9 pharmacist who is uncertain of the authority of the certified
10 nurse-midwife to perform these functions.

11 (5) Certified nurse-midwives who are certified by the board and
12 hold an active furnishing number, who are currently authorized
13 through standardized procedures or protocols to furnish Schedule
14 II controlled substances, and who are registered with the United
15 States Drug Enforcement Administration shall provide
16 documentation of continuing education specific to the use of
17 Schedule II controlled substances in settings other than a hospital
18 based on standards developed by the board.

19 (c) Drugs or devices furnished or ordered by a certified
20 nurse-midwife may include Schedule II controlled substances
21 under the California Uniform Controlled Substances Act (Division
22 10 (commencing with Section 11000) of the Health and Safety
23 Code) under the following conditions:

24 (1) The drugs and devices are furnished or ordered in accordance
25 with requirements referenced in paragraphs (2) to (4), inclusive,
26 of subdivision (a) and in paragraphs (1) to (3), inclusive, of
27 subdivision (b).

28 (2) When Schedule II controlled substances, as defined in
29 Section 11055 of the Health and Safety Code, are furnished or
30 ordered by a certified nurse-midwife, the controlled substances
31 shall be furnished or ordered in accordance with a patient-specific
32 protocol approved by the treating or supervising physician and
33 surgeon.

34 (d) Furnishing of drugs or devices by a certified nurse-midwife
35 means the act of making a pharmaceutical agent or agents available
36 to the patient in strict accordance with a standardized procedure
37 or protocol. Use of the term “furnishing” in this section shall
38 include the following:

39 (1) The ordering of a drug or device in accordance with the
40 standardized procedure or protocol.

1 (2) Transmitting an order of a supervising physician and
2 surgeon.

3 (e) “Drug order” or “order” for purposes of this section means
4 an order for medication or for a drug or device that is dispensed
5 to or for an ultimate user, issued by a certified nurse-midwife as
6 an individual practitioner, within the meaning of Section 1306.03
7 of Title 21 of the Code of Federal Regulations. Notwithstanding
8 any other provision of law, (1) a drug order issued pursuant to this
9 section shall be treated in the same manner as a prescription of the
10 supervising physician; (2) all references to “prescription” in this
11 code and the Health and Safety Code shall include drug orders
12 issued by certified nurse-midwives; and (3) the signature of a
13 certified nurse-midwife on a drug order issued in accordance with
14 this section shall be deemed to be the signature of a prescriber for
15 purposes of this code and the Health and Safety Code.

16 SEC. 15. Section 2786.5 of the Business and Professions Code
17 is amended to read:

18 2786.5. (a) An institution of higher education or a private
19 postsecondary school of nursing approved by the board pursuant
20 to subdivision (b) of Section 2786 shall remit to the board for
21 deposit in the Board of Registered Nursing Fund the following
22 fees, in accordance with the following schedule:

23 (1) The fee for approval of a school of nursing shall be fixed
24 by the board at not less than forty thousand dollars (\$40,000) nor
25 more than eighty thousand dollars (\$80,000).

26 (2) The fee for continuing approval of a nursing program
27 established after January 1, 2013, shall be fixed by the board at
28 not less than fifteen thousand dollars (\$15,000) nor more than
29 thirty thousand dollars (\$30,000).

30 (3) The processing fee for authorization of a substantive change
31 to an approval of a school of nursing shall be fixed by the board
32 at not less than two thousand five hundred dollars (\$2,500) nor
33 more than five thousand dollars (\$5,000).

34 (b) If the board determines that the annual cost of providing
35 oversight and review of a school of nursing, as required by this
36 article, is less than the amount of any fees required to be paid by
37 that institution pursuant to this article, the board may decrease the
38 fees applicable to that institution to an amount that is proportional
39 to the board’s costs associated with that institution.

1 SEC. 16. Section 2811 of the Business and Professions Code
2 is amended to read:

3 2811. (a) Each person holding a regular renewable license
4 under this chapter, whether in an active or inactive status, shall
5 apply for a renewal of his license and pay the biennial renewal fee
6 required by this chapter each two years on or before the last day
7 of the month following the month in which his birthday occurs,
8 beginning with the second birthday following the date on which
9 the license was issued, whereupon the board shall renew the
10 license.

11 (b) Each such license not renewed in accordance with this
12 section shall expire but may within a period of eight years
13 thereafter be reinstated upon payment of the fee required by this
14 chapter and upon submission of such proof of the applicant's
15 qualifications as may be required by the board, except that during
16 such eight-year period no examination shall be required as a
17 condition for the reinstatement of any such expired license which
18 has lapsed solely by reason of nonpayment of the renewal fee.
19 After the expiration of such eight-year period the board may require
20 as a condition of reinstatement that the applicant pass such
21 examination as it deems necessary to determine his present fitness
22 to resume the practice of professional nursing.

23 (c) A license in an inactive status may be restored to an active
24 status if the licensee meets the continuing education standards of
25 Section 2811.5.

26 SEC. 17. Section 2811.5 of the Business and Professions Code
27 is amended to read:

28 2811.5. (a) Each person renewing his or her license under
29 Section 2811 shall submit proof satisfactory to the board that,
30 during the preceding two-year period, he or she has been informed
31 of the developments in the registered nurse field or in any special
32 area of practice engaged in by the licensee, occurring since the
33 last renewal thereof, either by pursuing a course or courses of
34 continuing education in the registered nurse field or relevant to
35 the practice of the licensee, and approved by the board, or by other
36 means deemed equivalent by the board.

37 (b) For purposes of this section, the board shall, by regulation,
38 establish standards for continuing education. The standards shall
39 be established in a manner to ensure that a variety of alternative
40 forms of continuing education are available to licensees, including,

1 but not limited to, academic studies, in-service education, institutes,
2 seminars, lectures, conferences, workshops, extension studies, and
3 home study programs. The standards shall take cognizance of
4 specialized areas of practice, and content shall be relevant to the
5 practice of nursing and shall be related to the scientific knowledge
6 or technical skills required for the practice of nursing or be related
7 to direct or indirect patient or client care. The continuing education
8 standards established by the board shall not exceed 30 hours of
9 direct participation in a course or courses approved by the board,
10 or its equivalent in the units of measure adopted by the board.

11 (c) The board shall audit continuing education providers at least
12 once every five years to ensure adherence to regulatory
13 requirements, and shall withhold or rescind approval from any
14 provider that is in violation of the regulatory requirements.

15 (d) The board shall encourage continuing education in spousal
16 or partner abuse detection and treatment. In the event the board
17 establishes a requirement for continuing education coursework in
18 spousal or partner abuse detection or treatment, that requirement
19 shall be met by each licensee within no more than four years from
20 the date the requirement is imposed.

21 (e) In establishing standards for continuing education, the board
22 shall consider including a course in the special care needs of
23 individuals and their families facing end-of-life issues, including,
24 but not limited to, all of the following:

- 25 (1) Pain and symptom management.
- 26 (2) The psycho-social dynamics of death.
- 27 (3) Dying and bereavement.
- 28 (4) Hospice care.

29 (f) In establishing standards for continuing education, the board
30 may include a course on pain management.

31 (g) This section shall not apply to licensees during the first two
32 years immediately following their initial licensure in California
33 or any other governmental jurisdiction.

34 (h) The board may, in accordance with the intent of this section,
35 make exceptions from continuing education requirements for
36 licensees residing in another state or country, or for reasons of
37 health, military service, or other good cause.

38 SEC. 18. Section 2815 of the Business and Professions Code
39 is amended to read:

1 2815. Subject to the provisions of Section 128.5, the amount
2 of the fees prescribed by this chapter in connection with the
3 issuance of licenses for registered nurses under its provisions is
4 that fixed by the following schedule:

5 (a) (1) The fee to be paid upon the filing by a graduate of an
6 approved school of nursing in this state of an application for a
7 licensure by examination shall be fixed by the board at not less
8 than three hundred dollars (\$300) nor more than one thousand
9 dollars (\$1,000).

10 (2) The fee to be paid upon the filing by a graduate of a school
11 of nursing in another state, district, or territory of the United States
12 of an application for a licensure by examination shall be fixed by
13 the board at not less than three hundred fifty dollars (\$350) nor
14 more than one thousand dollars (\$1,000).

15 (3) The fee to be paid upon the filing by a graduate of a school
16 of nursing in another country of an application for a licensure by
17 examination shall be fixed by the board at not less than seven
18 hundred fifty dollars (\$750) nor more than one thousand five
19 hundred dollars (\$1,500).

20 (4) The fee to be paid upon the filing of an application for
21 licensure by a repeat examination shall be fixed by the board at
22 not less than two hundred fifty dollars (\$250) and not more than
23 one thousand dollars (\$1,000).

24 (b) The fee to be paid for taking each examination shall be the
25 actual cost to purchase an examination from a vendor approved
26 by the board.

27 (c) (1) The fee to be paid for application by a person who is
28 licensed or registered as a nurse in another state, district, or territory
29 of the United States for licensure by endorsement shall be fixed
30 by the board at not less than three hundred fifty dollars (\$350) nor
31 more than one thousand dollars (\$1,000).

32 (2) The fee to be paid for application by a person who is licensed
33 or registered as a nurse in another country for licensure by
34 endorsement shall be fixed by the board at not less than seven
35 hundred fifty dollars (\$750) nor more than one thousand five
36 hundred dollars (\$1,500).

37 (d) (1) The biennial fee to be paid upon the filing of an
38 application for renewal of the license shall be not less than one
39 hundred eighty dollars (\$180) nor more than seven hundred fifty
40 dollars (\$750). In addition, an assessment of ten dollars (\$10) shall

1 be collected and credited to the Registered Nurse Education Fund,
2 pursuant to Section 2815.1.

3 (2) The fee to be paid upon the filing of an application for
4 reinstatement pursuant to subdivision (b) of Section 2811 shall be
5 not less than three hundred fifty dollars (\$350) nor more than one
6 thousand dollars (\$1,000).

7 (e) The penalty fee for failure to renew a license within the
8 prescribed time shall be fixed by the board at not more than 50
9 percent of the regular renewal fee, but not less than ninety dollars
10 (\$90) nor more than three hundred seventy-five dollars (\$375).

11 (f) The fee to be paid for approval of a continuing education
12 provider shall be fixed by the board at not less than five hundred
13 dollars (\$500) nor more than one thousand dollars (\$1,000).

14 (g) The biennial fee to be paid upon the filing of an application
15 for renewal of provider approval shall be fixed by the board at not
16 less than seven hundred fifty dollars (\$750) nor more than one
17 thousand dollars (\$1,000).

18 (h) The penalty fee for failure to renew provider approval within
19 the prescribed time shall be fixed at not more than 50 percent of
20 the regular renewal fee, but not less than one hundred twenty-five
21 dollars (\$125) nor more than five hundred dollars (\$500).

22 (i) The penalty for submitting insufficient funds or fictitious
23 check, draft or order on any bank or depository for payment of
24 any fee to the board shall be fixed at not less than fifteen dollars
25 (\$15) nor more than thirty dollars (\$30).

26 (j) The fee to be paid for an interim permit shall be fixed by the
27 board at not less than one hundred dollars (\$100) nor more than
28 two hundred fifty dollars (\$250).

29 (k) The fee to be paid for a temporary license shall be fixed by
30 the board at not less than one hundred dollars (\$100) nor more
31 than two hundred fifty dollars (\$250).

32 (l) The fee to be paid for processing endorsement papers to other
33 states shall be fixed by the board at not less than one hundred
34 dollars (\$100) nor more than two hundred dollars (\$200).

35 (m) The fee to be paid for a certified copy of a school transcript
36 shall be fixed by the board at not less than fifty dollars (\$50) nor
37 more than one hundred dollars (\$100).

38 (n) (1) The fee to be paid for a duplicate pocket license shall
39 be fixed by the board at not less than fifty dollars (\$50) nor more
40 than seventy-five dollars (\$75).

1 (2) The fee to be paid for a duplicate wall certificate shall be
2 fixed by the board at not less than sixty dollars (\$60) nor more
3 than one hundred dollars (\$100).

4 (o) (1) The fee to be paid by a registered nurse for an evaluation
5 of his or her qualifications to use the title “nurse practitioner” shall
6 be fixed by the board at not less than five hundred dollars (\$500)
7 nor more than one thousand five hundred dollars (\$1,500).

8 (2) The fee to be paid by a registered nurse for a temporary
9 certificate to practice as a nurse practitioner shall be fixed by the
10 board at not less than one hundred fifty dollars (\$150) nor more
11 than five hundred dollars (\$500).

12 (3) The fee to be paid upon the filing of an application for
13 renewal of a certificate to practice as a nurse practitioner shall be
14 not less than one hundred fifty dollars (\$150) nor more than one
15 thousand dollars (\$1,000).

16 (4) The penalty fee for failure to renew a certificate to practice
17 as a nurse practitioner within the prescribed time shall be not less
18 than seventy-five dollars (\$75) nor more than five hundred dollars
19 (\$500).

20 (p) The fee to be paid by a registered nurse for listing as a
21 “psychiatric mental health nurse” shall be fixed by the board at
22 not less than three hundred fifty dollars (\$350) nor more than seven
23 hundred fifty dollars (\$750).

24 (q) The fee to be paid for duplicate National Council Licensure
25 Examination for registered nurses (NCLEX-RN) examination
26 results shall be not less than sixty dollars (\$60) nor more than one
27 hundred dollars (\$100).

28 (r) The fee to be paid for a letter certifying a license shall be
29 not less than twenty dollars (\$20) nor more than thirty dollars
30 (\$30).

31 No further fee shall be required for a license or a renewal thereof
32 other than as prescribed by this chapter.

33 SEC. 19. Section 2815.5 of the Business and Professions Code
34 is amended to read:

35 2815.5. The amount of the fees prescribed by this chapter in
36 connection with the issuance of certificates as nurse-midwives is
37 that fixed by the following schedule:

38 (a) The fee to be paid upon the filing of an application for a
39 certificate shall be fixed by the board at not less than five hundred

1 dollars (\$500) nor more than one thousand five hundred dollars
2 (\$1,500).

3 (b) The biennial fee to be paid upon the application for a renewal
4 of a certificate shall be fixed by the board at not less than one
5 hundred fifty dollars (\$150) nor more than one thousand dollars
6 (\$1,000).

7 (c) The penalty fee for failure to renew a certificate within the
8 prescribed time shall be 50 percent of the renewal fee in effect on
9 the date of the renewal of the license, but not less than seventy-five
10 dollars (\$75) nor more than five hundred dollars (\$500).

11 (d) The fee to be paid upon the filing of an application for the
12 nurse-midwife equivalency examination shall be fixed by the board
13 at not less than one hundred dollars (\$100) nor more than two
14 hundred dollars (\$200).

15 (e) The fee to be paid for a temporary certificate shall be fixed
16 by the board at not less than one hundred fifty dollars (\$150) nor
17 more than five hundred dollars (\$500).

18 SEC. 20. Section 2816 of the Business and Professions Code
19 is amended to read:

20 2816. The nonrefundable fee to be paid by a registered nurse
21 for an evaluation of his or her qualifications to use the title “public
22 health nurse” shall be equal to the fees set out in subdivision (o)
23 of Section 2815. The fee to be paid ~~for~~ upon the application for
24 renewal of the certificate to practice as a public health nurse shall
25 be fixed by the board at not less than one hundred twenty-five
26 dollars (\$125) and not more than five hundred dollars (\$500). All
27 fees payable under this section shall be collected by and paid to
28 the Registered Nursing Fund. It is the intention of the Legislature
29 that the costs of carrying out the purposes of this article shall be
30 covered by the revenue collected pursuant to this section.

31 SEC. 21. Section 2830.7 of the Business and Professions Code
32 is amended to read:

33 2830.7. The amount of the fees prescribed by this chapter in
34 connection with the issuance of certificates as nurse anesthetists
35 is that fixed by the following schedule:

36 (a) The fee to be paid upon the filing of an application for a
37 certificate shall be fixed by the board at not less than five hundred
38 dollars (\$500) nor more than one thousand five hundred dollars
39 (\$1,500).

1 (b) The biennial fee to be paid upon the application for a renewal
2 of a certificate shall be fixed by the board at not less than one
3 hundred fifty dollars (\$150) nor more than one thousand dollars
4 (\$1,000).

5 (c) The penalty fee for failure to renew a certificate within the
6 prescribed time shall be 50 percent of the renewal fee in effect on
7 the date of the renewal of the license, but not less than seventy-five
8 dollars (\$75) nor more than five hundred dollars (\$500).

9 (d) The fee to be paid for a temporary certificate shall be fixed
10 by the board at not less than one hundred fifty dollars (\$150) nor
11 more than five hundred dollars (\$500).

12 SEC. 22. Section 2836.3 of the Business and Professions Code
13 is amended to read:

14 2836.3. (a) The furnishing of drugs or devices by nurse
15 practitioners is conditional on issuance by the board of a number
16 to the nurse applicant who has successfully completed the
17 requirements of subdivision (g) of Section 2836.1. The number
18 shall be included on all transmittals of orders for drugs or devices
19 by the nurse practitioner. The board shall make the list of numbers
20 issued available to the Board of Pharmacy. The board may charge
21 the applicant a fee to cover all necessary costs to implement this
22 section, that shall be not less than four hundred dollars (\$400) nor
23 more than one thousand five hundred dollars (\$1,500) for an initial
24 application, nor less than one hundred fifty dollars (\$150) nor more
25 than one thousand dollars (\$1,000) for an application for renewal.
26 The board may charge a penalty fee for failure to renew a
27 furnishing number within the prescribed time that shall be not less
28 than seventy-five dollars (\$75) nor more than five hundred dollars
29 (\$500).

30 (b) The number shall be renewable at the time of the applicant's
31 registered nurse license renewal.

32 (c) The board may revoke, suspend, or deny issuance of the
33 numbers for incompetence or gross negligence in the performance
34 of functions specified in Sections 2836.1 and 2836.2.

35 SEC. 23. Section 2838.2 of the Business and Professions Code
36 is amended to read:

37 2838.2. (a) A clinical nurse specialist is a registered nurse with
38 advanced education, who participates in expert clinical practice,
39 education, research, consultation, and clinical leadership as the
40 major components of his or her role.

1 (b) The board may establish categories of clinical nurse
2 specialists and the standards required to be met for nurses to hold
3 themselves out as clinical nurse specialists in each category. The
4 standards shall take into account the types of advanced levels of
5 nursing practice that are or may be performed and the clinical and
6 didactic education, experience, or both needed to practice safety
7 at those levels. In setting the standards, the board shall consult
8 with clinical nurse specialists, physicians and surgeons appointed
9 by the Medical Board with expertise with clinical nurse specialists,
10 and health care organizations that utilize clinical nurse specialists.

11 (c) A registered nurse who meets one of the following
12 requirements may apply to become a clinical nurse specialist:

13 (1) Possession of a master's degree in a clinical field of nursing.

14 (2) Possession of a master's degree in a clinical field related to
15 nursing with course work in the components referred to in
16 subdivision (a).

17 (3) On or before July 1, 1998, meets the following requirements:

18 (A) Current licensure as a registered nurse.

19 (B) Performs the role of a clinical nurse specialist as described
20 in subdivision (a).

21 (C) Meets any other criteria established by the board.

22 (d) (1) A nonrefundable fee of not less than five hundred dollars
23 (\$500), but not to exceed one thousand five hundred dollars
24 (\$1,500) shall be paid by a registered nurse applying to be a clinical
25 nurse specialist for the evaluation of his or her qualifications to
26 use the title "clinical nurse specialist."

27 (2) The fee to be paid for a temporary certificate to practice as
28 a clinical nurse specialist shall be not less than thirty dollars (\$30)
29 nor more than fifty dollars (\$50).

30 (3) A biennial renewal fee shall be paid upon submission of an
31 application to renew the clinical nurse specialist certificate and
32 shall be established by the board at no less than one hundred fifty
33 dollars (\$150) and no more than one thousand dollars (\$1,000).

34 (4) The penalty fee for failure to renew a certificate within the
35 prescribed time shall be 50 percent of the renewal fee in effect on
36 the date of the renewal of the license, but not less than seventy-five
37 dollars (\$75) nor more than five hundred dollars (\$500).

38 (5) The fees authorized by this subdivision shall not exceed the
39 amount necessary to cover the costs to the board to administer this
40 section.

1 SEC. 24. Section 4128.2 of the Business and Professions Code
2 is amended to read:

3 4128.2. (a) In addition to the pharmacy license requirement
4 described in Section 4110, a centralized hospital packaging
5 pharmacy shall obtain a specialty license from the board prior to
6 engaging in the functions described in Section 4128.

7 (b) An applicant seeking a specialty license pursuant to this
8 article shall apply to the board on forms established by the board.

9 (c) Before issuing the specialty license, the board shall inspect
10 the pharmacy and ensure that the pharmacy is in compliance with
11 this article and regulations established by the board.

12 (d) A license to perform the functions described in Section 4128
13 may only be issued to a pharmacy that is licensed by the board as
14 a hospital pharmacy.

15 (e) A license issued pursuant to this article shall be renewed
16 annually and is not transferrable.

17 (f) An applicant seeking renewal of a specialty license shall
18 apply to the board on forms established by the board.

19 (g) A license to perform the functions described in Section 4128
20 shall not be renewed until the pharmacy has been inspected by the
21 board and found to be in compliance with this article and
22 regulations established by the board.

23 SEC. 25. Section 4400 of the Business and Professions Code
24 is amended to read:

25 4400. The amount of fees and penalties prescribed by this
26 chapter, except as otherwise provided, is that fixed by the board
27 according to the following schedule:

28 (a) The fee for a nongovernmental pharmacy license shall be
29 four hundred dollars (\$400) and may be increased to five hundred
30 twenty dollars (\$520). The fee for the issuance of a temporary
31 nongovernmental pharmacy permit shall be two hundred fifty
32 dollars (\$250) and may be increased to three hundred twenty-five
33 dollars (\$325).

34 (b) The fee for a nongovernmental pharmacy license annual
35 renewal shall be two hundred fifty dollars (\$250) and may be
36 increased to three hundred twenty-five dollars (\$325).

37 (c) The fee for the pharmacist application and examination shall
38 be two hundred dollars (\$200) and may be increased to two
39 hundred sixty dollars (\$260).

1 (d) The fee for regrading an examination shall be ninety dollars
2 (\$90) and may be increased to one hundred fifteen dollars (\$115).
3 If an error in grading is found and the applicant passes the
4 examination, the regrading fee shall be refunded.

5 (e) The fee for a pharmacist license and biennial renewal shall
6 be one hundred fifty dollars (\$150) and may be increased to one
7 hundred ninety-five dollars (\$195).

8 (f) The fee for a nongovernmental wholesaler or third-party
9 logistics provider license and annual renewal shall be seven
10 hundred eighty dollars (\$780) and may be decreased to no less
11 than six hundred dollars (\$600). The application fee for any
12 additional location after licensure of the first 20 locations shall be
13 three hundred dollars (\$300) and may be decreased to no less than
14 two hundred twenty-five dollars (\$225). A temporary license fee
15 shall be seven hundred fifteen dollars (\$715) and may be decreased
16 to no less than five hundred fifty dollars (\$550).

17 (g) The fee for a hypodermic license and renewal shall be one
18 hundred twenty-five dollars (\$125) and may be increased to one
19 hundred sixty-five dollars (\$165).

20 (h) (1) The fee for application, investigation, and issuance of
21 a license as a designated representative pursuant to Section 4053,
22 or as a designated representative-3PL pursuant to Section 4053.1,
23 shall be three hundred thirty dollars (\$330) and may be decreased
24 to no less than two hundred fifty-five dollars (\$255).

25 (2) The fee for the annual renewal of a license as a designated
26 representative or designated representative-3PL shall be one
27 hundred ninety-five dollars (\$195) and may be decreased to no
28 less than one hundred fifty dollars (\$150).

29 (i) (1) The fee for the application, investigation, and issuance
30 of a license as a designated representative for a veterinary
31 food-animal drug retailer pursuant to Section 4053 shall be three
32 hundred thirty dollars (\$330) and may be decreased to no less than
33 two hundred fifty-five dollars (\$255).

34 (2) The fee for the annual renewal of a license as a designated
35 representative for a veterinary food-animal drug retailer shall be
36 one hundred ninety-five dollars (\$195) and may be decreased to
37 no less than one hundred fifty dollars (\$150).

38 (j) (1) The application fee for a nonresident wholesaler or
39 third-party logistics provider license issued pursuant to Section

1 4161 shall be seven hundred eighty dollars (\$780) and may be
2 decreased to no less than six hundred dollars (\$600).

3 (2) For nonresident wholesalers or third-party logistics providers
4 that have 21 or more facilities operating nationwide the application
5 fees for the first 20 locations shall be seven hundred eighty dollars
6 (\$780) and may be decreased to no less than six hundred dollars
7 (\$600). The application fee for any additional location after
8 licensure of the first 20 locations shall be three hundred dollars
9 (\$300) and may be decreased to no less than two hundred
10 twenty-five dollars (\$225). A temporary license fee shall be seven
11 hundred fifteen dollars (\$715) and may be decreased to no less
12 than five hundred fifty dollars (\$550).

13 (3) The annual renewal fee for a nonresident wholesaler license
14 or third-party logistics provider license issued pursuant to Section
15 4161 shall be seven hundred eighty dollars (\$780) and may be
16 decreased to no less than six hundred dollars (\$600).

17 (k) The fee for evaluation of continuing education courses for
18 accreditation shall be set by the board at an amount not to exceed
19 forty dollars (\$40) per course hour.

20 (l) The fee for an intern pharmacist license shall be ninety dollars
21 (\$90) and may be increased to one hundred fifteen dollars (\$115).
22 The fee for transfer of intern hours or verification of licensure to
23 another state shall be twenty-five dollars (\$25) and may be
24 increased to thirty dollars (\$30).

25 (m) The board may waive or refund the additional fee for the
26 issuance of a license where the license is issued less than 45 days
27 before the next regular renewal date.

28 (n) The fee for the reissuance of any license, or renewal thereof,
29 that has been lost or destroyed or reissued due to a name change
30 shall be thirty-five dollars (\$35) and may be increased to forty-five
31 dollars (\$45).

32 (o) The fee for the reissuance of any license, or renewal thereof,
33 that must be reissued because of a change in the information, shall
34 be one hundred dollars (\$100) and may be increased to one hundred
35 thirty dollars (\$130).

36 (p) It is the intent of the Legislature that, in setting fees pursuant
37 to this section, the board shall seek to maintain a reserve in the
38 Pharmacy Board Contingent Fund equal to approximately one
39 year's operating expenditures.

1 (q) The fee for any applicant for a nongovernmental clinic
2 license shall be four hundred dollars (\$400) and may be increased
3 to five hundred twenty dollars (\$520) for each license. The annual
4 fee for renewal of the license shall be two hundred fifty dollars
5 (\$250) and may be increased to three hundred twenty-five dollars
6 (\$325) for each license.

7 (r) The fee for the issuance of a pharmacy technician license
8 shall be eighty dollars (\$80) and may be increased to one hundred
9 five dollars (\$105). The fee for renewal of a pharmacy technician
10 license shall be one hundred dollars (\$100) and may be increased
11 to one hundred thirty dollars (\$130).

12 (s) The fee for a veterinary food-animal drug retailer license
13 shall be four hundred five dollars (\$405) and may be increased to
14 four hundred twenty-five dollars (\$425). The annual renewal fee
15 for a veterinary food-animal drug retailer license shall be two
16 hundred fifty dollars (\$250) and may be increased to three hundred
17 twenty-five dollars (\$325).

18 (t) The fee for issuance of a retired license pursuant to Section
19 4200.5 shall be thirty-five dollars (\$35) and may be increased to
20 forty-five dollars (\$45).

21 (u) The fee for issuance or renewal of a nongovernmental sterile
22 compounding pharmacy license shall be six hundred dollars (\$600)
23 and may be increased to seven hundred eighty dollars (\$780). The
24 fee for a temporary license shall be five hundred fifty dollars (\$550)
25 and may be increased to seven hundred fifteen dollars (\$715).

26 (v) The fee for the issuance or renewal of a nonresident sterile
27 compounding pharmacy license shall be seven hundred eighty
28 dollars (\$780). In addition to paying that application fee, the
29 nonresident sterile compounding pharmacy shall deposit, when
30 submitting the application, a reasonable amount, as determined by
31 the board, necessary to cover the board's estimated cost of
32 performing the inspection required by Section 4127.2. If the
33 required deposit is not submitted with the application, the
34 application shall be deemed to be incomplete. If the actual cost of
35 the inspection exceeds the amount deposited, the board shall
36 provide to the applicant a written invoice for the remaining amount
37 and shall not take action on the application until the full amount
38 has been paid to the board. If the amount deposited exceeds the
39 amount of actual and necessary costs incurred, the board shall
40 remit the difference to the applicant.

1 (w) This section shall become inoperative on July 1, 2017, and
2 as of January 1, 2018, is repealed.

3 SEC. 26. Section 4400 is added to the Business and Professions
4 Code, to read:

5 4400. The amount of fees and penalties prescribed by this
6 chapter, except as otherwise provided, is that fixed by the board
7 according to the following schedule:

8 (a) The fee for a nongovernmental pharmacy license shall be
9 five hundred twenty dollars (\$520) and may be increased to five
10 hundred seventy dollars (\$570). The fee for the issuance of a
11 temporary nongovernmental pharmacy permit shall be two hundred
12 fifty dollars (\$250) and may be increased to three hundred
13 twenty-five dollars (\$325).

14 (b) The fee for a nongovernmental pharmacy license annual
15 renewal shall be six hundred sixty-five dollars (\$665) and may be
16 increased to nine hundred thirty dollars (\$930).

17 (c) The fee for the pharmacist application and examination shall
18 be two hundred sixty dollars (\$260) and may be increased to two
19 hundred eighty-five dollars (\$285).

20 (d) The fee for regrading an examination shall be ninety dollars
21 (\$90) and may be increased to one hundred fifteen dollars (\$115).
22 If an error in grading is found and the applicant passes the
23 examination, the regrading fee shall be refunded.

24 (e) The fee for a pharmacist license shall be one hundred
25 ninety-five dollars (\$195) and may be increased to two hundred
26 fifteen dollars (\$215). The fee for a pharmacist biennial renewal
27 shall be three hundred sixty dollars (\$360) and may be increased
28 to five hundred five dollars (\$505).

29 (f) The fee for a nongovernmental wholesaler or third-party
30 logistics provider license and annual renewal shall be seven
31 hundred eighty dollars (\$780) and may be increased to eight
32 hundred twenty dollars (\$820). The application fee for any
33 additional location after licensure of the first 20 locations shall be
34 three hundred dollars (\$300) and may be decreased to no less than
35 two hundred twenty-five dollars (\$225). A temporary license fee
36 shall be seven hundred fifteen dollars (\$715) and may be decreased
37 to no less than five hundred fifty dollars (\$550).

38 (g) The fee for a hypodermic license shall be one hundred
39 seventy dollars (\$170) and may be increased to two hundred forty
40 dollars (\$240). The fee for a hypodermic license renewal shall be

1 two hundred dollars (\$200) and may be increased to two hundred
2 eighty dollars (\$280).

3 (h) (1) The fee for application, investigation, and issuance of
4 a license as a designated representative pursuant to Section 4053,
5 or as a designated representative-3PL pursuant to Section 4053.1,
6 shall be one hundred fifty dollars (\$150) and may be increased to
7 two hundred ten dollars (\$210).

8 (2) The fee for the annual renewal of a license as a designated
9 representative or designated representative-3PL shall be two
10 hundred fifteen dollars (\$215) and may be increased to three
11 hundred dollars (\$300).

12 (i) (1) The fee for the application, investigation, and issuance
13 of a license as a designated representative for a veterinary
14 food-animal drug retailer pursuant to Section 4053 shall be one
15 hundred fifty dollars (\$150) and may be increased to two hundred
16 ten dollars (\$210).

17 (2) The fee for the annual renewal of a license as a designated
18 representative for a veterinary food-animal drug retailer shall be
19 two hundred fifteen dollars (\$215) and may be increased to three
20 hundred dollars (\$300).

21 (j) (1) The application fee for a nonresident wholesaler or
22 third-party logistics provider license issued pursuant to Section
23 4161 shall be seven hundred eighty dollars (\$780) and may be
24 increased to eight hundred twenty dollars (\$820).

25 (2) For nonresident wholesalers or third-party logistics providers
26 that have 21 or more facilities operating nationwide the application
27 fees for the first 20 locations shall be seven hundred eighty dollars
28 (\$780) and may be increased to eight hundred twenty dollars
29 (\$820). The application fee for any additional location after
30 licensure of the first 20 locations shall be three hundred dollars
31 (\$300) and may be decreased to no less than two hundred
32 twenty-five dollars (\$225). A temporary license fee shall be seven
33 hundred fifteen dollars (\$715) and may be decreased to no less
34 than five hundred fifty dollars (\$550).

35 (3) The annual renewal fee for a nonresident wholesaler license
36 or third-party logistics provider license issued pursuant to Section
37 4161 shall be seven hundred eighty dollars (\$780) and may be
38 increased to eight hundred twenty dollars (\$820).

1 (k) The fee for evaluation of continuing education courses for
2 accreditation shall be set by the board at an amount not to exceed
3 forty dollars (\$40) per course hour.

4 (l) The fee for an intern pharmacist license shall be one hundred
5 sixty-five dollars (\$165) and may be increased to two hundred
6 thirty dollars (\$230). The fee for transfer of intern hours or
7 verification of licensure to another state shall be twenty-five dollars
8 (\$25) and may be increased to thirty dollars (\$30).

9 (m) The board may waive or refund the additional fee for the
10 issuance of a license where the license is issued less than 45 days
11 before the next regular renewal date.

12 (n) The fee for the reissuance of any license, or renewal thereof,
13 that has been lost or destroyed or reissued due to a name change
14 shall be thirty-five dollars (\$35) and may be increased to forty-five
15 dollars (\$45).

16 (o) The fee for the reissuance of any license, or renewal thereof,
17 that must be reissued because of a change in the information, shall
18 be one hundred dollars (\$100) and may be increased to one hundred
19 thirty dollars (\$130).

20 (p) It is the intent of the Legislature that, in setting fees pursuant
21 to this section, the board shall seek to maintain a reserve in the
22 Pharmacy Board Contingent Fund equal to approximately one
23 year's operating expenditures.

24 (q) The fee for any applicant for a nongovernmental clinic
25 license shall be five hundred twenty dollars (\$520) for each license
26 and may be increased to five hundred seventy dollars (\$570). The
27 annual fee for renewal of the license shall be three hundred
28 twenty-five dollars (\$325) for each license and may be increased
29 to three hundred sixty dollars (\$360).

30 (r) The fee for the issuance of a pharmacy technician license
31 shall be one hundred forty dollars (\$140) and may be increased to
32 one hundred ninety-five dollars (\$195). The fee for renewal of a
33 pharmacy technician license shall be one hundred forty dollars
34 (\$140) and may be increased to one hundred ninety-five dollars
35 (\$195).

36 (s) The fee for a veterinary food-animal drug retailer license
37 shall be four hundred thirty-five dollars (\$435) and may be
38 increased to six hundred ten dollars (\$610). The annual renewal
39 fee for a veterinary food-animal drug retailer license shall be three

1 hundred thirty dollars (\$330) and may be increased to four hundred
2 sixty dollars (\$460).

3 (t) The fee for issuance of a retired license pursuant to Section
4 4200.5 shall be thirty-five dollars (\$35) and may be increased to
5 forty-five dollars (\$45).

6 (u) The fee for issuance of a nongovernmental sterile
7 compounding pharmacy license shall be one thousand six hundred
8 forty-five dollars (\$1,645) and may be increased to two thousand
9 three hundred five dollars (\$2,305). The fee for a temporary license
10 shall be five hundred fifty dollars (\$550) and may be increased to
11 seven hundred fifteen dollars (\$715). The annual renewal fee of
12 the license shall be one thousand three hundred twenty-five dollars
13 (\$1,325) and may be increased to one thousand eight hundred
14 fifty-five dollars (\$1,855).

15 (v) The fee for the issuance of a nonresident sterile compounding
16 pharmacy license shall be two thousand three hundred eighty
17 dollars (\$2,380) and may be increased to three thousand three
18 hundred thirty-five dollars (\$3,335). The annual renewal of the
19 license shall be two thousand two hundred seventy dollars (\$2,270)
20 and may be increased to three thousand one hundred eighty dollars
21 (\$3,180). In addition to paying that application fee, the nonresident
22 sterile compounding pharmacy shall deposit, when submitting the
23 application, a reasonable amount, as determined by the board,
24 necessary to cover the board's estimated cost of performing the
25 inspection required by Section 4127.2. If the required deposit is
26 not submitted with the application, the application shall be deemed
27 to be incomplete. If the actual cost of the inspection exceeds the
28 amount deposited, the board shall provide to the applicant a written
29 invoice for the remaining amount and shall not take action on the
30 application until the full amount has been paid to the board. If the
31 amount deposited exceeds the amount of actual and necessary
32 costs incurred, the board shall remit the difference to the applicant.

33 (w) The fee for the issuance of a centralized hospital packaging
34 license shall be eight hundred twenty dollars (\$820) and may be
35 increased to one thousand one hundred fifty dollars (\$1,150). The
36 annual renewal of the license shall be eight hundred five dollars
37 (\$805) and may be increased to one thousand one hundred
38 twenty-five dollars (\$1,125).

39 (x) This section shall become operative on July 1, 2017.

1 SEC. 27. Chapter 15 (commencing with Section 4999) of
2 Division 2 of the Business and Professions Code is repealed.

3 SEC. 28. Section 7137 of the Business and Professions Code
4 is amended to read:

5 7137. The board shall set fees by regulation. These fees shall
6 not exceed the following schedule:

7 (a) (1) The application fee for an original license in a single
8 classification shall not be more than three hundred sixty dollars
9 (\$360).

10 (2) The application fee for each additional classification applied
11 for in connection with an original license shall not be more than
12 seventy-five dollars (\$75).

13 (3) The application fee for each additional classification pursuant
14 to Section 7059 shall not be more than three hundred dollars
15 (\$300).

16 (4) The application fee to replace a responsible managing officer,
17 responsible managing manager, responsible managing member,
18 or responsible managing employee pursuant to Section 7068.2
19 shall not be more than three hundred dollars (\$300).

20 (5) The application fee to add personnel, other than a qualifying
21 individual, to an existing license shall not be more than one
22 hundred fifty dollars (\$150).

23 (b) The fee for rescheduling an examination for an applicant
24 who has applied for an original license, additional classification,
25 a change of responsible managing officer, responsible managing
26 manager, responsible managing member, or responsible managing
27 employee, or for an asbestos certification or hazardous substance
28 removal certification, shall not be more than sixty dollars (\$60).

29 (c) The fee for scheduling or rescheduling an examination for
30 a licensee who is required to take the examination as a condition
31 of probation shall not be more than sixty dollars (\$60).

32 (d) The initial license fee for an active or inactive license shall
33 not be more than two hundred twenty dollars (\$220).

34 (e) (1) The renewal fee for an active license shall not be more
35 than four hundred thirty dollars (\$430).

36 (2) The renewal fee for an inactive license shall not be more
37 than two hundred twenty dollars (\$220).

38 (f) The delinquency fee is an amount equal to 50 percent of the
39 renewal fee, if the license is renewed after its expiration.

1 (g) The registration fee for a home improvement salesperson
2 shall not be more than ninety dollars (\$90).

3 (h) The renewal fee for a home improvement salesperson
4 registration shall not be more than ninety dollars (\$90).

5 (i) The application fee for an asbestos certification examination
6 shall not be more than ninety dollars (\$90).

7 (j) The application fee for a hazardous substance removal or
8 remedial action certification examination shall not be more than
9 ninety dollars (\$90).

10 (k) In addition to any other fees charged to C-10 and C-7
11 contractors, the board may charge a fee not to exceed twenty dollars
12 (\$20), which shall be used by the board to enforce provisions of
13 the Labor Code related to electrician certification.

14 (l) The board shall, by regulation, establish criteria for the
15 approval of expedited processing of applications. Approved
16 expedited processing of applications for licensure or registration,
17 as required by other provisions of law, shall not be subject to this
18 subdivision.

19 SEC. 29. Section 7153.3 of the Business and Professions Code
20 is amended to read:

21 7153.3. (a) To renew a home improvement salesperson
22 registration, which has not expired, the registrant shall before the
23 time at which the registration would otherwise expire, apply for
24 renewal on a form prescribed by the registrar and pay a renewal
25 fee prescribed by this chapter. Renewal of an unexpired registration
26 shall continue the registration in effect for the two-year period
27 following the expiration date of the registration, when it shall
28 expire if it is not again renewed.

29 (b) An application for renewal of registration is delinquent if
30 the application is not postmarked or received via electronic
31 transmission as authorized by Section 7156.6 by the date on which
32 the registration would otherwise expire. A registration may,
33 however, still be renewed at any time within three years after its
34 expiration upon the filing of an application for renewal on a form
35 prescribed by the registrar and the payment of the renewal fee
36 prescribed by this chapter and a delinquent renewal penalty equal
37 to 50 percent of the renewal fee. If a registration is not renewed
38 within three years, the person shall make a new application for
39 registration pursuant to Section 7153.1.

1 (c) The registrar may refuse to renew a registration for failure
2 by the registrant to complete the application for renewal of
3 registration. If a registrant fails to return the application rejected
4 for insufficiency or incompleteness within 90 days from the
5 original date of rejection, the application and fee shall be deemed
6 abandoned. Any application abandoned may not be reinstated.
7 However, the person may file a new application for registration
8 pursuant to Section 7153.1.

9 The registrar may review and accept the petition of a person who
10 disputes the abandonment of his or her renewal application upon
11 a showing of good cause. This petition shall be received within 90
12 days of the date the application for renewal is deemed abandoned.

13 SEC. 30. Section 8031 of the Business and Professions Code
14 is amended to read:

15 8031. The amount of the fees required by this chapter is that
16 fixed by the board in accordance with the following schedule:

17 (a) The fee for filing an application for each examination shall
18 be no more than forty dollars (\$40).

19 (b) The fee for examination and reexamination for the written
20 or practical part of the examination shall be in an amount fixed by
21 the board, which shall be equal to the actual cost of preparing,
22 administering, grading, and analyzing the examination, but shall
23 not exceed seventy-five dollars (\$75) for each separate part, for
24 each administration.

25 (c) The initial certificate fee is an amount equal to the renewal
26 fee in effect on the last regular renewal date before the date on
27 which the certificate is issued, except that, if the certificate will
28 expire less than 180 days after its issuance, then the fee is 50
29 percent of the renewal fee in effect on the last regular renewal date
30 before the date on which the certificate is issued, or fifty dollars
31 (\$50), whichever is greater. The board may, by appropriate
32 regulation, provide for the waiver or refund of the initial certificate
33 fee where the certificate is issued less than 45 days before the date
34 on which it will expire.

35 (d) By a resolution adopted by the board, a renewal fee may be
36 established in such amounts and at such times as the board may
37 deem appropriate to meet its operational expenses and funding
38 responsibilities as set forth in this chapter. The renewal fee shall
39 not be more than two hundred fifty dollars (\$250) nor less than
40 ten dollars (\$10) annually, with the following exception:

1 Any person who is employed full time by the State of California
2 as a hearing reporter and who does not otherwise render shorthand
3 reporting services for a fee shall be exempt from licensure while
4 in state employment and shall not be subject to the renewal fee
5 provisions of this subdivision until 30 days after leaving state
6 employment. The renewal fee shall, in addition to the amount fixed
7 by this subdivision, include any unpaid fees required by this section
8 plus any delinquency fee.

9 (e) The duplicate certificate fee shall be no greater than ten
10 dollars (\$10).

11 (f) The penalty for failure to notify the board of a change of
12 name or address as required by Section 8024.6 shall be no greater
13 than fifty dollars (\$50).

14 SEC. 31. Section 8516 of the Business and Professions Code
15 is amended to read:

16 8516. (a) This section, and Section 8519, apply only to wood
17 destroying pests or organisms.

18 (b) A registered company or licensee shall not commence work
19 on a contract, or sign, issue, or deliver any documents expressing
20 an opinion or statement relating to the absence or presence of wood
21 destroying pests or organisms until an inspection has been made
22 by a licensed Branch 3 field representative or operator employed
23 by a registered company, except as provided in Section 8519.5.
24 The address of each property inspected or upon which work is
25 completed shall be reported on a form prescribed by the board and
26 shall be filed with the board no later than 10 business days after
27 the commencement of an inspection or upon completed work.

28 Every property inspected pursuant to this subdivision or Section
29 8518 shall be assessed a filing fee pursuant to Section 8674.

30 Failure of a registered company to report and file with the board
31 the address of any property inspected or work completed pursuant
32 to Section 8518 or this section is grounds for disciplinary action
33 and shall subject the registered company to a fine of not more than
34 two thousand five hundred dollars (\$2,500). The address of an
35 inspection report prepared for use by an attorney for litigation
36 purposes shall not be required to be reported to the board and shall
37 not be assessed a filing fee.

38 A written inspection report conforming to this section and a form
39 approved by the board shall be prepared and delivered to the person
40 requesting the inspection and the property owner, or to the property

1 owner's designated agent, within 10 business days from the start
2 of the inspection, except that an inspection report prepared for use
3 by an attorney for litigation purposes is not required to be reported
4 to the board or the property owner. An inspection report may be
5 a complete, limited, supplemental, or reinspection report, as defined
6 by Section 1993 of Title 16 of the California Code of Regulations.
7 The report shall be delivered before work is commenced on any
8 property. The registered company shall retain for three years all
9 inspection reports, field notes, and activity forms.

10 Reports shall be made available for inspection and reproduction
11 to the executive officer of the board or his or her duly authorized
12 representative during business hours. All inspection reports or
13 copies thereof shall be submitted to the board upon demand within
14 two business days. The following shall be set forth in the report:

15 (1) The start date of the inspection and the name of the licensed
16 field representative or operator making the inspection.

17 (2) The name and address of the person or firm ordering the
18 report.

19 (3) The name and address of the property owner and any person
20 who is a party in interest.

21 (4) The address or location of the property.

22 (5) A general description of the building or premises inspected.

23 (6) A foundation diagram or sketch of the structure or structures
24 or portions of the structure or structures inspected, including the
25 approximate location of any infested or infected areas evident, and
26 the parts of the structure where conditions that would ordinarily
27 subject those parts to attack by wood destroying pests or organisms
28 exist. Reporting of the infested or infected wood members, or parts
29 of the structure identified, shall be listed in the inspection report
30 to clearly identify them, as is typical in standard construction
31 components, including, but not limited to, siding, studs, rafters,
32 floor joists, fascia, subfloor, sheathing, and trim boards.

33 (7) Information regarding the substructure, foundation walls
34 and footings, porches, patios and steps, air vents, abutments, attic
35 spaces, roof framing that includes the eaves, rafters, fascias,
36 exposed timbers, exposed sheathing, ceiling joists, and attic walls,
37 or other parts subject to attack by wood destroying pests or
38 organisms. Conditions usually deemed likely to lead to infestation
39 or infection, such as earth-wood contacts, excessive cellulose

1 debris, faulty grade levels, excessive moisture conditions, evidence
2 of roof leaks, and insufficient ventilation are to be reported.

3 (8) One of the following statements, as appropriate, printed in
4 bold type:

5 (A) The exterior surface of the roof was not inspected. If you
6 want the water tightness of the roof determined, you should contact
7 a roofing contractor who is licensed by the Contractors' State
8 License Board.

9 (B) The exterior surface of the roof was inspected to determine
10 whether or not wood destroying pests or organisms are present.

11 (9) Indication or description of any areas that are inaccessible
12 or not inspected with recommendation for further inspection if
13 practicable. If, after the report has been made in compliance with
14 this section, authority is given later to open inaccessible areas, a
15 supplemental report on conditions in these areas shall be made.

16 (10) Recommendations for corrective measures.

17 (11) Information regarding the pesticide or pesticides to be used
18 for their control or prevention as set forth in subdivision (a) of
19 Section 8538.

20 (12) The inspection report shall clearly disclose that if requested
21 by the person ordering the original report, a reinspection of the
22 structure will be performed if an estimate or bid for making repairs
23 was given with the original inspection report, or thereafter.

24 An estimate or bid shall be given separately allocating the costs
25 to perform each and every recommendation for corrective measures
26 as specified in subdivision (c) with the original inspection report
27 if the person who ordered the original inspection report so requests,
28 and if the registered company is regularly in the business of
29 performing each corrective measure.

30 If no estimate or bid was given with the original inspection
31 report, or thereafter, then the registered company shall not be
32 required to perform a reinspection.

33 A reinspection shall be an inspection of those items previously
34 listed on an original report to determine if the recommendations
35 have been completed. Each reinspection shall be reported on an
36 original inspection report form and shall be labeled "Reinspection."
37 Each reinspection shall also identify the original report by date.

38 After four months from an original inspection, all inspections
39 shall be original inspections and not reinspections.

1 Any reinspection shall be performed for not more than the price
2 of the registered company's original inspection price and shall be
3 completed within 10 business days after a reinspection has been
4 ordered.

5 (13) The inspection report shall contain the following statement,
6 printed in boldface type:

7
8 "NOTICE: Reports on this structure prepared by various
9 registered companies should list the same findings (i.e. termite
10 infestations, termite damage, fungus damage, etc.). However,
11 recommendations to correct these findings may vary from company
12 to company. You have a right to seek a second opinion from
13 another company."

14
15 (c) At the time a report is ordered, the registered company or
16 licensee shall inform the person or entity ordering the report, that
17 a separate report is available pursuant to this subdivision. If a
18 separate report is requested at the time the inspection report is
19 ordered, the registered company or licensee shall separately identify
20 on the report each recommendation for corrective measures as
21 follows:

- 22 (1) The infestation or infection that is evident.
23 (2) The conditions that are present that are deemed likely to
24 lead to infestation or infection.

25 If a registered company or licensee fails to inform as required
26 by this subdivision and a dispute arises, or if any other dispute
27 arises as to whether this subdivision has been complied with, a
28 separate report shall be provided within 24 hours of the request
29 but, in no event, later than the next business day, and at no
30 additional cost.

31 (d) When a corrective condition is identified, either as paragraph
32 (1) or (2) of subdivision (c), and the property owner or the property
33 owner's designated agent chooses not to correct those conditions,
34 the registered company or licensee shall not be liable for damages
35 resulting from a failure to correct those conditions or subject to
36 any disciplinary action by the board. Nothing in this subdivision,
37 however, shall relieve a registered company or a licensee of any
38 liability resulting from negligence, fraud, dishonest dealing, other
39 violations pursuant to this chapter, or contractual obligations

1 between the registered company or licensee and the responsible
2 parties.

3 (e) The inspection report form prescribed by the board shall
4 separately identify the infestation or infection that is evident and
5 the conditions that are present that are deemed likely to lead to
6 infestation or infection. If a separate form is requested, the form
7 shall explain the infestation or infection that is evident and the
8 conditions that are present that are deemed likely to lead to
9 infestation or infection and the difference between those conditions.
10 In no event, however, shall conditions deemed likely to lead to
11 infestation or infection be characterized as actual “defects” or as
12 actual “active” infestations or infections or in need of correction
13 as a precondition to issuing a certification pursuant to Section
14 8519.

15 (f) The report and any contract entered into shall also state
16 specifically when any guarantee for the work is made, and if so,
17 the specific terms of the guarantee and the period of time for which
18 the guarantee shall be in effect. If a guarantee extends beyond three
19 years, the registered company shall maintain all original inspection
20 reports, field notes, activity forms, and notices of completion for
21 the duration of the guarantee period and for one year after the
22 guarantee expires.

23 (g) For purposes of this section, “control service agreement”
24 means an agreement, including extended warranties, to have a
25 licensee conduct over a period of time regular inspections and
26 other activities related to the control or eradication of wood
27 destroying pests and organisms. Under a control service agreement
28 a registered company shall refer to the original report and contract
29 in a manner as to identify them clearly, and the report shall be
30 assumed to be a true report of conditions as originally issued,
31 except it may be modified after a control service inspection. A
32 registered company is not required to issue a report as outlined in
33 paragraphs (1) to (11), inclusive, of subdivision (b) after each
34 control service inspection. If after control service inspection, no
35 modification of the original report is made in writing, then it will
36 be assumed that conditions are as originally reported. A control
37 service contract shall state specifically the particular wood
38 destroying pests or organisms and the portions of the buildings or
39 structures covered by the contract.

- 1 (h) A registered company or licensee may enter into and
- 2 maintain a control service agreement provided the following
- 3 requirements are met:
- 4 (1) The control service agreement shall be in writing, signed by
- 5 both parties, and shall specifically include the following:
- 6 (A) The wood destroying pests and organisms covered by the
- 7 control service agreement.
- 8 (B) Any wood destroying pest or organism that is not covered
- 9 must be specifically listed.
- 10 (C) The type and manner of treatment to be used to correct the
- 11 infestations or infections.
- 12 (D) The structures or buildings, or portions thereof, covered by
- 13 the agreement, including a statement specifying whether the
- 14 coverage for purposes of periodic inspections is limited or full.
- 15 Any exclusions from those described in the original report must
- 16 be specifically listed.
- 17 (E) A reference to the original inspection report.
- 18 (F) The frequency of the inspections to be provided, the fee to
- 19 be charged for each renewal, and the duration of the agreement.
- 20 (G) Whether the fee includes structural repairs.
- 21 (H) If the services provided are guaranteed, and, if so, the terms
- 22 of the guarantee.
- 23 (I) A statement that all corrections of infestations or infections
- 24 covered by the control service agreement shall be completed within
- 25 six months of discovery, unless otherwise agreed to in writing by
- 26 both parties.
- 27 (2) The original inspection report, the control service agreement,
- 28 and completion report shall be maintained for three years after the
- 29 cancellation of the control service agreement.
- 30 (3) Inspections made pursuant to a control service agreement
- 31 shall be conducted by a Branch 3 licensee. Section 8506.1 does
- 32 not modify this provision.
- 33 (4) A full inspection of the property covered by the control
- 34 service agreement shall be conducted and a report filed pursuant
- 35 to subdivision (b) at least once every three years from the date that
- 36 the agreement was entered into, unless the consumer cancels the
- 37 contract within three years from the date the agreement was entered
- 38 into.

1 (5) Under a control service agreement, a written report shall be
2 required for the correction of any infestation or infection unless
3 all of the following conditions are met:

4 (A) The infestation or infection has been previously reported.

5 (B) The infestation or infection is covered by the control service
6 agreement.

7 (C) There is no additional charge for correcting the infestation
8 or infection.

9 (D) Correction of the infestation or infection takes place within
10 45 days of its discovery.

11 (E) Correction of the infestation or infection does not include
12 fumigation.

13 (6) All notice requirements pursuant to Section 8538 shall apply
14 to all pesticide treatments conducted under control service
15 agreements.

16 (i) All work recommended by a registered company, where an
17 estimate or bid for making repairs was given with the original
18 inspection report, or thereafter, shall be recorded on this report or
19 a separate work agreement and shall specify a price for each
20 recommendation. This information shall be provided to the person
21 requesting the inspection, and shall be retained by the registered
22 company with the inspection report copy for three years.

23 SEC. 32. Section 8518 of the Business and Professions Code
24 is amended to read:

25 8518. (a) When a registered company completes work under
26 a contract, it shall prepare, on a form prescribed by the board, a
27 notice of work completed and not completed, and shall furnish
28 that notice to the owner of the property or the owner's agent within
29 10 business days after completing the work. The notice shall
30 include a statement of the cost of the completed work and estimated
31 cost of work not completed.

32 (b) The address of each property inspected or upon which work
33 was completed shall be reported on a form prescribed by the board
34 and shall be filed with the board no later than 10 business days
35 after completed work.

36 (c) A filing fee shall be assessed pursuant to Section 8674 for
37 every property upon which work is completed.

38 (d) Failure of a registered company to report and file with the
39 board the address of any property upon which work was completed
40 pursuant to subdivision (b) of Section 8516 or this section is

1 grounds for disciplinary action and shall subject the registered
2 company to a fine of not more than two thousand five hundred
3 dollars (\$2,500).

4 (e) The registered company shall retain for three years all
5 original notices of work completed, work not completed, and
6 activity forms.

7 (f) Notices of work completed and not completed shall be made
8 available for inspection and reproduction to the executive officer
9 of the board or his or her duly authorized representative during
10 business hours. Original notices of work completed or not
11 completed or copies thereof shall be submitted to the board upon
12 request within two business days.

13 (g) This section shall only apply to work relating to wood
14 destroying pests or organisms.

15 ~~SEC. 33. Section 8555 of the Business and Professions Code~~
16 ~~is amended to read:~~

17 ~~8555. This chapter does not apply to:~~

18 ~~(a) Public utilities operating under the regulations of the Public~~
19 ~~Utilities Commission, except to work performed upon property of~~
20 ~~the utilities not subject to the jurisdiction of the Public Utilities~~
21 ~~Commission or work done by the utility for hire.~~

22 ~~(b) Persons engaged only in agricultural pest control work under~~
23 ~~permit or license by the Department of Pesticide Regulation or a~~
24 ~~county agricultural commissioner.~~

25 ~~(c) Pest control performed by persons upon property that they~~
26 ~~own, lease, or rent, except that the persons shall be subject to the~~
27 ~~limitations imposed by Article 3 of this chapter.~~

28 ~~(d) Governmental agencies, state, federal, city, or county~~
29 ~~officials, and their employees while officially engaged.~~

30 ~~(e) Authorized representatives of an educational institution or~~
31 ~~state or federal agency engaged in research or study of pest control,~~
32 ~~or engaged in investigation or preparation for expert opinion or~~
33 ~~testimony. A professional engaging in research, study,~~
34 ~~investigation, or preparation for expert opinion or testimony on~~
35 ~~his or her own behalf shall comply with the requirements of this~~
36 ~~chapter.~~

37 ~~(f) Certified architects and registered civil engineers, acting~~
38 ~~solely within their professional capacity, except that they shall be~~
39 ~~subject to the limitations imposed by Article 3 of this chapter.~~

1 ~~(g) Persons engaged in the live capture and removal or exclusion~~
2 ~~of bees or wasps from a structure without the use of pesticides,~~
3 ~~provided those persons maintain insurance coverage as described~~
4 ~~in Section 8692.~~

5 ~~SEC. 34.~~

6 *SEC. 33.* Section 1348.8 of the Health and Safety Code is
7 repealed.

8 ~~SEC. 35.~~

9 *SEC. 34.* Section 10279 of the Insurance Code is repealed.

10 ~~SEC. 36.~~

11 *SEC. 35.* No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

AMENDED IN ASSEMBLY MARCH 30, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1951

Introduced by Assembly Member Salas
(Coauthor: Assembly Member Brough)

February 12, 2016

An act to amend Sections 597, 597.5, 600, and 600.5 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, as amended, Salas. Crimes: animal cruelty.

Existing law makes it a crime to maliciously and intentionally maim, mutilate, torture, or wound a living animal, or maliciously and intentionally kill an animal. Existing law also makes it a crime to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, drink, or shelter, cruelly beat, mutilate, or cruelly kill an animal. Existing law makes these crimes punishable as a felony by imprisonment in the county ~~jail~~, *jail for 16 months, 2, or 3 years*, or as a misdemeanor punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than \$20,000, or by both that fine and either imprisonment.

This bill would instead make the above crimes punishable as a felony by imprisonment in either the state prison *for 2, 3, or 4 years*, or a county ~~jail~~, *jail for 16 months, 2, or 3 years*, or as a misdemeanor *by imprisonment* in a county jail, or a fine of not more than \$20,000, or by both that fine and either the felony or misdemeanor terms of imprisonment.

Existing law makes it a crime to own, possess, keep, or train any dog with the intent that the dog shall be engaged in an exhibition of fighting with another dog. Existing law additionally makes it a crime to, for amusement or gain, cause any dog to fight with another dog, or cause any dog to injure another dog. Existing law also makes it a crime for a person to permit either of these acts to be done on premises under his or her charge or control, or to aid or abet either act. Existing law makes these crimes punishable as a felony by imprisonment in a county jail, or by a fine not to exceed \$50,000, or by both that fine and imprisonment.

This bill would instead make these crimes punishable as a felony by imprisonment in the state prison, or by a fine not to exceed \$50,000, or by both that fine and imprisonment.

Existing law makes it a crime to willfully and maliciously and with no legal justification take specified actions, including strike, beat, and hurl or project objects at, any horse or dog under the supervision of a peace officer in the discharge or attempted discharge of his or her duties. If the act causes a serious injury, existing law makes it punishable by imprisonment in the county jail for 16 months, 2, or 3 years, or as a misdemeanor punishable by imprisonment in the county jail for not more than one year, or by a fine of not more than (\$2,000), or by both that fine and either imprisonment.

This bill would instead make the above crime punishable as a felony by imprisonment in either the state prison for 2, 3, or 4 years, or a county jail for 16 months, 2, or 3 years, or as a misdemeanor by imprisonment in a county jail, or a fine of not more than \$20,000, or by both that fine and either the felony or misdemeanor terms of imprisonment.

Existing law makes any person who intentionally causes injury to or the death of any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding one year, or by a fine of not more than \$10,000, or by both a fine and that imprisonment.

This bill would instead make that crime punishable as a felony by imprisonment in either the state prison *for 2, 3, or 4 years*, or a county ~~jail~~, *jail for 16 months, 2, or 3 years*, or as a misdemeanor by *imprisonment* in a county jail, or by a fine of not more than \$20,000, or by both that fine and either the felony or misdemeanor terms of imprisonment.

By increasing the punishments for crimes, this bill would create a state-mandated local program.

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

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

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

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

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

3 597. (a) Except as provided in subdivision (c) of this section
4 or Section 599c, every person who maliciously and intentionally
5 maims, mutilates, tortures, or wounds a living animal, or
6 maliciously and intentionally kills an animal, is guilty of a crime
7 punishable pursuant to subdivision (d).

8 (b) Except as otherwise provided in subdivision (a) or (c), every
9 person who overdrives, overloads, drives when overloaded,
10 overworks, tortures, torments, deprives of necessary sustenance,
11 drink, or shelter, cruelly beats, mutilates, or cruelly kills any
12 animal, or causes or procures any animal to be so overdriven,
13 overloaded, driven when overloaded, overworked, tortured,
14 tormented, deprived of necessary sustenance, drink, shelter, or to
15 be cruelly beaten, mutilated, or cruelly killed; and whoever, having
16 the charge or custody of any animal, either as owner or otherwise,
17 subjects any animal to needless suffering, or inflicts unnecessary
18 cruelty upon the animal, or in any manner abuses any animal, or
19 fails to provide the animal with proper food, drink, or shelter or
20 protection from the weather, or who drives, rides, or otherwise
21 uses the animal when unfit for labor, is, for each offense, guilty
22 of a crime punishable pursuant to subdivision (d).

23 (c) Every person who maliciously and intentionally maims,
24 mutilates, or tortures any mammal, bird, reptile, amphibian, or
25 fish, as described in subdivision (e), is guilty of a crime punishable
26 pursuant to subdivision (d).

27 (d) A violation of subdivision (a), (b), or (c) is punishable as a
28 felony by imprisonment in the state prison *for two, three, or four*

1 years or pursuant to subdivision (h) of Section 1170, by a fine of
2 not more than twenty thousand dollars (\$20,000), or by both that
3 fine and imprisonment, or alternatively, as a misdemeanor by
4 imprisonment in a county jail for not more than one year, or by a
5 fine of not more than twenty thousand dollars (\$20,000), or by
6 both that fine and imprisonment.

7 (e) Subdivision (c) applies to any mammal, bird, reptile,
8 amphibian, or fish which is a creature described as follows:

9 (1) Endangered species or threatened species as described in
10 Chapter 1.5 (commencing with Section 2050) of Division 3 of the
11 Fish and Game Code.

12 (2) Fully protected birds described in Section 3511 of the Fish
13 and Game Code.

14 (3) Fully protected mammals described in Chapter 8
15 (commencing with Section 4700) of Part 3 of Division 4 of the
16 Fish and Game Code.

17 (4) Fully protected reptiles and amphibians described in Chapter
18 2 (commencing with Section 5050) of Division 5 of the Fish and
19 Game Code.

20 (5) Fully protected fish as described in Section 5515 of the Fish
21 and Game Code.

22 This subdivision does not supersede or affect any provisions of
23 law relating to taking of the described species, including, but not
24 limited to, Section 12008 of the Fish and Game Code.

25 (f) For the purposes of subdivision (c), each act of malicious
26 and intentional maiming, mutilating, or torturing a separate
27 specimen of a creature described in subdivision (e) is a separate
28 offense. If any person is charged with a violation of subdivision
29 (c), the proceedings shall be subject to Section 12157 of the Fish
30 and Game Code.

31 (g) (1) Upon the conviction of a person charged with a violation
32 of this section by causing or permitting an act of cruelty, as defined
33 in Section 599b, all animals lawfully seized and impounded with
34 respect to the violation by a peace officer, officer of a humane
35 society, or officer of a pound or animal regulation department of
36 a public agency shall be adjudged by the court to be forfeited and
37 shall thereupon be awarded to the impounding officer for proper
38 disposition. A person convicted of a violation of this section by
39 causing or permitting an act of cruelty, as defined in Section 599b,
40 shall be liable to the impounding officer for all costs of

1 impoundment from the time of seizure to the time of proper
2 disposition.

3 (2) Mandatory seizure or impoundment shall not apply to
4 animals in properly conducted scientific experiments or
5 investigations performed under the authority of the faculty of a
6 regularly incorporated medical college or university of this state.

7 (h) Notwithstanding any other provision of law, if a defendant
8 is granted probation for a conviction under this section, the court
9 shall order the defendant to pay for, and successfully complete,
10 counseling, as determined by the court, designed to evaluate and
11 treat behavior or conduct disorders. If the court finds that the
12 defendant is financially unable to pay for that counseling, the court
13 may develop a sliding fee schedule based upon the defendant's
14 ability to pay. An indigent defendant may negotiate a deferred
15 payment schedule, but shall pay a nominal fee if the defendant has
16 the ability to pay the nominal fee. County mental health
17 departments or Medi-Cal shall be responsible for the costs of
18 counseling required by this section only for those persons who
19 meet the medical necessity criteria for mental health managed care
20 pursuant to Section 1830.205 of Title 9 of the California Code of
21 Regulations or the targeted population criteria specified in Section
22 5600.3 of the Welfare and Institutions Code. The counseling
23 specified in this subdivision shall be in addition to any other terms
24 and conditions of probation, including any term of imprisonment
25 and any fine. This provision specifies a mandatory additional term
26 of probation and is not to be utilized as an alternative in lieu of
27 imprisonment pursuant to subdivision (h) of Section 1170 or county
28 jail when that sentence is otherwise appropriate. If the court does
29 not order custody as a condition of probation for a conviction under
30 this section, the court shall specify on the court record the reason
31 or reasons for not ordering custody. This subdivision shall not
32 apply to cases involving police dogs or horses as described in
33 Section 600.

34 SEC. 2. Section 597.5 of the Penal Code is amended to read:

35 597.5. (a) Any person who does any of the following is guilty
36 of a felony and is punishable by imprisonment in the state prison
37 for 16 months, or two or three years, or by a fine not to exceed
38 fifty thousand dollars (\$50,000), or by both that fine and
39 imprisonment:

1 (1) Owns, possesses, keeps, or trains any dog, with the intent
2 that the dog shall be engaged in an exhibition of fighting with
3 another dog.

4 (2) For amusement or gain, causes any dog to fight with another
5 dog, or causes any dogs to injure each other.

6 (3) Permits any act in violation of paragraph (1) or (2) to be
7 done on any premises under his or her charge or control, or aids
8 or abets that act.

9 (b) Any person who is knowingly present, as a spectator, at any
10 place, building, or tenement where preparations are being made
11 for an exhibition of the fighting of dogs, with the intent to be
12 present at those preparations, or is knowingly present at that
13 exhibition or at any other fighting or injuring as described in
14 paragraph (2) of subdivision (a), with the intent to be present at
15 that exhibition, fighting, or injuring, is guilty of an offense
16 punishable by imprisonment in a county jail not to exceed one
17 year, or by a fine not to exceed five thousand dollars (\$5,000), or
18 by both that imprisonment and fine.

19 (c) Nothing in this section shall prohibit any of the following:

20 (1) The use of dogs in the management of livestock, as defined
21 by Section 14205 of the Food and Agricultural Code, by the owner
22 of the livestock or his or her employees or agents or other persons
23 in lawful custody thereof.

24 (2) The use of dogs in hunting as permitted by the Fish and
25 Game Code, including, but not limited to, Sections 4002 and 4756,
26 and by the rules and regulations of the Fish and Game Commission.

27 (3) The training of dogs or the use of equipment in the training
28 of dogs for any purpose not prohibited by law.

29 *SEC. 3. Section 600 of the Penal Code is amended to read:*

30 600. (a) Any person who willfully and maliciously and with
31 no legal justification strikes, beats, kicks, cuts, stabs, shoots with
32 a firearm, administers any poison or other harmful or stupefying
33 substance to, or throws, hurls, or projects at, or places any rock,
34 object, or other substance which is used in such a manner as to be
35 capable of producing injury and likely to produce injury, on or in
36 the path of, a horse being used by, or a dog under the supervision
37 of, a peace officer in the discharge or attempted discharge of his
38 or her duties, or a volunteer who is acting under the direct
39 supervision of a peace officer in the discharge or attempted
40 discharge of his or her assigned volunteer duties, is guilty of a

1 public offense. If the injury inflicted is a serious injury, as
2 described in subdivision (c), ~~the person shall be punished by~~
3 ~~imprisonment pursuant to subdivision (h) of Section 1170 for 16~~
4 ~~months, two or three years, or in a county jail for not exceeding~~
5 ~~one year, or by a fine not exceeding two thousand dollars (\$2,000),~~
6 ~~or by both a fine and imprisonment.~~ *the person is guilty of a felony,*
7 *punishable by imprisonment in the state prison for two, three, or*
8 *four years or pursuant to subdivision (h) of Section 1170, or by a*
9 *fine of not more than twenty thousand dollars (\$20,000), or by*
10 *both that fine and imprisonment, or alternatively as a misdemeanor*
11 *by imprisonment in a county jail not exceeding one year, or by a*
12 *fine not exceeding twenty thousand dollars (\$20,000), or by both*
13 *that fine and imprisonment.* If the injury inflicted is not a serious
14 injury, the person shall be punished by imprisonment in the county
15 jail for not exceeding one year, or by a fine not exceeding one
16 thousand dollars (\$1,000), or by both a fine and imprisonment.

17 (b) Any person who willfully and maliciously and with no legal
18 justification interferes with or obstructs a horse or dog being used
19 by a peace officer in the discharge or attempted discharge of his
20 or her duties, or a volunteer who is acting under the direct
21 supervision of a peace officer in the discharge or attempted
22 discharge of his or her assigned volunteer duties, by frightening,
23 teasing, agitating, harassing, or hindering the horse or dog shall
24 be punished by imprisonment in a county jail for not exceeding
25 one year, or by a fine not exceeding one thousand dollars (\$1,000),
26 or by both a fine and imprisonment.

27 (c) Any person who, in violation of this section, and with intent
28 to inflict that injury or death, personally causes the death,
29 destruction, or serious physical injury including bone fracture, loss
30 or impairment of function of any bodily member, wounds requiring
31 extensive suturing, or serious crippling, of a horse or dog, shall,
32 upon conviction of a felony under this section, in addition and
33 consecutive to the punishment prescribed for the felony, be
34 punished by an additional term of imprisonment pursuant to
35 subdivision (h) of Section 1170 for one year.

36 (d) Any person who, in violation of this section, and with the
37 intent to inflict that injury, personally causes great bodily injury,
38 as defined in Section 12022.7, to any person not an accomplice,
39 shall, upon conviction of a felony under this section, in addition
40 and consecutive to the punishment prescribed for the felony, be

1 punished by an additional term of imprisonment in the state prison
2 for two years unless the conduct described in this subdivision is
3 an element of any other offense of which the person is convicted
4 or receives an enhancement under Section 12022.7.

5 (e) A defendant convicted of a violation of this section shall be
6 ordered to make restitution to the agency owning the animal and
7 employing the peace officer, to a volunteer who is acting under
8 the direct supervision of a peace officer who is using his or her
9 horse or supervising his or her dog in the performance of his or
10 her assigned duties, or to the agency that provides, or the individual
11 who provides, veterinary health care coverage or veterinary care
12 for a horse or dog being used by, or under the supervision of, a
13 volunteer who is acting under the direct supervision of a peace
14 officer for any veterinary bills, replacement costs of the animal if
15 it is disabled or killed, and, if applicable, the salary of the peace
16 officer for the period of time his or her services are lost to the
17 agency.

18 ~~SEC. 3.~~

19 SEC. 4. Section 600.5 of the Penal Code is amended to read:

20 600.5. (a) Any person who intentionally causes injury to or
21 the death of any guide, signal, or service dog, as defined by Section
22 54.1 of the Civil Code, while the dog is in discharge of its duties,
23 is guilty of a ~~misdemeanor~~, *felony* punishable ~~as a felony~~ by
24 imprisonment in the state prison *for two, three, or four years* or
25 pursuant to subdivision (h) of Section 1170, or by a fine of not
26 more than twenty thousand dollars (\$20,000), or by both that fine
27 and imprisonment, or alternatively as a misdemeanor by
28 imprisonment in a county jail not exceeding one year, or by a fine
29 not exceeding twenty thousand dollars (\$20,000), or by both a fine
30 and imprisonment. The court shall consider the costs ordered
31 pursuant to subdivision (b) when determining the amount of any
32 fines.

33 (b) In any case in which a defendant is convicted of a violation
34 of this section, the defendant shall be ordered to make restitution
35 to the person with a disability who has custody or ownership of
36 the dog for any veterinary bills and replacement costs of the dog
37 if it is disabled or killed, or other reasonable costs deemed
38 appropriate by the court. The costs ordered pursuant to this
39 subdivision shall be paid prior to any fines. The person with the
40 disability may apply for compensation by the California Victim

1 Compensation and Government Claims Board pursuant to Chapter
2 5 (commencing with Section 13950) of Part 4 of Division 3 of
3 Title 2 of the Government Code, in an amount not to exceed ten
4 thousand dollars (\$10,000).

5 ~~SEC. 4.~~

6 *SEC. 5.* No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

O

Introduced by Senator Cannella

February 19, 2016

An act to amend Section 114.5 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1348, as introduced, Cannella. Licensure applications: military experience.

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

This bill would require each board, with a governing law authorizing veterans to apply military experience and training towards licensure requirements, to modify their application for licensure to advise veteran applicants about their ability to apply that experience and training towards licensure requirements.

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

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

- 1 SECTION 1. Section 114.5 of the Business and Professions
- 2 Code is amended to read:
- 3 114.5. ~~Commencing January 1, 2015, each~~ (a) Each board
- 4 shall inquire in every application for licensure if the individual
- 5 applying for licensure is serving in, or has previously served in,
- 6 the military.

1 ***(b) If a board's governing law authorizes veterans to apply***
2 ***military experience and training towards licensure requirements,***
3 ***that board shall modify their application for licensure to advise***
4 ***veteran applicants about their ability to apply military experience***
5 ***and training towards licensure requirements.***

O

Introduced by Senator Stone

February 18, 2016

An act to add Section 4126.7 to the Business and Professions Code, relating to pharmacies.

LEGISLATIVE COUNSEL'S DIGEST

SB 1230, as introduced, Stone. Pharmacies: compounding.

Under the Pharmacy Law, a violation of which is a crime, the California State Board of Pharmacy licenses and regulates the practice of pharmacy. That law authorizes a pharmacy to furnish prescription drugs only to certain entities, including specific health care entities, and individual patients either pursuant to prescription or as otherwise authorized by law.

This bill would authorize a pharmacy that provides compounding services to provide to a clinic commercial products that are unique or otherwise unavailable to the clinic, if the compounding pharmacy and the clinic have entered into a professional compounding services agreement to provide nonpatient-specific compounded medications that cannot be planned for prospectively. The bill would require the board to adopt regulations for establishing a professional compounding services agreement.

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

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

- 1 SECTION 1. Section 4126.7 is added to the Business and
- 2 Professions Code, to read:

1 4126.7. (a) A pharmacy that provides compounding services
2 may provide to a clinic commercial products that are unique or
3 otherwise unavailable to the clinic, if the compounding pharmacy
4 and the clinic have entered into a professional compounding
5 services agreement, that complies with regulation adopted pursuant
6 to subdivision (b), to provide nonpatient-specific compounded
7 medications that cannot be planned for prospectively.
8 (b) The board shall adopt regulations for establishing a
9 professional compounding services agreement.

O

Introduced by Senator Galgiani

February 18, 2016

An act to add Sections 11350.5 and 11377.5 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1182, as introduced, Galgiani. Controlled substances.

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

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

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

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

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) Ketamine, gamma hydroxybutyric acid (GHB), and
2 Rohypnol are drugs often characterized as “date rape” drugs.

3 (b) GHB is a central nervous system depressant that was
4 approved for the treatment of narcolepsy. GHB has no color or
5 taste, and is frequently combined with alcohol to commit sexual
6 assault.

7 (c) Ketamine causes unconsciousness, hallucinations, loss of
8 body control, and numbing. Ketamine works very quickly, so
9 victims drugged with Ketamine only have a few seconds to react
10 before losing consciousness.

11 (d) Rohypnol, commonly known as flunitrazepam, and
12 sometimes referred to as “roofies,” impairs judgment and leaves
13 victims drugged with Rohypnol physically incapacitated. Memory
14 loss and confusion under the influence of this drug makes victims
15 more vulnerable to rape.

16 (e) In order to deter the possession of Ketamine, GHB, and
17 Rohypnol by sexual predators and to take steps to prevent the use
18 of these drugs to incapacitate victims for purposes of sexual
19 exploitation, it is necessary and appropriate that an individual who
20 possesses one of these substances for predatory purposes be subject
21 to felony penalties.

22 SEC. 2. Section 11350.5 is added to the Health and Safety
23 Code, to read:

24 11350.5. (a) Except as otherwise provided in this division,
25 every person who possesses a controlled substance specified in
26 paragraph (3) of subdivision (e) of Section 11054 with the intent
27 to commit sexual assault shall be punished by imprisonment
28 pursuant to subdivision (h) of Section 1170 of the Penal Code.

29 (b) For purposes of this section, “sexual assault” means conduct
30 in violation of Section 243.4, 261, 262, 286, 288a, or 289 of the
31 Penal Code.

32 SEC. 3. Section 11377.5 is added to the Health and Safety
33 Code, to read:

34 11377.5. (a) Except as otherwise provided in this division,
35 every person who possesses any controlled substance specified in
36 paragraph (11) of subdivision (c) of, or subdivision (g) of, Section
37 11056, or paragraph (13) of subdivision (d) of Section 11057, with
38 the intent to commit sexual assault, shall be punished by
39 imprisonment pursuant to subdivision (h) of Section 1170 of the
40 Penal Code.

1 (b) For purposes of this section, “sexual assault” means conduct
2 in violation of Section 243.4, 261, 262, 286, 288a, or 289 of the
3 Penal Code.

4 SEC. 4. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

O

ASSEMBLY BILL

No. 2419

Introduced by Assembly Member Jones

February 19, 2016

An act to amend Sections 66010 and 66010.4 of, and to add Division 9.3 (commencing with Section 92990) to Title 3 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2419, as introduced, Jones. Public postsecondary education: The New University of California.

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

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

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

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

1 SECTION 1. Section 66010 of the Education Code is amended
2 to read:

3 66010. (a) Public higher education consists of (1) the
4 California Community Colleges, (2) the California State University,
5 and each campus, branch, and function thereof, ~~and~~ (3) each
6 campus, branch, and function of the University of ~~California~~
7 *California, and (4) The New University of California.*

8 (b) As used in this part, “independent institutions of higher
9 education” are those nonpublic higher education institutions that
10 grant undergraduate degrees, graduate degrees, or both, and that
11 are formed as nonprofit corporations in this state and are accredited
12 by an agency recognized by the United States Department of
13 Education.

14 (c) No provision of this part is intended to regulate, subsidize,
15 or intrude upon private education, including, but not limited to,
16 independent educational institutions and religious schools, nor to
17 vary existing state law or state constitutional provisions relating
18 to private education.

19 SEC. 2. Section 66010.4 of the Education Code is amended to
20 read:

21 66010.4. The missions and functions of California’s public
22 and independent segments, and their respective institutions of
23 higher education shall be differentiated as follows:

24 (a) (1) The California Community Colleges shall, as a primary
25 mission, offer academic and vocational instruction at the lower
26 division level for both younger and older students, including those
27 persons returning to school. Public community colleges shall offer
28 instruction through but not beyond the second year of college.
29 These institutions may grant the associate in arts and the associate
30 in science degree.

31 (2) In addition to the primary mission of academic and
32 vocational instruction, the community colleges shall offer
33 instruction and courses to achieve all of the following:

34 (A) The provision of remedial instruction for those in need of
35 it and, in conjunction with the school districts, instruction in
36 English as a second language, adult noncredit instruction, and
37 support services which help students succeed at the postsecondary

1 level are reaffirmed and supported as essential and important
2 functions of the community colleges.

3 (B) The provision of adult noncredit education curricula in areas
4 defined as being in the state’s interest is an essential and important
5 function of the community colleges.

6 (C) The provision of community services courses and programs
7 is an authorized function of the community colleges so long as
8 their provision is compatible with an institution’s ability to meet
9 its obligations in its primary missions.

10 (3) A primary mission of the California Community Colleges
11 is to advance California’s economic growth and global
12 competitiveness through education, training, and services that
13 contribute to continuous work force improvement.

14 (4) The community colleges may conduct to the extent that state
15 funding is provided, institutional research concerning student
16 learning and retention as is needed to facilitate their educational
17 missions.

18 (b) The California State University shall offer undergraduate
19 and graduate instruction through the master’s degree in the liberal
20 arts and sciences and professional education, including teacher
21 education. Presently established two-year programs in agriculture
22 are authorized, but other two-year programs shall be permitted
23 only when mutually agreed upon by the Trustees of the California
24 State University and the Board of Governors of the California
25 Community Colleges. The doctoral degree may be awarded jointly
26 with the University of California, as provided in subdivision (c)
27 and pursuant to Section 66904. The doctoral degree may also be
28 awarded jointly with one or more independent institutions of higher
29 education, provided that the proposed doctoral program is approved
30 by the California Postsecondary Education Commission. Research,
31 scholarship, and creative activity in support of its undergraduate
32 and graduate instructional mission is authorized in the California
33 State University and shall be supported by the state. The primary
34 mission of the California State University is undergraduate and
35 graduate instruction through the master’s degree.

36 (c) The University of California may provide undergraduate
37 and graduate instruction in the liberal arts and sciences and in the
38 professions, including the teaching professions. It shall have
39 exclusive jurisdiction in public higher education over instruction
40 in the profession of law and over graduate instruction in the

1 professions of medicine, dentistry, and veterinary medicine. It has
2 the sole authority in public higher education to award the doctoral
3 degree in all fields of learning, except that it may agree with the
4 California State University to award joint doctoral degrees in
5 selected fields. The University of California shall be the primary
6 state-supported academic agency for research.

7 *(d) (1) The New University of California shall provide no*
8 *instruction, but shall issue college credit and baccalaureate and*
9 *associate degrees to any person capable of passing appropriate*
10 *examinations.*

11 *(2) The New University of California may contract with*
12 *qualified entities for the formulation of peer-reviewed course*
13 *examinations the passage of which would demonstrate that the*
14 *student has the knowledge and skill necessary to receive college*
15 *credit for that course.*

16 ~~(d)~~

17 *(e) The independent institutions of higher education shall*
18 *provide undergraduate and graduate instruction and research in*
19 *accordance with their respective missions.*

20 SEC. 3. Division 9.3 (commencing with Section 92990) is
21 added to Title 3 of the Education Code, to read:

22

23 DIVISION 9.3. THE NEW UNIVERSITY OF CALIFORNIA

24

25 92990. (a) The New University of California is hereby
26 established under the administration of the Board of Trustees of
27 The New University of California. The New University of
28 California shall provide no instruction, and the mission of the
29 university shall be limited to issuing college credit and
30 baccalaureate and associate degrees to any person capable of
31 passing the examinations administered by the university. The goal
32 of the university is for its students to obtain the requisite knowledge
33 and skills to pass the examinations administered by the university
34 from any source, such as massive open online courses, the student
35 deems appropriate. When the student feels that he or she is ready
36 to take an examination, the student shall pay the examination fee,
37 present acceptable identification at the examination, and, upon
38 passage of the examination, receive academic credit. When a
39 student receives sufficient academic credit in prescribed courses,
40 the university shall issue an appropriate degree to that student.

1 (b) The university may contract with qualified entities for the
2 formulation of peer-reviewed course examinations the passage of
3 which would demonstrate that the student has the knowledge and
4 skill necessary to receive college credit for that course.

5 (c) The university may charge students a fee for the taking of
6 examinations administered by the university. Fees charged under
7 this subdivision shall not exceed the amount that is necessary for
8 the university to recover the costs of administering the examination.

9 (d) The university may apply for accreditation to the Western
10 Association of Schools and Colleges, or a successor body, or any
11 other appropriate accrediting entity.

12 (e) The board of trustees shall authorize the Chancellor of The
13 New University of California to grant baccalaureate and associate
14 degrees in fields of study they deem appropriate. In selecting the
15 fields in which degrees are to be awarded by the university, the
16 board of trustees shall consult the labor needs forecasts issued by
17 the Employment Development Department.

18 92991. (a) The New University of California shall be
19 administered by the Board of Trustees of The New University of
20 California, which is hereby established. The board of trustees shall
21 include 11 voting members, as follows:

22 (1) Five ex officio members: the Governor, the Lieutenant
23 Governor, the Superintendent of Public Instruction, and the Speaker
24 of the Assembly, or their designees; and the person named by the
25 board of trustees to serve as the Chancellor of The New University
26 of California.

27 (2) (A) Six members of the public appointed by the Governor
28 and subject to confirmation by a majority of the membership of
29 the Senate.

30 (B) The terms of two of the members of the public appointed
31 under this paragraph shall commence on July 1, 2017, and
32 terminate on July 1, 2019. The terms of two of the members of the
33 public appointed under this paragraph shall commence on July 1,
34 2017, and terminate on July 1, 2021. The terms of two of the
35 members appointed under this paragraph shall commence on July
36 1, 2017, and terminate on July 1, 2023. Thereafter, the terms of
37 all of the members of the public appointed under this paragraph
38 shall be six years.

1 (b) Members of the board of trustees shall receive no salary for
2 their service, but shall be reimbursed for the expenses they incur
3 while carrying out their duties.

4 (c) All meetings of the board of trustees shall be subject to the
5 Bagley-Keene Open Meeting Act (Article 9 (commencing with
6 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
7 the Government Code).

8 92992. The Chancellor of The New University of California
9 shall be the chief executive officer of the university. The chancellor
10 shall be appointed by, and serve at the pleasure of, the board of
11 trustees. The chancellor shall be authorized to employ and fix the
12 salaries of, employees to assist him or her in carrying out the
13 functions of the university.

**VMB Agenda Item #9j –
Pet Lover’s License Plate
Legislative Concept**

HAND CARRY

**VMB Agenda Item #9k –
Other Legislation of Interest**

HAND CARRY

**VMB Agenda Item #10 – Board Chair
Report**

HAND CARRY

VETERINARY MEDICAL BOARD - 0777
BUDGET REPORT
FY 2015-16 EXPENDITURE PROJECTION
Feb-2016

OBJECT DESCRIPTION	FY 2014-15		FY 2015-16				
	ACTUAL EXPENDITURES	PRIOR YEAR EXPENDITURES	BUDGET STONE	CURRENT YEAR EXPENDITURES	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
	(MONTH 13)	2/29/2015	2015-16	2/29/2015			
PERSONNEL SERVICES							
Salary & Wages (Staff)	798,937	465,111	1,138,000	672,601	59%	1,008,902	129,099
Statutory Exempt (EO)	88,428	58,952	82,000	60,424	74%	90,636	(8,636)
Temp Help Reg (Seasonals)	6,195	5,753	33,000	4,700	14%	8,057	24,943
BL 12-03 Blanket							
Temp Help (Exam Proctors)							
Board Member Per Diem	3,100		14,000	2,500	18%	4,286	9,714
Committee Members (DEC)	600		11,000	874	8%	1,498	9,502
Overtime	11,352	11,114					
Staff Benefits	483,685	288,026	664,000	403,602	46%	605,403	58,597
TOTALS, PERSONNEL SVC	1,392,297	828,956	1,942,000	1,144,701	59%	1,717,155	223,218
OPERATING EXPENSE AND EQUIPMENT							
General Expense	48,591	34,053	31,000	27,573	89%	41,360	(10,360)
Fingerprint Reports	1,040	844	6,000	206	3%	309	5,691
Minor Equipment	23,152	22,675		6,919		10,379	(10,379)
Printing	9,361	7,271	20,000	6,405	32%	9,608	10,393
Communication	4,477	2,117	21,000	2,219	11%	3,329	17,672
Postage	35,263	17,584	28,000	18,313	65%	27,470	531
Insurance		0					
Travel In State	49,487	19,622	148,000	41,421	28%	62,132	85,869
Travel, Out-of-State		0					
Training	816	558	20,000	5,824	29%	8,736	11,264
Facilities Operations	112,440	109,744	102,000	112,028	110%	112,028	(10,028)
Utilities		0					
C & P Services - Interdept.	109,000	109,000		2			
C & P Services - External incl. HSP Inspection Program (@\$185k) and BreEZe (@\$25k)	147,068	122,673	106,000	164,748	155%	234,748	(128,748)
DEPARTMENTAL SERVICES:							
Departmental Pro Rata incl. BreEZe (@\$264k)	334,011	221,313	458,000	343,500	75%	458,000	0
Admin/Exec	148,320	105,576	287,000	215,250	75%	287,000	0
Interagency Services		0	50,000	45,226	90%	50,000	0
IA w/ OPES	40,573	40,573					
DOI-ProRata Internal	3,616	3,306	7,000	5,250	75%	7,000	0
Communications Division	4,227	3,225	9,000	14,250	158%	9,000	0
PRRD	5,001	3,525	10,000			10,000	0
INTERAGENCY SERVICES:							
Consolidated Data Center	1,249	449	10,000	2,210	22%	3,315	6,685
DP Maintenance & Supply	7,368	4,290	5,000	4,559	91%	6,839	(1,839)
Central Admin Svc-ProRata	141,779	106,334	157,000	118,049	75%	157,000	0
EXAM EXPENSES:							
Exam Supplies		0	1,000				1,000
Exam Freight		0					
Exam Site Rental		0	5,000				5,000
C/P Svcs-External Expert Administrative	48,502	51,652		22,557		22,557	(22,557)
C/P Svcs-External Expert Examiners	318	318	31,000	30,311	98%	30,311	689
C/P Svcs-External Subject Matter	38,503	29,209					
ENFORCEMENT:							
Attorney General	488,690	277,790	460,000	322,835	70%	551,000	(91,000)
Office Admin. Hearings	132,145	49,446	59,000	74,308	126%	135,000	(76,000)
Court Reporters	4,834	1,663		4,175		6,263	(6,263)
Evidence/Witness Fees (In-House Consultants)	135,197	77,465	163,000	89,401	39%	165,000	(2,000)
DOI - Investigations	627,679	466,590	628,000	471,000	49%	628,000	0
Major Equipment							
Special Items of Expense							
Other (Vehicle Operations)			3,000				3,000
TOTALS, OE&E	2,702,707	1,888,865	2,825,000	2,148,539	54%	2,981,849	(211,380)
TOTAL EXPENSE	4,095,004	2,717,821	4,767,000	3,293,240	50%	4,699,004	11,838
Sched. Reimb. - External/Private	(3,575)	(1,880)					
Sched. Reimb. - Fingerprints		0	(11,000)	(1,645)		(11,000)	
Sched. Reimb. - Other		0	(15,000)			(15,000)	
Unsched. Reimb. - Other		(77,919)		(99,795)			
NET APPROPRIATION	4,091,429	2,638,022	4,741,000	3,191,800	67%	4,673,004	11,838
SURPLUS/(DEFICIT):							0.2%

**Veterinary Medical Board
Summary of Expenditures - 2015/2016**

Line Item	Appropriation	Summary of Expenses
Personal Services:		
Salary & Wages (Staff)	1,138,000	Board staff salaries
Statutory Exempt (EO)	82,000	Executive Officer salary
Temp Help Reg (Seasonals)	33,000	Wages for temporary help such as a permanent-intermittent employees, students, seasonal employees, etc.
Temp Help Reg (Exam Proctors)	0	Examination Proctors
Board Member Per Diem	14,000	Board members' per-diem
Committee Members (DEC)	11,000	Committee members' per-diem
Overtime	0	Staff Overtime
Staff Benefits	664,000	OASDI, Dental, health, retirement, life, vision, Medicare
Total Personal Services	1,942,000	
Operating Expenses & Equipment:		
General Expense	31,000	Office supplies, freight
Fingerprint Reports	6,000	Fingerprint expenses – reimbursed by candidate
Minor Equipment	0	Equipment less than \$5K per unit
Printing	20,000	Printed forms, office copier, copying service
Communications	21,000	Phones, cellular phones
Postage	28,000	Stamps, DCA and EDD facility mailed postage
Insurance	0	Insurance coverage for department owned vehicles.
Travel In-State	148,000	Board, Committee, and Staff Air, car, bus, taxi, incidentals, service fees
Travel Out-of-State	0	Same as above - out-of-State
Training	20,000	Registration fees, subscriptions
Facilities Operations	102,000	Rent, storage, security
Utilities	0	Electricity, Natural Gas (P.G.& E.), water, sewer, and regular waste removal service.
C&P Services Interdept.	0	Services provided by other state agencies or Interagency Agreement within the Department of Consumer Affairs.
C&P Services External	106,000	External contracts - includes MAXIMUS, BreEZe credit card fees, Inspection Program SMEs
Departmental Services		
Departmental Prorata	458,000	DCA Svcs: Info systems incl. BreEZe, Administrative Svcs (HR, Accounting, Budgets, etc.), Legal, Publications, Public Affairs
Admin/Exec	287,000	Pro-rata assessments to support DCA Administrative Services
Interagency Services	50,000	Services provided to one board by another board within the Department
IA w/OPES	0	Services provided by OPES to Board
DOI-Pro Rata Internal	7,000	Services provided by Division of Investigation Pro Rata
Public Affairs Office	9,000	Services provided by DCA Public Affairs
CCED	10,000	Pro-rata Consumer and Community Empowerment Division
Interagency Services		
Consolidated Data Centers	10,000	CAS/Teale Data Center
DP Maintenance & Supply	5,000	Data processing supplies and maintenance
Central Admin Svcs-Pro Rata	157,000	State services pro-rata (DGS, DOF, etc)
Exam Expenses		
Exam supplies	1,000	Examination materials, supplies not covered by contract
Exam freight	0	Freight, shipping and storage of examination material
Exam site rental	5,000	Facility rental charge for vet exams administration
Expert Examiners (SME)	31,000	Subject matter experts for item writing, review and Angoff workshops VET and RVT
C/P Svcs-External Expert Administrative	0	National exam contracts - includes PSI contract
C/P Svcs-External Expert Examiners	0	Wages for services provided by expert examiners in the oral/written examination process
C/P Svcs-External Subject Matter	0	Services provided by subject matter experts in the oral/written examination process
Enforcement		
Attorney General	460,000	Office of the Attorney General/DAG legal services
Office of Admin Hearings	59,000	Office of Administrative Hearings, Admin. Law Judge and court reporter services
Court Reporters	0	
Evidence/Witness Fees	163,000	Expert Witness and In-house Consultants enforcement case review
Div of Investigation	628,000	DCA Division of Investigation services
Major Equipment	0	Equipment more than \$5k per unit
Special Items of Expense		
Vehicle Operations	3,000	Leasing & maintenance of State vehicle (CPEI BCP)
Total OE&E	2,825,000	
Total Personal Services (above)	1,942,000	
Totals, Expenditures	4,767,000	
Sched. Reimb. - External		Reimbursements for OIS Public Sales
Sched. Reimb. - Fingerprints	(11,000)	Reimbursements for assessment of fingerprint processing fees
Sched. Reimb. - Other	(15,000)	Reimbursements from private individuals, firms, institutions or corporations
Net Appropriation	4,741,000	

**VMB Agenda Item #15c –
Enforcement Report**

HAND CARRY

Administration/Examination/Licensing Report

Prepared by Ethan Mathes

January 2016

BreEZe

Update [April 2016] – The BreEZe database system went live on January 19, 2016.

Board applicants and licensees have taken well to the new BreEZe online system. Among the most significant benefits are submittal of applications and payment online which expedites back office processing times of both cashiering and application review. The Board has directed applicants and licensees to BreEZe on its multitude of paper applications and on its website. The Board continues to receive increasing amounts of applications online, including many renewal applications that due to BreEZe are able to be instantly renewed with no direct staff involvement necessary.

As with any information technology project the scope of BreEZe, there were some initial system challenges subsequent to go-live. Areas of specific challenge were management of legacy records converted in to the BreEZe system, interfaces that managed submittal of fingerprints into the new system, managing system statistical reports, and the necessity to adapt to changes in certain business process areas due to the increased functionality of BreEZe.

The Department has an organized process in place to address all manner of system issues, from critical fixes to less critical system enhancements. These System Investigation Requests (SIRs) assist the Board and Department in triaging each specific BreEZe system issue in order to implement solutions within the 6-week system update cycle. The Board currently has several dozen SIRs submitted for triage (and subsequent implementation) and an additional 80+ system enhancement requests pending submittal.

Applications

Applications Received		
	<i>Jan. 2015 - Dec. 2015</i>	<i>Jan. 2016 - Dec. 2016*</i>
Veterinarian Apps. Received	598	TBD
Veterinary Tech. Apps. Received	735	TBD
Veterinary Premise Apps. Received	267	TBD

**partial year data*

Examinations

CALIFORNIA STATE BOARD EXAMINATION			
May 2015 – October 2015		November 2015 – April 2016	
Candidates	Pass Pct.	Candidates	Pass Pct.
288	83%	152	79%

NORTH AMERICAN VETERINARY LICENSING EXAMINATION			
Nov./Dec. 2015		April 2016	
Candidates	Pass Pct.	Candidates	Pass Pct.
311	89%	TBD	TBD

CALIFORNIA VETERINARY TECHNICIAN LAW EXAMINATION					
Jan. – Jun. 2015		Jul. – Dec. 2015		Jan. – Jun. 2016*	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
358	96%	366	94%	165	81%
<i>*partial year data</i>					

VETERINARY TECHNICIAN NATIONAL EXAMINATION					
Jul./Aug. 2015		Nov./Dec. 2015		Mar./Apr. 2016	
Candidates	Pass Pct.	Candidates	Pass Pct.	Candidates	Pass Pct.
400	58%	420	59%	TBD	TBD

Licensing

Licensees	
<i>as of March 2016</i>	
Veterinarian Licenses*/**	13,542/11,702
Veterinarian Licenses – California**	9,368
Veterinarian – Internship**	28
Veterinarian – Reciprocity**	30
Registered Veterinary Technician Licenses*/**	7,967/6,177
Registered Veterinary Technician Licenses – California**	5,782
Premise Permits**	3,747
Premise Permits – Exempt**	TBD
<i>*includes delinquent, inactive, and clear licensees; **clear licensees</i>	

Licenses Issued		
<i>as of March 2016</i>		
	<i>Jan. 2015 - Dec. 2015</i>	<i>Jan. 2016 - Dec. 2016*</i>
Veterinarian	595	66
Reciprocity	550	7
Intern	30	0
Registered Veterinary Technician	52	118
Premises	267	48
<i>*partial year data</i>		

Licensing Performance Measures

Executive Order B-13-11 directed the Department of Finance to modify the state budget process to increase efficiency and focus on accomplishing program goals. Pursuant to the Executive Order, the Department of Consumer Affairs must establish licensing performance measure targets and provide actual licensing statistics in the annual Budget. In order to achieve the benefits of this performance based budgeting model, the Department will be collaborating with all programs on the development of standardized licensing performance measures.

Due to the implementation of BreEZe, the establishment and tracking mechanism for performance measure targets has been delayed. In order to establish targets reflective of new BreEZe business processes, Boards and Bureaus in Release Two will provide licensing performance measure targets for the 2016-17 fiscal year using BreEZe system data for

complete applications; incomplete applications will not be required to have targets established, however, incomplete application timelines will be reported. Performance targets will be displayed in the 2017-18 Governor's Budget followed by actual licensing performance data in the 2018-19 Governor's Budget.

California RVT School Inspection and Approval

Staff has initiated contact with San Diego-Mesa's Veterinary Technology program for re-inspection of their Board approved program. Per inspection protocol a contact letter has been mailed to the school to set an inspection date, outline the inspection schedule and expectations, and for completion of the inspection manual.

Re-approval inspection of San Diego-Mesa Veterinary Technology program is expected to take place mid to late-summer and will involve a 4 member team consisting of Board staff, registered veterinary technician licensees and a veterinarian licensee.

Examination Development and Workshops

Examination Development Workshops include Item Writing, Item Review, Examination Construction, and Pass Score Setting. The California RVT examination is also scheduled for an Occupational and Job Analysis based on the Veterinary Technician National Examination Plan.

Veterinarian Examination Workshops	
May 18 & 19	Exam Item Writing
June 15 & 16	Exam Item Review
June 28, 29 & 30	VET Law Exam Review & Development
July 12, 13 & 14	Exam Construction
August 10 & 11	Exam Passing Score
Registered Veterinary Technician Examination Workshops	
May 4 & 5	OA Task & Knowledge Statements
June 8 & 9	OA Task & Knowledge Statements
July 27 & 28	Exam Item Writing
September 14 & 15	Exam Item Review
September 27, 28 & 29	Exam Construction/Passing Score
October 5 & 6	OA Review Survey
October 19 & 20	OA Review Survey

Diversion Program

The next Diversion Evaluation Committee (DEC) meeting is scheduled for June 6, 2016. There is currently one public member vacancy on the five-member DEC. The Board has received an application for the vacancy and the candidate will come before the Board at the April 2016 meeting.

There are currently six participants in the Diversion Program with one participant recently completing their successful transition out of the Program.

MAXIMUS is rolling out a new version of its online MAX-CMS 2.0 portal that will enable both Diversion Program Managers (DPM) and DEC members to confidentially review Program participant's files through the online portal. DPMs and DEC members will be trained on the new MAX-CMS 2.0 portal in the coming months.

Hospital Inspection Program Update – April 2016

Staffing

New Hospital Inspector Recruiting – April is recruiting month for the hospital inspection program. Recruitment has begun for the upcoming inspection year. We are still looking for inspectors in Southern and Central Ca.

The inspection team lost one inspector in 2015/16 to other professional obligations, however, the team is aiming to meet its inspection goal of inspecting 20% of all registered premises this year.

Transition to BreZE has slowed work down considerably for the hospital inspection staff as the system is not as user-friendly for logging inspection data. Inspection staff has been spending considerable time dealing with system issues and working with the Department's IT staff to resolve outstanding program challenges.

The hospital inspection program has one staff vacancy and is in the process of recruiting.

Statistics

Routine Inspections Assigned: 527 as of 3.21.16

Routine Inspections Performed: 346 as of January 31*

Routine Inspections Pending (not yet assigned): approximately 140

Complaint-Related Inspections Performed: 30

Complaint-Related Inspections Pending: 31

Document Review Status: Inspection Reports received in January 2016 for Oct/Nov inspections

Program Costs: \$127,800 as of February 29, 2016


**Based on IRs received in March for inspections performed through January 2016.*

Ride-alongs

To date, we've had three board members participate in ride-alongs on routine inspections.



MEMORANDUM

DATE	March 25, 2016
TO	Executive Officers Department of Consumer Affairs
FROM	Awet Kidane, Director Department of Consumer Affairs 
SUBJECT	<i>North Carolina Board of Dental Examiners v. Federal Trade Commission: Policy Concepts</i>

This memorandum is intended to serve as a follow up to the meeting held on March 7, 2016, in which we discussed the potential policy concepts that the Department of Consumer Affairs (Department) was considering in response to the *North Carolina Board of Dental Examiners v. Federal Trade Commission (North Carolina)* decision.

As you are aware, the *North Carolina* case established that when a controlling number of decision makers are active market participants, board members are entitled to state-action antitrust immunity only if they act pursuant to a clearly articulated and affirmatively expressed state policy and their decisions are actively supervised by the state. After careful analysis and consideration, the Department believes the three policy concepts, discussed in our meeting and set out below, will provide further active state supervision to boards as required by the *North Carolina* case and will provide important clarity regarding the payment of damages by the state.

First, the Department believes that removing the active license requirement for executive officer positions will assist with protecting the boards from antitrust liability. This change allows for a nonmarket participant to serve in that critical role thereby minimizing the impact an active market participant executive officer may have on the board's operations.

Second, the existing regulatory review process should be strengthened. Under current law, the Director reviews board regulations and has the authority to disapprove them if they are "injurious to the public health, safety or welfare." Current law does not specifically authorize the Director to disapprove regulations for anticompetitive impacts that do not further a clearly articulated state policy. In order to ensure appropriate state supervision, the Department believes that the Director should have the specific authority to disapprove regulations for anticompetitive impacts without the possibility of a veto override.

And third, the indemnification for board members in antitrust cases needs to be addressed. Specifically, the Attorney General's opinion on the *North Carolina* case indicated that provisions providing indemnity to state actors should be clarified to ensure that treble damages resulting from antitrust violations are not considered punitive and may be paid by the state. This would leave no question that the state will pay treble damages awarded for violations of antitrust law in the same way it pays damages for board members in other types of lawsuits.

The concepts that I discussed with you in our meeting were also shared with the legislative committees during the Department's Joint Legislative Sunset Review hearing on March 9, 2016. The Department is committed to assisting the boards in this area and is continuing to work with the Legislature and Administration to address this important issue.

If you have questions or concerns regarding any of the information provided in this memo, please contact Melinda McClain at (916) 574-7800 or Melinda.McClain@dca.ca.gov, or your assigned legal counsel.