

Veterinary Medical Board
1747 N. Market Blvd., Suite 230, Sacramento, CA 95834
Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov

AMENDED MEETING NOTICE and AGENDA

Board Members

Cheryl Waterhouse, DVM, President
Richard Sullivan, DVM, Vice President
Kathy Bowler
Jennifer Loreda, RVT
Judie Mancuso
Jaymie Noland, DVM
Mark Nunez, DVM
Alana Yanez

VETERINARY MEDICAL BOARD

October 18-19, 2017
Fresno Chaffee Zoo
894 W. Belmont Avenue,
Simba Room
Fresno, California 93728
(559) 498-5910

Action may be taken on any
item listed on the agenda.

10:00 a.m., Wednesday, October 18, 2017

1. Call to Order/ Roll Call/ Establishment of a Quorum
2. Board President's Remarks, Board Member Comments, and Introductions
3. Review and Approval of July 26-27, 2017 Board Meeting Minutes
4. Review and Approval of Board and Committee Member Administrative Procedure Manual
5. Review and Discuss Applications for Appointments to the Multidisciplinary Advisory Committee
6. Proposed Regulations
 - A. Status of Pending Regulations
 - B. Discussion and Possible Board Action on the following Regulatory Proposals:
 - i. Amend the Board's Disciplinary Guidelines and Section 2006, Article 1, Division 20, Title 16 of the California Code of Regulations (CCR)
 - ii. Add Sections 2090-2096, Article 11, to Division 20, Title 16 of the CCR Regarding Veterinary Drug Compounding
 - iii. Amend Section 2032.1, Article 4, Division 20, Title 16 of the CCR Regarding the Veterinarian-Client-Patient Relationship and Telehealth
 - iv. Add Section 2038.5 to Article 4, Division 20, Title 16 of the CCR Regarding Animal Physical Rehabilitation
 - v. Add Section 2032.26 to Article 4, Division 20, Title 16 of the CCR Regarding Veterinary Drug Counseling
 - vi. Amend Section 2069, Article 6, Division 20, Title 16 of the CCR Regarding Emergency Animal Care
7. Discussion Regarding Current Laws Pertaining to Cannabis Treatment for Animal Patients and Possible Board Action on Legislative Recommendation
8. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg
 - A. Review, Discussion, and Possible Board Action on Multidisciplinary Advisory Committee Items and Recommendations ([See Attached Agenda](#))

9. Update on the Implementation of Senate Bill (SB) 27 (Hill, Ch. 758, Stats. 2015) and the Antimicrobial Use and Stewardship Outreach Committee
 - A. Discussion of Board Comments to Proposed Regulations of the California Department of Food and Agriculture to Add Sections 5000-5012, Articles 1-4, to Chapter 1, Division 5, Title 3 of the CCR Regarding Livestock Drugs
10. 2017 Legislation Report; Possible Board Action to Adopt Positions on Bills
 - A. SB 547 (Hill, 2017) Professions and Vocations: Weights and Measures
 - B. SB 673 (Newman, 2017) Pet Lover's Specialized License Plates
 - C. Assembly Bill (AB) 485 (O'Donnell, 2017) Pet Store Operators: Dogs, Cats, and Rabbits
 - D. AB 942 (Mathis, 2017) Personal Income Taxes: Credit: Veterinary Costs
 - E. AB 208 (Eggman, 2017) Deferred Entry of Judgement: Pretrial Diversion
11. Discussion and Possible Board Action on 2018 Legislative Proposals
 - A. Amend Business and Professions Code Section 4830 Authorizing Veterinary Students to Obtain Clinical Experience as Part of the Formal Veterinary Program Curriculum
 - B. Amend Business and Professions Code Section 4809.7 Mandating Inspection of 20% of the Hospital Premises
 - C. Amend Business and Professions Code Section 4848 Removing the Criteria for Passing an Examination Concerning the Statute and Regulations of the Veterinary Medicine Practice Act
 - D. Add Business and Professions Code Provisions to Issue a Probationary License to Veterinary Assistant Controlled Substance Permit (VACSP) Applicants
 - E. Add Business and Professions Code Provisions Limiting the Timeframe for Graduates of Veterinary Programs to Perform the Duties of a Registered Veterinary Technician (RVT)
12. Public Comment on Items Not on the Agenda

Note: The Board may not discuss or act 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).)
13. Recess until October 19, 2017 at 9:00 a.m.

9:00 a.m., Thursday, October 19, 2017

14. Reconvene - Establishment of a Quorum
15. Introductions
16. Board President Report – Dr. Cheryl Waterhouse
17. RVT Report – Jennifer Loreda, RVT
 - A. Status of Progress on Foreign Educated RVTs
18. Report on the International Council for Veterinary Assessment Survey – Kathy Bowler
19. Executive Officer & Staff Reports
 - A. Administrative/ Budget
 - B. Enforcement
 - C. Licensing/ Examination – Report to Include Process for Application Denials/ Subject Matter Expert Examination Policy
 - D. Hospital Inspection

20. Future Agenda Items and Next Meeting Dates – February 21-22, 2018, Sacramento; May 23-24, 2018, Location TBD; August 22-23, 2018, Sacramento; November 14-15, 2018, Location TBD
- A. Agenda Items for Next Meeting – Tattooing Spay and Neuter Animals/ DEA Facility Registration
 - B. Multidisciplinary Advisory Committee Meetings – February 20, 2018, Sacramento; May 22, 2018, Location TBD; August 21, 2018, Sacramento; November 13, 2018, Location TBD
21. Special Order of Business – 10:00 a.m.
- A. Petition for Reduction of Penalty – Penny Pembroke
After submission of the matter, the Board will convene in CLOSED SESSION to deliberate on the petition pursuant to Government Code section 11126(c)(3).

CLOSED SESSION

22. Pursuant to Government Code Section 11126(e), the Board will Confer with and Receive Advice from Legal Counsel and Deliberate regarding Davinder Singh Sandhu, DVM v. Veterinary Medical Board, Sacramento County Superior Court, Case Number 34-2017-80002552-CU-WM-GDS.
23. Pursuant to Government Code Section 11126(c)(3), the Board will Deliberate on the Above Petition and Disciplinary Actions.

RETURN TO OPEN SESSION

24. Adjournment

This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. Items scheduled for a particular day may be moved to an earlier or later day to facilitate the effective transaction of business. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

This meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe and participate, please plan to attend at a physical location. Meeting adjournment may not be webcast if it is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting locations are accessible to the physically disabled. A person who needs disability-related accommodations or modifications to participate in the meeting may make a request by contacting the Board at (916) 515-5220, email: vmb@dca.ca.gov, or sending a written request to the Board of Veterinary Medicine, 1747 N. Market St., Suite 230, Sacramento, CA 95834. Providing your request at least five (5) business days prior to the meeting will help ensure availability of the requested accommodations. TDD Line: (916) 326-2297.

MISSION

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



**MEETING MINUTES
VETERINARY MEDICAL BOARD**

July 26-27, 2017
1747 N. Market Blvd. – 1st Floor Hearing Room
Sacramento, California

10:00 a.m. Wednesday, July 26, 2017

1. Call to Order/Roll Call/Establishment of a Quorum

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

Ms. Del Mugnaio swore in and welcomed Alana Yanez as the newest member of the Board.

2. Introductions

Board Members Present

Cheryl Waterhouse, DVM, President
Richard Sullivan, DVM, Vice President
Kathy Bowler, Public Member
Jennifer Loreda, RVT
Judie Mancuso, Public Member
Jaymie Noland, DVM
Mark Nunez, DVM
Alana Yanez, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board
Nina Galang, Administrative Program Coordinator
Ethan Mathes, Administrative Program Manager
Candace Raney, Enforcement Manager
Jennifer Iida, DCA Webcast
Tara Welch, Legal Counsel

Guests Present

Valerie Fenstermaker, California Veterinary Medical Association
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association
Paul Hansbury, Lovingly and Legally
Tameka Island, California Physical Therapy Association
Grant Miller, DVM, California Veterinary Medical Association
Jon Pascoe, University of California Davis
Kristi Pawlowski, RVT, Multidisciplinary Advisory Committee
Cindy Savely, RVT, Sacramento Valley Veterinary Technician Association
Marshall E. Scott, DVM, California Veterinary Medical Association

Dianne Sequioia, DVM
Leah Shufelt, RVT, California Veterinary Medical Association
Diann Sokoloff, Supervising Deputy Attorney General
Susan Tibbon, Lovingly and Legally
Linda Tripp, Sacramento Valley Veterinary Technician Association
Erin Troy, DVM

3. Review and Approval of April 19-20, 2017 and June 19, 2017 Board Meeting Minutes

Dr. Waterhouse and Tara Welch suggested minor changes to the meeting minutes.

- Dr. Mark Nunez moved and Kathy Bowler seconded the motion to approve the April 19-20, 2017 and July 19, 2017 meeting minutes as amended. The motion carried 7-0-1. Alana Yanez abstained.

4. Discussion on Multidisciplinary Advisory Committee Appointment – Recruitment Process

Ms. Del Mugnaio noted the Board's Multidisciplinary Advisory Committee (MDC) member David Johnson's, RVT term expired in June and will be serving a one-year grace period. She advised recruitment should begin immediately to give the Board time to interview and select new MDC membership. Ms. Del Mugnaio also suggested beginning the recruitment of additional MDC terms expiring in 2018; Dr. Jon Klingborg, Dr. Bill Grant and Diana Woodward Hagel's terms will expire in June 2018. Kristi Pawlowski, RVT can be reappointed to the MDC in June 2018. The Board agreed and solicitation for MDC membership will be added to the Board's website and notification emailed to the subscription list. Resumes will be reviewed at the October 2017 meeting and interviews conducted at the February 2018 meeting.

The Board discussed the interview process for open positions. They agreed to mandate in-person interviews for MDC membership. Ms. Del Mugnaio will bring the Board's *Administrative Procedures Manual*, with agreed amendments, to the next meeting for review of updates.

5. Proposed Regulations

A. Status of Pending Regulations

Ms. Del Mugnaio reported the proposed Animal Control Officer (ACO) regulations are currently with the Department for final review and should be submitted to the Office of Administrative Law (OAL) within a month. The Department Director will issue an extension for filing the ACO regulations with OAL.

The proposed Consumer Protection Enforcement Initiative and Disciplinary Guidelines regulations are currently at the Department for their initial review. The Board will discuss other proposed rulemaking later in the meeting.

B. Discussion and Possible Board Action on Regulatory Proposal Regarding Section 2032.1(e) of Title 16 of the California Code of Regulations (CCR) Regarding Telemedicine and Review American Veterinary Medical Association (AVMA) Proposed Guidelines

Dr. Richard Sullivan reviewed the included Telehealth Talking Points and noted there appears to be a push within the industry that proposes authority to examine an animal via telemedicine. The Board discussed the idea of establishing a veterinary-client-patient relationship via telemedicine and agreed the need in veterinary care for a face-to-face examination is distinctly different than human medicine. Valarie

Fenstermaker noted she's seen websites currently advertising for animal telemedicine. Ms. Del Mugnaio noted she has seen this issue in Board enforcement cases.

Dr. Sullivan suggested additional proposed language clearly noting the establishment of a veterinary-client-patient relationship. The Board discussed whether the proposed language should be under another section of regulation and whether the definition of telemedicine in the proposed language is enough to prevent this practice. Dr. Sullivan opined there is some flexibility to the regulation as written and that it is clear a veterinary-client-patient relationship needs to be established first.

- Kathy Bowler moved and Judie Mancuso seconded the motion to accept the proposed telemedicine language as amended. The motion carried 8-0.
- Jennifer Loreda, RVT moved and Kathy Bowler seconded the motion to authorize the Executive Officer and Board staff to prepare the necessary rulemaking documents, submit to the Business, Consumer Services, and Housing Agency and the Department of Consumer Affairs for review, and in the absence of any adverse comments, publish a 45-day Notice of Proposed Changes. The motion carried 8-0.

C. Discussion and Possible Board Action on Regulatory Proposal Regarding Sections 2036.1, 2064, 2065, 2065.2, 2065.6, 2065.7, 2065.8, 2066, 2066.1, and 2068.5 of Title 16 of the CCR Regarding Registered Veterinary Technician (RVT) School Approval and RVT Student Exemption

Ms. Del Mugnaio reviewed the history of the proposed regulations; they were drafted to better define the Board's responsibility for oversight of American Veterinary Medical Association (AVMA) accredited veterinary technology programs in California while not duplicating the AVMA's accreditation process. There were compliance issues identified in the Board's review of California accredited veterinary technology programs, such as student reporting and disclosure notifications. The intent of the proposed language is to not be duplicative of the accreditation process, but to maintain educational standards for California veterinary technology programs through monitoring and inspections, as needed. The Board agreed there is a need for program audit and inspection as necessary.

The Board discussed the cost to maintain an oversight program. Ms. Del Mugnaio noted the rulemaking process would identify costs to the Board and that it may be necessary to submit a budget change proposal to fund the oversight program.

- Judie Mancuso moved and Jennifer Loreda, RVT seconded the motion to accept the proposed RVT student exemption language. The motion carried 8-0.
- Dr. Mark Nunez moved and Kathy Bowler seconded the motion to authorize the Executive Officer and Board staff to prepare the necessary rulemaking documents, submit to the Business, Consumer Services, and Housing Agency and the Department of Consumer Affairs for review, and in the absence of any adverse comments, publish a 45-day Notice of Proposed Changes. The motion carried 8-0.

D. Discussion and Possible Board Action on Regulatory Proposal Regarding Sections 2070 & 2071 of Title 16 of the CCR Regarding Proposed Fee Increases

Ethan Mathes reviewed the Capitol Accounting Partners' (CAP) audit report and presented the staff's fee increase recommendation. The proposed increase would bring the Board into statutory Fund reserve

compliance of three to 10 months of reserve, and reverse the Board's ongoing structural imbalance. The Board discussed reasons for the current negative Fund condition that includes increased staffing, BreZE implementation, increased veterinary premises inspections, and higher enforcement-related expenditures.

Mr. Mathes noted that there are two main revenue sources for the Board, initial application fees and renewal fees. The proposed fee increases could be phased in over two years or wholly increased effective upon regulatory approval. Due to the timeline to implement regulations, any fee increase would occur in 2018 at the earliest. The Board and staff discussed the history of past regulatory fee increases; the last fee increase occurred in 2012, before the doubling of Board staff and the need to increase Board revenue expeditiously due to the current Fund condition. Staff's analysis of the fee increase considered the volume of initial versus renewal applications as a factor for increasing fees in specific revenue areas. Ms. Del Mugnaio added that staff considered comparative fees from other similar Boards.

The Board discussed its options and was in favor of implementing a fee increase immediately but suggested a review of internal management to ensure Board costs are appropriately considered. Ms. Del Mugnaio noted the CAP audit provided clear justification to increase staffing levels due to increasing workload volume. The Board discussed the direct impact of fee increases on applicants and licensees, the criticality of funding veterinary premises inspections, and increasing veterinary premises renewal fees to the statutory maximum.

- Judie Mancuso moved and Kathy Bowler seconded the motion to accept staff proposal 1 and increase veterinary premises fees to the statutory maximum. The motion carried 7-1. Dr. Richard Sullivan opposed the motion.
- Kathy Bowler moved and Judie Mancuso seconded the motion to authorize the Executive Officer and Board staff to prepare the necessary rulemaking documents, submit to the Business, Consumer Services, and Housing Agency and the Department of Consumer Affairs for review, and in the absence of any adverse comments, publish a 45-day Notice of Proposed Changes. The motion carried 8-0.

6. Multidisciplinary Advisory Committee Report – Dr. Jon Klingborg

A. Review, Discussion, and Possible Board Action on Multidisciplinary Advisory Committee Items and Recommendations

Dr. Jon Klingborg reported on the Multidisciplinary Advisory Committee (MDC) discussion; they assigned further research and discussion regarding registered veterinary technician extended duties to a subcommittee. Work continues on minimum standards for shelter medicine and the MDC hopes to have more information for the Board at its next meeting. Proposed language for drug compounding, drug information to clients, registered veterinary technician emergency aid, and sedatives in emergency situations has been completed and is ready for Board discussion at its next meeting.

- Jennifer Loreda, RVT moved and Kathy Bowler seconded the motion to accept the MDC report. The motion carried 8-0.

Dr. Klingborg noted the MDC's continuing priorities include the complaint audit task force and review and discussion of the California Veterinary Medical Association's (CVMA) Veterinary Premises Task Force. Ms. Del Mugnaio added that discussion on veterinary student exemptions (formerly part of Senate Bill 546) may be added to the MDC's priorities.

- Dr. Richard Sullivan moved and Dr. Cheryl Waterhouse seconded the motion to task the Multidisciplinary Advisory Committee to research, discuss and recommend action on the veterinary student exemption in Business and Professions Code Section 4830. The motion carried 8-0.

7. Review, Discussion, and Possible Board Action on Potential Legislation and Regulations Proposals Regarding Animal Physical Rehabilitation

Ms. Del Mugnaio reviewed the previous actions of the Animal Physical Rehabilitation Task Force and the specific motion regarding the supervision of veterinary assistants that was not adopted by the Board from the Board's April 2017 meeting.

- Dr. Richard Sullivan moved and Jennifer Loreda, RVT seconded the motion that a veterinary assistant must be under direct supervision of the veterinarian if they are delegated to provide animal physical rehabilitation. The motion carried 7-1. Alana Yanez opposed the motion.

The Board discussed and agreed to assign staff to draft regulations based on its motion. The Board continued discussion on the authority of licensed physical therapists to administer animal physical rehabilitation. Ms. Del Mugnaio reminded the Board it only has authority over veterinary medicine licensees in its Practice Act and any change to this authority would be required in statute. Discussion continued on the establishment of a veterinary-client-patient relationship (VCPR) in order to administer and delegate animal physical rehabilitation. The Board agreed that it would be advisable to establish a Frequently Asked Questions on the Board's website to help remind licensees of the provisions for the establishing a VCPR prior to providing animal physical rehabilitation.

8. Review and Discussion Regarding Veterinarians Prescribing/Using Medicinal Marijuana for Animals

Dr. Waterhouse reviewed the current Board policy regarding veterinarians prescribing/using medicinal marijuana on animals and reiterated the Board does not have a formal position but has summarized its understanding of the law with regard to the practice of veterinary medicine and medicinal marijuana. The Federal Drug Administration and Drug Enforcement Administration (DEA) continue to list cannabis and cannabinoid products as Schedule I drugs. The public and Board discussed the challenges of regulating this drug, options for reclassifying medicinal marijuana, the availability of hemp products for animal treatment, and whether veterinarians could address questions from consumers or make recommendations. The Board reiterated that due to the Federal scheduling of this drug, it cannot offer guidance to veterinarians.

Tara Welch offered to conduct research on laws exempting physicians from federal enforcement and how veterinarians may be in a similar position in terms of treating their clients. Prescribing and dispensing is a DEA issue but she offered to research whether a veterinarian discussing medicinal marijuana usage would be a violation of law.

9. Review and Update on the Board's 2015-2019 Strategic Plan/Accomplishments

Ms. Del Mugnaio reviewed and updated progress on the Board's 2015-2019 Action Plan. Staff will provide a summary of the Board's customer satisfaction survey at the October meeting; the Board's website redesign has been put on hold due to redirection of staff workload. *The Hospital Standards Self-Evaluation Checklist* has recently been approved by legal for publication and will go to print shortly. The

Checklist will be distributed to inspected premises and Board members. Dr. Sullivan requested the development of a form specifically addressing unlicensed activity complaints.

10. Discussion and Possible Board Action Regarding RVT Validation Study and Transition to Veterinary Technician National Examination

Ms. Del Mugnaio and Mr. Mathes updated on the history of the Board's transition to the Veterinary Technician National Examination (VTNE) and whether the Board should choose to return to a California-only examination. The comparison between the national and California veterinary technician occupational analyses will begin in late-2017. Jennifer Loreda noted the VTNE, combined with the California examination, is expensive for veterinary technician applicants.

Nancy Ehrlich testified that during the Board's transition to the VTNE, it was understood that examination fees would be reduced. She also questioned whether there are an appropriate number of items on the VTNE and whether there is appropriate content on the VTNE based on the examination plan in the *Candidate Information Bulletin*. She suggested the Board consider incorporating the California veterinary technician examination into the VTNE or adopt any other feasible possibility to assist veterinary technician applicants. Ms. Del Mugnaio cautioned that combining the National and State examination would still incur the expense of developing the California portion of the examination while not recouping the costs through the administration of an examination.

Tracy Montez noted the Board's administration of separate National and California examinations is consistent with other California licensing boards. She reviewed the examination development process and offered to provide more information on the Office of Professional Examination Services' policy for selection of subject matter experts who develop examination content. The examination plan dictates the content and number of examination items, there is no specific number of items that an examination should contain, but the number of items should be enough to obtain robust statistics and a create a large bank of examination questions

Ms. Loreda suggested the Board continue this discussion once the comparison between national and California veterinary technician occupational analyses is complete.

11. Review, Discussion, and Possible Board Action on Statutory Change Regarding the Elimination of the Veterinary Law Examination

Ms. Del Mugnaio provided background on the item and the OPES's recommendation to consider elimination of the Veterinary Law Examination (VLE) under certain circumstances. Mr. Mathes noted that the elimination of the VLE entirely would impact the basis for eligibility for veterinary reciprocity and university licensure applicants as required in Business and Professions Code. The VLE is used primarily as a teaching tool and should not be likened to a formal examination. Ms. Del Mugnaio added the terminology for the VLE could be changed in future legislation to reflect its use as a teaching tool.

The Board discussed the efficacy of the VLE and agreed it should be kept as a teaching tool. Ms. Del Mugnaio pointed out staff is exploring other means to administer the VLE, such as secure online administration, that would cut down on staff time devoted to administering the examination by paper.

12. Review, Discussion, and Possible Board Action Regarding Fee Audit Report

Dan Edds reviewed CAP's fee audit report and recommendations of Board revenues and expenditures. He explained CAP's method of determining and assigning costs to various Board functions and how its

proposed fee increases were derived. CAP recommended the Board increase licensing fees to recover the actual cost of operations as well as generate additional revenue for mandated reserves.

The Board discussed the recent increase in enforcement expenditures, including Attorney General and Office of Administrative Hearings expenditures and that a fee increase would be justified and necessary to recover these ongoing expenditures.

Note: Additional discussion on this item took place under Board Item 5.D.

13. Review, Discussion, and Possible Board Action Regarding Board Size and Structure

Ricardo De La Cruz reported the last increase the Board size and exempt level salary increase, “Level M”, occurred in 2014. He noted that the Board size and exempt level (Executive Officer) salary increase process starts with Board meeting discussion. Through a vote in open session, the Board may request a Board size and exempt salary level increase; the request would then go through the Department’s review.

Dr. Waterhouse noted that this topic came up due to the increase in license types, staffing, and workload. The Board discussed how it would determine an appropriate size and exempt level salary, the need for new classifications with a parallel look at the Executive Officer level and allow Board staff to grow if it is determined staffing levels are not appropriate. Mr. De La Cruz noted that it is up to the Board to decide on its size designation keeping in mind the volume of its licensing population, potential for growth, recent legislation and impact to the Board’s budget. The Board requested Mr. De La Cruz initiate a comparative study to determine an appropriate Board size designation. Mr. De La Cruz agreed he could provide information on comparative Department boards and Executive Officer salaries. Dr. Sullivan suggested the Executive Officer evaluation is added to the October meeting agenda.

14. 2017 Legislation Report; Possible Board Action to Adopt Positions on Legislative Items

A. SB 673 (Newman) Pet Lover’s specialized license plates

Ms. Del Mugnaio updated that Senate Bill (SB) 673 is in Appropriations. The Board supported the transfer of the responsibility in the Bill to the California Department of Food and Agriculture.

B. SB 547 (Hill) Professions and vocations: weights and measures

Ms. Del Mugnaio reported certain provisions in SB 546 were moved to SB 547 and stated the addition of language in BPC Section 27 regarding address of record privacy; the Bill is in Appropriations.

C. AB 485 (O’Donnell) Pet store operators: dogs, cats, and rabbits

Ms. Mancuso updated Assembly Bill (AB 485) is moving to the Senate floor.

D. AB 942 (Mathis) Personal income taxes: credit: veterinary costs

Ms. Del Mugnaio updated AB 942 failed in appropriations.

15. Public Comment on Items Not on the Agenda

Ms. Ehrlich noted that she believed certain sections of the California veterinary technician test plan are irrelevant to regular professional practice and should not be tested on the examination. Ms. Mugnaio

requested Ms. Ehrlich formally forward her concerns in writing to the Board and staff will research the matter.

16. Recess until July 27, 2017, at 9:00 a.m.

9:00 a.m. Thursday, July 27, 2017

17. Reconvene - Establishment of a Quorum

Dr. Waterhouse called the Board meeting to order at 9:05 a.m. Executive Officer, Ms. Del Mugnaio, called roll; eight members of the Board were present and thus a quorum was established.

18. Introductions

Board Members Present

Cheryl Waterhouse, DVM, President
Richard Sullivan, DVM, Vice President
Kathy Bowler, Public Member
Jennifer Loreda, RVT
Judie Mancuso, Public Member
Jaymie Noland, DVM
Mark Nunez, DVM
Alana Yanez, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer
Nina Galang, Administrative Program Coordinator
Dean R. Grafilo, DCA Director
Jennifer Iida, DCA Webcast
Ethan Mathes, Administrative Program Manager
Candace Raney, Enforcement Program Manager
Tara Welch, Legal Counsel

Guests Present

Nancy Ehrlich, California Registered Veterinary Technicians Association
Valerie Fenstermaker, California Veterinary Medical Association
Dean Grafilo, Director, Department of Consumer Affairs
Kristen Hagler, National Association of Veterinary Technicians in America
Grant Miller, California Veterinary Medical Association

19. Department of Consumer Affairs Update – Dean R. Grafilo, Director

Dean R. Grafilo, new Director to the Department of Consumer Affairs Director, introduced himself to the Board and provided an overview of his professional background. He considers staff the most important part of the Department and inquired how he could help the Board achieve its mission to protect consumers. The Board requested Mr. Grafilo help the Board continue to grow and look in to the Governor's travel ban, as it can be overly restrictive to the Board's participation in national associations and professional issues.

20. Board Chair Report – Dr. Cheryl Waterhouse

Dr. Waterhouse reviewed recent and upcoming outreach and training activities attended by the Board and Board staff. There was discussion on California Department of Food and Agriculture (CDFA) regulation of animal blood banks at the Pacific Veterinary Conference and concern whether veterinarians are complying with the law. Ms. Del Mugnaio confirmed the use of privately owned animals are lawful for animal blood banking.

Dr. Waterhouse continued that the American Association of Veterinary State Boards (AAVSB) held a webinar on telemedicine and unlicensed practice. The Governor has also restricted State employee travel to certain states. Dr. Waterhouse requested staff agendaize the CDFA's Antimicrobial Use and Stewardship Policies for the next Board meeting.

21. RVT Report – Jennifer Loredo

Ms. Loredo reported that the AAVSB's Job Analysis of the national veterinary technician profession is ongoing, there has been ongoing discussion regarding licensing foreign veterinary technicians, and the National Association of Veterinary Technicians in America (NAVTA) has formed an initiative to pursue state legislative changes to recognize the professional title of "veterinary nurse". She requested drug compounding be added as an allowable veterinary technician duty in the proposed drug compounding regulation.

A. National Association of Veterinary Technicians of America Specialty Recognition of the Academy of Physical Rehabilitation Veterinary Technicians

Kristen Hagler reported on NAVTA's Academy of Physical Rehabilitation Veterinary Technicians (APRVT) program, described the content of the program, requirements for the specialty, and program examination requirements. The first APRVT program examination will be held in August 2018. There are a set of requirements, referenced on NAVTA website, including specialty education, being a recognized expert in the field, and having practical experience. The APRVT specialty program renewal process is every five years.

The Board discussed the APRVT program and how it compares to existing animal rehabilitation programs, the cost of completing the program, and the potential of the program examination becoming hands-on instead of multiple choice.

Ms. Hagler noted the APRVT program is nationally recognized and that its high number of program applicants reflects the professional interest in veterinary technician physical rehabilitation skills. NAVTA is supportive of direct supervision for registered veterinary technicians performing animal rehabilitation.

22. Report on the International Council for Veterinary Assessment Survey – Kathy Bowler

Kathy Bowler requested the Board defer the International Council for Veterinary Assessment (ICVA) Survey item to the next Board meeting.

23. Executive Officer & Staff Reports

A. Administrative/Budget

Mr. Mathes reported on the Board's Expenditure Report and recent Budget Change Proposal (BCP). The BCP has increased the Board's Attorney General and Office of Administrative Hearing appropriation due to historical growth in these expenditures.

Ms. Ehrlich asked how many Veterinary Assistant Permit holders have been rejected due their background check. Mr. Mathes noted there are several hundred Permit holders with fingerprint issues to date. The Board requested information on the staff's application process when an applicant has a fingerprint response on their background check.

The Board discussed the tight budget condition and whether it would be able to reduce some expenditures. Mr. Mathes noted most Board expenditures are encumbered, however some contracts with the Board are liquidated at Fiscal Year-end which would reflect additional funds available in the budget. Ms. Del Mugnaio noted that an increase in the volume of complaints to the Board have led to an increase in enforcement-related expenditures.

B. Enforcement

Candace Raney reported on enforcement personnel changes, complaint intake, and enforcement case aging history. The Board requested additional historical information including number of complaints, number of cases, and days to process cases. Ms. Raney noted that an unlicensed activity complaint form may be added to the Board's website as a separate form if necessary. Attorney General (AG) expenditures have gone up due to increased cases being sent to the AG's office for adjudication. Aging cases are being completed and the average time to close these cases has gone down significantly as staff focuses on these aged cases. Dianne Sokoloff offered that she could provide case aging statistics.

Ms. Raney reported the probation unit is monitoring 94 probationers. The Board asked whether any probationers have failed their probation requirements; Ms. Raney noted four have had issues and are in the process of being referred to the Attorney General's Office to revoke probation.

The Board asked how many complaints include unlicensed activity and requested staff break down complaint numbers to include both licensed and unlicensed activity. Ms. Raney noted staff has stopped issuing cease and desist letters for unlicensed activity and now issues citations and fines to these individuals.

C. Licensing/Examination

Mr. Mathes reported on recent personnel changes. He was unable to provide veterinary technician pass rates by school, but will provide those statistics at the next Board meeting. The Board reviewed the historical licensing population graphs; Mr. Mathes noted the spike in veterinary technician applicants was due to the temporary Limited Term Examination Window application pathway in 2009-2010.

D. Hospital Inspection

Patty Rodriguez updated on personnel changes, inspector training and outreach. The Board's annual inspector training is scheduled in August and among the speakers the Drug Enforcement Administration will be presenting. Inspections did not meet their 20% goal due to budget constraints, however all

complaint-related inspections have been sent out for inspection. The Board discussed their concern for inspection funding and ensuring the Board’s inspections mandate. Ms. Del Mugnaio noted staff has attempted to obtain additional inspection program funding through the budgetary process and by making inspections required in statute. The Board agreed hospital inspections are mission critical and are also a good method to educate veterinary hospitals.

Ms. Del Mugnaio reviewed common inspection violations and noted that inspectors make recommendations in common compliance areas such as record keeping. Dr. Grant Miller offered that the California Veterinary Medical Association has published a list of the top 10 violations and the Board is welcome to resource the article.

24. Future Agenda Items and Next Meeting Dates – October 18-19, 2017 (Fresno)

A. Agenda Items for Next Meeting –

B. Multidisciplinary Advisory Committee Meetings – October 17, 2017 (Fresno)

Ms. Del Mugnaio noted future meeting dates in October 2017 and 2018. The following will be agenda items at upcoming meetings:

Legislative Report	Tattooing Spay and Neutered Animals
Drug Compounding Language	Medicinal Marijuana and Animals
Drug Counseling Language	SB 27 Update
RVTs in Emergency Situations	RVT Examination Validation Study
ICVA Survey Report	Facility DEA Licenses
Pathways for Foreign Educated RVTs	Telemedicine
C DFA Antimicrobial Stewardship Use	Corporate Practice of Veterinary Medicine

CLOSED SESSION

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

AV 2015 33

The Board adopted the Stipulated Settlement.

460 2017 000 337

The Board adopted the Stipulated Settlement.

AV 2015 45

The Board non-adopted the Stipulated Settlement and proposed a modification.

AV 2009 10

The Board non-adopted the Stipulated Settlement and proposed a modification.

1002459421

The Board adopted the Stipulated Settlement.

460 2016 000 404

The Board adopted the Proposed Decision.

460 2017 0000 145

The Board adopted the Proposed Decision.

1002508871

The Board adopted the Proposed Decision.

AV 2015 1

The Board non-adopted the proposed decision and proposed a modification.

RECONVENE OPEN SESSION

26. Adjournment

The Board adjourned at 3:08pm.

Veterinary Medical Board

State of California



Board and Committee Member

Administrative Procedure Manual

(Rev 2016)

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CHAPTER 1**Introduction****Mission**

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

Vision

The vision of the California Veterinary Medical Board is to create an environment in which Californians have access to high-quality veterinary care for all animals.

Overview

The VMB was created in 1893 as a licensing program. Licensing is used to regulate veterinarians and protect the public in all fifty states, territories, and Canada.

The Veterinary Medical Board is one of a number of boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the State and Consumer Services Agency under the auspices of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the VMB sets its own policies, procedures, and regulations.

The VMB is comprised of eight members. Four veterinarians, three public members and one registered veterinary technician (RVT). The Governor appoints four veterinarian members, one RVT and one public member. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member. Board members may serve up to two full four-year terms. In addition to the two full four-year terms, Board members may serve the partial term of the vacant position to which they are appointed and up to a one year grace period after a term expires. Board members fill non-salaried positions but are paid per diem for each Board meeting, committee meeting and other meetings approved by the President of the Board. Travel expenses are also reimbursed.

This procedure manual is updated as necessary and provided to VMB board and committee members as a ready reference of important laws, regulations, DCA policies and VMB policies. It is designed to help guide the actions of the Board and committee members and ensure effectiveness and efficiency.

CHAPTER 2

Board Meeting Procedures

Frequency of Meetings

Business and Professions (B&P)
Code section 4808
Board policy - The requirement to meet is in the B&P code. The frequency of the meetings is determined by the Board.

The Board meets at least four times annually to make policy decisions and review committee recommendations. Special meetings may be called at any time by the President or by any four members of the Board, upon notice of such time and in such manner as the Board may provide.

The Board endeavors to hold meetings in different geographic locations throughout the state when possible as a convenience to the public and licensees.

Board Member Attendance at Board Meetings

Board Policy

Board members must attend each meeting of the Board. If a member is unable to attend he/she is asked to contact the Board President or the Executive Officer and ask to be excused from the meeting for a specific reason.

Board Member Participation

Board Policy

The Board President may contact members who have missed three consecutive meetings to determine the reason they have been absent and whether or not the member is able to continue serving as an active member of the Board. In some cases, the President may suggest that the member consider resigning.

The Board, by resolution, may request in writing to the appointing authority that a member be replaced. The member shall be notified in writing of such proposed action and be given the opportunity to present to the Board his/her written or oral arguments against such action prior to the Board adopting the resolution.

Public Notice/Information at Board Meetings

California Government Code
(CGC) section 11120 et. Seq.

Meetings are subject to all provisions of the Bagley-Keene Open Meetings Act. This act governs meetings of the State regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda. Any general discussion of exams or disciplinary procedures shall be held in public.

The Board may meet in closed session to discuss examinations, deliberate on enforcement cases, and review personnel issues where a public discussion would compromise the integrity of the examination, a disciplinary case, or a personnel issue. If the agenda contains matters that, on advice of legal counsel, are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

B & P Code section 4807	<p>Quorum Five members of the Board constitute a quorum for transaction of business at any meeting of the board. At a meeting duly held at which a quorum of five members is present, a concurrence of three members of the Board present shall be necessary to constitute an act or decision of the Board. When six or more members of the Board are present at a meeting duly held, the concurrence of five members is necessary to constitute an act or decision of the Board.</p>
Board Policy	<p>Agenda Items Agenda items are generally discussed and agreed upon at a full board meeting. Additional agenda items for a Board meeting from any source, including Board members, must be submitted to the Executive Officer at least 21 days prior to the meeting. The Executive Officer may confer with the Board President prior to adding items to the meeting agenda.</p>
CGC section 11120 et. seq.	<p>Notice of Meetings According to the Open Meeting Act, meeting notices (including agendas for Board meetings) must be sent to persons on the Board's mailing list and posted on the Board's web site at least ten (10) calendar days in advance. The notice must include a staff person's name, work address and work telephone number to provide further information prior to the meeting.</p>
Board Policy	<p>Record of Board Meetings The minutes are a detailed summary of each Board meeting, not a transcript. Board minutes must be approved at the next scheduled meeting of the Board. Once approved, the minutes serve as the official record of the meeting.</p>
CGC section 11124.1 et. seq.	<p>Webcast Whenever feasible, the Board shall webcast its meetings. An archive of the meeting shall be available for review on the DCA website. If webcast is not feasible at a particular meeting site, the Board will have written transcript of the meeting.</p>
Board Policy	<p>Meetings Rules The Board will use Robert's Rules of Order to the extent that it does not conflict with State law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting the meetings.</p> <p>The Vice President of the Board may serve as meeting parliamentarian.</p>

CHAPTER 3**Travel & Salary Policies/Procedures**

DCA Memorandum 91-26

Travel Approval

Board members must have Board President approval for all travel, including out of state travel, except for regularly scheduled Board and Committee meetings to which the Board member is assigned.

The Board President and the Executive Officer must use the Board's annual budget and DCA Travel Guidelines when considering travel requests.

Board Policy

Travel Arrangements

Board members should attempt to make their own travel arrangements, including airfare, lodging, and rental cars. Board members should use the State contract airline, Southwest, whenever possible. Once appointed and all paperwork is completed by DCA, Board Members will be assigned a CalAters login. The Board Administrative Staff will assist in setting up a profile for each member through the Statewide Travel Program "Travel Store".

SAM section 700 et seq.

Out-of-State Travel

All out of state travel for all persons representing the State of California must be approved by the Board President and is ultimately controlled and approved by the Governor. Once approved for out of state travel, Board members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Travel prior to approval by the Governor is at the individual Board member's own risk and reimbursement may be denied.

SAM section 700 et seq.
DCA memorandum 91-26**Travel Claims**

Rules governing reimbursement of travel expenses for Board members are the same as for management level State staff. All expenses are claimed on the appropriate travel expense claim forms. The Board Administrative Staff will maintain these forms and complete them as needed. It is advisable for Board members to submit their travel expense forms within two to four weeks immediately after returning from a trip. Expenses for trips submitted after the close of a fiscal year may not be reimbursed.

The DCA travel unit uses the Internet at Google Maps to calculate standard mileage reimbursement. If travel includes side trips other than traveling direct from one point to another and returning, each stop must be itemized and an address included. Additional mileage is calculated via the Google Maps and is required to be included with the claim.

B&P Code section 103

Salary Per-Diem

Compensation, salary per diem and reimbursement of travel and other related expenses for Board members is regulated by Business and Professions Code Section 103.

In relevant part, this section provides for the payment of salary per diem for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Board Policy

Travel Reimbursement and Payment of Salary Per Diem

Accordingly, the following general guidelines must be adhered to in the payment of salary per diem or reimbursement for travel:

Board members attending meetings or events to perform a substantial Board related service are paid per diem and reimbursed for travel-related expenses. Attendance at gatherings, events, hearings, conferences or meetings other than official Board or Committee meetings are to be approved in advance by the Board President and the Executive Officer.

The term "day actually spent in the discharge of official duties" means such time as is expended from the commencement of a Board meeting or Committee meeting to the conclusion of that meeting. Where it is necessary for a Board member to leave early from a meeting, the Board President shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

Unless it is an unanticipated emergency, Board members must get prior approval from the Board President to leave a meeting early. Because the Board only meets four times a year, Board members are expected to make every effort to stay for the duration of the meeting and make their travel arrangements accordingly.

For Board specified work, Board members are compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; or policy and case review activities. Compensation for preparatory time is paid when eight hours is accrued.

Members must submit time sheet summary forms for actual work performed outside a Board meeting in order to be compensated.

CHAPTER 4

Other Policies/Procedures

Board Member Disciplinary Actions

Board Policy

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice President of the Board shall sit as chair. In accordance with the Public Meeting Act, the censure hearing shall be conducted in open session.

Removal of Board Members

B & P Code sections 106 and 106.5

The Governor has the power to remove from office at any time any member of any board appointed by him/her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct.

The Governor may also remove from office a board member who directly or indirectly discloses examination questions to an applicant for licensure.

Resignation of Board Members

CGC section 1750

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of the Department, the Board President, and the Executive Officer.

Officers of the Board

B & P Code section 4804

The Board shall elect from its members a President, and a Vice President, to hold office for one or two years, or until their successors are duly elected and qualified.

Election of Officers

Board Policy

The Board may elect the officers at its fall meeting to serve a term of one year, beginning on January 1. In the normal course of events, Board officers should be prepared to serve first as Vice President and then as President, for the length of term decided by the Board. Officers may be re-elected for one consecutive term. All officers may be elected on one motion or ballot as a slate of officers unless objected to by a Board member. Elections are usually scheduled for the October meeting with the new officers assuming office in January at the next regularly scheduled board meeting.

Officer Vacancies

Board Policy

If the Office of the President becomes vacant, the Vice President assumes the office of the President and the Board

holds an election for Vice President;

Access to Board Files and Records

Board Policy

No Board member may access a licensee, applicant or complaint file without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records must not be removed from the Board's office.

Communications with Other Organizations/Individuals

Board Policy

The Executive Officer, his or her designee, or the Board President serve as spokesperson to the media on Board actions, policies, or any communications that is deemed sensitive or controversial, to any individual or organization. Any Board member who is contacted by any of the above should terminate the contact and inform the Executive Officer or the Board President.

Legal Opinions – Requests from Outside Parties

Board Policy

The Board does not provide legal services for persons or entities outside the Board staff. Requests for legal opinions from outside entities are to be discussed with the Board President and Legal Counsel to determine whether it is an issue over which the Board has jurisdiction and the opinion, if prepared, could be posted on the Board's web site and benefit the general public rather than one individual. Persons making such requests would be notified that the Board will not be responding directly to their request, but will post the opinion on line when it is final.

Board Staff

DCA Reference Manual

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Officer.

Board Administration

DCA Reference Manual

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer under the supervision of the Board President.

Examination Preparation

Each person having access to examination content shall sign a security agreement.

B & P Code section 110	<p>Correspondence Originals of all correspondence received must be maintained in the Board's office files. Copies of such correspondence must be given to the Executive Officer and/or Board members as required.</p>
CGC section 11146 et seq. Board Policy	<p>Ethics Training Ethics training for continuing and new Board members will be accomplished in accordance with the law and DCA procedures.</p>
Board Policy	<p>Contact with Licensees Board members must not intervene on behalf of a licensee for any reason. They should forward all contacts or inquiries to the Executive Officer.</p>
DCA Reference Manual	<p>Contact with Complainant/Respondent Board members should not directly participate in complaint handling and resolution or investigations. To do so would subject the Board member to disqualification in any future disciplinary action against the licensee. If a Board member is contacted by a complainant/respondent or his/her attorney they should refer the individual to the Executive Officer or Board staff.</p>
Board Policy	<p>Gifts from Candidates Gifts of any kind to Board or Committee members or the staff from candidates for licensure with the Board are not permitted.</p>
CGC section 87100	<p>Conflict of Interest No Board member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or Board President.</p>

CHAPTER 5**Board President**

The duties of the Board President include, but are not limited to:

Supervision of Executive Officer

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

The incoming Board President assumes all delegated duties at the next quarterly meeting, including supervision of the Executive Officer.

The Board President is the immediate supervisor of the Executive Officer. Specific instructions for work on Board policy matters by the Executive Officer from board members shall be coordinated through the Board President.

It is critical that individual Board members not intervene or become involved in specific the day-to-day board office operations. However, it is also critical that the board hold the Executive Officer accountable for supervising these operations, including workload issues, staff vacation and sick leave balances, labor/personnel disputes, personal actions, etc.

Tracking the Executive Officer's performance and accountability throughout the year is accomplished by direct and frequent oral, written, and in person communications between the Executive Officer and the Board President. In addition, the Executive Officer is responsible for keeping the full board informed throughout the year (when appropriate) as to occurrences and information that come to the office in between meetings.

Performance Appraisal of Executive Officer

The Board evaluates its Executive Officer on an annual basis. At the April Board meeting, the Board President, or his/her designee, requests that each Board member complete and submit an "Executive Management Appraisal" document as input to the Executive Officer's annual performance appraisal. The completed forms shall be mailed directly back to the Board President or his/her designee. The input from individual members shall be used to prepare a draft appraisal for review at the first meeting of the fiscal year.

The written summary performance appraisal is presented to the Board and the Executive Officer at its July Board meeting. Following review and discussion by the full Board, the appraisal shall be discussed with the Executive Officer. Actions requiring corrective measures shall include specific remedies and reporting timeframes.

Matters relating to the performance of the Executive Officer

B&P section 4804.5
Board Policy

CGC section 11126(a)(4)
Board Policy

are discussed by the Board in closed session unless the Executive Officer requests that it be discussed in open session.

CHAPTER 6

Executive Officer

Appointment

B&P section 4804.5

The Board appoints an Executive Officer who is exempt from civil service and serves at the pleasure of the Board.

Role

California Code of Regulations (CCR) section 2003

The Executive Officer is the Board's chief executive officer. He or she implements the policies developed by the Board.

Recruitment

Board Policy

The Board may institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It may also utilize proven equal employment opportunity and personnel recruitment procedures.

Selection

CGC section 11125

Board Policy

A qualified candidate for Executive Officer must demonstrate the ability to supervise employees, handle conflict resolution and complaint mediation, conduct public speaking. The Executive Officer must also demonstrate effective written and verbal communication skills and knowledge and expertise in the areas of legislation, regulations, administration, examination, licensing, enforcement, legislation and budgets. The selection of a new Executive Officer is included as an item of business, which must be included in a written agenda and transacted at a public meeting.

CHAPTER 7

Board Committees

Standing Committees

Board Policy

The committee meetings are held as needed at the direction of the full Board and are fully within the scope of the public meeting act. In light of the Board's limited resources, these meetings are a cost-efficient and legal means of gathering information for discussion by the full Board which enhances the process of the Board's public meetings and addresses the needs of the profession and consumers in California.

Committee Appointments

Board Policy

The Board President establishes committees, whether ad hoc or special, as he or she deems necessary. The Board President determines committee composition and member appointments, including, but not limited to liaison appointments. When necessary, committee members may make recommendations for new members.

Ad hoc committees may include the appointment of non-Board members. When appointing non-Board members, all impacted parties should be represented.

Board Policy	<p>Attendance at Public Committee Meetings Non-committee Board members may sit in the audience and participate in meeting discussions, unless there is a quorum of Board members in the room. If there is a quorum present (5), non-committee Board members may sit in the audience, but may not participate in the meeting discussions.</p>
Board Policy	<p>Meeting Rules Committee meetings are conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act. Committees with two members can meet as necessary without a public notice and can hold teleconference call meetings with the designated staff person participating on the call as necessary. Committee meetings involving three or more members are subject the Open Meeting Act Requirement and must be noticed as a public meeting.</p>
Board Policy	<p>Committee Meeting Agendas/Public Notice (3 members) Agendas should focus on the specific tasks assigned by the Board and include:</p> <ul style="list-style-type: none"> • Public comment • Time for committee members to recommend new areas of study to be brought to the Board's attention for possible assignment. • Only those information items dealing with subjects assigned to the respective committee. <p>If more than two Board members attend a Committee meeting, the agenda shall contain the statement: "Notice of a Board meeting indicates that three or more members of the Board are present. While the law requires the Board to notice this meeting as a Board meeting, it is not the intent to take action as a Board at this meeting."</p>
Board Policy	<p>Record of Committee Meetings As with the Board meetings, the minutes are a summary, not a transcript, of each committee meeting. Committee minutes may be approved at the next scheduled Board meeting and serve as the official record of the meeting. Approved minutes of the open session are available for distribution to the public and shall be posted on the Board's web site.</p>
Board Policy	<p>Recruitment The Board members may assist in recruiting interested persons to serve on committees, e.g., examination item writing, item reviewing, and Angoff workshops.</p>
Board Policy	<p>Staff Participation The EO and Staff Service Managers (SSM) will provide advice, consultation and support to Committees.</p>

Board Policy	<p>Video Recording Public committee meetings are Video recorded.</p>
Board Policy	<p>Executive Committee The Executive Committee shall consist of the President and the Vice President and the Executive Officer. The Committee handles time-sensitive policy issues related to budgets, legislation, and regulatory issues that may surface necessitating immediate Board input. The Executive Committee shall report any action it takes on a particular matter to the full Board at the next Board meeting.</p>
Board Policy	<p>Advisory and Ad Hoc Board Committees Board committees are advisory in nature and recommend actions to the Board and are established by the Board as needed. Committee recommendations and reports shall be submitted to the Board for consideration and possible action.</p>
B&P Code Article 2.5, Section 4809.8	<p>Multidisciplinary Advisory Committee (MDC) The Multidisciplinary Advisory Committee (MDC) is a statutory committee that was created to advise the Board on issues relating to enforcement, hospital inspections, citations and other issues relating to the profession as a whole.</p> <p>The MDC consists of nine (9) members: four licensed veterinarians, two registered veterinary technicians, one public member, and two liaisons of the Board, a veterinarian and the registered veterinary technician. The public member shall not be a licentiate of the Board or of any other board under this division or of any board referred to in Sections 1000 and 3600.</p> <p>The members of the MDC hold office for a term of three years. Committee members may serve up to two full three-year terms. In addition to the two full three-year terms, Committee members may serve the partial term of the vacant position to which they are appointed and up to a one-year grace period after a term expires. Committee members fill non-salaried positions but are paid per diem and travel expenses for each committee meeting and other meetings approved by the President of the Board.</p> <p>The Committee meets three times per year unless otherwise approved by the Board.</p> <p>Vacancies occurring are filled by appointment by the Board. The Board will remove from office at any time any member of the MDC for continued neglect of any duty, conflict of interest, incompetence, or unprofessional conduct.</p> <p><u>Recruitment efforts for upcoming vacancies on the MDC shall begin at least 6 months prior to the expiration of the said term. The Board shall advertise vacancies on its website and shall work with professional associations and</u></p>

other consumer groups to notify the public of the recruitment process. All new applicants seeking a position on the MDC shall submit a letter of interest, along with a resume, curriculum vitae (CV), or both, to the Board. Upon receipt of a letter of interest, Board staff will perform a prospective committee member compliance evaluation to ensure that potential appointees adhere to California's various statutory and regulatory requirements. The Board shall select the candidates to be interviewed by the Board at a scheduled public Board meeting. Interviews may be conducted by telephonic means at the Board's discretion, provided the telephonic participation is duly noticed on the meeting agenda. Alternately, the Board may establish an Elections Committee comprised of the Board President, Vice President, and Executive Officer to hold interviews for the purpose of making candidate recommendations to the full Board. The selection an MDC member shall be made at a Board meeting. MDC members seeking reappointment are not required to be interviewed, unless requested by the Board.

The MDC's role is to assist, advise and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement of the California Veterinary Medicine Practice Act and to assist the Board in its examination, licensure and registration programs (a quote from Section 4809.8).

Commented [WT1]: To resolve issue of getting resumes in advance of interview so opportunity to review.

Commented [WT2]: For your consideration. Seems helpful for applicants and members to know that there will be a prereview to make sure that any licensure requirements have been met (if applicable), and to check for potential conflicts of interest.

Commented [DA3]: Tara- The Board requested flexibility to interview candidates by telephonic means so that candidates did not have incur travel expenses to attend a Board meeting for an interview. I'm not sure if that would be permissible under the OMA? Please advise.

Commented [WT4R3]: This would be permissible as long as the applicant calls in from a publicly available location as noticed on the agenda or, if the whole meeting is by teleconference, appears with a Board member at a publicly available location. (See Gov Code sec. 11123(b)(1)(C).) An alternative to consider would be to include a step for either the Board President, Vice President, and EO to hold interviews (might speed up the process), and have that "elections committee" evaluate the potential appointees to determine if a recommendation to the full Board should be made. Accountancy Board does something similar to this idea. If a new next step is added, the last sentence of this paragraph will have to be tweaked.

Commented [WT5]: Changed to "establish" for consistency with similar Board action (i.e., BPC sec. 4809.8).

Commented [WT6]: Added to clarify the topic of recommendations.

CHAPTER 8

Association Membership

AAVSB

Board policy

The Board maintains membership in the American Association of Veterinary State Boards (AAVSB). The Board also strives to maintain representation on the Executive Board of the AAVSB by supporting members interested in participating as an AAVSB board member.

NBVME

Board policy

The Board strives to maintain representation on the National Board of Veterinary Medical Examiners. Membership on this board is critical to California since it provides representation in the development and administration of the North American Veterinary Licensing Examination (NAVLE).

CHAPTER 9

Enforcement and Information

Complaint Disclosure

Board Policy

General complaints are not subject to disclosure. In a citation and fine action, the Board shall provide the public, upon request, with a copy of a final Citation and Fine document. Citations are public information for five years from the issue date and are then destroyed and the record of the action

expunged as per the Board's Records Retention Schedule.

The Board only provides citation and fine information in response to specific, individual written requests. The Board does not publish individual names of licensees or registrants and does not report such actions to the National Disciplinary Database.

Disciplinary Actions

Board policy

The Board provides information regarding formal discipline/accusations only after the case has been transferred to the Office of the Attorney General.

Board staff makes the following disclosure statement: "An investigation has been conducted and the case has been forwarded to the Attorney General's Office for consideration of possible action. At this time, there has been no determination of wrong-doing."

An "accusation" is the first public document in any case. The accusation is prepared and filed by the Deputy Attorney General (DAG). Once the accusation is filed, it is a public document and available on written request. If the accusation results in a final order/decision, once the decision is final, it is also available to the public upon written request.

All final decisions by the Board following formal disciplinary proceedings of alleged violations of the Act shall be published on the Board's web site and in its newsletter after the effective date of the decision. Final decisions shall be reported to the National Disciplinary Database within 30 days of the effective date.

Directory of Licensees

DCA/Board Policy – Adopted

A directory of all licensees containing, name, address, type of license, license number, and expiration date shall be published on the Board's web site.

Licensee Disciplined in Other States

Board Policy

The Board considers enforcement action against California licensees who have been disciplined in other states in accordance with B&P section 4883 (n).

The Board's enforcement staff determines if there are grounds for disciplinary action in California and take appropriate action.

Holding or Rejecting a Stipulated Settlement or Proposed Decision

Board Policy

As a general rule, most stipulated settlements and proposed decisions are well reasoned, consistent with the board's disciplinary guidelines, and may be adopted consistent with sound public policy. If they are not, consider rejecting (or "nonadopting") such decisions. If it is difficult to make that determination, however, stipulated settlements and proposed

decisions should be held for closed session discussion.

Consider rejecting a Stipulated Settlement or an ALJ's Proposed Decision in these circumstances:

1. The stipulated settlement or proposed decision does not provide sufficient public protection given the nature of the violations. For example, important terms of probation are missing, the probationary period is too short, probation is not appropriate, or other significant unexplained deviations from your board's disciplinary guidelines.
2. The ALJ made an error in applying the relevant standard of practice for the issues in controversy at the hearing. (Proposed Decision)
3. The ALJ made an error in interpreting law and/or regulations. (Proposed Decision)

Consider holding a case for closed session discussion when:

1. You are unsure whether the stipulated settlement or proposed decision protects the public and would like to discuss the merits with other board members.
2. You are unsure about the ALJ's reasoning and description. (Proposed Decision)
3. If you believe a discussion of the practice issues with licensee members may make it easier for you to make a decision.
4. If you are unsure whether the ALJ's decision is consistent with the law. (Proposed Decision)
5. After discussion with the assigned board attorney, you still have questions about the case.

Typically, a vote to hold any Proposed Decision for closed session discussion requires a hold vote by two (2) or more Board members.

Petition for Reconsideration

Eligibility to Petition for Reconsideration is limited to Proposed Decisions. A Petition for Reconsideration is the first step available to a party in contesting a final order. This process is governed by Government Code Section 11521. The Board may order Reconsideration of all or part of the case on its own motion or on Petition of any party.

The process, generally, is as follows:

- Petition for Reconsideration is submitted to the Board by Respondent.
 - If additional time is needed to evaluate the Petition filed prior to the expiration of the applicable periods provided under Government Code section 11521(a), the Executive Officer will issue a 10-day Stay of

Decision (Attachment 1)

- o The Board reviews the Petition to determine if it will issue an Order Granting Reconsideration or Order Denying Reconsideration.

Commented [WT7]: An alternative is to generally state that a stay of the effective date of the decision may be granted.

Denial of a Petition for Reconsideration

- If the Board takes no action on the petition, votes to DENY the Petition for Reconsideration, or if there are insufficient votes to reach a quorum in favor of the petition,
- ~~The~~ Decision will remain as issued and will become effective as originally ordered

Grant of a Petition for Reconsideration

- If the Board votes to GRANT the Petition for Reconsideration, the Decision and Order will NOT become effective
 - o The Order Granting Reconsideration will be sent to Respondent and the order will stay the effective date of the Decision indefinitely. (sample attached)
 - o The Board President will issue an Order Fixing Time for Submission of Written/Oral Argument (Attachment 2)
 - Only the Board President has the authority to extend the deadline for submission of Written/Oral Argument
 - o Board staff will order transcripts from the hearing
 - o Upon close of the Fixed Time for Submission of Written/Oral Argument and receipt of hearing transcripts, the Petition is sent to the Board for review.
 - Written/Oral Argument (Board may choose to accept either or both)
 - Argument/New Evidence (Board may choose to accept either or both)
 - o The matter will be discussed in closed session at the next regularly scheduled Board meeting during which the Board can decide to:
 - uphold the original decision
 - Order prepared by DCA Legal Counsel
 - reduce the penalty
 - Order prepared by DCA Legal Counsel
 - remand the matter back to the ALJ for taking and evaluation of further evidence
 - Other options according to Government Code Section 11517

B&P Code section 4887
and CGC section 11522

Petition for Modification of Penalty or Reinstatement

In petitioning for Modification of Penalty or Reinstatement under Business and Professions Code Section 4887 and under Government Code Section 11522, the petitioner has the burden of demonstrating that he or she is fit to safely engage in the practice of veterinary medicine within the scope of current law and accepted standards of practice.

A Petition for Modification of Penalty or Reinstatement may be filed 1 year or more from the effective date of the disciplinary decision. However, in accordance with Business and Professions Code § 4887, the Board may deny without a hearing or argument any petition filed within a period of two years from the effective date of the prior decision following a hearing.

The process for filing of a Petition for Modification of Penalty or Reinstatement is as follows:

- Petitioner files the Petition accompanied by all supporting documentation.
- The matter is referred to the Division of Investigation for investigation (Petition for Reinstatement).
- The Petition and investigation report are referred to the Office of the Attorney General for assignment to a Deputy Attorney General.
- The matter is set for hearing before the Board in open session at the next regularly scheduled Board meeting.
- The hearing takes place in open session before the Board and an Administrative Law Judge.
- The Board considers and decides the matter in closed session.
- The Decision and Order is prepared by the Administrative Law Judge.
- The Decision and Order is forwarded to DCA Legal Counsel.
- DCA Legal Counsel forwards the Decision and Order to the Board for review and confirmation that the document accurately represents the Board's Decision.
- The Decision and Order is served on Respondent via regular and certified mail.

CHAPTER 10**Continuing Education****CE Course Evaluation/Waiver Requests**

Board and/or committee members may assist staff in evaluating the information provided for CE courses and for a waiver request for purposes of possible denial of license or disciplinary action.

Board members who assist staff in reviewing CE information

Board policy

may need to recuse from voting on any case they reviewed that results in discipline. The information in waiver requests is confidential and care must be taken to return all documentation to the Board office.

CHAPTER 11

Abbreviations and Acronyms

Agencies

VMB	Veterinary Medical Board
RVTC	Registered Veterinary Technician Committee
MDC	Multidisciplinary Advisory Committee
DCA	Department of Consumer Affairs
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
OPES	DCA Office of Professional Examination Resources

Codes

B&P	Business and Professions Code
CAC	California Administrative Code
CCR	California Code of Regulations
CGC	California Government Code

Organizations

AAVSB	American Association of Veterinary State Boards
AVMA	American Veterinary Medical Association
CVMA	California Veterinary Medical Association
CPIL	Center for Public Interest Law
NBVME	National Board of Veterinary Medical Examiners
RACE	Registry of Accredited Continuing Education
VIVA	Veterinary Information Verifying Agency

CHAPTER 12

Conclusion

The Board Member Administrative Procedure Manual serves as a reference for important laws, regulations, DCA policies and Board policies. Its function is to guide the actions of the Board members and ensure Board effectiveness, efficiency, and consistency. Although reviewed by legal counsel, it is not a legal opinion.

CHAPTER 13

References

Many of the procedures in this manual are specific to the Board. Others are generic for all boards and bureaus in the Department of Consumer Affairs consistent with State law. References for additional information are:

Board Member Orientation and Reference Manual, DCA

Business and Professions Code, sections 4800-4917 and California Code of Regulations, sections 2000-2082 of the California Veterinary Medicine Practice Act – 2002. California Government Code, sections 1750, 11120 et seq. 11146 et

seq. State Administrative Procedures Act, section 700 et seq.

Attachments

1. Order Granting 10-day Stay of Execution
2. Order Fixing Date for Submission of Written Argument

Attachment 1

**BEFORE THE
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation against:

Case No. AV 1234 56

JOE VETERINARIAN, D.V.M.
1234 Main Street
Anytown, CA 12345

OAH No. 0123456789

Veterinary License No. VET 1234

Respondent.

ORDER GRANTING 10-DAY STAY OF EXECUTION

On ~~August 15, 2014~~November 1, 2017, the Veterinary Medical Board (Board) issued its Decision and Order in the above entitled matter. On ~~August 25, 2014~~November 27, 2017, Respondent filed a ~~motion requesting that the Board vacate the Decision and Order and grant a hearing~~petition for reconsideration. The effective date of the Decision and Order is ~~September 14, 2014~~December 1, 2017.

Pursuant to 11521(a) of the Government Code, the Board hereby GRANTS a stay of execution of the effective date of the Decision and Order in the above-stated case for ten (10) days, solely for the purpose of considering the motion.

IT IS SO ORDERED this ~~28th~~^{3rd} day of ~~September,~~
~~2014~~November, 2017.

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

Attachment 2

**BEFORE THE
 VETERINARY MEDICAL BOARD
 DEPARTMENT OF CONSUMER AFFAIRS
 STATE OF CALIFORNIA**

In the Matter of the Accusation against:

JOE VETERINARIAN, D.V.M.
 1234 Main Street
 Anytown, CA 12345

Veterinary License No. VET 1234

Respondent.

Case No. AV 1234 56

OAH No. 0123456789

ORDER FIXING DATE FOR SUBMISSION OF WRITTEN ARGUMENT

The transcript of the hearing in the above-entitled matter having now become available, the parties are hereby notified, in accordance with the Order Granting Reconsideration in this matter and Section 11521 of the Government Code, that any written argument they may wish to submit pursuant to this Order shall be filed with the Veterinary Medical Board, 1747 N. Market Blvd., Suite 230, Sacramento, CA 95834, and shall be served upon all parties on or before November 1, 2014 at 5:00 p.m.

The Board will decide the case upon the administrative record, including the transcript of the hearing held on May 12-16, 2014, and upon such written argument as the parties may wish to submit. No evidence outside of the administrative record will be permitted.

A copy of the transcript is available upon request and upon payment of fees covering direct copying costs.

IT IS SO ORDERED this _____ day of _____, 2014.

FOR THE VETERINARY MEDICAL BOARD
Department of Consumer Affairs



MEMORANDUM

DATE	October 2017
TO	Veterinary Medical Board
FROM	Ethan Mathes. Operations Manager
SUBJECT	Review and Discuss Applications for Appointments to the Multidisciplinary Advisory Committee

Background

At its July 2017 Meeting, the Veterinary Medical Board (Board) reviewed and discussed upcoming vacancies on its Multidisciplinary Advisory Committee (MDC). The Board requested staff to immediately begin recruitment for the MDC's upcoming vacancies in order to review applications at their October 2017 Meeting. Additionally, the Board agreed that once applications have been reviewed they will require in-person interviews to be conducted at the February 2018 Board Meeting.

In response to the Board's request, staff sent out notification of MDC vacancies via its ListServe email subscription list on August 11, 2017 and September 21, 2017. The posted notice is included.

There is currently one veterinary technician vacancy on the MDC and will be two veterinary and one public member vacancy in 2018. MDC terms are three-year terms and members may serve two consecutive terms.

The following licensees applied for vacancies on the MDC; letters of interest are attached:

Applicant	Vacancy Type	License Number
Thalia Rott, RVT	Veterinary Technician	741
Julie Dodock-Cox, RVT	Veterinary Technician	5030
Kevin D. Lazarcheff, DVM	Veterinary	12786
Ronald M. Kelp, DVM	Veterinary	8689
Margaret Warner, DVM	Veterinary	14209
Amber Kuykendall, RVT	Veterinary Technician	7334
Stuart F. Eckman	Public	
Leah Shufelt, RVT	Veterinary Technician	6284
Elle Glueckert, DVM	Veterinary	19206

Attachments

- Posted Notice
- Business and Professions Code Section 4809.8
- Multidisciplinary Advisory Committee Applicants



VETERINARY MEDICAL BOARD'S MULTIDISCIPLINARY ADVISORY COMMITTEE APPOINTMENT

AUGUST 2017

The Veterinary Medical Board (Board) is seeking candidates for appointment to its nine-member Multidisciplinary Advisory Committee (MDC).

There is currently one opening for a registered veterinary technician; this term would begin upon appointment and go through June 2020. There are also multiple veterinarian and public member openings on the MDC; these terms would begin in July 2018 and go through June 2021.

The MDC assists the Board in its deliberation of issues important to consumer protection and the veterinary medical profession in California. Members will be expected to attend four meetings annually during their term. Information on past MDC Meeting Agendas items can be found [here](#).

Upon appointment, MDC members are required to comply with all State requirements and submit disclosure documents on Economic Conflicts of Interest (Form 700) with the Fair Political Practices Commission.

Licenses interested in seeking appointment to the MDC should provide a letter of interest addressed to the Board and any supporting background information the candidate desires to submit. Background information may include letters of recommendation, the candidate's reasons for seeking appointment, a statement of understanding of the nature of regulatory bodies within the Department of Consumer Affairs or any other information the candidate believes is pertinent and would assist the Board in making its decision on this appointment.

Letters of interest for appointment should be mailed to the Board at:

**Veterinary Medical Board
Attn: MDC Appointment
1747 N. Market Blvd., Suite 230
Sacramento, California 95834**

Letters of interest will be accepted until appointments have been made; however, letters received by 5 p.m. Friday, September 29, 2017 will be reviewed at the Board's October 18, 2017 meeting in Sacramento, California.

Selected MDC candidates will be invited to interview with the Board at their February 2018 Meeting.

Questions regarding applications should be directed to Ethan Mathes at ethan.mathes@dca.ca.gov.



BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 2. HEALING ARTS [500 - 4999.129] (Division 2 enacted by Stats. 1937, Ch. 399.)

CHAPTER 11. Veterinary Medicine [4800 - 4917] (Chapter 11 repealed and added by Stats. 1937, Ch. 933.)

ARTICLE 1. Administration [4800 - 4811] (Article 1 added by Stats. 1937, Ch. 933.)

4809.8. (a) The board shall establish an advisory committee to assist, advise, and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement of this chapter and to assist the board in its examination, licensure, and registration programs. The committee shall serve only in an advisory capacity to the board and the objectives, duties, and actions of the committee shall not be a substitute for or conflict with any of the powers, duties, and responsibilities of the board. The committee shall be known as the Veterinary Medicine Multidisciplinary Advisory Committee. The multidisciplinary committee shall consist of nine members. The following members of the multidisciplinary committee shall be appointed by the board from lists of nominees solicited by the board: four licensed veterinarians, two registered veterinary technicians, and one public member. The committee shall also include one veterinarian member of the board, to be appointed by the board president, and the registered veterinary technician member of the board. Members of the multidisciplinary committee shall represent a sufficient cross section of the interests in veterinary medicine in order to address the issues before it, as determined by the board, including veterinarians, registered veterinary technicians, and members of the public.

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

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

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

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

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

(Amended by Stats. 2013, Ch. 515, Sec. 23. Effective January 1, 2014.)

August 22, 2017

RECEIVED
AUG 25 2017
VMB/RVTC

Veterinary Medical Board
Attn: MDC Appointment
1747 N. Market Blvd., Suite 230
Sacramento, CA 95834

To Whom It May Concern:

I am interested in applying for the position open on the Multidisciplinary Advisory Committee for a registered veterinary technician. I am currently a partner in a small animal veterinary hospital in Galt, CA where we have been in business since 1994. My prior experience was in a mixed practice (3 years), veterinary emergency hospital part time (10+ years) and small animal practice (13 years).

With many years of practical experience I feel that I can be a positive and practical voice on the MDC.

Thank you for your consideration. References will be furnished upon your request.

Sincerely,

Thalia Rott, B.S., R.V.T. (RVT741)



Julie Dodock-Cox, RVT



RECEIVED

SEP 25 2017

VMB/RVTC

September 21, 2017

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

To Whom It May Concern:

I am writing this letter to express my interest in the upcoming registered veterinary technician appointment on the Multidisciplinary Advisory Committee. I have a great desire and ability to provide my service to the public and veterinary community. With my vast years of experience in the veterinary field, as well as in assisting our community, I feel I would be a great asset to the Committee.

I have been a registered veterinary technician since 1997. During these years, I have worked in every capacity at VCA Sacramento Veterinary Referral Center (previously Sacramento Veterinary Surgical Services). I have worked as a technician in our myriad of specialties, primarily Internal Medicine, Emergency/Critical Care, and Oncology. I have held various positions, such as Safety Coordinator, Technician Supervisor, Lead Technician, Client Service Supervisor and Hospital Manager. Currently, I work as the Training Coordinator, Safety Coordinator and Lead Technician.

I have always enjoyed learning and working in various aspects of my community. My previous public service experience includes being the President of Area 9 Neighborhood Association in Citrus Heights, graduating from the Community Leadership Program in Citrus Heights (Public Service Training) and being the Secretary for the Residents' Empowerment Association of Citrus Heights (REACH). In the veterinary community, I started with being the Student Representative, then Treasurer and finally President of the Sacramento Valley Veterinary Technician Association (SVVTA) for several years. I am familiar with working with other State and County entities. I have worked the past 6 years, with Sacramento and Humboldt Counties fostering and adopting children.

I am a friendly individual with strong ethics and a desire to succeed. I have 23 years of experience in the veterinary field and strong ties to my community. I feel I am an exception candidate for the Multidisciplinary Medical Board.

Sincerely,

Handwritten signature of Julie Dodock-Cox in black ink.

Julie Dodock-Cox, RVT

Kevin D. Lazarcheff, DVM

RECEIVED

SEP 26 2017

VMB/RVTC

September 7, 2017

Veterinary Medical Board
Attn: MDC Appointment
1747 N. Market Blvd., Suite 230
Sacramento, CA 95834

To whom it may concern,

I would like to be considered for the open position on the California Veterinary Medical Board's multidisciplinary committee. The MDC is a unique and important collaboration allowing the veterinary profession to address issues of regulation and consumer protection with the VMB. I think it is one of the best aspects of the VMB, and have every interest in its continued success.

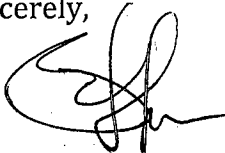
I have been licensed, and practiced in California since 1995. I have practiced in both the small and the large animal arenas, including equine and dairy practice. I have seen how the Department of Consumer Affairs and the VMB interact with, and affect the various aspects of practice. For the past 12 years I have practiced emergency and critical care medicine, and I own a small animal practice in Oakhurst, California. I have held two premises permits in the State.

The past 8 years I have had the opportunity to work with the VMB through my position on the California Veterinary Medical Association's Board of Governors, and most recently as a sitting member of the premises task force. I have had the opportunity to see how the various regulatory bodies work with, and through the Department of Consumer Affairs. I am currently the president of the CVMA, however that term and my time on the BOG will end in June of 2018.

In my time with the CVMA I have had the opportunity to meet with many veterinarians throughout the state. I am also a member of the Central California Veterinary Medical Association and the Mariposa-Merced Veterinary Medical Association. I have enjoyed working with organized veterinary medicine and would like to continue to serve my profession. I feel I have insight and experience that would be an asset to the MDC.

Thank you for your consideration.

Sincerely,



Kevin D. Lazarcheff, DVM



**Valley Animal Hospital
of Merced**

September 10, 2017

Dear Veterinary Medical Board:

I am writing to recommend that the VMB appoint Dr. Kevin Lazarcheff to the Multi-Disciplinary Advisory Committee.

Over the past several years, I came to know Kevin ("Laz", actually), since he was an emergency veterinarian at the local 24 hour clinic. I found his communication with clients to be excellent, his case approach is thorough without being excessive or too costly, and he is a great colleague with which to work.

At this same time, Laz began attending some of our local CE and Association meetings and I found his input to be insightful. His perspective not only as a veterinarian, but also as a patient and a consumer advocate, was clearly evident. Laz is thoughtful and respectful of others, yet he does have well-considered opinions that he articulates clearly.

I encourage the Veterinary Medical Board to appoint Dr. Kevin Lazarcheff to the Multi-Disciplinary Advisory Committee. He will be an excellent addition to a great team at the MDC!

Sincerely,

A handwritten signature in black ink that reads "Jon Klingborg, DVM". The signature is written in a cursive style.

Jon Klingborg, DVM

Over the past seven years I have had the distinct pleasure of getting to know Dr. Kevin Lazarcheff, while we both served on the Board of Governors of the California Veterinary Medical Association. Dr. Lazarcheff's commitment to the profession is truly inspiring. I cannot think of a veterinarian that would be more qualified to serve on the Multi-Disciplinary Committee of the California Veterinary Medical Board.

Dr. Lazarcheff has an incredibly diverse background that gives him a unique perspective on the practice of veterinary medicine. Initially he worked in a mixed animal practice where he dealt with horses and livestock (including goats and sheep) in addition to small animals. He then worked for a number of years in small animal emergency hospitals dealing with critical and emergent patients. This past year, Dr. Lazarcheff bought a small animal practice and now, not only practices as a small animal general practitioner, but also has the responsibility of a practice owner.

I understand that the charge of the Veterinary Medical Board is consumer protection. In all the years I have known Dr. Lazarcheff, I can assure you that all his deliberations and input have been well thought out, and are always aimed at improving the quality, delivery and practice of veterinary medicine which is ultimately to the benefit of our patients. I can honestly say that I have never heard Dr. Lazarcheff take a position that would be self-serving to either himself or veterinary medicine or to the detriment of veterinary patients or clients.

I would be hard-pressed to think of a more thoughtful veterinarian than Dr. Lazarcheff, and when you combine that with his diverse background of practice, the Board could rest assured that they have an exceptionally intelligent and hard-working advocate for veterinary medicine and consumers.

Please feel free to contact me with any questions or for further information.

Sincerely,



Ken Pawlowski, DVM

Past-President, California Veterinary Medical Association





BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDWIN G. BROWN JR.

Veterinary Medical Board
1747 N. Market Boulevard, Suite 230, Sacramento, CA 95834
Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov



VETERINARY MEDICAL BOARD'S MULTIDISCIPLINARY ADVISORY COMMITTEE APPOINTMENT

AUGUST 2017

The Veterinary Medical Board (Board) is seeking candidates for appointment to its nine-member Multidisciplinary Advisory Committee (MDC).

There is currently one opening for a registered veterinary technician; this term would begin upon appointment and go through June 2020. There are also multiple veterinarian and public member openings on the MDC; these terms would begin in July 2018 and go through June 2021.

The MDC assists the Board in its deliberation of issues important to consumer protection and the veterinary medical profession in California. Members will be expected to attend four meetings annually during their term. Information on past MDC Meeting Agendas items can be found here.

Upon appointment, MDC members are required to comply with all State requirements and submit disclosure documents on Economic Conflicts of Interest (Form 700) with the Fair Political Practices Commission.

Licensees interested in seeking appointment to the MDC should provide a letter of interest addressed to the Board and any supporting background information the candidate desires to submit. Background information may include letters of recommendation, the candidate's reasons for seeking appointment, a statement of understanding of the nature of regulatory bodies within the Department of Consumer Affairs or any other information the candidate believes is pertinent and would assist the Board in making its decision on this appointment.

Letters of interest for appointment should be mailed to the Board at:

**Veterinary Medical Board
Attn: MDC Appointment
1747 N. Market Blvd., Suite 230
Sacramento, California 95834**

Letters of interest will be accepted until appointments have been made; however, letters received by 5 p.m. Friday, September 29, 2017 will be reviewed at the Board's October 18, 2017 meeting in Sacramento, California.

Selected MDC candidates will be invited to interview with the Board at their February 2018 Meeting.

Questions regarding applications should be directed to Ethan Mathes at ethan.mathes@dca.ca.gov.

RECEIVED

SEP 26 2017

VMB/RVTC

California Veterinary Medical Board
1747 N. Market Blvd. Ste 230
Sacramento, CA 95834

To Whom It May Concern,

I would like to be considered for one of the open veterinarian appointments to the Multidisciplinary Advisory Committee. I have been a licensed practicing small animal veterinarian in CA since graduating from Iowa State in 1984. I moved to Orange County two years later, and co-founded the Santa Margarita Animal Care Center in 1988. I have been actively managing and seeing patients full-time since then. As a small animal practitioner serving unincorporated areas of the county, in addition to dogs and cats, I have treated everything from rabbits, rodents, miniature pet pigs, goats to a pet African lion. The proper care and treatment of my patients has been my highest priority throughout my career. I have not received a complaint filing from the VMB, nor has the premise been cited for any inspection related deficiency.

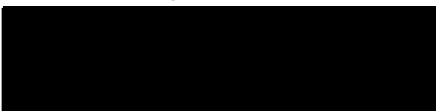
I have been also actively involved in organized veterinary medicine for over 20 years. My goal has been to give back to the profession and contribute so that young doctors starting their careers in California might receive the same satisfaction in practice that I have. We must pave the way for the next generation to take over practice ownership and contribute to the betterment of animal care in the state. Integral in this mission is the Practice Act, which has established important guidelines which must be followed to protect the public.

I took a special interest in the Veterinary Medical Board while serving on the CVMA Board of Governors from 2007-14. As the Board liaison to the VMB during that time, I attended almost all the VMB and many MDC meetings. I found the work of the MDC to be very challenging and critical to the profession and the function of the VMB. The committee acts as a conduit to address updates to the Practice Act as times change and helps to reduce ambiguity in the regulations, which directly affects how future generations of doctors and RVT's will be able to deliver quality animal care to the residents of CA. I work with and value all members of the veterinary practice team—associate doctors, RVT's and veterinary assistants. Without their collective contributions, I would not be where I am today. Each of their roles is vitally important and regulations that affect them protect both clients and animal patients.

I believe that I can dedicate the time and energy required to be a member of this committee. I bring over 30 years of practice experience and ownership to the table, which will help me effectively contribute to the goals of this committee. Also, having served on numerous boards and committees over the years, I understand well the value of collaboration and respect and its importance to the success of that group.

Sincerely,

Ronald M. Kelpe DVM
Ronald M. Kelpe, DVM



California Veterinary Medical Board
1747 N. Market Blvd. Ste 230
Sacramento, CA 95834

To Whom It May Concern:

I am writing this letter in support of Dr. Ronald Kelpé's candidacy for the open veterinarian appointment to the Multidisciplinary Advisory Committee.

I have known Dr. Kelpé for three decades. Our paths first crossed when we worked together in my animal hospital in Costa Mesa, CA. I was immediately impressed by his dedication to his craft and the profession in general. He has many qualities that suits his role on this committee. He is patient, thorough, a great listener and has a keen mind, capable of making decisions with the betterment of the veterinary profession in mind. Over the years, I served on the board of directors for AAHA and at the same time Ron was serving the state of California through dedicated work for the CVMA. We have had countless discussions on the state of the veterinary profession and he truly has its best interest in his heart.

He has served as the liaison to the board for the CVMA board of governors. We had many discussions while he was in this role. He always kept the overriding goal of improving the veterinary profession and the care of all the patients it serves.

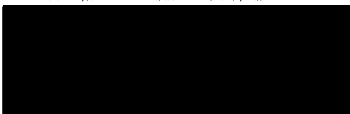
I feel confident that whatever the time and hard work required by this role he will be up to the task.

Please feel free to contact me directly if you have any questions.

Sincerely,



Thomas A Carpenter, DVM



Joe & Christy Kellner

9-21-2017

California Veterinary Medical Board
1747 N. Market Blvd
Sacramento, Ca

To whom it may concern,

My name is Joe Kellner, my wife and I have been working with Dr.Kelpe and his staff for more than 25 years, over that time we have had 6 golden retrievers and a yorkie. Dr.Kelpe is truly one of the best Veterinarian's I have ever worked with! His knowledge, professionalism, compassion and his love for pets is 2nd to none.

Dr. Kelpe's hospital is world class, his staff is the very best in the business, and he strives to make sure he hires the best people who also embrace his philosophy and compassion. I am always impressed when we come over to the hospital, the place is always spotless and he has the cleanest bathrooms in town.

When we have had to say goodbye to our beloved pets Dr.Kelp has been there for us, helping us cope with the loss of our friends, we consider Dr.Kelpe and his staff to be an extension of our family, we are very blessed to be able to work with such a fine individual. Thank you very much for your time.

With my best regards,

Joe Kellner

September 25, 2017

RECEIVED
SEP 27 2017
VMB/RVTC

Dear Members of the Veterinary Medical Board:

This document serves as my letter of interest in seeking an appointment to the Multidisciplinary Advisory Committee.

I would be a valuable member of the committee due to my unique and varied background.

Early in my career, I sought advance training and taught veterinary students in the university setting – gaining insight into challenges that universities face as they educate future veterinarians.

I have been an owner (with my spouse) of a large animal practice. This experience gave me insight into the effect of practice acts on the practice owner and how best to balance the needs of the practice and its consumer with our common goal of food and animal safety.


I have practiced in multiple types of small animal practice, from single doctor to large multi-doctor practices and practiced and managed in a large corporate practice. These experiences help me understand the wide range of practices that our profession encompasses and gives me insight in how to advocate for them and the clients they serve.

I have two additional perspectives on our profession. One is through working with a local shelter as a member and president of its nonprofit governing board. In this role, I have been involved in how we optimally provide for the stray population in an economical manner and provide a safe adoptable pet population for our community. My final perspective is my current one – that of working for an animal health company, calling on over 200 veterinary clinics and working with them to reach out and educate the consumer to better understand what our profession does and how to better protect pets and their people.

My involvement in organized veterinary medicine has been limited to the local level in both Wisconsin and California.

I will readily admit that my understanding of the nature of the regulatory bodies within the Department of Consumer Affairs is in its infancy. I would intend to use this to my advantage to be very open and curious, working toward greater understanding.

Thank you for your consideration,



Margaret (Meg) Warner DVM MS



Margaret M. Warner, DVM, MS



Education:

- 1988 – 1991 University of Wisconsin, School of Veterinary Medicine MS – Respiratory Physiology
- 1982 – 1986 Michigan State University, School of Veterinary Medicine DVM

Employment:

- 2015 – Present Elanco Animal Health – Executive Sales Representative
- 2008 – 2015 Waterhouse Animal Hospital, Fresno, CA – Associate Veterinarian
- 2005 – 2008 Clovis Veterinary Hospital, Clovis, CA – Associate Veterinarian
- 2002 – 2005 Banfield The Pet Hospital, Portland, OR – Medical Director
- 2000 – 2002 Banfield The Pet Hospital, Fresno, CA – Chief of Staff
- 1998 – 2000 Banfield The Pet Hospital, St. Paul, MN – Chief of Staff
- 1993 – 1998 Animal Medical Center, Appleton, WI – Associate Veterinarian
- 1993 – 1994 Fox Valley Technical College, Appleton, WI – Instructor (Anatomy/Physiology)
- 1991- 1993 Animal Hospital of Howard, Howard, WI – Associate Veterinarian
- 1988 – 1991 University of WI, Madison, WI – Graduate Student/Teaching assistant
- 1986 – 1988 Blue Star Animal Hospital, South Haven, MI – Associate Veterinarian

Professional Interests:

Internal medicine, soft tissue surgery, client education, behavior, dentistry and nutrition

Professional Activities:

- Present Secretary CCVMA
- Present Member of AVMA, CVMA, CCVMA
- 2002 President’s Council – Banfield The Pet Hospital
- 2001 – 2002 Protocol Committee – Banfield The Pet Hospital
- 1995 – 1998 Board member of Northeastern WI VMA Association



**Valley Animal Hospital
of Merced**

September 23, 2017

Dear Veterinary Medical Board:

I am writing to recommend that the VMB appoint Dr. Margaret Warner ("Dr. Meg") to the Multi-Disciplinary Advisory Committee.

For the past two years, I've worked with Dr. Meg in her capacity as a representative for Elanco. I've found her to be down-to-earth, naturally curious and to have a comprehensive perspective about the practice of veterinary medicine.

Dr. Meg has not been involved in organized veterinary medicine at the State or National level, but she has participated in her local veterinary association and also is very involved with her local animal shelter— so she brings a "grassroots" perspective to the MDC that would be valuable.

Through her work as a representative with Elanco, Dr. Meg meets all sorts of consumers from all different walks of life. She is a strong advocate for Pet Owners and their Pets by promoting products that are both affordable and safe. She also works with veterinarians from all different types of practices, so she understands this class of consumer and the many practice settings as well.

I encourage the Veterinary Medical Board to appoint "Dr. Meg" to the Multi-Disciplinary Advisory Committee. She has the perspective and intellectual curiosity to be a valuable addition to the Committee!

Sincerely,

A handwritten signature in black ink that reads "Jon Klingborg, DVM". The signature is written in a cursive, somewhat stylized font.

Jon Klingborg, DVM



CITY *of* CLOVIS

POLICE DEPARTMENT

1233 FIFTH STREET • CLOVIS, CA 93612

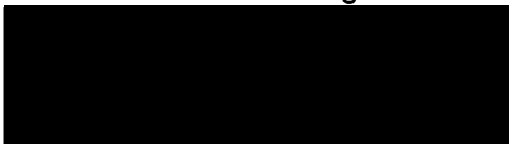
September 25, 2017

Dear Veterinary Medical Board:

It is my pleasure to write a letter of recommendation for Dr. Meg Warner to be accepted as a Member of the Veterinary Medical Board Multi-Disciplinary Advisory Committee. I have known Dr. Warner for approximately seven years. Dr. Warner has served on the Friends of Clovis Pet Adoption Center Board of Directors for the past ten years. The past four years Dr. Warner has been elected as the President. As the Board President, Dr. Warner has provided sound judgement about the direction of the Board, expert advice about policies and procedures, has secured financial donations and has led the Board through a difficult transition of leadership. As a result of Dr. Warner's participation on the Board, Dr. Warner has become a trusted and valuable expert consultant for both Clovis Animal Services and the Miss Winkles Pet Adoption Center. In the past ten years, the staff (including me) has consulted with Dr. Warner many times about issues related to animal health, policies and procedures and general animal care. In addition, Dr. Warner's volunteer work as a Board Member has provided her with an important understanding about the extreme difficulties that municipal animal facilities have to secure adequate financial resources, qualified employees, high quality health services, and adequate housing for stray and adoptable animals.

Sincerely,

George Rodriguez, LCSW
Police Services Manager





18101 SE 6th Way, Vancouver, Washington 98683 • phone (360) 784-5000 • fax (360) 784-6000

September 23, 2017

Dear Veterinary Medical Board:

I am writing to recommend that the VMB appoint Dr. Margaret Warner to the Multi-Disciplinary Advisory Committee. I think she would be a fantastic member of your committee.

I have known Dr. Warner since 1994 when I was a third year veterinary student. At that time she was acting as a mentor to numerous veterinary students at the University of Wisconsin. In that role she was knowledgeable, supportive, warm and encouraging.

In 1999 I was fortunate to reconnect with Dr. Warner when I was hired as an associate veterinarian in the Banfield St. Paul Minnesota hospital. She was the chief of staff at that location and my assigned mentor. The St. Paul hospital was very busy and had a highly diverse racial and socioeconomic client base. I was in the process of making the transition from primarily dairy practice to companion animal practice. She deftly led that 4 doctor practice while managing a heavy caseload, mentoring new doctors and students and bonding clients to our practice. She was loved by the team, our clients and the doctors.

Meg also possessed great leadership skills as a multiunit Medical Director as she demonstrated in California where she was responsible for 20 plus hospitals. I stayed in touch with her in her new role and took over her vacated position as the chief of staff at St. Paul. This was my first role in leadership and it was offered to me due to Dr. Warner's support and endorsement. She had instilled many leadership lessons in me and continued to model the way as she went forward in her career.

Dr. Warner is an excellent teacher, clinician and ambassador to our profession. She always kept the care of the patients and clients at the center of everything she did. Personally, she had a huge impact on my skills as a clinician and a leader and instilled a sense of "bond centered care". She was a sounding board for all things difficult, modeled servant leadership and wholehearted care for all the people and pets that came into her orbit. To this day, when I'm having a difficult moment, I often think back on my time working at St. Paul and think "what would Meg do right now."

I hope you will give Dr. Warner serious consideration for your appointment. I feel she would be an incredible asset for your group.

Warmest Regards,

A handwritten signature in black ink, appearing to read "Lee Nelson", written in a cursive style.

Lee Nelson, DVM, MPH
Senior Director of Medical Programs
Banfield Pet Hospitals



www.yccd.edu

**Math, Engineering,
Science and Health
Occupations Division**
Phone: 530-741-6786
Fax: 530-749-3854

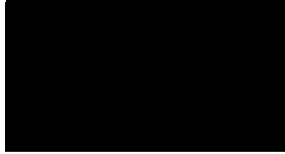
**Yuba Community College District
2088 North Beale Rd.
Marysville, CA 95901**

Yuba College
2088 North Beale Rd.
Marysville, CA 95901

Woodland Community College
2300 E. Gibson Rd.
Woodland, CA 95776

Yuba College - Clear Lake Campus
15880 Dam Road Extension
Clearlake, CA 95422

Amber Kuykendall



September 13, 2017

Veterinary Medical Board
Attn: MDC Appointment
1747 N Market Blvd., Suite 230
Sacramento, CA 95834

Dear Veterinary Medical Board:

Over the last decade I have grown in the veterinary medical field and advanced from starting as a kennel attendant, moving into a veterinary assistant position, earning my registered veterinary technician license, managing, and now, teaching. There have been two occasions during my career where I took a hiatus from the veterinary field, but always found myself back working with animals and their owners. Then it finally hit me; there is nothing more gratifying than working in this field and making a difference in the lives of all animals. I am meant to be in this field and I can proudly declare that I feel accomplished with my career choice.

As with many people in this field I started at the bottom and worked my way up. Each step along the way I gained valuable experience as well as useful knowledge and fine-tuned my soft skill set. I have a solid education in veterinary technology in which I obtained from the Yuba College Veterinary Technology Program. I graduated with my associate of science degree in veterinary technology in 2007 and then transferred to California State University Chico and earned my bachelor of science degree in microbiology in 2010.

While I attended the Veterinary Technology Program I had always wanted to teach in the program one day. Well, here it is ten years later, and that is exactly what I am doing! I can't say how much I enjoy my job. I love to be able to share my knowledge with the students and watch them succeed. Working in this position has allowed me to experience what being on an advisory board is like and the usefulness of them. We hold two each year, one in the spring and the other in the fall for our Program. I had never even heard of an advisory board until working for the public sector in veterinary medicine.

I am hopeful to be appointed to the Veterinary Medical Board's Multidisciplinary Advisory Committee in the open registered veterinary technician position. I value upholding the laws and regulations set forth for this profession and I take them seriously. I also believe in treating each and every person with respect and equality. With my educational background and my experience, I believe I would be an asset to the nine-member MDC. I have much to offer and am always open to new ideas. Thank you for your consideration.

Best Regards,

Amber Kuykendall, RVT, BS

RECEIVED
SEP 29 2017
VMB/RVTC



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**Math, Engineering,
Science and Health
Occupations Division**

Phone: 530-741-6786

Fax: 530-749-3854

**Yuba Community College District
2088 North Beale Rd.
Marysville, CA 95901**

Yuba College
2088 North Beale Rd.
Marysville, CA 95901

Woodland Community College
2300 E. Gibson Rd.
Woodland, CA 95776

Yuba College - Clear Lake Campus
15880 Dam Road Extension
Clearlake, CA 95422

September 18, 2017

Veterinary Medical Board
Attn: MDC Appointment
1747 N Market Blvd., Suite 230
Sacramento, CA 95834

Dear Veterinary Medical Board,

I am writing to recommend Ms. Amber Kuykendall, RVT, to the Veterinary Medical Board's (VMB's) Multidisciplinary Advisory Committee. I can recommend her without reservation. In the eight months we have worked together, she has daily proven to be a dynamic, talented, compassionate and dedicated professional.

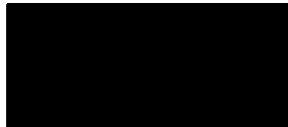
Ms. Kuykendall has accomplished much in the veterinary field, working as both a veterinary technician as well as a manager and educator, thus making her an excellent candidate for your committee.

In our two-year veterinary technology program, the students appreciate Amber's dedication to their education and positive attitude. She asks much of them, but holds herself to the same high standards. She is a lifelong learner herself.

I am confident that Amber will be a valuable member to add to your committee because of her wealth of knowledge and experience. She is always open to new ideas and values each person's views. She is pleasant to be around and takes her career seriously. Please contact me if you would like to discuss further my recommendation of her to the VMB's Multidisciplinary Advisory Committee.

Sincerely,

Kyle Mathis, DVM



Stuart F. Eckmann



RECEIVED
SEP 29 2017
VMB/RVTC

September 28, 2017

Veterinary Medical Board
Attn: MDC Appointment
1747 N. Market Blvd., Suite 230
Sacramento, CA 95834

Dear California Veterinary Medical Board members and staff:

I am writing to you to apply for appointment to your Multidisciplinary Advisory Committee (MDC) as a public member, preferably for the term beginning in July 2018. I am not, and have never been a veterinary technician, registered or otherwise. I am not a veterinarian, and I do not have a PhD. I believe this qualifies me for consideration as a public member.

Here is a brief overview of my background.

- I have been a resident of California since 1983, first in Mountain View and now in Los Altos.
- As a Mountain View resident, I was a member of a task force involved in the design of the city's first dog park, and which involved working with the Audubon Society to protect the habitat of the Burrowing Owl, which was at that time a species of special concern.
- As a Los Altos resident, I am currently a member of a task force involved in the design, placement, and funding the city's proposed new community center.
- I am currently Executive Chairman and Trustee of the Molecular Sciences Institute, a Milpitas-based non-profit founded by a Nobel Laureate with his funding for his award in genomics.
- I have been involved for many years in the life science angel and venture capital communities, where I have been an active participant in the screening of startups in drugs, devices, and diagnostics, including many with potential application in veterinary medicine.
- I have been involved as a fundraiser and investor in a startup, based on technology out of Stanford and the University of Pittsburgh, which is currently going through FDA approval for a viral-based immunotherapy for oncology, and which has veterinary application.

● I have been involved for several years as a sponsor of a translational research collaboration in oncology between the College of Veterinary Medicine at Purdue and the Johns Hopkins Greenberg Bladder Cancer Institute, and I have traveled frequently to both of these institutions and to offsites over the last several years.

● I previously served as Health Committee Chair and subsequently President of the Tibetan Terrier Club of America.

● Through my involvement with the breed, I applied for grant funding (which was awarded) through the Canine Health Foundation and the Orthopedic Foundation for Animals to better characterize both phenotype and genotype of a genetic condition in the breed (Batten Disease, also known as neuronal ceroid lipofuscinosis) which caused blindness, dementia-like behavior, and early death. A decade of DNA collection resulted in identification of the marker and, through collaboration with those involved with the affected (human) children, translational work which provided a candidate gene for its human counterpart. I wrote about this in both English and German-language publications, and the work was profiled on NPR's *Morning Edition*, CNN, and several other general-population and dog publications.

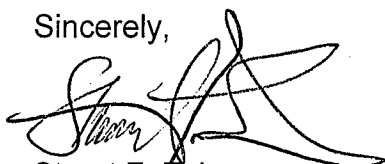
● I organized what I believe was the first translational medicine stem cell conference, held here in California, which included speakers on the human side from the California Institute for Regenerative Medicine (CIRM's CSO), and those on the veterinary clinical and research side, as well as the families of the children with Batten Disease and those with dogs in their families who had the same condition, where the only agenda was for all sides to talk and learn from each other.

● As a result of my work with Batten Disease, I was invited to join the Board of Directors of the Canine Health Foundation, subsequently became its Treasurer, and was a Chair of its Grants Committee, which funded both basic science and clinical research at all the veterinary schools in this country, as well as Canada and the EU. My work as a foundation grants committee chair involved participation in several conferences, including oncology. It also involved site visits to several veterinary schools throughout the country in the oversight of some of the foundation's funded research.

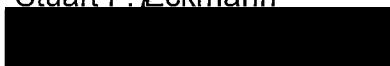
On the personal side, our family has included several canine members, and for about a decade my dogs, my wife, and I were involved with therapy dog work at Lucile Packard Children's Hospital and nearby nursing homes. Our dogs have introduced us to some other great dogs, wonderful people, and caring, compassionate members of the veterinary and veterinary technology community.

I believe I would bring relevant experience to the California Veterinary Medical Board's Multidisciplinary Advisory Committee. I am respectfully submitting my name and background for consideration as a public member.

Sincerely,



Stuart F. Eckmann



September 5, 2017

Veterinary Medical Board
1747 N. Market Blvd. Suite 230
Sacramento, CA 95834

RECEIVED
SEP 29 2017
VMB/RVTC

Dear California Veterinary Medical Board,

I am writing to express my continued interest in appointment to the Multidisciplinary Advisory Committee (MDC).

Throughout my career, it has been important to me to continually learn as well as keep up on important issues in Veterinary Medicine. I always want what is best for myself, my patients, and clients, and in order to do that I feel it is necessary to hold our entire profession to higher standards. I also have been lucky enough to work with and be mentored by amazing Veterinarians and Technicians that have instilled in me the need to be involved in and stand up for the things I believe in.

It is because of these things, and my willingness to challenge myself that I initially became interested in a position on the MDC and am once again interested in applying.

Since the time of my initial application, I have come to every meeting of the MDC and the the first day of the VMB meetings, and therefore am aware of a lot of the work that the MDC has recently done in order to In order to improve our profession including work on compounding, physical therapy, and alternate tasks for RVTs, to name just a few. These are all issues which will impact our profession, patients, and the consumers within the state of California, and therefore are issues that I have watched closely and are important to me as well.

As a member of the MDC I feel that I would have the ability to represent the Registered Veterinary Technicians in the state of California on many important issues, find out what areas of the Profession need to be looked at, discuss important topics, make recommendations to the VMB as necessary, and therefore ultimately have a positive impact on Veterinary Medicine as well as the public's opinion of our profession.

With my strong educational background, varied work experiences, and experience on both the San Diego County Veterinary Medical Association board as well as the RVT Committee and House of Delegates for the California Veterinary Medical Association, I feel that I would bring dedication, experience, and energy to the MDC if given the chance to serve. I look forward to hearing from you.

Sincerely,



Leah Shufelt BS, RVT

Leah Shufelt BS, RVT

Objective

My goal is to be appointed to the California Veterinary Medical Board's Multidisciplinary Advisory Committee in order to utilize my skills to strengthen the Veterinary Medical Profession in the state of California.

Work Experience

December 2011 - Current

Radiation/Oncology and Imaging Supervisor, California Veterinary Specialists, Carlsbad, CA

Responsible for all areas of care of radiation patients: anesthesia, setting up radiation fields, operating CT machine and linear accelerator, and client communications. Designed and implemented in house training program for Veterinary Assistants. Manage staff members within departments.

October 2002 - December 2011

Medical Supervisor, Adobe Animal Hospital, Ramona, CA

Set up all nursing care protocols, direct supervisor of all nursing staff, daily nursing care duties of all patients at the hospital including anesthesia, surgical nursing, radiology and vaccine appointments. Managed inventory, OSHA, radiation safety, and CURES records.

June 2002 - Present (relief)

Lead Veterinary Technician, Emergency Service, Pet Emergency and Specialty Center, La Mesa, CA

Utilize all RVT skills to work as an Emergency and Critical Care technician in a fast paced environment while ensuring the entire team works toward the goal of providing outstanding and compassionate care to all of our patients.

Veterinary Board Experience

August 2006 - Present

Affiliate Chapter Representative, San Diego County Veterinary Medical Association

Serve as a resource for RVTs, Vet Assistants, hospital managers, and other support staff
Research topics of discussion, bring feedback from my chapter to the board for further discussion at meetings
Facilitate and host CE meetings for the Chapter, Organize Technician Seminar for Spring and Fall Conference

February 2013 – Present

House of Delegates, RVT Delegation, California Veterinary Medical Association

Represent the RVTs at the State Level of the CVMA organization, discuss and vote on issues that are important to Veterinary Medicine, make recommendations to the Board of Governors.

July 2012 – July 2017

RVT Committee District 1 Representative, California Veterinary Medical Association

Represent the interests of my geographical chapter at the meetings of the state level of the CVMA RVT board.
Discuss and make recommendations to the CVMA Board on topics of interest that impact RVTs in our state.

Leah Shufelt BS, RVT



Education

June 2002

College of Veterinary Medicine, Michigan State University, East Lansing, MI

Completed classroom, laboratory, and clinical rotations in the Veterinary Teaching Hospital, held part time job in the Food Animal Department while going to school.

Bachelor's of Science, Veterinary Technology





September 19, 2017

Veterinary Medical Board
1747 N. Market Blvd. Suite 230
Sacramento, CA 95834

To Whom it May Concern:

I am writing this letter to endorse Leah Shufelt for an appointment to the Multidisciplinary Advisory Committee (MDC).

It has been my pleasure to know Leah since October 2002 when she joined Adobe Animal Hospital in Ramona, California as a Registered Veterinary Technician. Along with her Bachelor's degree from Michigan State University and extensive emergency experience, I was immediately impressed with her knowledge and professionalism. As her responsibilities at the hospital increased to include some managerial tasks, it became obvious that she is organized, a team player, an excellent mentor and overall a joy to work with. She is also well versed regarding OSHA and radiologic safety compliance issues.

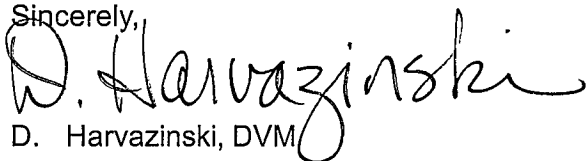
Recognizing her potential, I encouraged her to pursue joining the San Diego County Veterinary Medicine Association (SDCVMA) Board as a representative of the RVT Chapter. Leah is currently serving on the California Veterinary Medical Association (CVMA) RVT Committee and in their House of Delegates as well.

Leah's contributions on both boards, as well as on several subcommittees of SDCVMA have been significant. She will go the extra step to research items of importance and present well-written reports at committee meetings. Leah has also been instrumental in starting our Technician Seminar to run alongside our Veterinarian Seminar that the SDCVMA holds each Spring and Fall, and we are proud to say that we just held our first successful seminar, with an overwhelmingly positive response from the membership.

Her personality is such that she is at equal ease with DVMs, RVTs, clients, assistants and also pharmaceutical vendors. She is smart, writes well and is comfortable speaking in public.

I whole-heartedly recommend her to the MDC and can assure the committee members that she will be an asset.

Sincerely,


D. Harvazinski, DVM



California Veterinary Specialists

Angel Care
Cancer Center

hope • compassion • healing

September 10, 2017

To Whom It May Concern at the Veterinary Medical Board;

I am writing to you in regards to Leah Shufelt, RVT and her interest in joining your Multidisciplinary Advisory Committee.

Leah works as my Radiation/Oncology and Imaging Supervisor as well as the Coordinator for the Radiation service at California Veterinary Specialists. In this role, she anesthetizes, sets up and treats on average of 10 radiation patients per day, as well as communicating with their owners and other staff members as to their care. This requires not only a high level of technical expertise, but also time management skills, communication skills, and extreme attention to detail. She always completes all of her own tasks, as well as managing other team members, and does things efficiently and with a positive attitude. She also finds time to sit down and talk with clients to ensure that they understand the care that their pet is receiving and that all of their questions are answered.

Leah also has shown a passion for her profession and the education of others by working on creating training and continuing education programs for all of the staff at the hospital through her work on our training and development committee. With her years of education and experience as well as her involvement in organized Veterinary Medicine, she is often a resource for other staff members.

Through my experiences with her, Leah has shown that she is a dedicated professional that truly cares about her patients, our clients, , her co-workers, and the Veterinary profession. I would highly recommend her for appointment to your committee.

Sincerely,

David Proulx, DVM, DACVIM (Oncology) , DACVR (Radiation Oncology)



Carlsbad 760-431-2273 2310 Faraday Ave., Carlsbad, CA 92008
Murrieta 951-600-9803 39809 Avenida Acacias, Suite E, Murrieta, CA 92563
Ontario 909-947-3600 2409 S. Vineyard Ave. Suite O, Ontario, CA 91761

Mathes, Ethan@DCA

From: [REDACTED]
Sent: Friday, September 29, 2017 4:57 PM
To: Mathes, Ethan@DCA
Subject: Multidisciplinary Advisory Council Letter of Interest
Attachments: Elle Glueckert_MDC_Letter of Interest.docx

Hello Mr. Mathes,

Attached is my letter of interest in serving on the Multidisciplinary Advisory Board Council. A letter of recommendation was recently sent on my behalf as well from Dr. Ashley Hill.

Sincerely,
Elle Glueckert

Dear Mr. Mathes and members of the Veterinary Medical Board,

I am writing to express interest in serving on the Multidisciplinary Advisory Committee (MDC) of the California Veterinary Medical Board. I feel my diverse background would help me to serve as a valuable contributor to the MDC.

Growing up on a farm in rural Michigan and attending veterinary school at Michigan State University, my move to California to complete an internship in small animal medicine in the huge city of San Diego was an exciting and eye opening experience. Since moving here, I have been exposed to a wide variety of work experiences in California. I have worked and trained in both urban and rural areas in southern and northern California. My work as an emergency relief veterinarian has taken me to over 10 different emergency practices, 6 of which I've worked at regularly for at least a year. I also currently work at a non-profit in Sacramento, splitting time between treating animals recently obtained by rescues or being managed in feral colonies and administering vaccines and treating minor illnesses primarily for a low income population. These experiences have left me helping devise veterinary medical solutions for consumers from a variety of socioeconomic situations willing to spend anywhere from \$10 to \$10,000+ on their pets.

My recent years have also been spent completing a Masters of Preventive Veterinary Medicine. Throughout this degree, I had the opportunity to work with non-profit wildlife rehabilitation clinics, zoos, and local and state government agencies spread across the state. My project involved an infectious disease of wildlife with rare but possible human health effects. Interactions with other groups required dealing with regulatory issues, public health issues, and societal impressions regarding research and wildlife. As a veterinarian with experience in public health, I was often recruited to deal with issues such as potential rabies exposures at the clinics I worked. During this masters degree I also had the unique opportunity of serving as a teaching assistant to the veterinary students at UC Davis. These experiences have left me with a great appreciation for the diversity of the veterinary profession, the importance of the rules and regulations that govern various aspect of it, and how these regulations impact both the veterinarians and consumers in the state of California.

Balancing the needs of various consumer populations' benefits significantly from being able to understand multiple aspects of relevant problems. Often regulations are put in place with the best of intentions but without one side understanding the impacts of these regulations on other populations. For example, after working as an emergency vet for several years I saw an increasing incidence of rodenticide poisonings that were untreatable if the pet started showing clinical signs, after regulations were put in place limiting anticoagulant rodenticides. The rodenticides growing in use due to these regulations were virtually untreatable in pets. In my work with wildlife agencies in the state, I also worked with wildlife species being decimated by anticoagulant rodenticides and had the opportunity to work with some of the wildlife veterinarians who helped implement the new regulations. Neither group of veterinarians, the wildlife nor the small animal practitioners, were aware of the issues of the other group regarding the new regulations on anticoagulant rodenticides and both sides were surprised when I explained the impacts to them. My diverse background led to my ability to see both sides of the issue and discuss concerns with each side.

Having previously served as a subject matter expert for the Examination Development Program, I've gained an appreciation for the role of local veterinarians in helping the Veterinary Medical Board and Department of Consumer Affairs contribute to our profession and the consumers we serve.

Witnessing the variety of ways that different clinics and fields within veterinary medicine are impacted by regulations and how many regulations benefit many of these groups has led to a desire to contribute on a larger scale. I feel joining the MDC would be a wonderful way to give back and help a larger population than I can as a single veterinarian working in clinical practice. As a member of the MDC, I would do my best to serve my colleagues and the wonderfully diverse human and animal population of California.

Sincerely,
Dr. Elle Glueckert

**STATUS OF PENDING VMB REGULATIONS
JULY 2017**

BOARD

Subject	CCR Section(s)	Current Status/Action	Notes
Animal Control Officer Training	2039.5	DCA Leg/Reg, Exec. Office, Agency, and DOF Review	July 2014 – Board approved language July 2016 – Board approved amended language 8/26/2016 – Publish 45-day notice 10/10/2016 – End of public comment period 3/17/2017 – Publish 15-day notice 4/3/2017 – End of public comment period 6/19/17 – Board approved amended language via teleconference 6/19/17 – Submitted final rulemaking file for DCA review October 2017 – File under review with Department, Agency and Department of Finance; Filing deadline extended to 11/21/2017
CPEI (SB 1111)	TBD	In Progress	October 2014 – Board approved language April 2017 – Board approved amended language July 2017 – Submit noticing package for DCA review October 2017 – File under review with Department prior to publication of 45-day Notice
Disciplinary Guidelines	2006	In Progress	January 2015 – Board approved language May 2015 – Disciplinary Guidelines Committee Meeting July 2015 – Board approved amended language October 2015 – Board approved amended language January 2017 – Board approved amended language April 2017 – Board approved amended language July 2017 – Submit noticing package for DCA review October 2017 – For review by Board

BOARD

Subject	CCR Section(s)	Current Status/Action	Notes
Animal Rehabilitation	TBD	TBD	November 2015 – Rulemaking file withdrawn from OAL January 2016 – Discussion on hold per Board pending Sunset Review June 2016 – 1 st Task Force meeting held in Sacramento, CA 10/4/2016 – 2 nd Task Force meeting held in Sacramento, CA April 2017 – Board motioned to direct Legal Counsel and Board staff to review recommendations and provide guidance to Board regarding appropriate route for implementation July 2017 – Discuss guidance provided by Legal and Board staff October 2017 - For review by Board
Minimum Standards - Telehealth	2032.1	In Queue	February 2015 – MDC approved amendments to Minimum Standards language April 2015 – Board approved language July 2017 – Discussion at Board meeting October 2017 - For review by Board
RVT Education	2036.6, 2064, 2065.1, 2065.2, 2065.6, 2065.7, 2065.8, 2066.1, 2068.5	In Progress	<p><i>RVT Alternate Route-</i> February 2015 – MDC approved amended language and forwarded to Board for discussion. July 2015 – Board approved language July 2017 – Submit proposed amendments to Board for review/approval</p> <p><i>RVT Student Exemption-</i> July 2015 – MDC approved amended language and forwarded to Board for discussion. October 2015 – Board approved language July 2017 – Submit proposed amendments to Board for review/approval</p> <p><i>RVT AVMA School Approval-</i> July 2016 – Board approved language July 2017 – Submit proposed amendments to Board for review/approval</p> <p>October 2017 – Board approved language</p>

Fee Increase	2070, 2071	In Queue	October 2017 – Board approved language
Drug Counseling	2031.26	In Queue	April 2017 – Submitted to MDC for discussion July 2017 – MDC approved and forwarded to Board October 2017 - For review by Board
Drug Compounding	2090-2096	In Queue	July 2017 – MDC approved and forwarded to Board October 2017 - For review by Board
Emergency Animal Care	2069	In Queue	July 2017 – MDC approved and forwarded to Board October 2017 - For review by Board
Uniform Standards for Abuse (SB 1441)	2006, 2006.5, and 2076	In Queue	October 2014 – Board approved language April 2015 – On hold per Legal March 2016 – Hold removed per Legal, approved to continue with rulemaking file TBD – Submit amendments to Board for review/approval

MDC			
Subject	CCR Section(s)	Current Status/Action	Notes
Shelter Medicine	TBD	TBD	September 2015 – CVMA task force meetings begin April 2017 – Discussion is ongoing
Veterinary Student Exemption	2027, 2027.5	TBD	October 2016 – MDC approved language in CCR section 2027. April 2017 – Board approved language for CCR section 2027.5; Statutory amendment BPC section 4841.2 that must pre-date regulatory change October 2017 - For review by MDC
“Extended Duty” for Registered Veterinary Technicians	TBD	TBD	April 2017 – Submitted to MDC for approval. Subcommittee formed to continue discussions. October 2017 - For review by MDC



MEMORANDUM

DATE	October 4, 2017
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio Executive Officer
SUBJECT	Updates to Adopted Language – Disciplinary Guidelines

Background:

In April 2017, the Board adopted a version of the Disciplinary Guidelines (DGs) with the intention of noticing the DGs to the public. In reviewing the DGs with Legal Counsel, we once again had to make substantive changes, described further below, that require further review and consideration by the Board. Please review the following proposed changes and the rationale for the changes proposed.

1) Standard Term 8 – Notice to Employees (pg. 14)

The language was amended to include licensees, registrants, and permit holders to sufficiently cover all veterinary personnel to whom notice of the disciplinary terms must be provided by the Respondent.

2) Standard Term 9 - Tolling of Probation (pg. 15)

The language was amended to clearly address the minimum number of hours per week (24 hours) that a veterinarian must work in order to be actively engaged in the practice of veterinary medicine and applying time toward the completion of the probation term.

3) Optional Term 6 – Supervised Practice (pgs. 18-19)

The term of supervised practice may be applied to veterinarians, RVTs, or Veterinary Assistant Controlled Substances Permit (VACSP) holders. However, some of the terms in this section regarding direct and indirect supervision may only be appropriately applied to veterinarians. Accordingly, the section was reorganized to clarify which provisions apply to all licensees and which terms only apply to veterinarians.

Also, the Board should revisit the term of **direct supervision** as well as the proposed qualifications of a Board-approved supervisor for the purpose of imposing the term. *Direct supervision is defined as the physical presence of the supervisor 100% of the time Respondent provides treatment or consultation to the animal patient.* The qualifications of a supervisor are specified as follows: *Each supervisor shall have been licensed in California and have held a valid California license for at least five (5) years and not have ever been subject to any disciplinary*

action by the Board. The supervisor shall be independent, with no current or prior business or personal relationship with Respondent, and the supervisor shall not be in a familial relationship with or be an employee, partner, or associate of Respondent.

Excluding a partner or associate implies that the supervisor cannot be a colleague; therefore, a supervising veterinarian would have to be hired for the sole purpose of providing direct supervision. This may create a significant financial hardship for the probationer and may not be feasible in corporate practices. It is also difficult to monitor the physical presence of a supervisor 100% of the time, unless that individual is practicing veterinary medicine at the same location. The Board may want to consider restricting personnel relationships, partners, or employees, but allowing flexibility for associates or other colleagues to provide direct supervision.

The corrections to this section also include a requirement for the supervisor to report the dates and locations of an employee probationer. This requirement was previously approved by the Board, but a recent review of the existing DGs revealed that this requirement is not currently in the DGs. Accordingly, the corrections include this provision as a new requirement.

4) Optional Term 14 – Medical Evaluation (pg. 21)

In a prior version of the document approved by the Board, the language reflected an “automatic suspension” if a treating physician determined the Respondent was unable to practice safely or independently as a veterinarian. To enforce a period of suspension, the Board would need to provide the Respondent notice and due process. The correct terminology for the period of non-practice is notification by the Board that the Respondent must *cease practice*, which does not reflect a formal suspension, but instead puts the Respondent on notice that based on the recommendation of the treating physician, the Respondent is not fit to practice veterinary medicine until further notice.

5) Optional Term 18 – Abstain from Controlled Substances (pg. 22)

Revisions to the section update citations to the appropriate statutory definitions and clarify that a Respondent is restricted from taking prescription drugs unless the drug is prescribed to him or her by a licensed practitioner for a bona fide illness and is a necessary part of Respondent’s treatment. Prior versions of the section were unclear as to the restriction on dangerous drugs (prescription drugs).

6) Updates to the Disciplinary Guidelines Regulation, Section 2006

Revisions are also being made to update California Code of Regulations, Title 16, section 2006, which incorporates the DGs by reference. The updates to section 2006 include revising the date of the latest DGs, as well as adding relevant disciplinary statute citations.

In addition to the above substantive changes, minor technical corrections were made to the DGs to address grammatical and formatting issues.

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

PROPOSED LANGUAGE

Changes to the existing regulation are shown in single underline for new text and single strikeout for deleted text.

Amend Section 2006 of Article 1 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

§ 2006. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled: “Veterinary Medical Board Disciplinary Guidelines, ~~July 2012~~ October 2017 Edition” which are hereby incorporated by reference. Deviation from these guidelines, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation -for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Section 4808, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 4830.5, 4830.7, 4836.5, 4837, 4839.5, 4855, 4856, 4857, 4875, 4876 and 4883, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

Disciplinary Guidelines

~~July 2012~~
Month, Year

Veterinary Medical Board



~~2005 Evergreen Street, 1747 N. Market Blvd., Suite 2250~~230
Sacramento, CA ~~95815-3831~~95834
(916) ~~263-2610~~515-5220
~~www.vmb.ca.gov~~ Susan M.
~~Geran~~www.vmb.ca.gov
www.facebook.com/CA.VetMedBoard/
twitter.com/vetmedboard

Annemarie Del Mugnaio, Executive Officer

DISCIPLINARY GUIDELINES

VETERINARY MEDICAL BOARD

~~July 2012~~ Month, Year

~~Tom Kendall, DVM~~ Kathy Bowler, Public Member

~~Kim Williams, RVT~~ Jennifer Loreda, RVT

~~Patti Aguiar, Public Member~~

~~Richard Johnson, DVM~~

Judie Mancuso, Public Member

~~Linda Starr, Public Member~~ Jaymie J. Noland, DVM

Mark T. Nunez, DVM

Richard Sullivan, DVM

Cheryl Waterhouse, DVM

Alana Yanez, Public Member

Special thanks to former Board President ~~Stephanie Ferguson~~ Tom Kendall, DVM

~~Susan M. Geranen~~
Annemarie Del Mugnaio

Executive Officer

~~Sandra Monterrubio~~
Candace S. Raney
Enforcement Program Manager

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Veterinary Medical Board

Disciplinary Guidelines

Introduction

The Veterinary Medical Board (Board) developed the Disciplinary Guidelines outlined in this manual for its Executive Officer, staff, legal counsel, administrative law judges, and other persons involved in the Board's enforcement process to be used for the purpose of creating judgment orders in formal disciplinary actions. These guidelines are published in regulations for the public and the profession so that the processes used by the Board to impose discipline are readily available and transparent.

The Board recognizes that each case is unique and that mitigating or aggravating circumstances in a particular case may necessitate variations. Therefore, the Board has developed minimum and maximum penalties to assist in determining the appropriate penalty level of discipline. If an ~~accusation is sustained and~~ administrative law judge finds that a violation occurred but assesses less than the minimum penalty is assessed for that violation, the Board ~~requires information from~~ may request that the administrative law judge ~~on~~ fully explain the reasons and the circumstances for the deviation. ~~that resulted in than the minimum penalty being assessed~~. In addition, probationary conditions are divided into two categories, 1) standard terms and conditions that are used for all cases, and 2) optional terms and conditions that are used for specific violations and circumstances unique to a specific case.

The Board grants licenses to veterinarians, and registers grants registrations to veterinary premises and veterinary technicians, and issues veterinary assistant controlled substances permits. If there is action taken against both the individual ~~licensee~~ licensee and the premises permit, then the disciplinary order should reflect actions against ~~both~~ each. However, in some cases, minimum standard violations are so severe that it is necessary to take immediate action and ~~else~~ suspend the license of a facility. In these instances, the veterinary license and the premises permit may be disciplined separately, and the disciplinary order should reflect the separate action.

Because of the severity of cases resulting in ~~action~~ actions taken by the Office of the Attorney General, the Board has established that the minimum penalty shall always include revocation or suspension with the revocation or suspension stayed and terms and conditions of probation imposed. The ~~imminent~~ threat of the revocation or suspension being reinstated helps to ~~insure~~ ensure compliance with the probationary terms and conditions. ~~It is the recommendation of the~~ The Board that recommends that for in any case involving a violation related to alcohol or drug abuse related violations that, the minimum term of probation should be five years. ~~In and in addition, in any case involving a violation related to alcohol or drug abuse violations the mandatory terms and conditions listed specifically for this type of cases~~ case shall be imposed.

~~In cases where the penalties deviate from the minimum to maximum range without explanation of the deviation, the Board may non-adopt the Proposed Decision and review the case itself.~~

PENALTIES BY BUSINESS AND PROFESSIONS CODE SECTION NUMBER

Section	4883(a); 4837(b)
Violation	Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, surgery, or dentistry, in which case the record of the conviction shall be conclusive evidence.
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty (as appropriate)	Revocation and/or suspension stayed Two-year probation \$2,000 fine Standard terms and conditions Optional terms and conditions including but not limited to: Suspension Limitations on practice Supervised practice No ownership of a veterinary hospital or clinic No management of a veterinary hospital/no supervision of interns or residents Continuing education Psychological evaluation and/or treatment Medical evaluation and/or treatment Rehabilitation program Submit to drug testing Abstain from controlled substances/alcohol Community service Restitution Ethics training
<p>Maximum penalties should be considered if the criminal act caused or threatened harm to an animal or the public, if there have been limited or no efforts at rehabilitation, or if there were no mitigating circumstances at the time of the commission of the offense(s).</p> <p>Minimum penalties may be considered if there is evidence of an attempt(s) at self-initiated rehabilitation. Evidence of self-initiated rehabilitation includes, but is not limited to, pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include, but are not limited to, when appropriate, specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, completions<u>completion</u> of treatment or other conditions of probation ordered by the court, or full compliance with all laws since the date of the occurrence of the criminal act<u>crime</u>.</p>	

Section	4883(b); 4837(d)
Violation	Having professional connection with, or lending the licensee's or registrant's name to, any illegal practitioner of veterinary medicine and the various branches thereof.
Maximum Penalty	Revocation and a \$5,000 fine

Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 30-day suspension for each offense No ownership, of a veterinary hospital or clinic No management of a veterinary hospital/no supervision of interns or residents Ethics training
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client or if there are prior violations of the same type of offense.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

Section	4883(c); 4837(e); 4836.5 4839.5
Title-Violation	Violation or attempt to violate, directly or indirectly, any of the provisions of the chapter
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: Restitution Ethics training
<p>Maximum penalties should be considered if the actions were intended to subvert investigations by the Board or in any way hide or alter evidence that would or could be used in any criminal, civil, or administrative actions.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

Section	4883(d), (e)
Violation	Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests. Employment of anyone but a veterinarian licensed in the State to demonstrate the use of biologics in the treatment of animals.
Maximum Penalty	Revocation or suspension and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$5,000 fine Optional terms and conditions including but not limited to: 30-day suspension of license and/or premises permit Continuing education Community service

Maximum penalties should be considered if the acts or omissions caused public exposure of reportable diseases (rabies, brucellosis or tuberculosis) or other hazardous diseases of zoonotic potential.

Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.

Section	4883(f)
Violation	False or misleading advertising
Maximum Penalty	Revocation and/or suspension and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation 60 30-day suspension Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: Restitution Ethics training

Maximum penalties should be considered if the advertising was deceptive, caused or threatened harm to an animal, or caused a client to be misled and suffer monetary damages. ~~One~~In that case, one of the probationary terms ~~in that case~~ should be restitution to any client damaged as a result of the violation. The more severe penalty should be considered when there are prior violations of the same type of offense.

Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.

Section	4883(g); 4837(c)
Violation	Unprofessional conduct, that includes, but is not limited to, the following: (1) Conviction of a charge of violating any federal statutes or rules or any statute or rule of this state regulating dangerous drugs or controlled substances. (2)(A) The use of, or prescribing for, or administering to himself or herself, any controlled substance. (B)The use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages to the extent, or in any manner as to be dangerous or injurious to a person licensed or registered under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person so licensed or registered to conduct with safety the practice authorized by the license or registration. (C)The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. (3) A violation of any federal statute, rule, or regulation or any of the statutes, rules, or regulations of this state regulating dangerous drugs or controlled substances.
Maximum Penalty	Revocation and a \$5,000 fine

Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$5,000 fine Optional terms and conditions including but not limited to: 30-day suspension Supervised practice Psychological evaluation and/or treatment Medical evaluation and/or treatment Surrender DEA license/send proof of surrender to Board within 10 days of the effective date of the Decision. No ownership of a veterinary hospital or clinic No management of a veterinary hospital/no supervision of interns or residents Rehabilitation program Submit to drug testing Abstain from use of alcohol and drugs
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Maximum penalties should be considered if acts or omissions caused or threatened harm to an animal or a client, or if there are prior violations of the same type of offense.

Minimum penalties may be considered if acts or omissions did not cause harm to an animal, there are no prior violations of the same type of offense, and there is evidence of self-initiated rehabilitation.

When considering minimum penalties, the terms of probation should include a requirement that the licensee submit the appropriate medical reports (including psychological treatment and therapy), submit to random drug testing, submit to a limitation of practice, or practice under the supervision of a California licensed veterinarian as applicable on the facts of the case, and submit quarterly reports to the Board (in writing or in person as the Board directs). ~~Note: in any violation related to alcohol or drug violations~~ The Board requires a minimum of five-years' probation for any violation related to alcohol or drug abuse.

Section	4883(g)
Violation	General unprofessional conduct
Maximum Penalty	Revocation and a \$5,000 fine

Minimum Penalty (as appropriate)	Written Public Reproval Revocation and/or suspension stayed Two-year probation Standard terms and conditions Optional terms and conditions including but not limited to: 30-day Suspension Limitations on practice Supervised practice No ownership of a veterinary hospital or clinic No management of a veterinary hospital/no supervision of interns or residents Continuing education Psychological evaluation and/or treatment Medical evaluation and/or treatment Rehabilitation program Submit to drug testing Abstain from controlled substances/alcohol Community service/ Restitution Ethics training
<p>Maximum penalties should be considered if the acts or omissions caused substantial harm to an animal or a client, or <u>if there are prior actions against violations of the licensee or registrant's same type of offense.</u></p> <p>Minimum penalties may be considered if there are no prior actions <u>violations</u>, if there are mitigating circumstances such as the length of time since the offense(s) occurred, if the acts or omissions did not cause substantial harm to an animal or a client, <u>and/or</u> if there is evidence of a self-initiated rehabilitation.</p>	

Section	4883(h)
Violation	Failure to keep the licensee's or registrant's premises and all equipment therein in clean and sanitary condition. (Requirements for sanitary conditions are also outlined in Sections 4853.5 and 4854 (practice sanitation standards).)
Maximum Penalty	Revocation or suspension of premises permit and a \$5,000 fine.
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions Fine - not less than \$50 nor more than \$500 per day, not to exceed \$5,000 Optional terms and conditions including but not limited to: A ten to thirty 30-day suspension or suspension until compliance with minimum standards of practice is achieved. Random hospital inspections

Maximum penalties should be considered if the acts or omissions caused or threatened harm to animals or the public, if there are prior actions and/or no attempt to remedy the violations, for example, unsanitary or hazardous workplace, improper sterilization of instruments, or improper husbandry practices or if there are prior violations of a similar nature.

Minimum penalties may be considered ~~people~~ if the acts or omissions did not cause or threaten harm to animals or people, or remedial action has been taken to correct the deficiencies, ~~and there is remorse for the existing unsanitary conditions.~~

Note - A veterinary license and a premises permit can be disciplined separately.

Section	4883(i)
Violation	Negligence in the practice of veterinary medicine
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Three-year probation Standard terms and conditions Fine - not less than \$50 nor more than \$500 per day, not to exceed \$5,000 Optional terms and conditions including but not limited to: A ten- to thirty- 30-day suspension or suspension until in-compliance with minimum standards of practice is achieved. Random hospital inspections
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to animals or the public, if there are prior actions and/or no attempt to remedy the violations.</p> <p>Minimum penalties may be considered people if the acts or omissions did not cause or threaten harm to animals or people, remedial action has been taken to correct the deficiencies and there is remorse for the negligent acts.</p>	

Section	4883(i)
Violation	Incompetence in the practice of veterinary medicine
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/ or suspension stayed Three-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 90 30-day suspension Supervised practice Hospital inspections Continuing education Clinical written examination Community service Restitution Ethics training
<p>Maximum penalties should be considered based on the following factors: if the acts or omissions caused harm to an animal or an animal has died, there are limited or no efforts at rehabilitation, or there are no mitigating circumstances at the time of the commission of the offense(s).</p> <p>Minimum penalties may be considered if the acts or omissions did not cause substantial harm to an animal, there is evidence of rehabilitation, and there are mitigating circumstances such as no prior discipline, remorse for the harm that occurred, cooperation with the Board's investigation, etc.</p>	

Section	4883(i)
Violation	Fraud and/or Deception in the practice of veterinary medicine
Maximum Penalty	Revocation and a \$5,000 fine

Minimum Penalty	Revocation and/or suspension stayed Three-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 90 30 -day suspension Hospital inspections Supervised practice Clinical written examination Community service Restitution Ethics training
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Maximum penalties should be considered based on the following factors: if the acts or omissions caused harm to an animal or an animal has died, there is limited or no evidence of rehabilitation or no mitigating circumstances at the time of the commission of the offense(s).

Minimum penalties may be considered if the acts or omissions did not cause substantial harm to an animal, there is evidence of rehabilitation and there are ~~mitigation~~mitigating circumstances such as no prior discipline, remorse for the harm that occurred, cooperation with the Board's investigation, etc.

Section	4883(j); 4839.5
Violation	Aiding or abetting in acts which are in violation of any of the provisions of this chapter.
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Ethics training

Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client and the acts were repeated after a prior violation of the same type of offense.

Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client, there were no prior actions, and there is evidence of remorse and an acknowledgement of the violation.

Section	4883(k); 4837(a)
Violation	Fraud, misrepresentation, or deception in obtaining a license or , <u>registration, or permit.</u>
Maximum and Minimum Penalty	Revocation and a \$5,000 fine

Note - In this instance, the gravity of the offense warrants revocation in all cases since there was no legal basis for licensure in the first place.

Section	4883(l)
Violation	The revocation, suspension, or other discipline by another state or territory of a license, certificate, or registration to practice veterinary medicine or as a veterinary technician in that state or territory.
Maximum Penalty	Revocation
Minimum Penalty	The penalty that would have been applicable to the violation if it had occurred in the State of California.

Section	4883(m)
Violation	Cruelty to animals or conviction on a charge of cruelty to animals, or both.
Maximum Penalty	Revocation and a \$5,000 fine.
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$5,000 fine Optional terms and conditions including but not limited to: 30-60-day suspension Psychological evaluation and/or treatment Medical evaluation and/or treatment Continuing education Ethics training

Note - While the Board believes this violation is so severe that revocation is the only appropriate penalty, it recognizes that a lesser penalty may be appropriate where there are mitigating circumstances of a significant nature.

Section	4883(n)
Violation	Disciplinary actions taken by any public agency in any state or territory of any act substantially related to the practice of veterinary medicine or the practice of a veterinary technician.
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 30-day suspension Continuing education

Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or the public, there is limited or no evidence of rehabilitation, and there were no mitigating circumstances at the time of the commission of the offense(s).

Minimum penalties may be considered if there is evidence of attempts at self-initiated rehabilitation taken prior to the filing of the accusation. Self-initiated rehabilitation measures include pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include, ~~when appropriate,~~ specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, ~~completions~~completion of treatment or other conditions of probation ordered by the court, and ~~full~~ compliance with all laws since the date of the occurrence of the violation.

Section	4883(o)
Violation	Violation, or the assisting or abetting violation, of any regulations adopted by the Board pursuant to this chapter.
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/ or suspension stayed Two-year probation Standard terms and conditions 30-day suspension \$1,000 fine Optional terms and conditions including but not limited to: Continuing education Restitution Ethics training

Maximum penalties should be considered if the acts or omissions caused or threatened harm to the animal or the public, there was more than one offense, there is limited or no evidence of rehabilitation, and there were no mitigating circumstances at the time of the offense(s).

Minimum penalties may be considered if there is evidence of attempts at self-initiated rehabilitation. Self-initiated rehabilitation measures include pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include, ~~when appropriate,~~ specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, ~~completions~~condition of probation ordered by the court, and ~~full~~ compliance with all laws since the date of the occurrence of the violation.

Section	4855
Title-Violation	Written Records
Maximum Penalty	Revocation and a \$5,000-00 fine
Minimum Penalty	Revocation and/ or suspension stayed Two-year probation Standard terms and conditions 30-day suspension \$1,000 fine Optional terms and conditions including but not limited to: <u>Supervised practice</u> Continuing education

Maximum penalties should be considered when there are ~~is~~ a lack of records or omissions and/or alterations that constitute negligence.

Minimum penalties may be considered when there is evidence of carelessness and corrective measures have been implemented to correct the process whereby the records were created.

Section	4856
Violation	Failure to permit the inspection of Records <u>records</u> or Premises <u>premises</u> by the Board
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Ethics training

Maximum penalties should be considered if there is a deliberate attempt to prevent access to the Board, prior discipline of the managing licensee or the premises, or no mitigating circumstances at the time of the refusal.

Minimum penalties may be considered when there are mitigating circumstances at the time of the request for records, where there is no deliberate attempt to prevent the Board from having access to the records or when there are no prior ~~actions~~ violations of a similar nature.

Section	4857
Violation	Impermissible disclosure of information about animals and/or about clients
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension

Maximum penalties should be considered when there is a breach of ~~breaching~~ confidentiality, ~~puts the animals or clients in jeopardy.~~

Minimum penalties may be considered when the breach is inadvertent or when there is no prior action against the licensee.

Note - The severity of violations may determine whether action taken is citation and fine or formal discipline.

Section	4830.5
Violation	Duty to report staged animal fighting
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Continuing Education <u>education</u> Ethics training
<p>Maximum penalties should be considered when an animal or animals have been killed or severely harmed.</p> <p>Minimum penalties may be considered on a case-by-case basis.</p>	

Section	4830.7
Violation	Duty to report animal abuse or cruelty
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Considered on a case-by-case basis

Section	4836.5; 4837
Violation	Disciplinary proceedings against veterinarians and registered veterinary technicians
Maximum Penalty	Revocation and a \$5,000 fine
Minimum Penalty	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Continuing Education <u>education</u> Ethics training
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client, or the acts were repeated after a prior violation of the same type of offense.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or client, or if there are no prior violations.</p> <p>Note - The Practice Act is very specific on the authorized duties for RVTs that cannot be performed by unregistered assistants<u>veterinary controlled substance permit holders</u>; therefore, these violations are more serious due to their blatant nature.</p>	

STANDARD TERMS AND CONDITIONS OF PROBATION (1-1114)

The Board recommends one- to five-year probation, as appropriate, in cases where probation is part of a disciplinary order.

~~All standard terms and conditions are included in every order of probation applied to the licensee or registrant subject to discipline (Respondent).~~

1. **Obey all Laws**

Respondent shall obey all federal and state laws and regulations substantially related to the practice of veterinary medicine. ~~Further, within~~ Within thirty (30) days of any arrest or, Respondent shall notify the Board. Within thirty (30) days of any conviction, Respondent shall report to the Board and provide proof of compliance with the terms and conditions of the court order including, but not limited to, probation and restitution requirements. Respondent shall notify the Board of any change of name or address within 30 days of the change.

2. **Quarterly Reports and Interviews**

Respondent shall report quarterly to the Board or its designee, under penalty of perjury, on forms provided by the Board, stating whether there has been compliance with all terms and conditions of probation. ~~In addition, the Board at its discretion may request additional in-person reports of the probationary terms and conditions. If~~ the final written quarterly report is not made as directed, the period of probation shall be extended until ~~such~~ time as the final report is received by the Board. Respondent shall make available all patient records, hospital records, books, logs, and other documents. Any period(s) of delinquency in submission of reports as directed may be added to the Board, upon request. total period of probation.

3. **Cooperation with Probation Surveillance — Interview with the Board**

Within 30 days of the effective date of the Decision, Respondent shall appear in person for an interview with the Board or its designee to review the terms and conditions of probation.

In addition, if Respondent fails to maintain compliance with terms and conditions of probation in any respect, subsequent in-person interviews may be required.

~~Respondent shall comply with the Board's probation surveillance program. All costs for probation monitoring and/or mandatory premises inspections shall be borne by Respondent. Probation monitoring costs are set at a rate of \$100 per month for the duration of the probation. Respondent shall notify the Board of any change of name or address or address of record within thirty (30) days of the change. Respondent shall notify the Board immediately in writing if Respondent leaves California to reside or practice in another state. Respondent shall notify the Board immediately upon return to California.~~

4. **Cooperation with Board Staff**

Respondent shall cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of his or her probation. Respondent shall make available all patient records, hospital records, books, logs, and other documents relating to the practice of veterinary medicine to the Board, upon request.

5. | Probation Monitoring Costs

Probation monitoring costs are set at a rate of \$100 per month for the duration of the probation. These costs shall be payable to the Board on a schedule as directed by the Board or its designee.

46. | ~~No Preceptorships or Supervision of~~ Students, Interns, or Residents

~~Respondent shall not supervise a registered intern and shall not perform any of the duties of a preceptor~~students, interns, or residents.

57. | Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the decision in this case~~Decision~~ and the terms, conditions, and restrictions imposed on Respondent by the decision in this case. ~~Decision~~, as follows:

Within thirty (30) days of the effective date of this decision~~Decision~~ and within fifteen (15) days of Respondent undertaking any new employment, Respondent shall cause his or her employer~~supervisor and/or managing licensee (licensee manager)~~ to report to the Board in writing, acknowledging that the employer~~listed individuals~~ has/have read the Accusation and decision in this case and understands Respondent's ~~Decision, including the terms and, conditions, of probation and restrictions imposed. It shall be Respondent's responsibility to ensure that his or her supervisor and/or licensee manager submit timely acknowledgment(s) to the Board.~~

Relief veterinarians shall notify employers immediately and require the supervisor and/or licensee manager to submit timely acknowledgement.

68. | Notice to Employees

~~Respondent shall, upon~~Upon or before the effective date of this ~~decision~~Decision, Respondent shall post or circulate a notice which actually recites the ~~offenses~~violations for which Respondent has been disciplined and the terms and conditions of probation, to all licensed, registered, or permitted veterinary employees, and to any ~~preceptor~~students, residents, and interns or extern involved in his or her veterinary practice. Within fifteen (15) days of the effective date of this ~~decision~~Decision, Respondent shall cause his/her employees to report to the Board in writing, acknowledging the employees have read the Accusation and ~~decision~~Decision in the case and understand Respondent's terms and conditions of probation.

7. | ~~Owners and Officers (Corporations or Partnerships): Knowledge of the Law~~

~~Respondent shall provide, within thirty (30) days after the effective date of the decision, signed and dated statements from the owners, officers, or any owner or holder of ten percent (10%) or more of the interest in Respondent or Respondent's stock, stating said individuals have read and are familiar with federal and state laws and regulations governing the practice of veterinary medicine.~~

8.9. | Tolling of Probation

If Respondent resides out of state upon~~shall notify the Board or after effective date~~its designee in writing within fifteen (15) calendar days of any periods of the decision, he or she must comply with the following conditions only: quarterly reports and interviews, tolling of probation, continuing education and cost recovery non-practice lasting more than thirty (30) calendar days and shall notify the Board or its designee within fifteen (15) calendar days of Respondent's return to practice. Any period of non-practice will result in the Respondent's probation being tolled. If Respondent returns to California he or she must comply or be subject to all probationary conditions for the period of probation.

Non-practice is defined as any period of time exceeding thirty (30) calendar days in which Respondent is not engaging in the practice of veterinary medicine in California. While tolled for residing/practicing outside of California, Respondent must comply with the following terms and conditions of probation: obey all laws, quarterly reports, interview with the Board, tolling of probation, maintain a current and active California license or registration, and cost recovery.

Non-practice is also defined as any period that Respondent, during probation, shall engage in the practice of veterinary medicine in California for a minimum of 24 hours per week for six (6) consecutive months or as determined by the Board. Should Respondent fails to engage in the practice of veterinary medicine in California as set forth above, the time outside of the practice shall **for a minimum of 24 hours per week** for the duration of probation (except reasonable time away from work for vacations, illnesses, etc.) or as determined by the Board. While tolled for not meeting the hourly requirement, Respondent shall comply with all terms and conditions of this Decision.

Any period of tolling will not apply to the reduction of the probationary ~~terms~~ term.

10. | Maintain a Valid License

At all times while on probation, Respondent shall maintain a current and active license with the Board, including any period during which suspension or probation is tolled. If Respondent's license, by operation of law or otherwise, expires, upon renewal, Respondent's license shall be subject to any and all terms of probation not previously satisfied.

911. | Violation of Probation

If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, or if the Attorney General's office has been requested to prepare any disciplinary action against Respondent's license, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No petition for modification or termination of probation shall be considered while there is an accusation or petition to revoke probation pending against Respondent.

12. | License Surrender While on Probation/Suspension

Following the effective date of this Decision, should Respondent cease to practice veterinary medicine due to retirement or health issues, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender his or her license to practice veterinary medicine to the Board for surrender. The Board or its designee has the discretion to grant the request for surrender or to take any other action it deems appropriate and reasonable. Upon formal acceptance of the license surrender, Respondent will no longer be subject to the terms and conditions of probation. The surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board.

Respondent must relinquish his or her license to the Board within ten (10) days of receiving notification from the Board that the surrender has been accepted.

10.13. | Completion of Probation

All costs for probation monitoring and/or mandatory premises inspections shall be borne by Respondent. Failure to pay all costs due shall result in an extension of probation until the matter is resolved and costs paid or a petition to revoke probation is filed. Upon written notice by the ~~board~~ Board or its designee indicating successful completion of probation, Respondent's license will be fully restored.

11.14. | Cost Recovery and Payment of Fines

Pursuant to Section 125.3 of the California Business and Professions Code, within thirty (30) days of the effective date of this ~~decision~~ Decision, Respondent shall pay to the Board its enforcement costs, including investigation, ~~hearing,~~ and ~~probationary monitoring~~ prosecution, in the amount of _____ or the Respondent shall make these payments as follows: _____. ~~FAILURE TO PAY THIS AMOUNT TO THE BOARD BY THE STATED DEADLINE SHALL RESULT IN AUTOMATIC REVOCATION OF THE LICENSE FORTHWITH, WITHOUT FURTHER NOTICE OR AN OPPORTUNITY TO BE HEARD.~~

OPTIONAL TERMS AND CONDITIONS OF PROBATION (1-21-23)

Note - In addition to the standard terms and conditions of probation, optional terms and conditions of probation are assigned based on violations and fact patterns specific to individual cases.

1. | Suspension – Individual License

As part of probation, Respondent is suspended from the practice of veterinary medicine for _____, beginning the effective date of this ~~decision~~Decision. During ~~said~~the suspension, Respondent shall not enter any veterinary hospital which is registered by the Board unless seeking treatment for one's own animal. Additionally, Respondent shall not manage, administer, or be a consultant to any veterinary hospital or veterinarian during the period of actual suspension and shall not engage in any veterinary-related service or activity.

2. | Suspension – Premises

As part of probation, Premises License Number _____, issued to Respondent _____, is suspended for _____, beginning the effective date of this ~~decision~~Decision. During ~~said~~the period of suspension, said premises may not be used by any party for any act constituting the practice of veterinary medicine, surgery, dentistry, and/or the various branches thereof.

3. | Posted Notice of Suspension

If suspension is ordered, Respondent shall post a notice of the Board's Order of Suspension, in a place clearly visible to the public. The notice, provided by the Board, shall remain posted during the entire period of actual suspension.

4. | Limitation on Practice/~~Inspections~~

(A) During probation, Respondent is prohibited from practicing _____ (*Type of practice*) _____

(B) During probation, Respondent is prohibited from ~~the following~~:

- a. ~~P~~practicing veterinary medicine from a location or mobile veterinary practice which does not have a current premises permit issued by the Board; ~~and~~

5. | Inspections

~~2.~~ If Respondent is the owner or managing licensee of a veterinary ~~practice~~premises, the following probationary conditions apply:

(a) The location or mobile veterinary practice ~~must not only have~~shall hold a current premises permit issued by the Board, ~~but must also be subject to~~and Respondent shall make the practice or location available for inspections by a Board representative to determine whether the location or veterinary practice meets minimum standards for a veterinary ~~practice~~premises. The inspections will be conducted on an announced or unannounced basis and shall be held during normal business hours. The Board reserves the right to conduct these inspections on at least a quarterly basis during probation. Respondent shall pay the Board for the cost of each inspection, which is \$500. ~~If the veterinary practice has two consecutive non-compliant inspections, Respondent shall surrender the Ppremises Ppermit within ninety (90) days from the date of the second consecutive non-compliant inspection.~~

(b) As a condition precedent to any ~~P~~premises ~~P~~permit issued to Respondent as owner or managing licensee, the location or mobile veterinary practice for which application is made shall be inspected by a Board representative to determine whether the location or mobile veterinary practice meets minimum standards for a veterinary ~~practice~~premises. Respondent shall submit to the Board, along with any premises permit application, a \$500 inspection fee.

Respondent shall not practice only under the supervision of veterinary medicine until a veterinarian supervisor is approved by the Board. The supervision directed may be continuous supervision, substantial supervision, partial supervision, or supervision by daily review, as deemed necessary by its designee. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board.

Respondent shall submit to the Board. All costs involved with practice supervision shall be borne by Respondent, for its prior approval, the name and qualifications of one or more proposed supervisors of Respondent's choice. Each supervisor shall have been licensed in California and have held a valid California license for at least five (5) years and not have ever been subject to any disciplinary action by the Board. The supervisor shall be independent, with no current or prior business or personal relationship with Respondent, and the supervisor shall not be in a familial relationship with or be an employee, partner, or associate of Respondent.

Within Upon approval by the Board and within thirty (30) days of the effective date of the decision Decision, Respondent shall have his or her supervisor submit a report to the Board in writing stating the supervisor has read the decision Decision in case number _____. Should Respondent change employment, Respondent shall have his/her new supervisor, within fifteen (15) days after employment commences, submit a report to the Board in writing stating the supervisor has read the decision Decision in case number _____.

Respondent's supervisor shall file monthly reports with the Board. These reports shall be in a form designated by the Board and shall include a narrative section where the supervisor provides his or her conclusions and opinions concerning the issues described above and the basis for his or her opinions. Additionally, the supervisor shall maintain and submit with his or her monthly reports a log designating the patient charts reviewed, the date(s) of service reviewed, and the date upon which the review occurred.

The following terms of supervision apply to licensed veterinarians only:

The supervision shall be, as required by the Board or its designee, either direct or indirect.

Direct supervision is defined as the physical presence of the supervisor 100% of the time Respondent provides treatment or consultation to the animal patient.

Indirect supervision is defined as review and evaluation of patient records for those patients for whom Respondent provides treatment or consultation during the period of supervised practice. Levels of indirect supervision shall be established as follows:

Substantial – 75%

Moderate - 50%

Partial - 25%

The level of supervised practice may be modified as determined necessary by the Board or its designee. Respondent will not be eligible for a decrease in supervised practice until such time as: 1) Respondent has successfully completed at least 25% of the probationary term; 2) Respondent is deemed to be in full compliance with all terms and conditions of the probationary order; and 3) Respondent has consistently received favorable monthly supervised practice reports; and 4) the Board has received a written recommendation by the supervisor.

Respondent's supervisor shall, on a ~~basis~~frequency to be determined by the Board, review and evaluate all or a designated portion of patient records of those patients for whom Respondent provides treatment or consultation during the period of supervised practice. The supervisor shall review these records to assess: 1) the medical necessity and appropriateness of Respondent's treatment; 2) Respondent's compliance with ~~community~~minimum standards of practice in the diagnosis and treatment of animal patients; 3) Respondent's maintenance of necessary and appropriate treatment; 4) Respondent's maintenance of necessary and appropriate records and chart entries; and 5) Respondent's compliance with existing statutes and regulations governing the practice of veterinary medicine.

~~Respondent's supervisor shall file monthly reports with the Board. These reports shall be in a form designated by the Board and shall include a narrative section where the supervisor provides his or her conclusions and opinions concerning the issues described above and the basis for his or her conclusions and opinions. Additionally, the supervisor shall maintain and submit with his or her monthly reports a log designating the patient charts reviewed, the date(s) of service reviewed, and the date upon which the review occurred. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board.~~

If Respondent is an employee rather than a veterinary hospital owner, the supervisor shall additionally notify the Board of the dates and locations of all employment of Respondent, during each month covered by his/her report.

67. | No New Ownership

Respondent shall not have any new legal or beneficial interest in any veterinary business, firm, partnership, or corporation ~~currently or hereinafter licensed or registered by~~during the Board and shall not own any veterinary hospital.duration of his or her probation.

78. | No Management or Administration

Respondent shall not manage ~~or be the administrator of~~ any veterinary hospital during the duration of his or her probation.

89. | Continuing Education

Within sixty (60) days of the effective date of this ~~decision~~Decision, and on an annual basis thereafter, Respondent shall submit to the Board for its prior approval, an educational program or course related to Respondent's specific area(s) of weakness which shall not be less than _____ hours per year, for each year of probation. Upon successful completion of the course, Respondent shall provide proof to the Board. This program shall be in addition to the Continuing Education required of all licensees- for licensure renewal. All costs shall be borne by Respondent.

810. | Clinical Training

Within sixty (60) days of the effective date of this ~~decision~~Decision, Respondent shall submit an outline of an intensive clinical training program to the Board for its prior approval. The exact number of hours and the specific content of the program shall be determined by the Board or its designee. Respondent shall successfully complete the training program and may be required to pass an examination related to the program's contents administered by the Board or its designee. All costs shall be borne by Respondent.

911. Clinical or Written Examination

Within sixty (60) days of the effective date of this ~~decision~~Decision, ~~or upon completion of the education course required above~~, or upon completion of the clinical training programs, Respondent shall take and pass species specific practice (clinical/written) examination to be administered by the Board or its designee. If Respondent fails this examination, Respondent must wait three (3) months between reexaminations, except that after three (3) failures, Respondent must wait one (1) year to take each necessary reexamination thereafter. All costs shall be borne by Respondent. If Respondent fails to take and pass this examination by the end of the first year of probation, Respondent shall cease the practice of veterinary medicine until this examination has been successfully passed and Respondent has been so notified by the Board in writing.

4012. Psychological Evaluation

Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more psychotherapists of Respondent's choice. Upon approval, and within sixty (60) days of the effective date of this decision~~Decision~~, and on a periodic basis as may be required by the Board or its designee, Respondent shall undergo a psychiatric evaluation by a ~~Board-appointed~~approved psychotherapist (psychiatrist or psychologist), to determine Respondent's ability to practice veterinary medicine safely, ~~who~~ The psychotherapist shall furnish a psychological report to the Board or its designee. All costs shall be borne by Respondent.

If the psychotherapist (psychiatrist or psychologist) recommends and the Board or its designee directs psychotherapeutic treatment, Respondent shall, within thirty (30) days of written notice of the need for psychotherapy, submit the name and qualification of one of more psychotherapists of Respondent's choice to the Board for its prior approval. Upon approval of the treating psychotherapist by the Board, Respondent shall undergo and continue psychotherapy until further notice from the Board. Respondent shall have the treating psychotherapist submit quarterly written reports to the Board. All costs shall be borne by Respondent.

ALTERNATIVE: PSYCHIATRIC EVALUATION AS A CONDITION PRECEDENT TO PRACTICE.

As of the effective date of the ~~decision~~Decision, Respondent shall not engage in the practice of veterinary medicine until notified in writing by the Board of this determination that Respondent is mentally fit to practice safely. If recommended by the psychotherapist (psychiatrist or psychologist) and approved by the Board or its designee, Respondent shall be barred from practicing veterinary medicine until the treating psychotherapist recommends, in writing, and stating the basis therefore, that Respondent can safely practice veterinary medicine, and the Board approves ~~said~~the recommendation. All costs shall be borne by Respondent.

4113. Psychotherapy

Within thirty (30) days of the effective date of this ~~decision~~Decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more psychotherapists of Respondent's choice. Upon approval, Respondent shall undergo and continue treatment until the Board deems that no further psychotherapy is necessary. Respondent shall have the treating psychotherapist submit quarterly status reports to the Board. The Board may require Respondent to undergo psychiatric evaluations by a Board-appointed psychiatrist. All costs shall be borne by Respondent.

If the treating psychotherapist finds that Respondent cannot practice safely or independently, the psychotherapist shall notify the Board within three (3) working days. Upon notification by the Board, Respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee that Respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the Board is required until the Board or its designee has notified Respondent that he/she may resume practice. Respondent shall document compliance with this condition in the manner required by the Board.

4214. Medical Evaluation

Within thirty (30) days of the effective date of this ~~decision~~Decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more physicians of Respondent's choice. Upon approval and on a periodic basis thereafter as may be required by the Board or its designee, Respondent shall undergo a medical evaluation by a Board ~~appointed~~approved physician, to determine Respondent's ability to practice veterinary medicine safely, ~~who~~. The physician shall furnish a medical report to the Board or its designee. If Respondent is required by the Board or its designee to undergo medical treatment, Respondent shall, within thirty (30) days of written notice from the Board, submit the name and qualifications of a physician of Respondent's choice to the Board for its prior approval. Upon approval of the treating physician by the Board, Respondent shall undergo and continue medical treatment until further notice from the Board. Respondent shall have the treating physician submit quarterly written reports to the Board. All costs shall be borne by Respondent.

If at any time an approved evaluating physician or Respondent's approved treating physician determines that Respondent is unable to practice safely or independently as a veterinarian, the evaluating or treating physician shall notify the Board immediately by telephone and follow up by written letter within three (3) working days. Upon notification from the Board or its designee of this determination, Respondent shall cease all practice and shall not resume practice until notified by the Board that practice may be resumed.

ALTERNATIVE: MEDICAL EVALUATION AS A CONDITION PRECEDENT TO PRACTICE.

As of the effective date of this ~~decision~~Decision, Respondent shall not engage in the practice of veterinary medicine until notified in writing by the Board of its determination that Respondent is medically fit to practice safely. If recommended by the physician and approved by the Board or its designee, Respondent shall be barred from practicing veterinary medicine until the treating physician recommends, in writing and stating the basis therefore, that Respondent can safely practice veterinary medicine, and the Board approves said recommendation.

4315. Rehabilitation Program —Alcohol or Drug

Within thirty (30) days of the effective date of this ~~decision~~Decision, Respondent shall submit in writing a(n) alcohol/drug rehabilitation program in which Respondent shall participate (for the duration of probation/for one/for two years) to the Board for its prior approval. ~~In the quarterly written reports to the Board, Respondent shall provide documentary evidence in the quarterly written reports to the Board of continuing satisfactory participation in this program. All costs shall be borne by Respondent.~~

Components of the treatment contract shall be relevant to the violation and to the Respondent's current status in recovery or rehabilitation. The components may include, but are not limited to: restrictions on practice and work setting, random biological fluid testing, abstention from drugs and alcohol, use of worksite monitors, participation in chemical dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluation, and other appropriate rehabilitation or monitoring programs. All costs of participating in the program(s) shall be borne by the Respondent.

16. | Continuing Prevention and Support Groups

Within thirty (30) days of the effective date of this Decision, Respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.), which has been approved by the Board or its designee. Respondent must attend at least one group meeting per week unless otherwise directed by the Board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

4417. | Submit to Drug Testing

Respondent shall immediately submit to drug testing, at Respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and to Respondent's current employer.

Respondent shall make daily contact as directed by the Board or its designee to determine if he or she must submit to drug testing. Respondent shall submit his or her drug test on the same day that he or she is notified that a test is required.

Any confirmed positive test for alcohol or any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall result in a cease practice order resulting in a period of nonpractice/suspension from work by Respondent and may be a cause for revocation of probation. Respondent may not resume the practice of veterinary medicine in any form until notified by the Board in writing.

4518. | Abstain from Controlled Substances

Respondent shall completely abstain from the personal use or possession of controlled substances, as defined in Business and Professions Code Section 4021~~the California Uniform Controlled Substances Act,~~ and dangerous drugs, as defined in Section 4211 of the Business and Professions Code Section 4022, except for medication ~~when~~ lawfully prescribed to Respondent by a licensed practitioner for a bona fide illness. Upon request of the Board or its designee, Respondent shall submit to random provide documentation from the licensed practitioner that the prescription for the drug testing during the period of probation was legitimately issued and is a necessary part of Respondent's treatment.

4619. | Abstention from Alcohol Use

Respondent shall abstain completely from the ~~use of alcoholic beverages~~ use of products or beverages containing alcohol.

4720. | Community Service

Within sixty (60) days of the effective date of this ~~decision~~ Decision, Respondent shall submit a community service program to the Board for its prior approval. In this program, Respondent shall provide free services on a regular basis to a community or charitable facility or agency for at least ___ () hours per ___ for the first _____ of probation. All services shall be subject to prior Board approval.

1821. | Fine

Respondent shall pay to the Board a fine in the amount of _____ (not to exceed ~~five thousand dollars \$5,000~~) pursuant to Business and Professions Code sections 4875 and 4883. Respondent shall make ~~said~~the payments as follows: _____.

~~Pursuant to Business and Professions Code Section 125.3, enforcement costs (investigative, legal, and expert review), up to the time of the hearing, can be recovered.~~

1922. | Restitution

Respondent shall make restitution to any injured party in the amount of _____. Proof of compliance with this term shall be submitted to the Board within sixty (60) days of the effective date of this ~~decision~~Decision.

~~Note - Name and address of injured party may be inserted in the body of this term.~~

2023. | Ethics Training

Respondent shall submit to the Board, for its prior approval, an ethics training course for a minimum of _____ hours during the probationary period. ~~Upon~~Respondent shall provide proof of successful completion of the course, ~~Respondent shall provide proof~~ to the Board. All costs shall be borne by Respondent.

Definitions

Negligence - A departure from the standard of care or practice. It can be an act of omission or commission. Harm or injury is not a necessary component of administrative negligence because we do not seek monetary damages (redress).

Incompetence - A lack of knowledge or ability in discharging professional obligations.

Fraud - An intentional act or omission to deceive or mislead another person by misrepresentation, deceit, or concealment of a material fact.

Deception - Any act or omission that deceives or misleads another person.

Both fraud and deception can exist despite truthful statements if the statements made, whether written or oral, have a tendency to mislead, or do in fact mislead.

OVERVIEW GUIDE FOR DISCIPLINARY DECISIONS

Most of the background information provided below is contained in the Department of Consumer Affairs Reference Manual for board members and gives an overview of part of a board's disciplinary process. Certain aspects of this overview were changed by the passage of SB 523 (Kopp, Chapter 938, Statutes of 1995). The changes were in regard to ex parte communications.

Accusation/Statement of Issues

The principal responsibility of a licensing board is to protect the public. This is accomplished by determining whether a license should be issued and whether a disciplinary action should be taken against a license. The Administrative Procedure Act prescribes the process necessary to deny, suspend, or revoke a license. An action to suspend or revoke a license is initiated by the filing of an Accusation. An action to deny a license is initiated by a Statement of Issues.

In disciplinary matters, a Deputy Attorney General (DAG) acts as the Board's prosecutor and coordinates all necessary legal proceedings. If a case is referred to the Office of the Attorney General (OAG) and accepted for prosecution, the DAG assigned the matter will prepare a Statement of Issues or an Accusation. The person against whom the action is filed is called the Respondent.

Once drafted, the Statement of Issues or Accusation is forwarded to the Executive Officer (EO) for approval. Except where the preparation of administrative pleadings is voluminous and routine, the EO will normally review an Accusation or Statement of Issues for accuracy. Board staff will then assign a case number and the EO will sign it before returning it to the OAG for service on the Respondent.

The document is then served on the Respondent. The Respondent may contest the charges by filing a Notice of Defense.

The DAG will then schedule a hearing before an Administrative Law Judge (ALJ) from the Office of Administrative Hearings (OAH).

Administrative Hearing Process

An administrative hearing is similar to a trial in a civil or criminal court. Both parties have the opportunity to introduce evidence (oral and documentary) and the Respondent has a right to confront his or her accusers.

Although a board may sit with the ALJ and hear the case, most cases are heard by the ALJ alone because it is a complex procedure and may require anywhere from several days to several weeks of time.

In order to take discipline against a license issued by the Board, either a veterinarian or registered veterinary technician, it must be demonstrated by "clear and convincing evidence" that a violation of law or regulation has occurred. The clear and convincing standard is more than the "preponderance of the evidence" standard required for civil trials but less than the "beyond a reasonable doubt" standard for criminal trials.

To sustain a citation against a licensee, the allegations need only be proven to the "preponderance of the evidence" standard.

Proposed Decision

~~After hearing all the witnesses and arguments and considering all of the evidence presented, the ALJ renders a Proposed Decision that contains: 1) findings of fact, 2) a determination of issues, and 3) a proposed penalty (assuming a violation is found). The Proposed Decision is then submitted to the Board for consideration and a final decision. The Proposed Decision must be acted upon by the Board within 100 days of receipt, or it becomes final by operation of law as proposed by the ALJ.~~

~~In making a decision whether to adopt the Proposed Decision as its own decision, the Board may only consider the Proposed Decision itself. The Board may not consider evidence about the case not contained in the Decision. The Board may consider advice of legal counsel regarding their options, the legal sufficiency of the Proposed Decision, and the law applicable to the case at hand. If a Board member is personally acquainted with the licensee to a degree that it affects their decision-making ability, or the Board member has received evidence about the case not contained in the Proposed Decision, the Board member should recuse him or herself from any discussion about the case and the vote on the matter.~~

~~The Board may vote on the Proposed Decision by mail ballot or at a meeting in a closed session. Although a Proposed Decision carries great weight based on the fact that the ALJ was a witness to the evidence presented at the hearing, the actual testimony of the witnesses and the demeanor of those witnesses, the Board is the final decision-maker. The Board should consider the ALJ's narrative explanation in the Decision and how the Disciplinary Guidelines were applied. If the Decision is outside the Disciplinary Guidelines, the ALJ must explain to the satisfaction of the Board, the factors that were proved that caused the ALJ to deviate from the standards.~~

~~Adopting any decision is a serious responsibility of a Board member. When considering a Proposed Decision, the Board's legal counsel is present to respond to questions about the legal parameters of the case and the Board's authority. Board members must take time to fully discuss each case and to seek clarification from legal counsel for any question they may have prior to making a final decision on the case.~~

~~When considering a Proposed Decision, the Board has three basic options:~~

- ~~1. adopt the Decision as written, including the proposed penalty,~~
- ~~2. adopt the Decision and reduce the penalty; or~~
- ~~3. not adopt the Proposed Decision.~~

Non-Adopt – Rejecting a Decision

~~Board may choose not to adopt a Proposed Decision of an ALJ for many reasons that might be grouped generally under the following categories:~~

- ~~• 1. The Board finds the penalty or terms of probation inappropriate to the violation(s).~~
- ~~• 2. The Board disagrees with the ALJ's determination of the issue(s) in the case.~~

~~When a Proposed Decision is not adopted, the Board is required to obtain a copy of the transcript of the hearing and documentary evidence unless this requirement is waived by all parties. Each Board member must read the entire transcript and consider only that evidence presented at the hearing. The DAG and the Respondent are entitled to submit written arguments, or oral argument if the Board so orders, on the case to the Board. The Board must render its own decision after reading the transcript and arguments within 100 days from the receipt of the transcript.~~

~~After the decision has been rendered, all parties will be served with the Decision After Non-Adoption.~~

~~The Board can elect to return the non-adopted decision to the OAH if it feels that additional evidence is~~

required before the Board can render its decision. In this instance, the case is returned to the OAH and a new hearing date is scheduled. After the new hearing is complete, the ALJ, the same one as before or a new ALJ if the prior one is unavailable, will issue a new Proposed Decision and the Board will consider the Proposed Decision anew.

Petition for Reconsideration

A Respondent has a right to and may petition the Board before the effective date of the decision for reconsideration of the Board's decision.

If a Board does vote to reconsider its decision it is equivalent to not adopting a Proposed Decision and the steps listed above apply. If the 30-day time period lapses or the Board does not act on the petition, the request for reconsideration is deemed to be denied by operation of law, and the Board no longer has jurisdiction over the matter.

Appeal Process – Writ of Administrative Mandamus

A Respondent has the right to request reconsideration and if denied, file a Writ to appeal a disciplinary action imposed by a Board.

A decision rendered by a Superior Court can be further appealed to the Court of Appeals and then to the Supreme Court by either the Board or the Respondent.

Stipulated Agreement

Once an Accusation has been filed, rather than proceeding to a formal hearing and prior to requesting that the Board consider settlement terms and conditions, the Respondent shall provide mitigating factors and evidence of rehabilitation. Mitigating factors include factors beyond the control of the licensee that existed for a brief period of time but no longer exists that may mitigate the need for certain types of discipline. Evidence of rehabilitation would show that Respondent has taken serious steps to improve behavior and correct actions that led to the need for disciplinary action. The parties may then stipulate (agree) to a determination of the violations charged against the Respondent and to a proposed penalty. Stipulations are negotiated and drafted by the DAG representing the Board and the Respondent and his/her legal counsel. In negotiating a stipulation, the DAG works closely with the Board's EO (or designated Enforcement Program Manager) and utilizes the Board's Disciplinary Guidelines to arrive at a stipulation that is intended to be acceptable to the Board.

The stipulation is presented to the Board for its consideration in much the same way that a Proposed Decision is presented. Once a stipulation has been signed by the licensee and his or her counsel, if any, the Board must vote to approve or disapprove the stipulation as a whole. If the Board votes to disapprove a proposed stipulation, it may send back recommendations for inclusion into any future stipulations. The Board may look beyond the mere contents of an Accusation, though it must confine its consideration to information that is relevant to the charges at hand. While there is no time limit within which a stipulation must be considered, any undue delays should be avoided.

Default Decisions –

Default Decisions are rare; however, in some cases, the Respondent does not respond to an Accusation by returning the Notice of Defense, fails to return the Notice of Defense in a timely manner, or fails to appear at a scheduled hearing. There is a legal obligation to respond to an Accusation and to be present at a scheduled hearing. Failure to meet the legal obligations is grounds for a Default Decision whereby the discipline is imposed based on the Respondent's failure to respond. In these cases the Board need only demonstrate that it has served the Accusation on the licensee at the licensee's address of record. This is one reason it is imperative that licensees maintain a current address of record with the Board; failure to do so can have very serious consequences if the licensee becomes subject to an Accusation

but has an old address of record on file with the Board because the Board has no legal obligation to make any attempt to locate the licensee. Service of an Accusation by first class mail is all that is required to prove proper service.

The result of a Default Decision is nearly always a straight revocation of the license. If the Respondent is also a managing licensee for a premises permit, the premises permit will automatically be canceled by operation of law. If the Accusation was pled against the premises as well as the licensee, the premises permit is revoked along with the license.

Definitions

~~Negligence – A departure from the standard of care or practice. It can be an act of omission or commission. Harm or injury is not a necessary component of administrative negligence because we do not seek monetary damages (redress).~~

~~Incompetence – A lack of knowledge or ability in discharging professional obligations.~~

~~Fraud and Deception – Deception – Any act or omission that deceives or misleads another person.~~

~~Fraud – An intentional act or omission to deceive or mislead another person by misrepresentation, deceit, or concealment of a material fact.~~

~~Deception – Any act or omission that deceives or misleads another person~~

~~Both fraud and deception can exist despite truthful statements if the statements made, whether written or oral, have a tendency to mislead or do in fact mislead.~~

**California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Add Article 11 (commencing with Section 2090) to Division 20 of Title 16 of the California Code of Regulations to read as follows:

Article 11. Compounding in a Veterinary Premises.

2090. Definitions.

(a) "Compounding" means any of the following activities performed in a registered veterinary premises by a licensed veterinarian that has established the veterinary-client-patient relationship for the patient(s) or a registered veterinary technician under the direct or indirect supervision of that veterinarian:

(1) Altering the dosage form or delivery system of a drug.

(2) Altering the strength of a drug.

(3) Combining components or active ingredients.

(4) Preparing a compounded drug preparation from chemicals or bulk substances.

(b) "Compounding" does not include reconstitution of a drug pursuant to a manufacturer's direction(s) for oral, rectal, topical, or injectable administration, nor does it include the sole act of tablet splitting or crushing, capsule opening, or the addition of flavoring agent(s) to enhance palatability.

(c) "Expiration date" means the date, or date and time, determined from the date the preparation is compounded, after which administration of a compounded drug preparation shall not begin, the preparation shall not be dispensed, and the preparation shall not be stored other than for quarantine purposes.

Note: Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

2091. Veterinary Drug Compounding.

(a) A veterinarian shall ensure the safety and efficacy of a compounded drug preparation, including, but not limited to, avoiding known drug incompatibilities and inappropriate complications.

(b) A veterinarian shall not perform drug compounding when the complexity of the drug compounding exceeds the veterinarian's knowledge, skill, facilities, or available equipment.

(c) Sterile compounding shall be for immediate use except in the following conditions:

(1) A dilution of the ingredients is essential for the safe administration of the preparation.

(2) There are no other human or animal drugs that satisfy the need of this preparation.

(3) There is a historical documentation of the need, safety, and efficacy of the preparation.

(d) Only drugs approved by the United States Food and Drug Administration shall be used as the ingredients in a sterile compounded drug preparation.

Note: Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

2092. Policies and Procedures.

(a) A veterinary premises that engages in compounding drug preparations shall develop and maintain a written policies and procedures manual, which shall include:

(1) A list of each of the requirements of subdivisions (b) and (e) and sections 2093 and 2094.

(2) Policies and procedures for the training of a registered veterinary technician who may perform compounded drug preparations.

(3) Policies and procedures for a quality assurance program established pursuant to section 2095.

(b) For each compounded drug preparation, a formula document shall be maintained and include all of the following:

(1) Active ingredients to be used.

(2) Equipment to be used.

(3) Expiration date of the preparation.

(4) Inactive ingredients to be used.

(5) Specific compounding steps to be used to prepare the drug.

(6) Instructions for storage, handling, and administration of the compounded preparation.

(c) The formula document may be included in the policies and procedures manual maintained pursuant to subdivision (a).

(d) If the compounded drug preparation is not routinely compounded, a formula record for the preparation may be kept in the medical record of the patient.

(e) For each compounded drug preparation prepared for a patient, the following information shall be recorded in the patient's medical record:

(1) Name or initials of the veterinarian that made or supervised the making of a compounded drug preparation and the name or initials of the registered veterinary technician, if any, who made the compounded drug preparation.

(2) Expiration date of the compounded drug preparation.

(3) Directions for its storage and administration.

(4) Name, amount, and strength of the compounded drug preparation.

(5) Date the drug preparation was compounded.

(6) Proper storage of the compounded drug preparation.

(f) The veterinarian performing or supervising the compounding of drug preparations is responsible for the following:

(1) Training and supervision of the registered veterinary technician who is compounding the drug preparation.

(2) Proper storage of the drugs used in compounding and the compounded drug preparations.

Note: Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

2093. Expiration Dates.

(a) For non-sterile compounding, the expiration date shall not exceed either of the following:

(1) 180 days from the date the preparation is compounded.

(2) The shortest expiration date of any ingredient in the non-sterile compounded drug preparation.

(b) For sterile compounding, the expiration date shall not exceed either of the following:

(1) 30 days from the date the preparation is compounded.

(2) The shortest expiration date or beyond use date of any ingredient in the sterile compounded drug preparation.

(c) The expiration date may be extended if the product's integrity, potency, and quality are measurable and demonstrable.

Note: Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

Commented [WT1]: Provisions added in Committee; ok to wordsmith this; terminology used in Committee was "are measurable and documented or demonstrated."

2094. Labeling of Compounded Preparations.

All labeling of any compounded drug preparation shall comply with subdivision (b) of section 2032.2.

Note: Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

2095. Quality Assurance.

(a) A veterinary premises that engages in compounding drug preparations shall establish a quality assurance program which documents and assesses medication errors to determine cause and an appropriate response.

(b) The purpose of the quality assurance program shall be to assess errors that occur in the compounding of drug preparations, as well as to evaluate and document adverse reactions of animal patients to compounded drug preparations.

(c) When a veterinarian determines that a medication error has occurred, the veterinarian shall as soon as possible communicate to the client or the client's representative the fact that a medication error has occurred and the steps required to avoid injury or mitigate the error.

(d) Records generated for and maintained as a component of the ongoing quality assurance program shall be considered peer review documents and not subject to discovery in any arbitration, civil, or other proceeding, except as provided hereafter. That privilege shall not prevent review of a veterinary premises's quality assurance program and records maintained as part of that system by the board or the California State Board of Pharmacy as necessary to protect the public health and safety or if fraud is alleged by a government agency with jurisdiction over the veterinary premises. Nothing in this section shall be construed to prohibit a client or client's representative from accessing records of the animal patient.

(e) Reports of drug contraindications and adverse reactions may be included in the quality assurance documentation.

Note: Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

2096. Inspection Authority and Enforcement.

(a) The California State Board of Pharmacy and the California Veterinary Medical Board shall have authority to inspect any veterinary premises engaged in compounding to ensure compliance.

(b) The Veterinary Medical Board is charged with enforcing the provisions of this Article.

Note: Authority cited: Section 4826.5, Business and Professions Code. Reference: Section 4826.5, Business and Professions Code.

**California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Section 2032.1 of Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

§ 2032.1. Veterinarian-Client-Patient Relationship.

(a) It is unprofessional conduct for a veterinarian to administer, prescribe, dispense or furnish a drug, medicine, appliance, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture or bodily injury or disease of an animal without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client, except where the patient is a wild animal or the owner is unknown.

(b) A veterinarian-client-patient relationship shall be established by the following:

(1) The client has authorized the veterinarian to assume responsibility for making medical judgments regarding the health of the animal, including the need for medical treatment,

(2) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian is personally acquainted with the care of the animal(s) by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animals are kept, and

(3) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal and has communicated with the client a course of treatment appropriate to the circumstance.

(c) A drug shall not be prescribed for a duration inconsistent with the medical condition of the animal(s) or type of drug prescribed. The veterinarian shall not prescribe a drug for a duration longer than one year from the date the veterinarian examined the animal(s) and prescribed the drug.

(d) As used herein, "drug" shall mean any controlled substance, as defined by Section 4021 of ~~Business and Professions the~~ code, and any dangerous drug, as defined by Section 4022 of ~~Business and Professions the~~ code.

(e) No person may practice veterinary medicine in this state except within the context of a veterinarian-client-patient relationship. A veterinarian-client-patient relationship cannot be established solely by telephonic or electronic means.

(f) Telehealth shall be conducted within an existing veterinarian-client-patient relationship, with the exception for advice given in an emergency care situation until that patient(s) can be seen by or transported to a veterinarian.

Commented [WT1]: Revised these references for consistency.

Commented [WT2]: BPC 686 refers to "telehealth" and applies to all health care practitioners licensed under Division 2 Healing Arts. The Board approved "telemedicine," but I think this should be consistent with the general provisions under BPC 686.

Note: Authority cited: Sections 686 and 4808, Business and Professions Code.
Reference: Sections 686, 2290.5, 4021, 4022, and 4883, Business and Professions Code.

Commented [WT3]: Adding these sections to Authority/Reference is arguably a “substantive” revision to the language otherwise adopted by the Board. The Board should probably take a look at the language again since the language above regarding “telehealth” has been changed from “telemedicine.”

Commented [WT4]: Adding these per existing statutes regarding telehealth applicable to veterinarians licensed under Division 2 of the BPC.

Commented [WT5]: Adding these as they are referenced above in subdivision (d).

**California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Add Section 2038.5 to Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

2038.5. Animal Physical Rehabilitation.

(a) (1) Animal Physical Rehabilitation (APR) is defined as the treatment of injury or illness to address pain and improve function by means of physical corrective treatment.

(2) APR does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training, or exercise.

(b) Prior to performing or authorizing APR, a veterinarian shall establish a valid veterinarian-client-patient relationship as defined in Sections 2032.1 or 2032.15.

(c) R.V.T.s may ~~provide~~perform APR under the degree of supervision to be determined by the veterinarian who has established the veterinarian-client-patient relationship.

(d) Veterinary assistants may ~~provide~~perform APR under the direct supervision of a veterinarian.

(e) Nothing in this section shall be construed to restrict or amend Section 2038 regarding the performance of MSM. ~~[Any proposed changes made pursuant to this to existing law and regulations are not an attempt to restrict or amend Section 2038 regarding the provision of Musculoskeletal Manipulation modalities.]~~

Note: Authority cited: Sections 4808 and 4836, Business and Professions Code.
Reference: Sections 4825, 4826, 4836, and 4883, Business and Professions Code.

Commented [WT1]: Revised Task Force language to conform to regulatory usage of performing tasks.

Commented [WT2]: "MSM" is defined in Sec 2038.

Commented [WT3]: This is the language approved by the Task Force, which needs to be reworded for consistency.

Veterinary Medical Board (VMB) Actions Regarding Animal Physical Rehabilitation

At the April 2017 VMB Meeting, items 1-6 of the Animal Physical Rehabilitation (APR) Task Force recommendations were approved by the VMB. Items 7 & 8 were rejected by the VMB and new motions Items 9 & 10 were adopted by the VMB at the April and July 2017 VMB Meetings, respectively.

June 20, 2016 APR Meeting

1. Animal Physical Rehabilitation is defined as the treatment of injury or illness to address pain and improve function by means of physical corrective treatment.
2. Animal Physical Rehabilitation does not include relaxation, recreational or wellness modalities, including but not limited to, massage, athletic training or exercise.
3. Any proposed changes to existing law and regulations are not an attempt to restrict or amend section 2038 of the California Code of Regulations regarding the provision of Musculoskeletal Manipulation modalities.
4. Prior to performing or authorizing Animal Physical Rehabilitation, a veterinarian shall establish a valid veterinarian-client-patient relationship as defined in sections 2032.1 or 2032.15 of the California Code of Regulations.

October 4, 2016 APR Meeting

5. Veterinarians have sufficient education and training to provide Animal Physical Rehabilitation.
6. Registered Veterinary Technicians (RVTs) may provide Animal Physical Rehabilitation under the degree of supervision to be determined by the veterinarian who has established the veterinarian-client-patient relationship.
7. Veterinary Assistants may provide Animal Physical Rehabilitation under the direct supervision of a veterinarian or an RVT.

The motion did not carry, with a vote of 3-5.

February 2, 2017 APR Meeting

8. California licensed physical therapists with advanced certification in Animal Physical Rehabilitation (with such certification to be defined by the Veterinary Medical Board and the Physical Therapy Board working cooperatively) may provide Animal Physical Rehabilitation under the degree of supervision to be determined by the veterinarian who has established a veterinarian-client-patient relationship on a veterinary premises or an Animal Physical Rehabilitation Premises (as defined in regulation by the Veterinary

Medical Board and the Physical Therapy Board working cooperatively), or a range setting.

The motion did not carry, with a vote of 3-5.

New Motion of the VMB April 19, 2017

9. California licensed physical therapists with advanced certification in Animal Physical Rehabilitation (with such certification to be defined by the Veterinary Medical Board and the Physical Therapy Board working cooperatively) may provide animal physical rehabilitation under direct supervision by the veterinarian who has established a veterinarian-client-patient relationship on a licensed veterinary premises or for large animal practice, the appropriate degree of supervision shall be determined by the veterinarian who established the veterinarian-client-patient relationship in a range setting.

New Motion of the VMB July 26, 2017

10. Veterinary Assistants may provide Animal Physical Rehabilitation under the direct supervision of a veterinarian.

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

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Add Section 2032.26 to Article 4 of Division 20 of Title 16 of the California Code of Regulations to read as follows:

§ 2032.26. Veterinary Drug Counseling.

(a) Each time a veterinarian initially prescribes, dispenses, or furnishes a dangerous drug, as described in Section 4022 of the Code, to an animal patient in an outpatient setting, the veterinarian shall offer to provide, in person or through electronic means, to the client, or his or her agent, a consultation that includes the following information:

(1) The name and description of the dangerous drug.

(2) Route of administration, dosage form, dosage, duration of drug therapy, the duration of the effects of the drug, and common severe adverse effects associated with the use of a short acting or long acting drug.

(3) Any special directions for proper use and storage.

(4) Actions to be taken in the event of a missed dose.

(5) If available, precautions and relevant warnings provided by the drug's manufacturer, including common severe adverse effects of the dangerous drug.

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

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

(d) It shall be noted in the medical record if a consultation is provided or refused by the client, or his or her agent.

Note: Authority cited: Sections 4808 and 4826.5 Business and Professions Code.

Reference: Sections 4808 and 4826.5, Business and Professions Code.

EMERGENCY ANIMAL CARE

PROPOSED STATUTORY AND REGULATORY REVISIONS

Amend Section 4840.5 of the Business and Professions Code as follows:

4840.5.

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

Amend Section 2069 of Article 6 of Division 20 of Title 16 of the California Code of Regulations as follows:

§ 2069. Emergency Animal Care.

Emergency animal care rendered by registered veterinary technician.

(a) Under conditions of an emergency as defined in Section 4840.5, a registered veterinary technician may render the following life-saving aid ~~and~~ or emergency treatment to an animal:

- (1) Application of tourniquets and/or pressure bandages to control hemorrhage.
- ~~(2) Administration of pharmacological agents to prevent or control shock, including parenteral fluids, shall be performed after direct communication with a licensed veterinarian or veterinarian authorized to practice in this state. In the event that direct communication cannot be established, the registered veterinary technician may perform in accordance with written instructions established by the employing veterinarian. Such veterinarian shall be authorized to practice in this state.~~
- ~~(3)~~ Resuscitative oxygen procedures.
- ~~(4)~~ Establishing open airways including intubation appliances but excluding surgery.
- ~~(5)~~ External cardiac resuscitation.
- ~~(6)~~ Application of temporary splints or bandages to prevent further injury to bones or soft tissues.
- ~~(7)~~ Application of appropriate wound dressings and external supportive treatment in severe burn cases.
- ~~(8)~~ External supportive treatment in heat prostration cases.

(b) The following tasks shall only be performed after direct communication with a veterinarian licensed or otherwise authorized to practice in this state:

- (1) Administration of pharmacological agents to prevent or control shock, including parenteral fluids.

(2) Administration of a drug or drugs to manage pain or to sedate an animal for examination or to prevent further injury.

(c) In the event that direct communication cannot be established as required under subdivision (b), the registered veterinary technician may perform the task in accordance with written instructions established by the employing supervising veterinarian, or, in the case of a sanctioned rodeo or other sporting event, the veterinarian charged with the responsibility to provide treatment to the animals at the rodeo or event. Such veterinarian shall be authorized to practice in this state.

Note: Authority cited: Sections 4808 and 4836, Business and Professions Code. Reference: Section 4840.5, Business and Professions Code.



MEMORANDUM

DATE	October 5, 2017
TO	Members Veterinary Medical Board
FROM	Tara Welch Attorney III Legal Affairs Division, Department of Consumer Affairs
SUBJECT	Cannabis Treatment for Animal Patients

Questions Presented

1. How do federal and state laws regarding the use of cannabis affect veterinarians and their treatment of animal patients?
2. Can a veterinarian discuss with a client the use of cannabis treatment on animal patients?
3. Should the Veterinary Medical Board (Board) recommend statutory revisions or promulgate regulations to address cannabis treatment for animal patients?

Short Answers

1. A veterinarian is prohibited under both federal and state law from prescribing, dispensing, administering, or recommending or approving the use of cannabis on animal patients.
2. Although a veterinarian may lawfully discuss and administer treatment for cannabis toxicity, it is unclear whether a veterinarian is protected from DEA discipline or prosecution during discussions with a client regarding the use of cannabis treatment on an animal patient.
3. Due to the lack of extensive research regarding the effects of cannabis use on animals and increasing exposure of animal patients to cannabis products, the Board may wish to recommend statutory proposals to require animal cannabis treatment research and protection for veterinarians discussing animal cannabis treatment issues with a client.

Discussion

This memorandum reviews the federal and state laws affecting veterinarians relative to cannabis treatment on animal patients, compares physician and veterinarian authority regarding cannabis treatment of patients, discusses the legality of veterinarian discussions with clients regarding cannabis treatment of animal patients, and provides possible Board recommendations to address the issues raised herein.

A. Background

At the Board's July 26, 2017 meeting, the Board discussed the legality of prescribing or administering cannabis¹ to animal patients and heard public testimony in support of authorizing veterinarians to use cannabis treatments on animal patients. Several issues were raised, including the increased exposure of animals to cannabis products due to use by animal owners of medicinal and recreational cannabis products, the ability of a veterinarian to lawfully treat animal patients for cannabis toxicity, and the lack of medical research regarding cannabis treatments for animals. Following the discussion, the Board requested research by legal counsel of the federal and state laws regarding cannabis treatment of animals.

B. Federal and state laws regarding medical cannabis treatment

The federal Controlled Substances Act (CSA) (21 USC § 801 et seq.) and the California Uniform Controlled Substances Act (CUCSA) (Health & Saf. Code, § 11000 et seq.) regulate the manufacture, importation, possession, use, and distribution of certain substances. The purpose of these laws is to track the movement of controlled substances to reduce the instance of drug abuse.

The CSA requires a veterinarian, who prescribes, dispenses, or administers any controlled substance, to obtain registration from the United States Department of Justice, Drug Enforcement Administration (DEA). (21 USC §§ 802(2)(A), (10), (21), (22), and 822(a)(2).) The CUCSA authorizes a veterinarian to prescribe, furnish, or administer controlled substances to animal patients. (Health & Saf. Code, § 11210.) Controlled substances are listed on five different schedules according to their accepted medical use in treatment, relative abuse potential, and likelihood of causing dependence when abused.

Schedule I drugs are characterized as having a high potential for abuse, have no currently accepted medical use in treatment in the United States, and lack accepted safety for use under medical supervision. (21 USC § 812(b)(1).) Only Schedule II through V drugs may be prescribed or administered by a veterinarian upon receiving DEA registration approval. (Health & Saf. Code, § 11164.) Cannabis and its derivatives, classified as hallucinogenic substances, are listed as Schedule I drugs and prohibited from being prescribed, furnished, or administered to patients. (21 CFR § 1308.11(d)(23), (31), (58); Health & Saf. Code, § 11054, subds. (d)(13), (20).) A violation of federal or state law regarding controlled substances is grounds for licensure discipline under the Veterinary Medicine Practice Act. (Bus. & Prof. Code, § 4883, subd. (g)(3).) Accordingly, a veterinarian who prescribes, furnishes, or administers cannabis to animal patients, or conspires for or aids and abets the prescription, furnishing, or administration of cannabis to animal patients, is in violation of federal and state law. The veterinarian's DEA registration and/or California license would be subject to discipline.

C. Recommendation or approval of cannabis treatment for human patients vs. animal patients

Like veterinarians, physicians are required to register with the DEA to prescribe, dispense, or administer a controlled substance. However, only physicians have authority under state law to recommend or approve the use of medical cannabis by human patients.

¹ As of June 27, 2017, all references to "marijuana" under the California Uniform Controlled Substances Act (except those in the Medical Marijuana Program (Health and Saf. Code §11362.7 et seq.)) were changed to "cannabis," which is defined under Business and Professions Code section 26001(f). (See Senate Bill (SB) 94 (Comm. on Budget and Fiscal Review, Ch. 27, Stats. 2017).)

In 1996, California voters approved Proposition 215, the California Compassionate Use Act of 1996, which authorized physicians to recommend or approve of the use of medical marijuana treatment of human patients. (Health & Saf. Code, § 11362.5.) In 1999, the Legislature established the Marijuana Research Act of 1999, a three-year research program, initially referred to as the California Marijuana Research Program, to determine the safety and efficacy of marijuana as a therapeutic drug for use by human patients. (See SB 847 (Vasconcellos, Ch. 750, Stats. 1999); Health & Saf. Code, § 11362.9.)

In 2015, as part of a package of bills that provided a comprehensive licensing and statutory framework for the oversight of marijuana cultivation, manufacture, transportation, storage, distribution, and sales, the Legislature enacted requirements for physician recommendation of medical cannabis to human patients. (See SB 643 (McGuire, Ch. 719, Stats. 2015); Bus. & Prof. Code, § 2525 et seq.; Assembly Bill (AB) 266 (Bonta, Ch. 689, Stats. 2015; Bus. & Prof. Code, § 19300 et seq.; AB 243 (Wood, Ch. 688, Stats. 2015); Bus. & Prof. Code, § 19331 et seq.) Following the passage of those bills, collectively referred to as the Medical Cannabis Regulation and Safety Act (MCRSA), Proposition 64 (the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA)) was approved by voters and legalized recreational use of marijuana by adults age 21 and older. (Health & Saf. Code, § 11362.1.) In 2017, the medicinal use of cannabis (MCRSA) and recreation use of marijuana (AUMA) laws were integrated under SB 94 (Committee on Budget and Fiscal Review, Chapter 27, Statutes of 2017) to provide for a single regulatory structure for both medicinal and adult-use cannabis. Although the cultivation, distribution, and human use of cannabis is legal in California, cannabis remains an illegal Schedule I controlled substance under federal law.

Other states, like Colorado, have similarly legalized medical and/or recreational use of cannabis. Out of a recognition that increased human exposure to cannabis products results in increased animal exposure to cannabis products, veterinarians at Colorado State University, College of Veterinary Medicine and Biomedical Sciences, are researching and performing clinical trials regarding the use and effects of cannabis products for animals. (L. Kogan, P. Hellyer, N. Robinson, *Consumers' Perceptions of Hemp Products for Animals*, Journal of the American Holistic Veterinary Medical Assoc. (Spring 2016), <https://www.ahvma.org/wp-content/uploads/AHVMA-2016-V42-Hemp-Article.pdf> [as of Sept. 14, 2017]; N. Coltrain, *Not yet pot for pets: CSU starts study of cannabis extract*, Coloradoan (May 6, 2017) <http://www.coloradoan.com/story/news/2017/05/06/csu-vet-school-starts-study-cannabis/306650001/> [as of Sept. 14, 2017].) In California, extensive research on cannabis treatment of human patients continues through the California Cannabis Research Program, and California's Legislature has enacted comprehensive oversight of human cannabis use and treatment; however, California has not yet studied or enacted legislation to address cannabis use or treatment for animal patients.

D. Discussions with clients and lawful treatment of animal patients

Pursuant to the Veterinary Practice Act, a veterinarian may diagnose or prescribe a drug, medicine, appliance, application, or treat an animal to prevent, cure, or relieve a wound, fracture, bodily injury, or disease. (Bus. & Prof. Code, § 4826(b).) As discussed above, a veterinarian may not prescribe, administer, or recommend or approve the use of cannabis for treatment of any condition. If the animal patient presents as having cannabis toxicity, the veterinarian may diagnose and treat the animal patient to prevent, cure, or relieve bodily injury due to the ingestion of or exposure to cannabis or cannabis products. However, as expressed by the Board members at the July 27, 2017 board meeting, without research on the effects of cannabis treatment and overdoses, it is difficult for veterinarians to know what to advise their clients regarding toxicity treatment.

Further, it is uncertain as to whether a veterinarian may also discuss cannabis treatment options with the client. Following California's enactment of physician cannabis treatment recommendation authority under Proposition 215, case law determined that physicians would not place their DEA registrations in

jeopardy for discussing cannabis treatment options with their patients. In *Conant v. Walters* (2002) 309 F.3d 629, the United States Court of Appeals, Ninth Circuit, determined that an integral part of the practice of medicine is the frank and open communication between a patient and doctor because barriers to full disclosure by the patient to the physician would impair diagnosis and treatment. The court held that physician speech with a patient regarding cannabis treatment is entitled to First Amendment protection because of the significance of the doctor-patient relationship. Accordingly, the federal government could not justify revoking a physician's DEA registration for merely recommending medical use of cannabis.

As with the physician-patient relationship, a veterinarian-client-patient relationship depends upon open and frank communication for the proper treatment of the animal patient. However, legal protection of veterinarians and their discussions with clients of cannabis treatment for animal patients has yet to be codified in statute or challenged in court.

E. Possible Board recommendations

California consumers have increased access to cannabis products following the enactment of medical and recreational cannabis use statutes. Consequently, more animals are being exposed to cannabis products in the household. Additionally, consumers are turning to cannabis to treat their pets' medical conditions. As such, it appears that veterinarians, consumers, and animal patients would all benefit from statutory or regulatory provisions that would address animal cannabis treatment.

With respect to regulatory provisions, the issues to be resolved concern CUCSA Schedule I drug research and DEA registration requirements under the Health and Safety Code. As such, it does not appear that the Board has authority to promulgate regulations to provide protection from DEA enforcement for veterinarians discussing animal cannabis treatment or require a state entity to perform research of a Schedule I drug. Instead of regulations, the Board may wish to consider recommending to the Legislature two proposals to revise the CUCSA statutes for the protection of consumers and animal patients, as follows.

First, to address concerns regarding the lack of sufficient research and study of cannabis treatment on animals, the Board may wish to recommend to the Legislature that cannabis treatment on animals be studied in a manner similar to the study required for cannabis treatment on humans under the CUCSA and performed by the University of California through the California Cannabis Research Program. (See Health & Saf. Code, § 11362.9.)

Second, to provide protection similar to that given to physicians recommending cannabis to a patient for medical purposes, the Board may wish to recommend to the Legislature a revision to the CUCSA that protects veterinarians from DEA discipline or prosecution for having discussions within the veterinarian-client-patient relationship regarding cannabis treatment. Notably, the CUCSA statute providing physician protection for cannabis treatment recommendations states: "Notwithstanding any other provision of law, no physician in this state shall be punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes." (Health & Saf. Code, § 11362.5, subd. (c).) Until cannabis treatment for animals has been researched, a limited protection for discussing cannabis treatment, without recommendation of use on an animal patient, could be crafted to prohibit the punishment of a veterinarian, or denying any right or privilege, for discussions regarding cannabis treatment had between the veterinarian and client within the veterinarian-client-patient relationship.

Conclusion

Veterinarians are not authorized to prescribe, administer, or recommend or approve of the use of cannabis to treat animal patients. It is unclear whether veterinarians have any protection from DEA discipline or prosecution for having discussions with clients regarding cannabis treatment of animal patients. Due to the increasing exposure of animals to cannabis products and the need for veterinarians to properly treat animal patients suffering from cannabis toxicity or medical maladies for which animal owners are treating with cannabis products, the Board may wish to recommend legislative proposals to address these issues.



MEETING NOTICE and AGENDA

Committee Members

Jon A. Klingborg, DVM, Chair
Allan Drusys, DVM, Vice-Chair
William A. Grant II, DVM
Jeff Pollard, DVM
David F. Johnson, RVT
Kristi Pawlowski, RVT
Diana Woodward Hagle
Jennifer Loreda, RVT
Richard Sullivan, DVM

MULTIDISCIPLINARY ADVISORY COMMITTEE

October 17, 2017

Fresno Chaffee Zoo

894 W. Belmont Avenue, Simba Room

Fresno, California 93728

(559) 498-5910

Action may be taken on any
item listed on the agenda.

10:00 a.m. Tuesday, July 25, 2017

1. Call to Order/ Roll Call/ Establishment of a Quorum
2. Committee Chair's Remarks, Committee Member Comments, and Introductions
3. Review and Approval of July 25, 2017 Committee Meeting Minutes
4. Discussion and Consideration of "Extended Duty" for Registered Veterinary Technicians Regulations; Potential Recommendation to Full Board
5. Discussion and Consideration of Recommendations from State Humane Association of California and California Veterinary Medical Association Regarding Public and Private Shelters and Minimum Standards & Protocols for Shelter Medicine; Potential Recommendation to Full Board
6. Discussion and Consideration of Proposed Statutory Language Regarding the Veterinary Student Exemption – Business and Professions Code Section 4830 (a)(4); Potential Recommendation to Full Board
7. Discussion and Consideration of the California Veterinary Medical Association's Proposal Regarding Minimum Standards for Alternate Veterinary Premises/Practices; Potential Recommendation to Full Board
8. Public Comment on Items Not on the Agenda
Note: The Committee 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 and 11125.7(a).)
9. Future Agenda Items and Next Meeting Dates – February 20, 2018, Sacramento; May 22, 2018, Location TBD; August 21, 2018, Sacramento; November 13, 2018, Location TBD
 - A. Multidisciplinary Advisory Committee Assignment Priorities
 - B. Agenda Items for Next Meeting
10. Adjournment

This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. Items scheduled for a particular day may be moved to an earlier or later day to facilitate the effective transaction of business. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

This meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe and participate, please plan to attend at a physical location. Meeting adjournment may not be webcast if it is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting locations are accessible to the physically disabled. A person who needs disability-related accommodations or modifications to participate in the meeting may make a request by contacting the Committee at (916) 515-5220, email: vmb@dca.ca.gov, or sending a written request to the Board of Veterinary Medicine, 1747 N. Market St., Suite 230, Sacramento, CA 95834. Providing your request at least five (5) business days prior to the meeting will help ensure availability of the requested accommodations. TDD Line: (916) 326-2297.

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 Boulevard, Suite 230, Sacramento, CA 95834
Telephone: 916-515-5220 Fax: 916-928-6849 | www.vmb.ca.gov

August 16, 2017

Rachelle Kennedy, Senior Environmental Scientist
Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814

Re: Proposed Regulations Division 5, Livestock Drugs & Chapter 1, Sales of Restricted Livestock Drugs (Sections 5000-5005) and Chapter 2, Sales of Medically Important Antimicrobial Drugs (Sections 5005-5012).

Dear Ms. Kennedy:

The Executive Committee of the California Veterinary Medical Board, hereinafter "Board," submits the following comments on behalf of the Board for your consideration.

Business and Professions Code Section 14404 calls for the Board amongst other agencies, to work collaboratively with the California Department of Food and Agriculture (CDFA) to develop antimicrobial stewardship guidelines and best management practices for veterinarians and livestock owners on the proper use of medically important antimicrobial drugs for treating, controlling and preventing known diseases that affect livestock. This regulatory proposal is a critical component in carrying out the intent of the provisions of Senate Bill 27, (Hill, Chapter 758, Statutes of 2015) effective January 1, 2016 which is to prohibit the administration of medically important antimicrobial drugs to livestock, unless ordered by a licensed veterinarian through a prescription or veterinary feed directive pursuant to an established veterinarian-client-patient-relationship. The CDFA's mission statement as included in its Antimicrobial Use and Stewardship Strategic Plan 2017 document, clearly states in part, the CDFA's intent: *to mitigate practices contributing to the expansion of antimicrobial resistance, to reduce potentially harmful impacts from the use of antibiotics, to promote and protect animal health by preserving existing veterinary antimicrobial drugs for veterinary use.* A major step in reducing the overuse of medically important antimicrobial drugs is placing the drugs under the order of a prescription by a veterinarian. The second equally important component is ensuring that those who handle and sell the prescription drugs to the livestock owners are appropriately trained, supervised, and regulated to prevent mishandling, mislabeling, or diversion, all of which have serious public safety consequences.

Unfortunately, the regulatory proposal as published causes grave concerns regarding the authorized sale of a prescription drug. Proposed §5001 of Article 2 requires that

anyone selling a restricted livestock drug must hold a restricted livestock drug license issued pursuant to Food and Agriculture Code. Nowhere in the Food and Agriculture Code or in the proposed regulations, do the qualifications for the restricted livestock drug license require an applicant to possess any formal training or education in the handling of prescription drugs, nor is there a requirement for oversight or supervision by a licensed pharmacist. Alternately, Business and Profession Code §§ 4041, 4053, and 4196 sets forth the Veterinary Food Animal Drug Retailer (VFADR) license where an entity may be licensed as a wholesaler by the Board of Pharmacy to dispense veterinary drugs for food-producing animals and where specific requirements for training and oversight regarding drug distribution, quality control, safe storage and handling, terminology abbreviations or dosages, and labeling are enforced. It is unclear why the CDFA would rely upon an untrained and unsupervised licensing category to handle a prescription drug, (defined in Pharmacy Law §4022 as a “dangerous drug”) when there are plenty of other avenues including the VFADR, retail pharmacies, online pharmacies, and licensed veterinarians to dispense these medically important antimicrobial drugs to meet the demands of the livestock community.

In addition to the overarching concern above, the Board also noted the following inconsistencies or clarity issues with the regulatory proposal:

- §5000 and §5005 -Duplication in definitions– Recommend that one section reference the other to comply with the OAL standard of nonduplication.
- It is unclear whether the intent of §§5002(a) (5)-(7) require a physical address location on record.
- Inconsistency in the permissible type of authorized sales conducted by a restricted livestock drug licensee between §5002(a)(9) and §5006(d).
- § 5002(b) – A \$50 application fee is not sufficient to fund the oversight of the program and may result in violations going undetected or unenforced.
- §5004 does not contain all of the prescribed information required in §5008 for Sales Records.
- §5010 – Labeling – It is unclear who is responsible for labeling the drug. Is it labeled at the time of sale? It is also unclear whether only off-label or extra-label use of a drug would require a specific drug label, or does this imply all drugs? If the veterinarian is responsible for supplying a prescription drug label, the requirements in §5010 are inconsistent with the Veterinary Medicine Practice Act – California Code of Regulations Title 16, Article 4, §2032.2.
- §5011(d)- Include “or if the drug is outdated.”

In closing, it is the Board’s intention to assist the CDFA with implementing the provisions of SB 27 and the forthcoming regulations as an effort to reduce the over-use of antibiotics and protect both human and animal health into the future. While we recognize that many medically important antimicrobial drugs are necessary for the health and welfare of livestock and that access must be a consideration, we strongly believe there are plenty of safe avenues within which livestock owners can purchase these important prescription drugs through pharmacies, including online options, veterinary clinics and drop mail orders, and the VFADRs. In each of the available

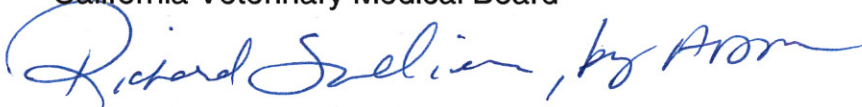
options, appropriately trained and educated personnel are involved in the handling, storage, labeling, and delivery of the prescribed drug to the user. The public's welfare is best served when licensed individuals who are expertly trained in their respective profession(s) are providing healthcare services.

The Board appreciates your consideration of the comments and looks forward to continuing its work with the CDFA on this important issue.

Respectfully,



Cheryl Waterhouse, DVM, President
California Veterinary Medical Board



Richard Sullivan, DVM, Vice President
California Veterinary Medical Board

CC: Virginia Herold, Executive Officer, Board of Pharmacy
Val Fenstermaker, Executive Director CVMA
Annette Jones, Director Animal Health and Food Safety Services
CDFA

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

TITLE 3 OF THE CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSED RULEMAKING ACTION

Notice is hereby given that the Department of Food and Agriculture (Department) intends to adopt Division 5, Livestock Drugs and create Chapter 1, Sales of Restricted Livestock Drugs (Sections 5000-5004) and Chapter 2, Sales of Medically Important Antimicrobial Drugs (Sections 5005-5012) described below. With this rulemaking, the Department will propose permanent regulations, after the consideration of all comments, objections, and recommendations. The Department is issuing this notice to meet requirements set forth in Government Code Section 11346.4.

PUBLIC HEARING

Any interested person, or their authorized representative, may present, either orally or in writing, comments regarding the proposed action at one of the public hearings, to be held at the following times and locations:

Tuesday, August 15, 2017 from 1 PM to 2 PM

California Department of Food and Agriculture Office
1910 S Archibald Ave, Ste Y
Ontario, CA 91761

Tuesday, August 22, 2017 from 10 AM to 11 AM

California Department of Food and Agriculture Office
2800 Gateway Oaks Dr, Room 101
Sacramento, CA 95833

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may be submitted by mail to the address provided below, by facsimile (FAX) to (916) 900-5349, or by email to aus_regulations@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on August 22, 2017. The Department will only consider comments received at the Department by that time.

Submit comments to:

Rachelle Kennedy, Senior Environmental Scientist (Specialist)
Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814

AUTHORITY AND REFERENCE

The Department is proposing changes to Title 3 of the California Code of Regulations as follows: adoption of Sections 5000 – 5012. Food and Agricultural Code Sections 407, 14231, 14403, and 14405 authorize the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 14203, 14205, 14262, 14295, 14321, 14322, 14323, 14324, 14325, 14326, 14327, 14328, 14329, 14330, 14382,

14400, 14403, 14405, 14406, 14408 of the Food and Agricultural Code, Section 4830 of the Business and Professions Code, Section 558.6(b)(3)(v) of Title 21 of the Code of Federal Regulations, Section 1780.1(g)(2) of Title 16 of the California Code of Regulations and Division 3, Part 1, Chapter 5 of Title 2 of the Government Code.

INFORMATIVE DIGEST / POLICY STATEMENT

California Senate Bill 27 (Hill) was signed by Governor Brown on October 10, 2015 with the intent to preserve the efficacy and ensure current and future availability of medically important antimicrobial drugs for use in livestock to maintain animal health and welfare while minimizing potential public health impacts. The bill resulted in additions to the California Food and Agricultural Code (Division 7, Chapter 4.5, Sections 14400-14408) that address the use of medically important antimicrobial drugs in livestock, development of antimicrobial drug stewardship programs and best management practices, and surveillance of antimicrobial use and practices as well as antimicrobial resistance patterns in bacteria.

To implement the new provisions of Division 7, Chapter 4.5, the California Department of Food and Agriculture (hereafter referred to as “the Department”) created the Antimicrobial Use and Stewardship (AUS) program. The AUS program spans two divisions within the Department, the Division of Inspection Services and the Animal Health and Food Safety Services Division. Within the Division of Inspection Services, the Livestock Drug Program is responsible for enforcing the current Livestock Drug Law (Division 7, Chapter 4 of the Food and Agricultural Code) by maintaining the registration of over-the-counter livestock drugs and licenses for the sale of restricted livestock drugs. There are two sections of Division 7, Chapter 4.5 that are subject to the current Livestock Drug Law. For this reason, the Division of Inspection Services has proposed regulations to provide improved clarity on portions of Food and Agricultural Code Division 7, Chapters 4 and 4.5 in an effort to help industry and consumers to better understand the law, while also helping the Department implement the mandates of Senate Bill 27.

Food and Agricultural Code (FAC) Section 14401 states that beginning January 1, 2018, a medically important antimicrobial drug shall not be administered to livestock unless ordered by a licensed veterinarian through a prescription or veterinary feed directive, pursuant to a veterinarian-client-patient relationship that meets the requirements of Section 2032.1 of Title 16 of the California Code of Regulations (CCR). However, to ensure that these drugs remain available to livestock producers for their appropriate use in protecting the health of the livestock population of the state, FAC Section 14403 goes on to state that medically important antimicrobial drugs may be sold by retailers licensed pursuant to FAC Division 7, Chapter 4, Article 5. This means that businesses licensed by the Division of Inspection Services to sell restricted livestock drugs under the current Livestock Drugs Law may continue to sell medically important antimicrobial drugs after FAC Section 14401 goes into effect on January 1, 2018. However, once the law goes into effect, restricted livestock drug licensees may only sell medically important antimicrobial drugs at retail when presented with a valid prescription or veterinary feed directive from a licensed veterinarian.

The existing Livestock Drug Law (FAC Division 7, Chapter 4) would benefit from additional clarity on which types of businesses are required to have a restricted livestock drug license, how to apply for and renew a license, what information is required on the license application, and what records must be kept and for how long. The new law on livestock use of antimicrobial drugs (FAC Division 7, Chapter 4.5) lacks clarity on what restricted livestock drug licensees

must do before selling medically important antimicrobial drugs at retail to ensure compliance with the law, what records must be kept and for how long, how medically important antimicrobial drugs must be stored, and how medically important antimicrobial drugs must be labeled prior to retail sale.

The proposed regulations for FAC Division 7, Chapter 4, will clarify the existing statutory requirement that all businesses selling restricted livestock drugs into California are required to have a restricted livestock drug license, will explain how to apply for and renew a license, as well as what records must be kept and how long the records must be kept. The proposed regulations for FAC Division 7, Chapter 4.5, will clarify the additional requirements associated with sales of medically important antimicrobial drugs, including what restricted livestock drug licensees are responsible for verifying prior to selling medically important antimicrobial drugs, additional recordkeeping requirements specific to retail sales of medically important antimicrobial drugs, provisions for the proper storage and inventory of medically important antimicrobial livestock drugs, and instructions for how medically important antimicrobial livestock drugs must be labeled prior to retail sale.

Anticipated benefits of the proposed regulations:

Clarifying that the existing livestock drug law requires all businesses, regardless of location (in state or out of state) or sales method (online, catalog, etc.), to have a restricted livestock drug license prior to selling restricted livestock drugs in California will help ensure that all restricted livestock drugs, including medically important antimicrobial drugs, are sold appropriately and in accordance with California law.

Specifying how to apply for and renew a restricted livestock drug license will provide improved clarity and uniformity for businesses and will help ensure that businesses become and remain licensed.

Explaining what records must be kept by restricted livestock drug licensees and how long the records must be kept will ensure that records of sale remain available for an adequate period of time for the Department to inspect in order to verify compliance with the requirements of the law.

Clarifying that medically important antimicrobial drugs are considered restricted livestock drugs will help ensure that businesses selling medically important antimicrobial drugs are aware that they must have a restricted livestock drug license and that they are required to comply with the laws and regulations applicable to sales of restricted livestock drugs in addition to medically important antimicrobial drugs.

Explaining what restricted livestock drug licensees are responsible for verifying prior to selling medically important antimicrobial drugs at retail will help ensure that medically important antimicrobial drugs are only sold with a valid prescription or veterinary feed directive from a licensed veterinarian.

Specifying the additional recordkeeping requirements for retail sales of medically important antimicrobial drugs will ensure that Department investigators are able to verify that restricted livestock drug licensees are complying with FAC Division 7, Chapter 4.5, by only selling medically important antimicrobial drugs when presented with a prescription or veterinary feed directive from a licensed veterinarian. The maintenance of adequate sales records will also help

the Department monitor the sales and usage of medically important antimicrobial drugs and prepare a report on their use for the Legislature, as required by FAC Division 7, Chapter 4.5.

Clarifying the proper storage and inventory of medically important antimicrobial drugs will minimize the risk of theft, loss, or illegal sale and will help ensure that medically important antimicrobial drugs are only available at retail with a valid prescription or veterinary feed directive from a licensed veterinarian.

Specifying how medically important antimicrobial livestock drugs must be labeled prior to retail sale will help ensure they are administered in accordance with veterinarian guidance and will minimize the risk of improper use that may contribute to antibiotic resistance.

Overall, the broad goal of these regulations is to help ensure that medically important antimicrobial livestock drugs remain available to livestock producers for their appropriate use in protecting the health of the livestock population of the state, and that such use will in turn benefit the general public by maintaining an abundant supply of wholesome food and fiber.

Inconsistency with federal or state statute or regulation: There is no existing, comparable federal statute or regulation regarding the licensing of retailers selling livestock drugs that are federally labeled for over the counter use, including medically important antimicrobial drugs, or any associated recordkeeping provisions. Title 21, Chapter I, Subchapter E: Part 558 of the Code of Federal Regulations describes restrictions on medicated animal feed and mandates the use of a veterinary feed directive. However, the proposed regulations supplement rather than conflict with federal regulations on the veterinary feed directive. The proposed regulations only seek to clarify how businesses licensed by the Department to sell restricted livestock drugs can comply with state-mandated provisions for the retail sale of medically important antimicrobial drugs. The regulations do not impact the sale of medicated animal feed by feed mills.

The Department is the only agency which can implement regulations pertaining to restricted livestock drug licensees. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations. It is important to clarify that restricted livestock drug licensees may only dispense drugs that are federally labeled as over the counter; licensees may not sell drugs that are federally labeled as prescription only. Because only over the counter drugs are sold, restricted livestock drug licensees are therefore not subject to requirements governing prescription drugs. In addition, Section 14403 expressly exempts restricted livestock drug licensees from the requirements applicable to veterinary food-animal drug retailers found in Business and Professions Code Section 4196.

Documents incorporated by reference: None.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The Department has anticipated costs resulting from the adoption of the regulations on sales of medically important antimicrobial drugs. The additional expenditures for the implementation of the proposed regulations have been included on 2017-2018 Budget Request Name 8570-007-BCP-CP-2017-GB. The cost for the Inspection Services

portion of the Antimicrobial Use and Stewardship program for the 2017/2018 fiscal year is budgeted at \$827,000. The ongoing cost for the next two fiscal years is budgeted at \$827,000 per year; this cost is expected to be permanent.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative person or business: Based on investigator observations in the field, the Department anticipates that compliance with the proposed regulations will only require use of existing facilities and basic office equipment for the majority of restricted livestock drug licensees and has concluded that cost impacts will not be significant. The Department has prepared an estimate of possible costs for small and typical businesses; please reference the Initial Statement of Reasons for additional information.

Persons/businesses affected by this proposal: This proposal affects businesses selling restricted livestock drugs in the state of California. In addition, some provisions of this proposal impose requirements specifically on those restricted livestock drug licensees that sell medically important antimicrobial drugs at retail.

Anticipated compliance requirements as a result of this proposal: The proposed regulations clarify the existing requirement that any businesses selling restricted livestock drugs into California, including alternative methods of sale (e.g., online) and businesses based out of state, must have a restricted livestock drug license issued by the Department. In addition, the proposed regulations clarify that all restricted livestock drug licensees are responsible for complying with the recordkeeping provisions for sales of restricted livestock drugs, as well as the additional verification, recordkeeping, storage, and labeling provisions for retail sales of medically important antimicrobial drugs.

Business reporting requirement: The proposed regulation clarifies that records relating to sales of restricted livestock drugs and medically important antimicrobial drugs must be maintained for three years and are subject to audit by the Secretary of the Department. However, the regulations do not impose a mandatory reporting requirement.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department has initially determined that the proposed regulatory action will not: (1) create or eliminate jobs within the State of California; (2) create new businesses or eliminate existing businesses within the State of California; or (3) affect the expansion of businesses currently doing business within the State of California.

Benefits of the proposed action: The Department believes that the proposed regulations will benefit the health and welfare of California residents. The proposed regulations will bring clarity to the existing law and will reduce the likelihood of unlawful sales. The lawful sale of restricted livestock drugs, including medically important antimicrobial drugs, will help ensure that a safe supply of livestock drugs remain available to producers for their appropriate use in protecting

the health of the livestock population of the state, thereby maintaining an abundant supply of wholesome food and fiber. This will also help to preserve the efficacy and ensure current and future availability of medically important antimicrobial drugs while minimizing potential public health impacts.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: Although the proposed action will directly affect businesses statewide, including small businesses, the Department concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

The Department has determined that the proposed action will affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it has considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Mail and telephone inquiries concerning the proposed administrative action may be directed to:
Rachelle Kennedy, Senior Environmental Scientist (Specialist)
Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Telephone: 916-900-5022

The backup contact person for these inquiries is:
Erika Lewis, Associate Governmental Program Analyst
Feed, Fertilizer, and Livestock Drugs Regulatory Services Branch
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Telephone: 916-900-5022

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Rachelle Kennedy at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at 2800 Gateway Oaks Drive, Sacramento, CA 95833. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting Rachelle Kennedy.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Rachelle Kennedy. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Rachelle Kennedy.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Department’s website: <https://www.cdfa.ca.gov/is/Regulations.html>.

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

CALIFORNIA CODE OF REGULATIONS

TITLE 3. FOOD AND AGRICULTURE

DIVISION 5. LIVESTOCK DRUGS

CHAPTER 1. SALES OF RESTRICTED LIVESTOCK DRUGS

AND

CHAPTER 2. SALES OF MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS

INITIAL STATEMENT OF REASONS

California Senate Bill 27 (Hill) was signed by Governor Brown on October 10, 2015 with the intent to preserve the efficacy and ensure current and future availability of medically important antimicrobial drugs for use in livestock to maintain animal health and welfare while minimizing potential public health impacts. The bill resulted in additions to the California Food and Agricultural Code (Division 7, Chapter 4.5, Sections 14400-14408) that address the use of medically important antimicrobial drugs in livestock, development of antimicrobial drug stewardship programs and best management practices, and surveillance of antimicrobial use and practices as well as antimicrobial resistance patterns in bacteria.

To implement the new provisions of Division 7, Chapter 4.5, the California Department of Food and Agriculture (hereafter referred to as "the Department") created the Antimicrobial Use and Stewardship (AUS) program. The AUS program spans two divisions within the Department, the Division of Inspection Services and the Animal Health and Food Safety Services Division. Within the Division of Inspection Services, the Livestock Drug Program is responsible for enforcing the current Livestock Drug Law (Division 7, Chapter 4 of the Food and Agricultural Code) by maintaining the registration of over-the-counter livestock drugs and licenses for the sale of restricted livestock drugs. There are two sections of Division 7, Chapter 4.5 that are subject to the current Livestock Drug Law. For this reason, the Division of Inspection Services has proposed regulations to provide improved clarity on portions of Food and Agricultural Code Division 7, Chapters 4 and 4.5 in an effort to help industry and consumers to better understand the law, while also helping the Department implement the mandates of Senate Bill 27.

SECTIONS AFFECTED

The proposed regulations would create Division 5 Livestock Drugs within Title 3 of the California Code of Regulations. Within Division 5, the proposed regulations would create Chapter 1, Sales of Restricted Livestock Drugs (Sections 5000-5004) and Chapter 2, Sales of Medically Important Antimicrobial Drugs (Sections 5005-5012).

PROBLEM STATEMENT

Food and Agricultural Code (FAC) Section 14401 states that beginning January 1, 2018, a medically important antimicrobial drug shall not be administered to livestock unless ordered by a licensed veterinarian through a prescription or veterinary feed directive, pursuant to a veterinarian-client-patient relationship that meets the requirements of Section 2032.1 of Title 16 of the California Code of Regulations (CCR). However, to ensure that these drugs remain available to livestock producers for their appropriate use in protecting the health of the livestock population of the state, FAC Section 14403 goes on to state that medically important antimicrobial drugs may be sold by retailers licensed pursuant to FAC Division 7, Chapter 4, Article 5. This means that businesses licensed by the Division of Inspection Services to sell

Initial Statement of Reasons

Sales of Restricted Livestock Drugs and Medically Important Antimicrobial Drugs

3 CCR §5000-§5012

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restricted livestock drugs under the current Livestock Drugs Law may continue to sell medically important antimicrobial drugs after FAC Section 14401 goes into effect on January 1, 2018. However, once the law goes into effect, restricted livestock drug licensees may only sell medically important antimicrobial drugs at retail when presented with a valid prescription or veterinary feed directive from a licensed veterinarian.

The existing Livestock Drug Law (FAC Division 7, Chapter 4) would benefit from additional clarity on which types of businesses are required to have a restricted livestock drug license, how to apply for and renew a license, what information is required on the license application, and what records must be kept and for how long. The new law on livestock use of antimicrobial drugs (FAC Division 7, Chapter 4.5) lacks clarity on what restricted livestock drug licensees must do before selling medically important antimicrobial drugs at retail to ensure compliance with the law, what records must be kept and for how long, how medically important antimicrobial drugs must be stored, and how medically important antimicrobial drugs must be labeled prior to retail sale.

The proposed regulations for FAC Division 7, Chapter 4, will clarify the existing statutory requirement that all businesses selling restricted livestock drugs into California are required to have a restricted livestock drug license, will explain how to apply for and renew a license, as well as what records must be kept and how long the records must be kept. The proposed regulations for FAC Division 7, Chapter 4.5, will clarify the additional requirements associated with sales of medically important antimicrobial drugs, including what restricted livestock drug licensees are responsible for verifying prior to selling medically important antimicrobial drugs, additional recordkeeping requirements specific to retail sales of medically important antimicrobial drugs, provisions for the proper storage and inventory of medically important antimicrobial livestock drugs, and instructions for how medically important antimicrobial livestock drugs must be labeled prior to retail sale.

BENEFITS

Clarifying that the existing livestock drug law requires all businesses, regardless of location (in state or out of state) or sales method (online, catalog, etc.), to have a restricted livestock drug license prior to selling restricted livestock drugs in California will help ensure that all restricted livestock drugs, including medically important antimicrobial drugs, are sold appropriately and in accordance with California law.

Specifying how to apply for and renew a restricted livestock drug license will provide improved clarity and uniformity for businesses and will help ensure that businesses become and remain licensed.

Explaining what records must be kept by restricted livestock drug licensees and how long the records must be kept will ensure that records of sale remain available for an adequate period of time for the Department to inspect in order to verify compliance with the requirements of the law.

Clarifying that medically important antimicrobial drugs are considered restricted livestock drugs will help ensure that businesses selling medically important antimicrobial drugs are aware that they must have a restricted livestock drug license and that they are required to comply with the laws and regulations applicable to sales of restricted livestock drugs in addition to medically important antimicrobial drugs.

Explaining what restricted livestock drug licensees are responsible for verifying prior to selling medically important antimicrobial drugs at retail will help ensure that medically important antimicrobial drugs are only sold with a valid prescription or veterinary feed directive from a licensed veterinarian.

Specifying the additional recordkeeping requirements for retail sales of medically important antimicrobial drugs will ensure that Department investigators are able to verify that restricted livestock drug licensees are complying with FAC Division 7, Chapter 4.5, by only selling medically important antimicrobial drugs when presented with a prescription or veterinary feed directive from a licensed veterinarian. The maintenance of adequate sales records will also help the Department monitor the sales and usage of medically important antimicrobial drugs and prepare a report on their use for the Legislature, as required by FAC Division 7, Chapter 4.5.

Clarifying the proper storage and inventory of medically important antimicrobial drugs will minimize the risk of theft, loss, or illegal sale and will help ensure that medically important antimicrobial drugs are only available at retail with a valid prescription or veterinary feed directive from a licensed veterinarian.

Specifying how medically important antimicrobial livestock drugs must be labeled prior to retail sale will help ensure they are administered in accordance with veterinarian guidance and will minimize the risk of improper use that may contribute to antibiotic resistance.

Overall, the broad goal of these regulations is to help ensure that medically important antimicrobial livestock drugs remain available to livestock producers for their appropriate use in protecting the health of the livestock population of the state, and that such use will in turn benefit the general public by maintaining an abundant supply of wholesome food and fiber.

PURPOSE AND NECESSITY

The following paragraphs provide the specific purpose, rationale, and summaries of these proposed additions to the CCR related to sales of restricted livestock drugs and sales of medically important antimicrobial drugs.

DIVISION 5. LIVESTOCK DRUGS

CHAPTER 1. SALES OF RESTRICTED LIVESTOCK DRUGS

ARTICLE 1. DEFINITIONS

Section 5000. Definitions

The Department is adding Section 5000 and Subsections (a) through (d) to ensure language is used consistently throughout the regulations, to provide stakeholders clear understanding of the intent of specific words, and to provide uniform implementation.

Subsection (a) defines “designated individual” as a person that is responsible for maintaining a restricted livestock drug licensee’s compliance with California livestock drug laws and regulations. This language is based on Business and Professions Code (BPC) Section 4196(d)

which requires veterinary food-animal drug retailers to have a designated representative responsible for compliance with the law. The use of the term designated individual is consistent with the terminology used by restricted livestock drug licensees. This term has been differentiated from the terminology used by veterinary food-animal drug retailers to prevent confusion because a designated representative as defined in BPC Section 4051 refers to an individual licensed by the Board of Pharmacy. The identification of a designated individual is necessary in order to protect public health and safety in the handling, storage, and sale of restricted livestock drugs, and the inclusion of this definition is necessary to clarify what the designated individual is responsible for.

Subsection (b) defines “livestock.” This definition is consistent with FAC Section 14205. The proposed regulations have been added to clarify that the term livestock refers to all animals in a species that are typically raised, kept, or used for profit and defines the meaning of “raised, kept, or used for profit.” This is necessary to clarify that all animals belonging to a species that are typically used for financial gain, commercial use, breeding, competition, or show, or whose owners are engaged in business using animals for financial gain, commercial use, breeding, competition, or show are subject to these regulations.

Subsection (c) defines “restricted livestock drug.” This definition is consistent with FAC Section 14203. The proposed regulations have been added to clarify that “antibiotic preparations” includes medically important antimicrobial drugs as defined in FAC Section 14400(a). This is necessary to clarify that medically important antimicrobial drugs are considered a subset of the broader classification of restricted livestock drugs and are subject to the same laws and regulations. In addition, the regulation has been written using the term “Secretary” instead of “director.” This is necessary to maintain consistency with the terminology used in the Department’s other regulations, as the Department is in the process of changing all statutory and regulatory references from “director” to “Secretary.”

Subsection (d) defines “restricted livestock drug licensee” as a business that is licensed pursuant to FAC Division 7, Chapter 4, Article 5. This definition is necessary to clarify that any business selling restricted livestock drugs in California must have a license issued by the Department.

ARTICLE 2. GENERAL PROVISIONS

Section 5001. Sales of Restricted Livestock Drugs

Subsection (a) is added to clarify that a person shall not sell any restricted livestock drug in California unless he or she holds a license to do so issued pursuant to FAC Division 7, Chapter 4, Article 5. This language is consistent with FAC Section 14321, although the regulation has been written using the term “he or she” instead of “he.” This is necessary to maintain consistency with the terminology used in the Department’s other regulations and to clarify that the law applies to all people.

Subsection (a)(1) is added to specify what the broad term “sell” means and clarifies that this includes alternative methods of sales, such as online and catalog sales, in addition to traditional in-person sales made at physical stores and mobile units in California. Subsection (a)(2) is added to clarify that a business who makes any sale of a restricted livestock drug into California must obtain a restricted livestock drug license prior to any such sale. Subsection (a)(3) is

consistent with FAC Section 14326 and is included in the proposed regulations for ease of reference and to clarify that all locations and mobile units that conduct sales of restricted livestock drugs must obtain a separate restricted livestock drug license.

The Department maintains that the intent of FAC Division 7, Chapter 4, is to require a license for all sales of restricted livestock drugs. However, the law was enacted in 1967 and has not been amended since 1976. Since that time, alternate methods of sale have emerged. The proposed regulations are necessary to clarify that the law applies to all methods of sale in order to ensure the law remains effective. This is particularly important with the recent adoption of FAC Division 7, Chapter 4.5, which requires medically important antimicrobial drugs to be sold only with a veterinary prescription or veterinary feed directive and requires the Department to monitor sales and use. Specifying that every method of sale (Subsection (a)(1)), every business selling into California (Subsection (a)(2)), and every business location (Subsection (a)(3)) must have a separate restricted livestock drug license will ensure that all restricted livestock drugs, including medically important antimicrobial drugs, are sold in accordance with the law and are subject to its recordkeeping requirements, thereby reducing unregulated sales and ensuring that the Department is able to gather an accurate representation of medically important antimicrobial drug sales data to fulfill the mandates set forth in FAC Section 14405(b)(1).

Subsection (b) is added to clarify that upon issuance of a restricted livestock drug license, the Department shall provide the licensee with the most current version of the livestock drug laws and regulations. The provision also informs licensees that the failure to receive a copy of the laws and regulations is not a defense for violation. The proposed regulations are necessary to provide accountability for the Department to inform industry of the law, as well as for industry to comply with the law. Providing licensees with the most current version of the laws and regulations will help them more quickly gain compliance, including the new requirements on sales of medically important antimicrobial drugs. This provision demonstrates the Department's commitment to working with businesses to achieve compliance, while at the same time enforcing the law.

Subsection (c) is added to clarify that each business selling restricted livestock drugs must have one individual named on the license application that is responsible for maintaining compliance with state laws and regulations. The proposed regulations are necessary to add a measure of accountability that will encourage licensees to achieve and remain in compliance with the law. By naming a designated individual, the licensee is certifying that this person is responsible for ensuring that all employees who handle sales transactions of restricted livestock drugs know the required procedures for documenting sales and, in the case of medically important antimicrobial livestock drugs, know the additional requirements for storage, verification, labeling, and recordkeeping.

Subsection (d) is added to clarify that all livestock drugs sold by restricted livestock drug licensees must be registered pursuant to FAC Division 7, Chapter 4, Article 4. This is consistent with FAC Section 14281 and is necessary to ensure that restricted livestock drug licensees are aware of the statutory requirement that they may only sell those livestock drugs that are registered in California.

ARTICLE 3. LICENSING

Section 5002. License Application

Subsection (a) is added to clarify the information applicants must provide on the restricted livestock drug license application form. This language is consistent with FAC Section 14322; however, the regulation has been written using the term “Secretary” instead of “director” and “he or she” instead of “he” to maintain consistency with the terminology used in the Department’s other regulations and to clarify that the law applies to all people. The law currently states that the application shall be on a form which is supplied by the director and shall contain such information as he may require; the proposed regulations are necessary to clarify the specific information that is required on the form.

Subsection (a)(1) requires the applicant to specify the legal business name, Federal Tax ID number, and telephone number of the firm. Subsection (a)(2) requires the applicant to provide the full name of the owner or owners of the firm. Subsection (a)(3) requires the applicant to provide the firm’s mailing address, including street number, city, county, state, and ZIP code. Subsections (a)(1) through (a)(3) are necessary to establish the firm’s legal business identity as well as the person(s) liable for the license and subject to enforcement actions. Contact information is necessary to ensure the Department can communicate with the firm in the event of a violation at the location of business to be licensed.

Subsection (a)(4) requires the applicant to provide the location of the business to be licensed. If the business is a physical premises, the applicant must provide the street number, city, county, state, and ZIP code. This is necessary to ensure the Department can locate the licensed premises for inspection and enforcement purposes. If the business is conducting online sales, the applicant must provide the website where sales are made. This is necessary so the Department can verify the website has the capacity to comply with California law, including limiting sales to livestock drugs that are registered in California as well as requiring the submission of a veterinary prescription or veterinary feed directive for medically important antimicrobial drugs.

Subsection (a)(5) requires the applicant to identify a designated individual for the business to be licensed who is responsible for compliance with livestock drug law and who will also serve as the primary emergency contact. This is necessary to ensure that all licensed businesses have one person responsible for ensuring all employees who handle sales transactions of restricted livestock drugs know the required procedures for documenting sales and, in the case of medically important antimicrobial livestock drugs, know the additional requirements for storage, verification, labeling, and recordkeeping. Applicants must provide the designated individual’s name, title, email address, and telephone number. This is necessary to ensure the Department can communicate with the designated individual in the event of a violation or emergency at the licensed location. As a precautionary measure, Subsection (a)(6) requires the applicant to identify a secondary emergency contact for the business to be licensed, in the event the designated individual is unavailable during an emergency.

Subsection (a)(7) requires the applicant to disclose whether the business to be licensed is a mobile unit and, if so, to provide the license plate number. This is necessary to ensure the Department can locate the mobile unit for inspection and enforcement purposes.

Subsection (a)(8) requires the applicant to disclose the company type from a list of options including corporation, partnership, individual, limited liability company, co-partnership, or other.

If other is selected, the applicant must specify the type. This is necessary to ensure the Department maintains an accurate record of which types of businesses are licensed.

Subsection (a)(9) requires the applicant to disclose the type of sales conducted by the business to be licensed - sales made directly to the end user for the purpose of administration to livestock and/or sales made to other businesses for the purpose of resale. This is necessary to help the Department conduct targeted outreach and education efforts as well as inspection and enforcement efforts. FAC Division 7, Chapter 4.5, requires the Department to collect data on retail sales of medically important antimicrobial drugs. In order to ensure that sales are not counted multiple times, the Department will utilize the information provided on the license application form to help identify where to collect data on sales of medically important antimicrobial drugs made directly to the end user for administration to livestock, rather than sales made to other businesses for the purpose of resale.

Subsection (a)(10) requires the applicant to disclose whether the business to be licensed will sell medically important antimicrobial drugs. This is necessary to help the Department identify where to conduct targeted outreach and education on the proper storage, sale, labeling, and recordkeeping of medically important antimicrobial drugs. This is also necessary to help the Department identify which locations to inspect for compliance and to collect sales data to fulfill the mandates set forth in FAC Section 14405(b)(1).

Subsection (a)(11) requires that the owner of the firm or designated individual for the business to be licensed provide a certification that the information provided on the application is complete, true, and accurate. The form must include their name, title, signature and the date signed. This is necessary to ensure that the information provided on the form is correct and to maintain a record of who certified the information's accuracy, in the event a discrepancy is discovered.

Subsection (b) is added to clarify that a restricted livestock drug license application form must be accompanied by a license application fee of fifty dollars (\$50). Subsection (b)(1) clarifies that the license application fee is not refundable if the license is refused. Subsection (b)(2) clarifies that a restricted livestock drug license fee covers the remainder of the current calendar year in which it is issued. Subsections (b) and (b)(1) are consistent with FAC Section 14323, Subsection (b)(2) is consistent with FAC Section 14324, and all three sections have been included in the proposed regulations for ease of reference. Subsection (b)(3) clarifies that the license fee shall not be reduced to cover a fraction of a year. FAC Section 14323 makes no provision for a reduced fee. This is necessary because the full fee is needed to cover program administrative costs to process applications, as these costs are not impacted by the date license applications are submitted.

Subsection (c) is added to clarify how restricted livestock drug license applications and fees must be submitted. Subsection (c)(1) states that applications and fees may be submitted electronically using the Feed, Fertilizer, and Livestock Drugs Regulatory Services online registration database and Subsection (c)(2) states that applications and fees may be submitted by mail using a paper form. This is necessary to ensure that the applications received are consistent and provide all required information.

Subsection (d) is added to clarify that a restricted livestock drug licensee must notify the Department within thirty (30) calendar days if any of the information provided on the license

application changes after the license is issued. This is necessary to ensure the Department has the most current information available and can communicate with the licensee in the event of an emergency or violation. Thirty days was determined to be an appropriate notification period based on observations of what is currently done in the industry. In addition, requiring information to be updated within thirty days is consistent with the timeframe provided in the Department's other regulations, such as 3 CCR Section 2300(k)(2) which requires manufacturers of registered fertilizing materials to notify the Secretary within thirty days of any change to a product's composition.

Section 5003. License Renewal

Subsection (a) is added to clarify that restricted livestock drug licenses must be renewed annually using the provided renewal form. This is necessary to provide guidance and consistency on how to renew a license.

Subsection (b) is added to clarify that the fee for license renewal is fifty dollars (\$50) payable on or before January 31 of each year. If the fee is not paid by that date, a penalty of fifty dollars (\$50) shall be added to the fee. This is consistent with FAC Section 14325 and has been included in the proposed regulations for ease of reference.

Subsection (c) is added to clarify that restricted livestock drug license renewal applications and accompanying fees must be submitted in the same manner as applications. This is necessary to provide guidance and consistency on how license renewals and fees must be submitted.

Subsection (d) is added to clarify that a restricted livestock drug licensee must notify the Department in a timely manner if any of the information provided on the license renewal changes after the license is renewed. This is necessary to ensure the Department has the most current information available and can communicate with the licensee in the event of an emergency or violation.

ARTICLE 4. RECORDKEEPING

Section 5004. Sales Records

Subsection (a) is added to clarify that restricted livestock drug licensees must maintain a record of each sale of a restricted livestock drug. This is consistent with FAC Section 14328; however, language has been added to clarify that the record shall be maintained in California, or with the Secretary's permission, at another location. This is necessary to ensure that the Department has access to sales records for inspection and enforcement purposes in order to verify that all restricted livestock drugs, including medically important antimicrobial drugs, are sold in accordance with the law. In addition, this will ensure the Department is able to gather an accurate representation of medically important antimicrobial drug sales to fulfill the mandates set forth in FAC Section 14405(b)(1).

Subsection (b) is added to clarify what information is required to be part of the record of each sale of a restricted livestock drug. This is consistent with FAC Section 14329. However, FAC Section 14329(e) states the record shall include, "Any other information as the director may determine is reasonably necessary to carry out the provisions of this chapter." For this reason, regulations are needed to clarify the additional information that will be required.

Subsection (b)(1) requires the record to include the established drug name or trade name, route of administration, quantity, and lot number of each restricted livestock drug sold. FAC Section 14329(a) requires the record to include the “kind” of drug sold; the proposed regulations clarify that the term “kind” specifically refers to the established drug name or trade name and the route of administration. This was determined in consultation with Department veterinarians in order to ensure the Department will be able to collect adequate information on the drugs and routes of administration used, which will help fulfill the mandates set forth in FAC Section 14405(b)(1). This is necessary to provide clarity for restricted livestock drug licensees regarding what specifically must be recorded and will ensure that an adequate and consistent record is maintained of what types of restricted livestock drugs are sold. In addition, recording the drug name and route of administration will allow the Department to collect data to fulfill the mandates set forth in FAC Section 14405(b)(1). Requiring the quantity sold is consistent with FAC Section 14329(a) and has been included in the proposed regulations for ease of reference. Requiring the lot number(s) is consistent with FAC Section 14329(e) and is necessary in order to trace any restricted livestock drugs that are recalled.

Subsection (b)(2) requires the record to include the date of sale of each restricted livestock drug sold. This is consistent with FAC Section 14329(b) and has been included in the proposed regulations for ease of reference.

Subsection (b)(3) requires the record to include the name, address, telephone number, and email address (optional) of the purchaser of each restricted livestock drug sold. Requiring the name and address of the purchaser is consistent with FAC Section 14329(c) and has been included in the proposed regulations for ease of reference. Requiring the purchaser’s telephone number is consistent with FAC Section 14329(e) and is necessary in order to contact the purchaser in the event that a restricted livestock drug is recalled. Providing the option for the purchaser to provide their email address is consistent with FAC Section 14329(e) and is necessary to provide an alternate means of contacting the purchaser in the event that a restricted livestock drug is recalled. In addition, allowing purchasers to provide their email address will allow the Department to conduct targeted outreach and surveys on the use of medically important antimicrobial drugs to fulfill the mandates set forth in FAC Section 14405(b)(1).

Subsection (b)(4) requires the record to include the signature of the purchaser of each restricted livestock drug sold. This is consistent with FAC Section 14329(d) and has been included in the proposed regulations for ease of reference.

Subsection (b)(5) clarifies that in addition to the requirements outlined in this chapter, any restricted livestock drug licensee selling medically important antimicrobial drugs at retail is responsible for complying with the additional recordkeeping requirements listed in 3 CCR Section 5008. This is necessary to ensure that all restricted livestock drug licensees are aware that there are additional requirements they must comply with for retail sales of medically important antimicrobial drugs.

Subsection (c) is added to clarify that restricted livestock drug licensees must keep a record of each restricted livestock drug sold for at least three years following the transaction. FAC Section 14330 states that if a licensee fails to keep adequate records, their license can be revoked; the proposed regulation is necessary to clarify the required retention period. Three years was

determined to be an appropriate retention period because this is the length of time that veterinary food-animal drug retailers are required to maintain records as well as the amount of time that records of veterinary feed directives must be maintained. In addition, maintaining records for three years will allow the Department sufficient time to visit all licensees for inspection.

Subsection (d) is added to clarify that the record of each sale of a restricted livestock drug is subject to audit by the Secretary and shall be made available to the Secretary upon request. Depending on the location of the restricted livestock drug licensee, sales records may be audited by onsite inspection (in California) or by the provision of records by mail (out of state). FAC Section 14295 gives the Department authority to conduct investigations necessary to carry out FAC Division 7, Chapter 4, and the regulations adopted pursuant to it. This is necessary to ensure the Department can inspect records to verify compliance with the law.

CHAPTER 2. SALES OF MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS

ARTICLE 1. DEFINITIONS

Section 5005. Definitions

The Department is adding Section 5005 and Subsections (a) through (i) to ensure language is used consistently throughout the regulations, to provide stakeholders clear understanding of the intent of specific words, and to provide uniform implementation.

Subsection (a) defines “dispense” as selling a medically important antimicrobial drug to a purchaser under a lawful veterinary prescription or veterinary feed directive. This definition is based on FAC Section 14401 which mandates a veterinary prescription or veterinary feed directive for the administration of medically important antimicrobial drugs. This definition is in accordance with the definition of dispense given in BPC Section 4024, however, it has been simplified for the purposes of this chapter to only refer to veterinary prescriptions or veterinary feed directives given by veterinarians for the use of medically important antimicrobial drugs. This definition is necessary to ensure that restricted livestock drug licensees may only sell medically important antimicrobial drugs to purchasers that provide a veterinary prescription or veterinary feed directive.

Subsection (b) defines “extra label use.” This definition is consistent with Section 530.3(a) of Title 21 of the Code of Federal Regulations (CFR) and has been included in the proposed regulations for ease of reference.

Subsection (c) defines “inventory” as a record of accountability for all medically important antimicrobial drugs. The use of the term inventory is in accordance with commonly used terminology in the industry. This definition is necessary to clarify that restricted livestock drug licensees must maintain a record of accountability for the purchase, storage, and sale of all medically important antimicrobial drugs.

Subsection (d) defines “livestock.” This definition is consistent with FAC Section 14400(b). The proposed regulations have been added to clarify that the term livestock refers to all animals in a species that are typically raised, kept, or used for profit and defines the meaning of “raised, kept, or used for profit.” This is necessary to clarify that all animals belonging to a species that

are typically used for financial gain, commercial use, breeding, competition, or show, or whose owners are engaged in business using animals for financial gain, commercial use, breeding, competition, or show are subject to these regulations. In addition, this definition is necessary to clarify that for the purposes of this chapter, livestock does not include bees.

Subsection (e) defines “medically important antimicrobial drug.” This definition is consistent with FAC Section 14400(a). The proposed regulations have been added to clarify that medically important antimicrobial drugs are considered a subset of the broader classification of restricted livestock drugs because they fall under FAC Section 14203(d) “antibiotic preparations” and are subject to the same laws and regulations.

Subsection (f) defines “restricted livestock drug.” This definition is consistent with FAC Section 14203. The proposed regulations have been added to clarify that “antibiotic preparations” includes medically important antimicrobial drugs as defined in FAC Section 14400(a). This is necessary to clarify that medically important antimicrobial drugs are considered a subset of the broader classification of restricted livestock drugs and are subject to the same laws and regulations. In addition, the regulation has been written using the term “Secretary” instead of “director.” This is necessary to maintain consistency with the terminology used in the Department’s other regulations, as the Department is in the process of changing all statutory and regulatory references from “director” to “Secretary.”

Subsection (g) defines “restricted livestock drug licensee” as a business that is licensed pursuant to FAC Division 7, Chapter 4, Article 5. This definition is necessary to clarify that any business selling restricted livestock drugs in California must have a license issued by the Department.

Subsection (h) defines “veterinary feed directive.” This definition is consistent with Section 558.3 of Title 21 of the CFR and has been included in the proposed regulations for ease of reference.

Subsection (i) defines “veterinary prescription.” This is necessary to clarify that a restricted livestock drug licensee may only sell a medically important antimicrobial drug to a purchaser that presents a lawful non-verbal order given by a licensed veterinarian. Use of the term lawful conveys that the prescription must comply with veterinary practice requirements of 16 CCR Section 2032.2. However, the term “non-verbal” was used for the purposes of this chapter instead of the term “written” to ensure that retailers with the appropriate capacity may accept electronic and faxed prescriptions. In addition, the definition clarifies that only veterinary prescriptions for the use of medically important antimicrobial drugs are subject to this chapter. The definition also clarifies that a restricted livestock drug licensee cannot sell a medically important antimicrobial drug if the prescription is provided orally by a veterinarian (e.g., over the phone). This is necessary to ensure that (1) the restricted livestock drug licensee can verify that the prescribing veterinarian is licensed prior to dispensing the medically important antimicrobial drug to the purchaser, (2) the restricted livestock drug licensee can keep a copy of the veterinary prescription on file so the Department can inspect sales records to verify compliance with the law, and (3) the purchaser can retain a copy of the prescription that contains the instructions for administering the medication.

ARTICLE 2. GENERAL PROVISIONS

Section 5006. Sales of Medically Important Antimicrobial Drugs

Subsection (a) is added to clarify that medically important antimicrobial drugs may be sold by retailers licensed pursuant to FAC Division 7, Chapter 4, Article 5 with a prescription or veterinary feed directive from a licensed veterinarian. This is consistent with FAC Section 14403(a) and has been included in the proposed regulations for ease of reference.

Subsection (b) is added to clarify that medically important antimicrobial drugs are a subset of the broader classification of restricted livestock drugs. This is necessary in order to clarify that medically important antimicrobial drugs are not only subject to FAC Division 7, Chapter 4.5, but that they are also subject to the broader livestock drug law in FAC Division 7, Chapter 4, and 3 CCR Division 5, Chapter 1.

Subsection (c) is added to clarify that a restricted livestock drug licensee shall not sell any drug that is required by federal law to be sold on prescription only unless they also hold a valid license under BPC Division 2, Chapter 9 allowing them to do so. This is necessary in order to ensure compliance with federal law and to clarify that FAC Division 7, Chapter 4.5 does not grant restricted livestock drug licensees the authority to sell livestock drugs that are federally labeled as prescription only.

Subsection (d) is added to clarify that the provisions of this chapter only apply to medically important antimicrobial drugs sold by restricted livestock drug licensees to the end user for the purpose of administration to livestock, rather than sales made to other businesses for the purpose of resale. This is necessary because FAC Division 7, Chapter 4.5 requires the Department to collect data on sales of medically important antimicrobial drugs to prepare a report on their use for the Legislature. Restricted livestock drug licensees should only maintain the information required by this chapter for the retail sale of medically important antimicrobial drugs to ensure that sales are only counted once (from the retailer to the end user) rather than multiple times (from manufacturer to distributor to retailer to the end user). Collecting sales data from multiple points in the supply chain will lead to inflated sales numbers that do not accurately describe the amount of medically important antimicrobial drugs actually administered to livestock.

ARTICLE 3. ADDITIONAL REQUIREMENTS FOR RETAIL SALES OF MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS

Section 5007. Verification

Subsection (a) is added to clarify that a restricted livestock drug licensee shall not sell a medically important antimicrobial drug at retail without the purchaser first providing a valid veterinary prescription or veterinary feed directive. This is consistent with FAC Section 14403 and the proposed regulations clarify that the veterinary prescription or veterinary feed directive must be valid and must be provided prior to sale. Requiring the veterinary prescription or veterinary feed directive before sale is necessary to ensure that the restricted livestock drug licensee can verify that the prescription or veterinary feed directive is valid prior to dispensing a medically important antimicrobial drug. The term valid means that the veterinary prescription or veterinary feed directive is (1) not expired and (2) has been issued by a veterinarian licensed by the California Veterinary Medical Board (VMB). The prohibition on dispensing an expired prescription is necessary to ensure that medically important antimicrobial drugs are dispensed

in accordance with a veterinarian's instructions, are used for the shortest duration necessary (per FAC Section 14404(c)(3)), and are not used in a regular pattern (per FAC Section 14402(d)). The requirement for prescribing veterinarians to be licensed by the VMB is consistent with the requirements of the California Veterinary Medicine Practice Act. BPC Section 4830 prohibits veterinarians that are not licensed in California from establishing a veterinarian-client-patient relationship with a patient located in California. FAC Section 14401 requires a veterinarian to establish a veterinarian-client-patient relationship prior to prescribing medically important antimicrobial drugs. Therefore, veterinarians that are not licensed in California are prohibited from prescribing medically important antimicrobial drugs for patients located in California because they legally cannot establish the required veterinarian-client-patient relationship.

Subsection (b) is added to clarify that a restricted livestock drug licensee is required to verify that the veterinarian listed on a veterinary prescription or veterinary feed directive is currently licensed by the VMB prior to completing the retail sale of any medically important antimicrobial drug. Subsection (b)(1) specifies that restricted livestock drug licensees must use the Department of Consumer Affairs' licensing and enforcement website for verification. This is necessary to ensure that only valid orders from licensed veterinarians are filled and will help mitigate the unlawful sale of medically important antimicrobial drugs as a result of fraudulent prescriptions.

Subsection (c) is added to clarify the expiration dates for veterinary prescriptions and veterinary feed directives. This clarifies that a restricted livestock drug licensee may not sell a medically important antimicrobial drug at retail if the veterinary prescription or veterinary feed directive provided by the purchaser is expired or was issued more than six months prior to the date of sale. This six month limit is consistent with 21 CFR 558.6(b)(3)(v) and 16 CCR Section 1780.1(g)(2). This limit is necessary to ensure that medically important antimicrobial drugs are used for the shortest duration necessary (per FAC Section 14404(c)(3)) and are not used in a regular pattern (per FAC Section 14402(d)).

Section 5008. Sales Records

Subsection (a) is added to clarify that in addition to the broader recordkeeping requirements for sales of restricted livestock drugs listed in 3 CCR Section 5004, restricted livestock drug licensees are required to keep records of additional information on retail sales of medically important antimicrobial drugs. This is necessary to ensure that medically important antimicrobial drugs are sold in accordance with the law and that the Department is able to gather an accurate representation of retail sales to fulfill the mandates set forth in FAC Section 14405(b)(1). FAC Section 14329(e) states the record shall include, "Any other information as the director may determine is reasonably necessary to carry out the provisions of this chapter." For this reason, regulations are needed to clarify the additional information that will be required.

Subsection (a)(1) requires the record to include the name and VMB license number of the prescribing veterinarian. This is necessary to ensure that there is adequate information available in the sales record to allow the Department to verify that prescribing veterinarians are licensed. In addition, this will allow both the restricted livestock drug licensee and the Department to contact the veterinarian for verification if a fraudulent prescription is suspected.

Subsection (a)(2) requires the record to include a unique transaction identification number for each retail sale of a medically important antimicrobial drug. This number must be listed on the record of sale as well as on the corresponding copy of the veterinary prescription or veterinary feed directive maintained on file. This is necessary to ensure investigators are able to find the appropriate corresponding prescription for each entry in the sales record and will aid in the investigation of fraudulent prescriptions.

Subsection (a)(3) requires the record to include a copy of the veterinary prescription or veterinary feed directive labeled with the corresponding unique transaction identification number. Requiring restricted livestock drug licensees to maintain copies of veterinary prescriptions and veterinary feed directives will enable the Department to verify that medically important antimicrobial drugs are being sold in accordance with the law and will allow the Department to monitor usage of medically important antimicrobial drugs to fulfill the mandates set forth in FAC Section 14405(b)(1). Requiring the veterinary prescription or veterinary feed directive to be labeled with a unique transaction identification number is necessary to ensure investigators are able to find the appropriate corresponding prescription for each entry in the sales record and will aid in the investigation of fraudulent prescriptions.

Subsection (b) is added to clarify that restricted livestock drug licensees must keep a record of each medically important antimicrobial drug sold at retail, including the accompanying copy of the veterinary prescription or veterinary feed directive, for at least three years following the retail transaction. FAC Section 14330 states that if a restricted livestock drug licensee fails to keep adequate records, their license can be revoked; the proposed regulation is necessary to clarify the required retention period. Three years was determined to be an appropriate retention period because this is the length of time that veterinary food-animal drug retailers are required to maintain records as well as the amount of time that records of veterinary feed directives must be maintained. In addition, maintaining records for three years will allow the Department sufficient time to visit all licensees for inspection.

Subsection (c) is added to clarify that the record of each retail sale of a medically important antimicrobial drug, including the accompanying copy of the veterinary prescription or veterinary feed directive, is subject to audit by the Secretary and shall be made available to the Secretary upon request. Depending on the location of the restricted livestock drug licensee, sales records may be audited by onsite inspection (in California) or by the provision of records by mail (out of state). FAC Section 14295 gives the Department authority to conduct investigations necessary to carry out FAC Division 7, Chapter 4, and the regulations adopted pursuant to it. This is necessary to ensure the Department can inspect records to verify compliance with the law.

Section 5009. Storage and Inventory

Subsection (a) is added to clarify that restricted livestock drug licensees must store medically important antimicrobial drugs in a secure, lockable area. This language is taken from BPC Section 4197(a)(1) which states that veterinary food-animal drug retailers shall store drugs in a secure, lockable area. FAC Section 14330 states that if a licensee fails to properly handle or store such drugs, their license can be revoked; the proposed regulation is necessary to clarify what constitutes proper storage and handling to ensure that all medically important antimicrobial drugs are sold in accordance with the law and to minimize the risk for losses or thefts.

Subsection (b) is added to clarify that entry into areas where medically important antimicrobial drugs are held shall be limited to authorized personnel. This provision is modeled after BPC Section 4196(c) which describes requirements for veterinary food-animal drug retailers. FAC Section 14330 states that if a licensee fails to properly handle or store such drugs, their license can be revoked; the proposed regulation is necessary to clarify what constitutes proper storage and handling to ensure that all medically important antimicrobial drugs are sold in accordance with the law and to minimize the risk for losses or thefts.

Subsection (c) is added to clarify that restricted livestock drug licensees must develop policies and train employees on the proper handling and sale of medically important antimicrobial drugs. Subsection (c)(1) requires policies for the receipt, security, storage, inventory, labeling, and dispensing of medically important antimicrobial drugs. Subsection (c)(2) requires policies for identifying, recording, and internally reporting losses or thefts of medically important antimicrobial drugs. Subsection (c)(3) requires policies for maintaining a correct inventory of medically important antimicrobial drugs and verifying that inventory records are free from errors and inaccuracies. Subsection (c)(4) requires policies for maintaining records to document proper storage proper storage conditions for medically important antimicrobial drugs as recommended by the manufacturer and required by regulation. These provisions are modeled after BPC Section 4198 which describes requirements for veterinary food-animal drug retailers. This is necessary to ensure that all medically important antimicrobial drugs are sold in accordance with the law and to minimize the risk for losses or thefts.

Subsection (d) is added to clarify that restricted livestock drug licensees must keep a record of all invoices and records of shipment for medically important antimicrobial drugs for at least three years from the date of shipment. FAC Section 14330 states that if a licensee fails to keep adequate records or is not properly handling or storing such drugs, their license can be revoked; the proposed regulation is necessary to clarify the required retention period. Three years was determined to be an appropriate retention period because this is the length of time that veterinary food-animal drug retailers are required to maintain records as well as the amount of time that records of veterinary feed directives must be maintained. In addition, maintaining records for three years will allow the Department sufficient time to visit all licensees for inspection.

Subsection (e) is added to clarify that the invoices and records of shipment for medically important antimicrobial drugs are subject to audit by the Secretary and shall be made available to the Secretary upon request. Depending on the location of the restricted livestock drug licensee, records of shipment may be audited by onsite inspection (in California) or by the provision of records by mail (out of state). FAC Section 14295 gives the Department authority to conduct investigations necessary to carry out FAC Division 7, Chapter 4, and the regulations adopted pursuant to it. This is necessary to ensure the Department can inspect records to verify compliance with the law. In addition, ensuring access to records of invoices and shipments will allow the Department to determine the amount of drugs purchased compared to the amount sold to determine if medically important antimicrobial drugs are being sold unlawfully.

Section 5010. Labeling

Subsection (a) is added to clarify that a restricted livestock drug licensee must dispense a medically important antimicrobial drug in accordance with its federally approved label. However, if the medically important antimicrobial drug is prescribed by a veterinarian for an extra label

use, the restricted livestock drug licensee must dispense the drug with an added label including all of the elements listed in Subsections (a)(1) through (a)(8). This is necessary to allow for extra label use when directed by a veterinarian.

Subsection (a)(1) requires the label to include the date dispensed. Subsection (a)(2) requires the label to include the name and address of the prescribing veterinarian. Subsection (a)(3) requires the label to include the name of the client who was issued the veterinary prescription or veterinary feed directive. Subsection (a)(4) requires the label to include the established name of the medically important antimicrobial drug or, if formulated from more than one active ingredient, the established name of each ingredient. Subsection (a)(5) requires the label to include the class/species or identification of the animal or the herd, flock, pen, lot, or other group of animals being treated. Subsection (a)(6) requires the label to include the condition for which the medically important antimicrobial drug was prescribed. Subsection (a)(7) requires the label to include the directions for use, including dosage, frequency, route of administration, duration of treatment, and withdrawal time. Subsection (a)(8) requires the label to include the date of expiration. This list of required elements is modeled after 21 CFR Section 530.12; these elements are necessary to include on the label to ensure medically important antimicrobial drugs are administered to livestock according to the prescribing veterinarian's instructions.

Subsection (b) is added to clarify that if a veterinary prescription or veterinary feed directive describing extra label use does not include sufficient information, the restricted livestock drug licensee must contact the prescribing veterinarian to obtain the required information prior to dispensing the medically important antimicrobial drug and shall document any such request for clarification. This is necessary to ensure medically important antimicrobial drugs are administered to livestock according to the prescribing veterinarian's instructions.

ARTICLE 4. VIOLATIONS AND PENALTIES

Section 5011. Violations

The Department is adding Section 5011 and Subsections (a) through (h) to provide restricted livestock drug licensees with a clear understanding of the statutory and regulatory requirements for the sale of medically important antimicrobial drugs and to provide a framework for uniform implementation and enforcement. Subsections (a) through (h) describe the violations that will be cited in the event of a failure to comply with any of the provisions described in Sections 5006 through 5010 of this chapter. The specific purpose and necessity for each violation is provided within the description for Sections 5006 through 5010 of this chapter. Subsections (a) through (h) are necessary to ensure the Department is consistent and transparent in its enforcement actions.

Subsection (a) is added to clarify that it is unlawful for any restricted livestock drug licensee to sell any medically important antimicrobial drug that is required by federal law to be sold on prescription only unless they also hold a valid license under BPC Division 2, Chapter 9 allowing them to do so. Reference Section 5006(c) for a description of the specific purpose and necessity of this provision.

Subsection (b) is added to clarify that it is unlawful for any restricted livestock drug licensee to sell any medically important antimicrobial drug at retail unless the purchaser provides a valid

veterinary prescription or veterinary feed directive. Reference Section 5007(a) for a description of the specific purpose and necessity of this provision.

Subsection (c) is added to clarify that it is unlawful for any restricted livestock drug licensee to sell any medically important antimicrobial drug at retail if the veterinary prescription or veterinary feed directive provided by the purchaser is not issued by a veterinarian licensed by the VMB. Reference Sections 5007(a) and (b) for a description of the specific purpose and necessity of this provision.

Subsection (d) is added to clarify that it is unlawful for any restricted livestock drug licensee to sell any medically important antimicrobial drug at retail beyond the expiration date listed on the veterinary prescription or veterinary feed directive or if the date of issuance of the veterinary prescription or veterinary feed directive is more than six months prior to the date of purchase. Reference Section 5007(c) for a description of the specific purpose and necessity of this provision.

Subsection (e) is added to clarify that it is unlawful for any restricted livestock drug licensee to prevent entry into and inspection of any premises where medically important antimicrobial drugs are stored or sold. Reference Section 5008(c) for a description of the specific purpose and necessity of this provision.

Subsection (f) is added to clarify that it is unlawful for any restricted livestock drug licensee to fail to keep adequate retail sales records of medically important antimicrobial drugs or to fail to make the required records available to the Secretary upon request as required by Section 5008 of this chapter. Reference Section 5008 for a description of the specific purpose and necessity of this provision.

Subsection (g) is added to clarify that it is unlawful for any restricted livestock drug licensee to fail to comply with the minimum standards for storage and inventory of medically important antimicrobial drugs as required by Section 5009 of this chapter. Reference Section 5009 for a description of the specific purpose and necessity of this provision.

Subsection (h) is added to clarify that it is unlawful for any restricted livestock drug licensee to fail to comply with the minimum standards for labeling medically important antimicrobial drugs sold at retail as required by Section 5010 of this chapter. Reference Section 5010 for a description of the specific purpose and necessity of this provision.

Section 5012. Penalties

The Department is adding Section 5012 and Subsections (a) through (d) to provide restricted livestock drug licensees with a clear understanding of the penalties associated with violating the statutory and regulatory requirements for the sale of medically important antimicrobial drugs. This section is necessary to ensure the Department is consistent and transparent in its application of administrative remedies associated with violations of the statute and regulations.

Subsection (a) is added to clarify that upon a finding a violation, the Secretary shall issue a notice of warning.

Subsection (b) is added to clarify that a person who violates this chapter shall be liable for a civil penalty of two hundred and fifty dollars (\$250) for each day a violation occurs if at least one notice of warning has been issued by the Secretary for a prior violation within the preceding 12-month period. FAC Section 14408 states that a person who violates the chapter shall be liable for a civil penalty of not more than \$250. The proposed regulation clarifies that the Department has set the penalty at the maximum amount of \$250. This is due to the implementation of a notice of warning for a first violation; the Department believes that setting the penalty at the maximum amount will serve as a deterrent for subsequent violations.

Subsection (c) is added to clarify that for a second or subsequent violation, a person who violates this chapter shall be punishable by an administrative fine, levied by the Secretary, in the amount of five hundred dollars (\$500) for each day a violation occurs. This is consistent with FAC Section 14408 and has been included in the proposed regulations for ease of reference.

Subsection (d) is added to clarify that a person may contest a penalty or fine for any violation specified in Section 5011 by requesting a hearing before the Secretary and explains how to request a hearing. This is necessary to ensure restricted livestock drug licensees are aware they have the right to appeal a violation by requesting a hearing pursuant to the procedural requirements outlined in FAC Section 14382 and Government Code Title 2, Division 3, Part 1, Chapter 5.

Subsection (e) is added to clarify that the Secretary may, after a hearing, refuse to issue or renew, or may suspend or revoke a restricted livestock drug license for any violation of this chapter, pursuant to the procedural requirements outlined in FAC Section 14382 and Government Code Title 2, Division 3, Part 1, Chapter 5. This is necessary to ensure restricted livestock drug licensees are aware of the existing administrative hearing process for appealing violations.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

STD 399 Attachment.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The requirement for businesses selling restricted livestock drugs to obtain a license from the Department, renew the license annually, and maintain a record of restricted livestock drugs sold are all provisions of the existing livestock drug law (FAC Division 7, Chapter 4). Chapter 1 of the proposed regulation is only making specific the procedures for applying for and renewing a license, updating the information licensees are required to maintain in the sales record, and clarifying how long the sales record must be maintained. Clarifying these existing requirements is not expected to lead to the creation or elimination of jobs or businesses within California, or to impact the number of businesses licensed by the Department.

Chapter 1 of the proposed regulation clarifies that the existing livestock drug law (FAC Division 7, Chapter 4) applies to alternative methods of sale, such as online and catalog sales, in addition to traditional in-person sales made at physical stores and mobile units in California. The Department maintains that this is already a provision of the existing statute, which is supported by the fact that there are currently three out of state businesses licensed by the Department. The proposed regulation is only seeking to clarify this existing statutory requirement and is

necessary to ensure that all restricted livestock drugs, including medically important antimicrobial drugs, are sold in accordance with the law and are subject to its recordkeeping requirements. This is particularly important with the recent adoption of FAC Division 7, Chapter 4.5, which requires medically important antimicrobial drugs to be sold only with a veterinary prescription or veterinary feed directive and requires the Department to monitor sales and use.

The Department acknowledges that clarification of this existing statutory requirement could cause some unlicensed businesses to stop selling restricted livestock drugs rather than becoming licensed. However, the Department believes this risk is limited because the benefit to businesses of becoming licensed (sales revenue) would far outweigh the associated costs (\$50 license fee per location, plus minimal administrative costs to comply with recordkeeping requirements). In addition, the Department maintains that any change in the number of restricted livestock drug licensees would be a result of enforcement of the existing law, rather than an impact of the regulations. For this reason, the Department believes it is unlikely that this provision of the proposed regulations will lead to the creation or elimination of jobs or businesses within California.

The requirement for medically important antimicrobial drugs to be sold only on the order of a licensed veterinarian is a provision of the existing livestock use of medically important antimicrobial drugs law (FAC Division 7, Chapter 4.5). This law also provides that medically important antimicrobial drugs prescribed by a licensed veterinarian may be sold at retail by restricted livestock drug licensees. Chapter 2 of the proposed regulation is only making specific the additional procedures restricted livestock drug licensees must follow to ensure they are in compliance with FAC Division 7, Chapter 4.5, by clarifying the verification, recordkeeping, storage, and labeling requirements for retail sales of medically important antimicrobial drugs. This is necessary to mitigate the risk of theft or unlawful sale of medically important antimicrobial drugs, which will minimize the risk of improper use that may contribute to antibiotic resistance.

The Department acknowledges this provision could potentially lead to some restricted livestock drug licensees choosing to no longer sell medically important antimicrobial drugs rather than comply with the verification, recordkeeping, storage, and labeling requirements. However, the Department believes the risk of this is limited because the benefit to restricted livestock drug licensees of selling medically important antimicrobial drugs (sales revenue) would outweigh the associated administrative costs. If a restricted livestock drug licensee chooses to no longer sell medically important antimicrobial drugs due to the increased administrative requirements, it is unlikely the business would cancel their restricted livestock drug license altogether, as they would likely continue selling other types of restricted livestock drugs. For this reason, the Department does not anticipate that this provision of the proposed regulations will impact the number of restricted livestock drug licensees or result in the elimination of jobs or businesses within California.

Overall, the Department believes that the proposed regulations will benefit the health and welfare of California residents. The proposed regulations will bring clarity to the existing law and will reduce the likelihood of unlawful sales. The lawful sale of restricted livestock drugs, including medically important antimicrobial drugs, will help ensure that a safe supply of livestock drugs remain available to producers for their appropriate use in protecting the health of the livestock population of the state, thereby maintaining an abundant supply of wholesome food

and fiber. This will also help to preserve the efficacy and ensure current and future availability of medically important antimicrobial drugs while minimizing potential public health impacts.

Ultimately, the Department has concluded that it is:

(1) unlikely that the proposed regulations will create or eliminate jobs within the State of California;

(2) unlikely that the proposed regulations will create new businesses or eliminate existing businesses within the State of California;

(3) unlikely that the proposed regulations will affect the expansion of businesses currently doing business within the State of California; and

(4) likely that the proposed regulations will benefit the health and welfare of California residents by maintaining an abundant supply of wholesome food and fiber while at the same time preserving the efficacy of medically important antimicrobial drugs and minimizing potential public health impacts.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

As of March 2017, there were 307 businesses licensed by the Department to sell restricted livestock drugs. Three of these businesses are located outside of California and have therefore not been included in the total number of businesses. Of the total 304 California businesses impacted, approximately 176 were determined to be small businesses and 128 were determined to be typical businesses. This estimate was based on an assessment of firm size. Firms with only one licensed location were determined to be “small” businesses, while firms with more than one licensed location were determined to be “typical” businesses. Although the proposed regulations will directly affect businesses statewide, including small businesses, the Department concludes that the economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

Based on investigator observations in the field, the Department anticipates that compliance with the proposed regulations will only require use of existing facilities and basic office equipment for the majority of restricted livestock drug licensees. It is reasonable to assume that the majority of businesses have a stockroom, office, or other employee-only location where medically important antimicrobial drugs can be stored and a computer, printer/copier, and internet connection in order to facilitate basic business activities. However, the exact number of restricted livestock drug licensees that will incur additional costs as a result of the proposed regulations is unknown. For this reason, the Department has prepared an estimate of total statewide dollar costs under the assumption that all businesses will incur additional costs to comply with the proposed regulations. This is in order to overestimate rather than underestimate the potential impact on businesses; the Department believes that the total actual cost to businesses will likely be significantly less. Based on investigator observations, the Department’s cost estimate assumes that small businesses utilize paper recordkeeping systems, while typical businesses utilize computerized recordkeeping systems.

The initial costs for a small business to comply with the proposed regulation is estimated to be \$1,941.73 in the first year and \$1,128.96 for each subsequent year. The first year cost estimate includes a separate refrigerator for the secure employee-only storage area to be used for medically important antimicrobial drugs that require refrigeration, a computer for creating labels and verifying veterinarian licenses, a printer/copier for copying prescriptions and printing labels, an internet connection for verifying veterinarian licenses, toner for copying prescriptions and printing labels, paper for copying prescriptions, file storage for storing copies of prescriptions, labels for labeling prescriptions, labor cost for training staff to comply with new requirements, and labor cost to conduct veterinarian license verification. The annual ongoing cost estimate includes an internet connection for verifying veterinarian licenses, toner for copying prescriptions and printing labels, paper for copying prescriptions, file storage for storing copies of prescriptions, labels for labeling prescriptions, and labor cost to conduct veterinarian license verification.

The initial costs for a typical business to comply with the proposed regulation is estimated to be \$1,564.77 in the first year and \$711.38 for each subsequent year. The first year cost estimate includes a separate refrigerator for the secure employee-only storage area to be used for medically important antimicrobial drugs that require refrigeration, system upgrades to accommodate tracking of additional data, data storage for storing prescriptions electronically, labels for labeling prescriptions, labor cost for training staff to comply with new requirements, and labor cost to conduct veterinarian license verification. The annual ongoing cost estimate includes data storage for storing prescriptions electronically, labels for labeling prescriptions, and labor cost to conduct veterinarian license verification.

Based on the assumption that all businesses will incur the additional costs described above, total statewide dollar costs are estimated to be \$542,035.04 in the first year and \$289,753.60 for each subsequent year for businesses to maintain compliance with the proposed regulations. This total includes costs for small and typical businesses multiplied by 176 small and 128 typical businesses. Please reference the STD 399 Attachment for additional information and calculations.

Therefore, for the reasons discussed above, the Department has concluded the proposed regulations will not have a significant statewide adverse economic impact.

REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

The Department considered omitting clarification of the existing statutory requirement for alternative and out of state businesses to obtain a restricted livestock drug license prior to selling restricted livestock drugs into California. However, it was determined that this is needed to bring clarity to the existing law and to ensure that restricted livestock drugs, including medically important antimicrobial drugs, are sold in accordance with California livestock drug laws and regulations. Although this is an existing requirement and there are already three out of state businesses licensed, preliminary research by Department investigators has shown there are unlicensed retailers selling restricted livestock drugs, including medically important antimicrobial drugs, into California. For this reason, the Department determined that a regulation clarifying this statute is necessary. The proposed regulation will provide enhanced clarity of the existing requirement, thereby reducing the potential for violations and unlawful sales.

Initial Statement of Reasons

Sales of Restricted Livestock Drugs and Medically Important Antimicrobial Drugs

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The Department considered omitting the requirement for restricted livestock drug licensees to verify that the prescribing veterinarian is licensed by the California Veterinary Medical Board prior to selling a medically important antimicrobial drug. However, it was determined this could lead to restricted livestock drug licensees inadvertently dispensing fraudulent prescriptions for medically important antimicrobial drugs given by unlicensed practitioners.

The Department considered omitting the requirement for restricted livestock drug licensees to keep a copy of the prescription or veterinary feed directive on file for each medically important antimicrobial drug sold. However, it was determined this would not allow the Department to verify that medically important antimicrobial drugs are being sold in accordance with the law. If there is no copy of the prescription on file, the Department cannot verify that the restricted livestock drug licensee required the purchaser to present a veterinary prescription or veterinary feed directive prior to selling a medically important antimicrobial drug. In addition, this would not allow the Department to investigate possible fraudulent prescriptions.

The Department considered omitting the requirement for restricted livestock drug licensees to develop and implement procedures for inventory and storage of medically important antimicrobial drugs. However, it was determined that improper storage could lead to the theft or illegal sale of medically important antimicrobial drugs, which would increase the risk of improper use and antibiotic resistance. In addition, requiring the maintenance of inventory records will allow the Department to compare the record of drugs purchased to the record of drugs sold to determine if any medically important antimicrobial drugs are being sold unlawfully.

The Department considered including the requirement for restricted livestock drug licensees to add a label to each medically important antimicrobial drug sold; however, it was determined that it would be too burdensome and ultimately unnecessary. Restricted livestock drug licensees do not have the same capacity or oversight as pharmacies or veterinary food-animal drug retailers; this is why restricted livestock drug licensees may only sell drugs that are federally labeled as over the counter. Although FAC Division 7, Chapter 4.5 states that all medically important antimicrobial drugs may only be sold in California on the order of a veterinarian, most of these drugs are still federally labeled as over the counter and are therefore not subject to federal requirements governing the labeling of prescription drugs at the point of sale. Furthermore, FAC Section 14403 expressly exempts restricted livestock drug licensees from the requirements applicable to veterinary food-animal drug retailers found in BPC Section 4196. All medically important antimicrobial drugs are already labeled with federally approved instructions for use. For this reason, it was determined that licensees should only be required to add a label to any medically important antimicrobial drug prescribed for extra label use. This is to ensure that any directions that differ from the federal label remain easily accessible to ensure medically important antimicrobial drugs are administered in accordance with a veterinarian's guidance.

The Department considered including the requirement for restricted livestock drug licensees to submit quarterly sales reports of all medically important antimicrobial drugs sold at retail. However, it was determined that this would be too burdensome, both for licensees as well as Department staff. At this time, there is no existing infrastructure or reporting mechanism in place for licensees to utilize to report sales to the Department. In addition, the Department cannot support the staffing level that would be required to transcribe and analyze quarterly sales data from all licensees. The Department plans to take a proactive approach by working directly with licensees to promote awareness and achieve compliance with the new requirements for sales of medically important antimicrobial drugs. For this reason, the Department has determined that

conducting individual licensee inspections, either by onsite inspection of locations in California or by the provision of records by mail for locations out of state, would be the most effective solution because it will allow the Department to educate licensees, verify compliance with the law, and collect retail sales data simultaneously. If the Department develops the necessary reporting infrastructure and secures adequate funding for the required personnel, additional regulations governing retail sales reporting may be proposed in the future.

Pursuant to Government Code Section 11346.9(a)(4), the Department has determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Pursuant to Government Code Section 11346.9(a)(5), if anyone proposes an alternative that would lessen the adverse economic impact on small businesses, the final statement of reasons must include an explanation setting forth the Department's reasons for rejecting any proposed alternatives.

DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS

The proposed regulations do not duplicate or conflict with federal regulations.

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

CALIFORNIA CODE OF REGULATIONS

TITLE 3. FOOD AND AGRICULTURE

DIVISION 5. LIVESTOCK DRUGS

CHAPTER 1. SALES OF RESTRICTED LIVESTOCK DRUGS

PROPOSED REGULATION TEXT

ARTICLE 1. DEFINITIONS

§5000. Definitions.

For purposes of this chapter, the following definitions apply:

(a) "Designated individual" means an individual representing a restricted livestock drug licensee that is assigned to perform the duties required to maintain a restricted livestock drug licensee's compliance with California livestock drug laws and regulations.

(b) "Livestock" includes all animals in a species typically raised, kept, or used for profit and includes bees, mammals, avian, aquatic, and amphibian species. It does not include those species which are usually kept as pets, such as dogs, cats, and pet birds. "Species that are raised, kept, or used for profit" means:

(1) Livestock that are typically used for financial gain, commercial use, breeding, competition, or show; or

(2) Livestock whose owners are engaged in business using animals for financial gain, commercial use, breeding, competition, or show.

(c) "Restricted livestock drug" means any livestock drug which is sold in such form that it might be administered to humans and if so administered would be dangerous to the health of such humans or any livestock drug which if improperly administered to livestock is dangerous to the health of such livestock or to humans who consume products from such livestock. Restricted drugs include all of the following:

(1) Arsenic compounds and preparations.

(2) Diethylstilbestrol and other substances which have a hormonelike action.

(3) Sulfanilamide or substitute sulfanilamides.

(4) Antibiotic preparations, including medically important antimicrobial drugs as defined in Section 14400(a) of Chapter 4.5 of Division 7 of the Food and Agricultural Code.

(5) Such other drugs and their preparations which the Secretary determines are hazardous to the health of livestock or the public safety.

(d) "Restricted livestock drug licensee" is a person that has obtained a restricted livestock drug license pursuant to Article 5 (commencing with Section 14321) of Chapter 4 of Division 7 of the Food and Agricultural Code.

Note: Authority Cited: Sections 407 and 14231 of the Food and Agricultural Code. Reference: Section 14203, 14205, 14321 of the Food and Agricultural Code.

ARTICLE 2. GENERAL PROVISIONS

§5001. Sales of Restricted Livestock Drugs.

(a) A person shall not sell any restricted livestock drug in this state at retail unless he or she holds a restricted livestock drug license issued pursuant to Article 5 of Chapter 4 of Division 7 of the Food and Agricultural Code.

(1) The term sell includes in-person sales at a physical place of business, including mobile units, as well as all sales conducted using the internet, electronic mail, telephone, facsimile, mail order, or catalog.

(2) A person whose business is located outside of the state of California who makes any sale of a restricted livestock drug into California must obtain a restricted livestock drug license prior to any such sale.

(3) A separate restricted livestock drug license is required for each place of business at which any restricted livestock drug is kept for sale, and for each mobile unit in which any such drug is kept for sale.

(b) A copy of the laws and regulations relating to livestock drugs shall be provided to each restricted livestock drug licensee upon issuance of the license. The failure of any restricted livestock drug licensee to receive a copy of the regulations is not a defense to a violation of the regulations.

(c) Each restricted livestock drug licensee shall be supervised or managed by a designated individual named on the restricted livestock drug license application that shall be responsible for maintaining the restricted livestock drug licensee's compliance with state laws and regulations.

(d) All livestock drugs sold by restricted livestock drug licensees must be registered pursuant to Article 4 of Chapter 4 of Division 7 of the Food and Agricultural Code.

Note: Authority Cited: Sections 407 and 14231 of the Food and Agricultural Code. Reference: Sections 14281, 14321 and 14326 of the Food and Agricultural Code.

ARTICLE 3. LICENSING

§5002. License Application.

(a) Any person may file with the Secretary an application for a restricted livestock drug license pursuant to Article 5 of Chapter 4 of Division 7 of the Food and Agricultural Code. The application shall be on a form which is supplied by the Secretary and shall contain:

(1) The legal business name, Federal Tax ID number, and telephone number of the firm.

(2) The full name of the owner or owners of the firm.

(3) The mailing address of the firm, including street number, city, county, state, and ZIP code.

(4) The location of business to be licensed, including street number, city, county, state, and ZIP code. If the business to be licensed is conducting online sales, the website where sales are conducted shall be provided.

(5) A designated individual for the business to be licensed who shall be responsible for compliance with the livestock drugs law and shall serve as the primary emergency contact. The following information shall be provided for the designated individual: name, title, email address, and telephone number.

(6) A secondary emergency contact for the business to be licensed. The following information shall be provided for the secondary emergency contact: name, title, email address, and telephone number.

(7) A disclosure of whether the business to be licensed is a mobile unit. If the location to be licensed is a mobile unit, the license plate number shall be provided.

(8) A disclosure of the company type (corporation, partnership, individual, limited liability company, co-partnership, or other). If other, the type shall be specified.

(9) A disclosure of the type of sales conducted by the business to be licensed (sales directly to the end user for the purpose of administration to livestock and/or sales to other businesses for the purpose of resale).

(10) A disclosure of whether the business to be licensed will sell medically important antimicrobial drugs as defined in Section 14400(a) of Chapter 4.5 of Division 7 of the Food and Agricultural Code.

(11) A certification that the information provided on the application is complete, true, and accurate. The certification shall be made by the owner of the firm or designated individual for the business to be licensed and shall contain the following information: name, title, signature, and date signed.

(b) The application shall be accompanied by an application fee of fifty dollars (\$50).

(1) The fee is not refundable if the license is refused.

(2) If the license is issued, the application fee covers the license for the remainder of the current calendar year in which it is issued.

(3) The fee shall not be reduced to cover a fraction of a year.

(c) The application described in Section 5002(a) and accompanying fee described in Section 5002(b) shall be submitted in one of two ways:

(1) Electronically using the Feed, Fertilizer, and Livestock Drugs Regulatory Services online registration database.

(2) By mail using a form available on the Feed, Fertilizer, and Livestock Drugs Regulatory Services website.

(d) A restricted livestock drug licensee shall notify the Department within thirty (30) calendar days if any of the information provided on the license application changes after the license is issued.

Note: Authority Cited: Sections 407 and 14231 of the Food and Agricultural Code. Reference: Sections 14322, 14323, and 14324 of the Food and Agricultural Code.

§5003. License Renewal.

(a) Applications for restricted livestock drug license renewal shall be submitted on or before January 31 of each year on a form supplied by the Secretary which shall be limited to the information described in Section 5002(a) of this chapter.

(b) The fee for the renewal application for a license is fifty dollars (\$50) per year, payable on or before January 31 of each year. If the fee is not paid by that date, a penalty of fifty dollars (\$50) shall be added to the fee.

(c) Renewal applications and accompanying fees shall be submitted in the manner specified in Section 5002(c) of this chapter.

(d) A restricted livestock drug licensee shall notify the Department in a timely manner if any of the information provided on the license renewal changes after the license is renewed.

Note: Authority Cited: Sections 407 and 14231 of the Food and Agricultural Code. Reference: Section 14325 of the Food and Agricultural Code.

ARTICLE 4. RECORDKEEPING

§5004. Sales Records.

(a) Each restricted livestock drug licensee shall maintain in this state, or with the Secretary's permission, at another location, an accurate record of each sale of a restricted livestock drug by the licensee.

(b) The record of each sale of a restricted livestock drug shall include all of the following:

(1) The established drug name or trade name, route of administration, quantity, and lot number(s) of the restricted livestock drug sold.

(2) Date of sale.

(3) Name, address, telephone number, and email address (optional) of the purchaser.

(4) Signature of the purchaser.

(5) Any additional information as required under Section 5008 of the California Code of Regulations regarding retail sales of medically important antimicrobial drugs.

(c) The record of each sale of a restricted livestock drug shall be kept by a restricted livestock drug licensee for a period of not less than three years following the transaction.

(d) The record of each sale of a restricted livestock drug is subject to audit by the Secretary and shall be made available to the Secretary upon request.

Note: Authority Cited: Sections 407 and 14231 and of the Food and Agricultural Code.
Reference: Sections 14295, 14328, 14329, and 14330 of the Food and Agricultural Code.

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

**CALIFORNIA CODE OF REGULATIONS
TITLE 3. FOOD AND AGRICULTURE
DIVISION 5. LIVESTOCK DRUGS
CHAPTER 2. SALES OF MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS**

PROPOSED REGULATION TEXT

ARTICLE 1. DEFINITIONS

§5005. Definitions.

For purposes of this chapter, the following definitions apply:

(a) "Dispense" means to deliver a medically important antimicrobial drug to a purchaser under a lawful veterinary prescription or veterinary feed directive.

(b) "Extra label use" has the same definition as in Section 530.3(a) of Title 21 of the Code of Federal Regulations.

(c) "Inventory" means a record of accountability for all medically important antimicrobial drugs.

(d) "Livestock" includes all animals in a species typically raised, kept, or used for profit and includes mammals, avian, aquatic, and amphibian species. It does not include bees or those species which are usually kept as pets, such as dogs, cats, and pet birds. "Species that are raised, kept, or used for profit" means:

(1) Livestock that are typically used for financial gain, commercial use, breeding, competition, or show; or

(2) Livestock whose owners are engaged in business using animals for financial gain, commercial use, breeding, competition, or show.

(e) "Medically important antimicrobial drug" means a restricted livestock drug as defined in Section 14400(a) of Chapter 4.5 of Division 7 of the Food and Agricultural Code.

(f) "Restricted livestock drug" means any livestock drug which is sold in such form that it might be administered to humans and if so administered would be dangerous to the health of such humans or any livestock drug which if improperly administered to livestock is dangerous to the health of such livestock or to humans who consume products from such livestock. Restricted drugs include all of the following:

(1) Arsenic compounds and preparations.

(2) Diethylstilbestrol and other substances which have a hormonelike action.

(3) Sulfanilamide or substitute sulfanilamides.

(4) Antibiotic preparations, including medically important antimicrobial drugs as defined in Section 14400(a) of Chapter 4.5 of Division 7 of the Food and Agricultural Code.

(5) Such other drugs and their preparations which the Secretary determines are hazardous to the health of livestock or the public safety.

(g) "Restricted livestock drug licensee" is a person that has obtained a restricted livestock drug license pursuant to Article 5 (commencing with Section 14321) of Chapter 4 of Division 7 of the Food and Agricultural Code.

(h) "Veterinary feed directive" has the same definition as in Section 558.3 of Title 21 of the Code of Federal Regulations.

(i) "Veterinary prescription" means a lawful non-verbal order, given by a licensed veterinarian, for use of a medically important antimicrobial drug.

Note: Authority Cited: Sections 407, 14231, 14403, and 14405 of the Food and Agricultural Code. Reference: Section 14203, 14400, 14403 and 14405 of the Food and Agricultural Code.

ARTICLE 2. GENERAL PROVISIONS

§5006. Sales of Medically Important Antimicrobial Drugs.

(a) Notwithstanding Sections 14401 and 14402 of the Food and Agricultural Code and Article 15 (commencing with Section 4196) of Chapter 9 of Division 2 of the Business and Professions Code, medically important antimicrobial drugs may be sold by retailers licensed pursuant to Article 5 (commencing with Section 14321) of Chapter 4 of Division 7 of the Food and Agricultural Code with a prescription or veterinary feed directive from a licensed veterinarian.

(b) Medically important antimicrobial drugs are a subset of the broader classification of restricted livestock drugs under Section 14203(d) of the Food and Agricultural Code and are therefore subject to Chapter 4 of Division 7 of the Food and Agricultural Code and Chapter 1 of Division 5 of Title 3 of the of the California Code of Regulations, in addition to Chapter 4.5 of Division 7 of the Food and Agricultural Code and the provisions of this chapter.

(c) Pursuant to Food and Agricultural Code Section 14262(d), a restricted livestock drug licensee shall not sell any drug that is required by federal law to be sold on prescription only unless they also hold a valid license under Chapter 9 of Division 2 of the Business and Professions Code allowing them to do so.

(d) The provisions of this chapter apply only to medically important antimicrobial drugs sold by restricted livestock drug licensees to the end user for the purpose of administration to livestock, rather than sales made to other businesses for the purpose of resale.

Note: Authority Cited: Sections 407, 14231, 14403, and 14405 of the Food and Agricultural Code. Reference: Sections 14203, 14262, 14321, and 14403 of the Food and Agricultural Code.

ARTICLE 3. ADDITIONAL REQUIREMENTS FOR RETAIL SALES OF MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS

§5007. Verification.

(a) A restricted livestock drug licensee shall not sell a medically important antimicrobial drug at retail without the purchaser first providing a valid veterinary prescription or veterinary feed directive.

(b) A restricted livestock drug licensee shall verify that the veterinarian listed on a veterinary prescription or veterinary feed directive is currently licensed by the California Veterinary Medical Board prior to completing the retail sale of any medically important antimicrobial drug.

(1) For the purpose of veterinarian license verification, a restricted livestock drug licensee shall rely upon the information on the Department of Consumer Affairs' licensing and enforcement website.

(c) No medically important antimicrobial drug may be sold at retail by a restricted livestock drug licensee more than six months after the issuance date of a veterinary prescription or veterinary feed directive or after the expiration date listed on a veterinary prescription or veterinary feed directive, whichever comes first.

Note: Authority Cited: Sections 407, 14231, 14403, and 14405 of the Food and Agricultural Code. Reference: Section 14403 of the Food and Agricultural Code, Section 4830 of the Business and Professions Code, Section 558.6(b)(3)(v) of Title 21 of the Code of Federal Regulations, Section 1780.1(g)(2) of Title 16 of the California Code of Regulations.

§5008. Sales Records.

(a) In addition to the recordkeeping requirements for sales of restricted livestock drugs listed in Chapter 4 of Division 7 of the Food and Agricultural Code and Section 5004 of the California Code of Regulations, each restricted livestock drug licensee shall include the following additional information in the record for each retail sale of a medically important antimicrobial drug:

(1) The name and California Veterinary Medical Board license number of the prescribing veterinarian.

(2) A unique transaction identification number. This number must be listed on the record of sale as well as on the corresponding copy of the veterinary prescription or veterinary feed directive maintained on file.

(3) A copy of the veterinary prescription or veterinary feed directive labeled with the corresponding unique transaction identification number.

(b) The record of each retail sale of a medically important antimicrobial drug and accompanying copy of the veterinary prescription or veterinary feed directive shall be kept by a restricted livestock drug licensee for a period of not less than three years following the retail transaction.

(c) The record of each retail sale of a medically important antimicrobial drug and accompanying copy of the veterinary prescription or veterinary feed directive is subject to audit by the Secretary and shall be made available to the Secretary upon request.

Note: Authority Cited: Sections 407, 14231, 14403, and 14405 of the Food and Agricultural Code. Reference: Sections 14295, 14328, 14329, 14330, 14403, 14405, and 14406 of the Food and Agricultural Code.

§5009. Storage and Inventory.

(a) Each restricted livestock drug licensee shall store medically important antimicrobial drugs in a secure, lockable area.

(b) Entry into areas where medically important antimicrobial drugs are held shall be limited to authorized personnel.

(c) Restricted livestock drug licensees shall establish, maintain, and adhere to written policies and training procedures for all employees that handle and dispense medically important antimicrobial drugs for retail sale and shall include the following:

(1) The receipt, security, storage, inventory, labeling, and dispensing of medically important antimicrobial drugs.

(2) Identifying, recording, and internally reporting losses or thefts of medically important antimicrobial drugs.

(3) Maintaining a correct inventory of medically important antimicrobial drugs and verifying that inventory records are free from errors and inaccuracies.

(4) Maintaining records to document proper storage conditions for medically important antimicrobial drugs as recommended by the manufacturer and required by regulation.

(d) All invoices and records of shipment for medically important antimicrobial drugs shall be kept on file and maintained for at least three years from the date of shipment.

(e) All invoices and records of shipment for medically important antimicrobial drugs are subject to audit by the Secretary and shall be made available to the Secretary upon request.

Note: Authority Cited: Sections 407, 14231, 14403, and 14405 of the Food and Agricultural Code. Reference: Sections 14295, 14327, 14330, 14403, and 14405 of the Food and Agricultural Code.

§5010. Labeling.

(a) A prescription for a medically important antimicrobial drug shall be dispensed in accordance with its federally approved label. If a medically important antimicrobial drug is to be administered off-label in accordance with a veterinarian prescription, it shall be dispensed by a restricted livestock drug licensee with an added label including all of the following:

(1) Date dispensed.

(2) Name and address of the prescribing veterinarian.

(3) Name of the client who was issued the veterinary prescription or veterinary feed directive.

(4) Established name of the medically important antimicrobial drug or, if formulated from more than one active ingredient, the established name of each ingredient.

(5) Class/species or identification of the animal or the herd, flock, pen, lot, or other group of animals being treated.

(6) Condition for which the medically important antimicrobial drug was prescribed.

(7) Directions for use, including dosage, frequency, route of administration, duration of treatment, and withdrawal time.

(8) Date of expiration.

(b) Upon receipt of a veterinary prescription or veterinary feed directive lacking sufficient information to fulfill the labeling requirements described in Section 5010(a), the restricted livestock drug licensee shall contact the prescribing veterinarian to obtain the required information prior to dispensing the medically important antimicrobial drug and shall document any such request for clarification.

Note: Authority Cited: Sections 407, 14231, 14403, and 14405 of the Food and Agricultural Code. Reference: Section 14330 and 14403 of the Food and Agricultural Code.

ARTICLE 4. VIOLATIONS AND PENALTIES

§5011. Violations.

(a) It is unlawful for any restricted livestock drug licensee to sell any medically important antimicrobial drug that is required by federal law to be sold on prescription only unless they also hold a valid license under Chapter 9 of Division 2 of the Business and Professions Code allowing them to do so.

(b) It is unlawful for any restricted livestock drug licensee to sell any medically important antimicrobial drug at retail unless the purchaser provides a valid veterinary prescription or veterinary feed directive.

(c) It is unlawful for any restricted livestock drug licensee to sell any medically important antimicrobial drug at retail if the veterinary prescription or veterinary feed directive provided by the purchaser is not issued by a veterinarian licensed by the California Veterinary Medical Board.

(d) It is unlawful for any restricted livestock drug licensee to sell any medically important antimicrobial drug at retail beyond the expiration date listed on the veterinary prescription or veterinary feed directive or if the date of issuance of the veterinary prescription or veterinary feed directive is more than six months prior to the date of purchase.

(e) It is unlawful for any restricted livestock drug licensee to prevent the entry into and inspection of any premises where medically important antimicrobial drugs are stored or sold.

(f) It is unlawful for any restricted livestock drug licensee to fail to keep adequate retail sales records of medically important antimicrobial drugs or to fail to make the required records available to the Secretary upon request as required by Section 5008 of this chapter.

(g) It is unlawful for any restricted livestock drug licensee to fail to comply with the minimum standards for storage and inventory of medically important antimicrobial drugs as required by Section 5009 of this chapter.

(h) It is unlawful for any restricted livestock drug licensee to fail to comply with the minimum standards for labeling medically important antimicrobial drugs sold at retail as required by Section 5010 of this chapter.

Authority Cited: Sections 407, 14231, 14403, and 14405 of the Food and Agricultural Code. Reference: Sections 14203, 14262, 14295, 14321, 14327, 14328, 14329, 14330, 14403, 14405, and 14406 of the Food and Agricultural Code, Section 4830 of the Business and Professions Code, Section 558.6(b)(3)(v) of Title 21 of the Code of Federal Regulations, Section 1780.1(g)(2) of Title 16 of the California Code of Regulations.

§5012. Penalties.

(a) Upon finding a violation, the Secretary shall issue a notice of warning.

(b) A person who violates this chapter shall be liable for a civil penalty of two hundred and fifty dollars (\$250) for each day a violation occurs if at least one notice of warning has been issued by the Secretary for a prior violation within the preceding 12-month period.

(c) For a second or subsequent violation, a person who violates this chapter shall be punishable by an administrative fine, levied by the Secretary, in the amount of five hundred dollars (\$500) for each day a violation occurs.

(d) A person may contest a penalty or fine for any violation specified in Section 5011 by requesting a hearing before the Secretary. At the hearing, the person shall be given the right to present evidence on his or her own behalf.

(1) Requests must be submitted by written correspondence to the Secretary of the Department of Food and Agriculture, 1220 "N" Street, Room A-107, Sacramento, California 95814.

(2) Requests must be submitted within 30 days from the date of the notice of penalty or fine.

(3) Requests must be accompanied by a written statement supporting the need for the hearing.

(4) A formal or informal hearing may be requested. The hearing officer shall determine whether to proceed with an informal hearing or whether a formal hearing or other appropriate administrative proceeding may be required by statute pursuant to Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2 of the Government Code.

(5) If a hearing is not requested, the penalty or fine shall constitute a final and nonreviewable order.

(e) The Secretary may, after a hearing, refuse to issue or renew, or may suspend or revoke a restricted livestock drug license for any violation of this chapter, pursuant to the procedural requirements outlined in Section 14382 of the Food and Agricultural Code and Government Code Title 2, Division 3, Part 1, Chapter 5.

Note: Authority Cited: Sections 407, 14231, 14403, and 14405 of the Food and Agricultural Code. Reference: Sections 14382 and 14408 of the Food and Agricultural Code, Division 3 Part 1 Chapter 5 of Title 2 of the Government Code.

<https://www.cdfa.ca.gov/ahfss/AUS/AnimalHealth.html>

Animal Health

Livestock producers and veterinarians dedicate their lives and livelihood to the provision of high quality, safe and nutritious food for millions of Americans. Producers have a real passion and pride for their industry, from progressive ranch management and environmental sustainability, to on farm animal welfare and preventative health practices. Veterinarians have the indispensable role as stewards of animal health, animal welfare and public health. With the producer's knowledge and experience and the veterinarian's scientific training and clinical expertise, we are working together across the State of California to reduce the rate of antimicrobial resistance.

The following resources are designed to aid the veterinarian and producer in the development and application of herd health plan and responsible antimicrobial use practices.

Veterinarian-Client-Patient Relationship (VCPR)

In California, a VCPR is established when the client has authorized the licensed veterinarian to assume responsibility for making medical judgements and the need for medical treatment of the patient (including the prescription of antimicrobials) AND the veterinarian has agreed to assuming that responsibility and has communicated with the client an appropriate course of treatment.

For a valid VCPR, the veterinarian must be personally acquainted with the care of the animal(s) by way of an examination of the animal or by medically appropriate and timely visits to the premises where the animals are kept AND have enough knowledge of the animal(s) to give at least a general or preliminary diagnosis of the medical condition. [VCPR \(16 CCR § 2032.1\)](#) California's definition of a VCPR has been accepted by the FDA to fulfill the national requirements.

Veterinarian Continuing Education Requirement

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

An explanation of when the first unit of CE is required can be found at the [Veterinary Medical Board's website](#).

Antimicrobial Use (AMU)

According to the Livestock: Use of Antimicrobial Drugs law (FAC § 14400 – 14408), a medically important antimicrobial drug (MIAD) can be used to prevent disease in livestock if under the professional and clinical judgment of a veterinarian there is an increased risk of

developing an infection, as long as the MIAD is not given in a “regular pattern”. A few examples of “regular pattern” use may include giving MIADs solely based on the animals’ age or weight, the calendar date, or a life stage event of the animal without further justification for treatment by a licensed veterinarian within a valid veterinarian-client-patient relationship. Support for the decision of treatment may include, but is not limited to, the clinical experience of the veterinarian, historical herd health data and supportive diagnostic testing. [Judicious Use of Antimicrobials](#) FDA Communications and Documents [Judicious Use Brochures](#) FDA materials for veterinarians and producers [Judicious Therapeutic Use of Antimicrobials](#) AVMA position statement [Key Elements for Implementing Antimicrobial Stewardship Plans in Bovine Veterinary Practices Working with Beef and Dairy Operations](#) AABP guidelines

Medically Important Antimicrobial Drugs (MIADs)

Requirements for Drug Orders

Veterinary Feed Directive (VFD)

Extralabel Drug Use (ELDU)

Extralabel use refers to the use of an FDA approved drug in a manner that is not in accordance with the approved label directions.

Under the provisions of AMDUCA and its implementing regulations, the FDA recognizes the professional judgment of veterinarians, and permits the extralabel use of drugs by veterinarians with a valid VCPR under certain conditions following recordkeeping and labeling requirements. In food-producing animals, extralabel uses of antimicrobials must not be administered via feed (with an exception made for minor use/minor species), nor result in a residue that may present a risk to public health.

A substantially extended withdrawal period supported by appropriate scientific information (scientific literature, academia, or FARAD) must be established and followed. The client must maintain the identity of the animal treated, otherwise the entire group, herd or flock must follow the established withdrawal period.

Under the AMDUCA provisions, FDA has the right to prohibit extralabel uses of certain drugs in food animals if the extralabel use of the drug or class of drugs presents a risk to human health, including antimicrobial resistance. AMDUCA permits licensed veterinarians with a valid VCPR to prescribe extralabel uses (ELDU) of certain approved new animal drugs and approved human drugs under certain conditions per regulations.

Minor Use/Minor Species (MUMS)

Notice of Upcoming Requirements for Antibiotic Purchase



As of January 1, 2018, all purchases of medically important antibiotic for livestock from feed stores must be accompanied by a prescription from a licensed veterinarian.

How to Be Prepared:

- **Confirm** with your feed store they will continue to sell antibiotics with a prescription.
- The **definition of livestock** includes non-commercial stock such as backyard poultry, pet goats, and hobby sheep.
- **Establish or maintain** a relationship with your local livestock veterinarian.
- **Read** more about the program at our website:

<https://www.cdfa.ca.gov/ahfss/AUS/>



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE



10. Legislation

A. SB 547 (HILL) – PROFESSIONS AND VOCATIONS: WEIGHTS AND MEASURES

AMENDED: 9/11/17

STATUS: Enrolled to Governor 9/20/17

BOARD POSITION: Support

Summary of provisions that apply to the Veterinary Medicine Practice Act:

The Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians, veterinary technicians, and the practice of veterinary medicine by the Veterinary Medical Board and authorizes a person whose license or registration has been revoked or placed on probation to petition the board for reinstatement or modification of penalty after a period of not less than one year. Existing law authorizes a registered veterinary technician, under conditions of emergency, to render lifesaving care to an animal and defines “emergency” for these purposes as the animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain life. Existing law requires certain boards and bureaus under the Department of Consumer Affairs to provide on the Internet information regarding the status of every license issued by that board or bureau, as specified.

This bill would instead provide that a person may petition the board for reinstatement or modification of penalty after at least 3 years for reinstatement of a surrendered or revoked license, at least 2 years for early termination or modification of probation of 3 years or more, or at least one year for modification of a condition or termination of probation of less than 3 years. The bill would authorize the board, upon a showing of good cause, to specify in an order imposing probation of more than 3 years that the person may petition for reissuement, modification, or termination of probation after one year. The bill would revise the above-described definition of “emergency” to mean the animal has been placed in a life-threatening condition and immediate treatment is necessary. This bill would additionally require the Veterinary Medical Board to provide information regarding the status of every license issued by it on the Internet.

B. SB 673 (NEWMAN) – PET LOVER’S SPECIALIZED LICENSE PLATES

AMENDED: 9/7/17

STATUS: Enrolled to Governor 9/19/17

BOARD POSITION: Support

Existing law establishes a specialized license plate program and requires the Department of Motor Vehicles (DMV) to issue specialized license plates on behalf of a sponsoring state agency that meets certain requirements. Existing law requires that the DMV charge specified additional fees for the issuance, renewal, or transfer of specialized license plates, and requires the DMV to

deposit the fees, less the DMV's costs, into the Specialized License Plate Fund. Existing law requires that moneys in the fund be allocated, upon appropriation by the Legislature, to each sponsoring agency in proportion to the amount that is attributable to the agency's specialized license plate program. Existing law requires the sponsoring state agency to use these moneys to fund projects and programs that promote the state agency's official policy, mission, or work.

Existing law requires the DMV to deposit fees for the issuance, renewal, or transfer of the Pet Lover's specialized license plates, less the DMV's costs, into the Pet Lover's Fund in the Specialized License Plate Fund, for the deposit of revenue derived from these specialized license plates. Existing law requires that these funds be allocated, upon appropriation by the Legislature, to the Veterinary Medical Board for disbursement by a nonprofit organization selected by the board to fund grants to providers of no-cost or low-cost animal sterilization services. Existing law requires the board to determine eligibility requirements for the grants, establish the grant application process, and develop program specifics. Existing law authorizes the board to contract with an entity, including a nonprofit organization, to provide advice, consultation, and administrative services for purposes of implementing and administering the grant program. Existing law requires the board to provide oversight for the disbursal of grant funds under the grant program.

This bill would revise and recast those provisions by, among other things, substituting the Department of Food and Agriculture for the Veterinary Medical Board for those purposes. The bill would require the department to allocate the grant funds, as specified, to eligible veterinary facilities, as defined, that offer low-cost or no-cost animal sterilization services. The bill would authorize the department to contract with an eligible nonprofit organization, as defined, to perform marketing and promotional activities. The bill would also require the department to administer and oversee the grant program, and would require the department to collaborate with an eligible nonprofit organization to provide advice and consultation for the purposes of developing and implementing the program.

C. AB 485 (O'DONNELL AND DABABNEH) – PET STORE OPERATORS: DOGS, CATS, AND RABBITS (DOGS AND CATS: ADOPTION AND RETAIL SALES)

(Coauthors: Assembly Members Cervantes, Chávez, and Friedman)

(Coauthors: Senators Galgiani and Monning)

AMENDED SENATE: 9/7/17 **STATUS:** Enrolled to Governor on 9/15/17

BOARD POSITION: Track

AB 485, O'Donnell. Pet store operators: dogs, cats, and rabbits.

Existing law requires pet store operators, as defined, to comply with laws governing, among other things, the care of animals in pet stores. Existing law makes a pet store operator who violates these provisions guilty of a misdemeanor, under certain conditions. Existing law also regulates the retail sale of dogs and cats.

Existing law requires an animal control officer, a humane officer, or a peace officer who detects any of certain violations of the laws governing pet store operators to issue a single notice to correct the violation, except as specified. Existing law makes a pet store operator who fails to comply with a notice to correct, or who violates the laws regulating pet store operators, as specified, guilty of a crime.

This bill would prohibit, on and after January 1, 2019, a pet store operator from selling a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals' shelter, humane society shelter, or rescue group, as defined, that is in a cooperative agreement with at least one private or public shelter, as specified. The bill would require all sales of dogs and cats authorized by this provision to be in compliance with laws requiring the spaying or neutering of animals, as specified. The bill would require each pet store to maintain records sufficient to document the source of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year, and to post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the entity from which each dog, cat, or rabbit was obtained, and would authorize public animal control agencies or shelters to periodically require pet stores engaged in sales of dogs, cats, or rabbits to provide access to those records. The bill would make a pet store operator who violates these provisions subject to a civil penalty of \$500, as specified. The bill would also exempt a pet store operator who is subject to these provisions from certain requirements relating to the retail sale of dogs and cats, except as specified.

Existing law authorizes a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding dogs and cats.

This bill would authorize a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to the cooperative agreements authorized regarding dogs and cats described above.

D. AB 942 (MATHIS) – PERSONAL INCOME TAXES: CREDIT: VETERINARY COSTS

(Coauthor: Assembly Member Gloria)

REVISED: 6/20/17

STATUS: Coauthors revised/ No further action.

BOARD POSITION: Watch

The Personal Income Tax Law allows various credits against the taxes imposed by that law.

This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2017, and before January 1, 2023, in an amount equal to 50% of the amount paid or incurred during the taxable year by a taxpayer for qualified veterinary costs, as defined, for a taxpayer's pets, as defined, not to exceed \$2,000 per taxable year.

This bill would take effect immediately as a tax levy.

E. AB 208 (EGGMAN) – DEFERRED ENTRY OF JUDGEMENT: PRETRIAL DIVERSION

REVISED: 9/8/17

STATUS: Enrolled to Governor on 9/15/17

BOARD POSITION: N/A

Existing law allows individuals charged with specified crimes to qualify for deferred entry of judgment. A defendant qualifies if he or she has no conviction for any offense involving controlled substances, the charged offense did not involve violence, there is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation that qualifies for the program, the defendant's record does not indicate that probation or parole has ever been revoked without being completed, and the defendant's record does not indicate that he or she has been granted diversion, deferred entry of judgment, or was convicted of a felony within 5 years prior to the alleged commission of the charged offense.

Under the existing deferred entry of judgment program, an eligible defendant may have entry of judgment deferred, upon pleading guilty to the offenses charged and entering a drug treatment program for 18 months to 3 years. If the defendant does not perform satisfactorily in the program, does not benefit from the program, is convicted of specified crimes, or engages in criminal activity rendering him or her unsuitable for deferred entry of judgment, the defendant's guilty plea is entered and the court enters judgment and proceeds to schedule a sentencing hearing. If the defendant completes the program, the criminal charges are dismissed. Existing law allows the presiding judge of the superior court, with the district attorney and public defender, to establish a pretrial diversion drug program.

This bill would make the deferred entry of judgment program a pretrial diversion program. The bill would make a defendant qualified for the pretrial diversion program if there is no evidence of a contemporaneous violation relating to narcotics or restricted dangerous drugs other than a violation of the offense that qualifies him or her for diversion, the charged offense did not involve violence, there is no evidence within the past 5 years of a violation relating to narcotics or restricted dangerous drugs other than a violation that qualifies for the program, and the defendant has no prior conviction for a felony within 5 years prior to the alleged commission of the charged offense.

Under the pretrial diversion program created by this bill, a qualifying defendant would enter a plea of not guilty and waive his or her right to a trial by jury, and proceedings would be suspended in order for the defendant to enter a drug treatment program for 12 to 18 months, or longer if requested by the defendant with good cause. The bill would require the court, if the defendant does not perform satisfactorily in the program or is convicted of specified crimes, to terminate the program and reinstate the criminal proceedings. The bill would require the criminal charges to be dismissed if the defendant completes the program.

This bill would incorporate additional changes to Section 1000.4 of the Penal Code proposed by SB 393 to be operative only if this bill and SB 393 are enacted and this bill is enacted last.


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SB-547 Professions and vocations: weights and measures. (2017-2018)

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Senate Bill No. 547

CHAPTER 429

An act to amend Sections 27, 156, 2499.5, 2570.16, 2715, 2760.1, 2987, 4008, 4840.5, 4887, 5063.3, 5096.9, 5810, 7332, 7583.23, 7583.24, 7583.47, 7635, 11302, 11320.5, 11321, 11323, 11324, 11345, 11345.2, 11345.6, 11422, 12241, 12304, 12305, 12310, and 12500 of, to amend, repeal, and add Sections 6980.79, 7506.10, 7511, 7574.11, 7574.13, 7582.11, 7582.17, 7583.12, 7583.17, 7583.20, 7585.16, 7588, 7596.5, 7598.14, 7598.17, and 7599.70 of, to add Sections 1006, 6980.9, 7501.9, 7574.09, 7574.35, 7581.6, 7591.14, 9882.6, 11345.5, and 11345.8 to, to repeal Section 303 of, and to repeal and add Section 11345.3 of, the Business and Professions Code, and to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent therewith" approved by electors November 7, 1922, by amending Section 12 thereof, relating to professions and vocations, and making an appropriation therefor.

[Approved by Governor October 02, 2017. Filed with Secretary of State October 02, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 547, Hill. Professions and vocations: weights and measures.

(1) Existing law establishes the Department of Consumer Affairs within the Business, Consumer Services, and Housing Agency and provides that the department is under the control of the Director of Consumer Affairs.

(A) Existing law establishes within the department a Division of Consumer Services under the supervision and control of a chief who is appointed by the Governor.

This bill would repeal the provision establishing the Division of Consumer Services.

(B) Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprisewide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature.

This bill would require the director to report progress on release 3 entities' transition to the new licensing technology platform to the appropriate committees of the Legislature, as specified.

(C) Existing law establishes a motor vehicle inspection and maintenance program, commonly known as smog check, that is administered by the Department of Consumer Affairs. Existing law, the Automotive Repair Act provides for the licensure and regulation of automotive repair dealers, among others, by the Chief of the Bureau

of Automotive Repair under the supervision and control of the Director of Consumer Affairs. The act requires the director, on the director's initiative or in response to a complaint, to investigate a violation of the act, or of any regulation adopted pursuant to the act, by any automotive repair dealer, automotive technician, or employee, partner, officer, or member of any automotive repair dealer. Existing law establishes the Consumer Affairs Fund, and generally authorizes withdrawal of funds without furnishing vouchers and itemized statements when used on matters requiring confidentiality.

This bill would authorize the enforcement programs established by the department and the bureau to investigate violations of the Automotive Repair Act and the Motor Vehicle Inspection and Maintenance Program and to purchase motor vehicles of various makes, models, and condition when purchasing vehicles used for evidentiary purposes as part of these investigations. The bill would also exempt these acquisitions from various laws, including, but not limited to, labor and public contracting laws.

(2) Existing law, the Chiropractic Act, enacted by initiative, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Under the act, each person practicing chiropractic, after a license has been issued, is annually required to pay the board a renewal fee not exceeding \$250. Existing law authorizes the Legislature to fix these fees. Existing law directs the deposit of these funds into the State Board of Chiropractic Examiners' Fund, a continuously appropriated fund.

This bill, until January 1, 2019, would require a licensee to pay an annual renewal fee of \$300. By increasing the amount deposited in the State Board of Chiropractic Examiners' Fund, the bill would make an appropriation. The bill would also require the State Board of Chiropractic Examiners to submit a report to the appropriate policy and fiscal committees of the Legislature by July 1, 2018, that contains, at a minimum, the status of the board's fee audit and an update on the board's plans for restructuring its license fees.

(3) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

(A) Existing law provides for the certification and regulation of podiatrists by the California Board of Podiatric Medicine within the jurisdiction of the Medical Board of California and requires certain fees to be paid to the board, including a fee for the application and issuance of a certificate to practice podiatric medicine.

This bill would revise the fees, as specified.

(B) Existing law, the Occupational Therapy Practice Act, provides for the licensure and regulation of occupational therapists and occupational therapy assistants by the California Board of Occupational Therapy and requires certain fees to be paid to the board, including a fee to collect fingerprints for a criminal history record check.

This bill would prohibit the fee for the criminal history record check from exceeding the amount charged by the agency providing the criminal history record check. The bill would also require the board to charge a fee to query the National Practitioner Data Bank for applicants for licensure and renewal of licensure and would prohibit that fee from exceeding the amount charged per query.

(C) Existing law, the Nursing Practice Act, establishes the Board of Registered Nursing within the Department of Consumer Affairs and sets forth its powers and duties regarding the licensure and regulation of registered nurses. That act authorizes a registered nurse whose license has been revoked or suspended or who has been placed on probation to petition the board for reinstatement or modification of penalty.

This bill would authorize the board to hear the petition or to assign the petition to an administrative law of the Office of Administrative Hearings and would require the administrative law judge to submit a proposed decision in a specified manner.

(D) Existing law, the Psychology Licensing Law, establishes the Board of Psychology to license and regulate the practice of psychology and authorizes the board to collect specified fees, including a delinquency fee of \$25.

This bill would instead make the delinquency fee 50 percent of the renewal fee for each license type, not to exceed \$150.

(E) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy and authorizes the board to employ inspectors of pharmacy.

This bill would also authorize the board to employ legal counsel.

(F) Existing law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians, veterinary technicians, and the practice of veterinary medicine by the Veterinary Medical Board and authorizes a person whose license or registration has been revoked or placed on probation to petition the board for reinstatement or modification of penalty after a period of not less than one year. Existing law authorizes a registered veterinary technician, under conditions of emergency, to render lifesaving care to an animal and defines "emergency" for these purposes as the animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain life. Existing law requires certain boards and bureaus under the Department of Consumer Affairs to provide on the Internet information regarding the status of every license issued by that board or bureau, as specified.

This bill would instead provide that a person may petition the board for reinstatement or modification of penalty after at least 3 years for reinstatement of a surrendered or revoked license, at least 2 years for early termination or modification of probation of 3 years or more, or at least one year for modification of a condition or termination of probation of less than 3 years. The bill would authorize the board, upon a showing of good cause, to specify in an order imposing probation of more than 3 years that the person may petition for reissuement, modification, or termination of probation after one year. The bill would revise the above-described definition of "emergency" to mean the animal has been placed in a life-threatening condition and immediate treatment is necessary. This bill would additionally require the Veterinary Medical Board to provide information regarding the status of every license issued by it on the Internet.

(G) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy, which is within the Department of Consumer Affairs. Existing law prohibits confidential information obtained by a licensee concerning a client from being disclosed by the licensee without the written permission of the client, except when the disclosure is made by a licensee or a licensee's duly authorized representative to another licensee in connection with a proposed sale or merger of the licensee's professional practice.

This bill would additionally authorize that disclosure in that same connection to another person, provided the parties enter into a written nondisclosure agreement.

Existing law, until January 1, 2019, authorizes an individual otherwise meeting a condition for a practice privilege to perform certain audit and financial statement review services only through a firm of certified public accountants that is required to be registered with the board and authorizes such an individual qualified for the practice privilege to practice public accountancy in this state without the imposition of a notice, fee, or any other requirements. Existing law authorizes the board to adopt regulations to carry out the practice privilege provisions and regulations have been adopted, which become inoperative on January 1, 2019.

To ensure uninterrupted implementation of the practice privilege provisions, this bill would authorize the board to adopt or amend regulations to remove or extend the inoperative date of these regulations. The bill would require the Office of Administrative Law to consider the board's action to remove or extend the inoperative dates of these regulations as a change without regulatory effect and would exempt the board from complying with the Administrative Procedure Act with respect to that removal or extension.

(H) Existing law authorizes a certified interior designer, as defined, to obtain a stamp from an interior design organization, as defined, that uniquely identifies the designer and certifies that he or she meets certain qualifications and requires the use of that stamp on all drawings and documents submitted to any governmental agency by the designer. Existing law provides that these provisions are repealed on January 1, 2018.

This bill would instead repeal those provisions on January 1, 2022.

(I) Existing law, the Barbering and Cosmetology Act, provides for the licensing and regulation of persons engaging in the practice of barbering, cosmetology, or electrolysis, as specified. Existing law authorizes an apprentice, as defined, to perform services under the supervision of a licensee approved by the State Board of Barbering and Cosmetology, as specified. Practicing barbering, cosmetology, or electrolysis without being properly licensed is a crime.

This bill would define the term "under the supervision of a licensee" for these provisions to mean a person supervised at all times by a licensee while performing services in a licensed establishment. The bill would also prohibit an apprentice from being the only person working in an establishment and would deem an apprentice who is not being supervised by a licensee to be practicing under the act without a license. Because this bill would expand the scope of a crime, it would impose a state-mandated local program.

(J) Existing law, the Private Security Services Act, provides for the licensing and regulation of private patrol operators by the Bureau of Security and Investigative Services. Existing law requires the bureau to issue a

firearms permit to a licensee, a qualified manager of a licensee, or a registered security guard if certain conditions are met. Existing law, beginning on January 1, 2018, requires an applicant for a firearms permit if he or she is a registered security guard to complete an assessment, as defined, and be found capable of exercising appropriate judgment, restraint, and self-control, as specified.

This bill would instead make those requirements applicable beginning either on January 1, 2018, or upon a date determined by the bureau, but not later than July 1, 2018.

(K) The Cemetery and Funeral Act provides for the licensure and regulation of cemeteries, crematories, funeral establishments, and their personnel by the Cemetery and Funeral Bureau, and requires any person employed by, or an agent of, a licensed funeral establishment who consults with the family or representatives of the family of a deceased person for the purpose of arranging certain services to receive documented training, as specified.

This bill would require that training to be completed at least once every 3 years.

(L) Existing law provides for the licensure and regulation of locksmiths and their employees, repossessioners and their employees and contractors, proprietary private security officers, proprietary private security employers, private security officers, private security employers, and alarm companies by the Department of Consumer Affairs and the Bureau of Security and Investigative Services. Existing law requires the payment of various fees for the application, issuance, renewal, and reinstatement of licenses and registrations for those vocations.

This bill, commencing July 1, 2018, would increase these fees, as specified. The bill, commencing July 1, 2018, would require a verification document to include specified information, and would impose a fee of a specified amount for an endorsed verification of licensure. The bill, commencing July 1, 2018, would impose a fee of a specified amount for the replacement of a lost or destroyed registration card, license, or certificate and would require the request for the replacement be made in the manner prescribed by the bureau. The bill would state it is the intent of the Legislature that the bureau not maintain a reserve balance of funds greater than the amount necessary to fund operating expenses and that the bureau periodically review fees charged for the regulation of the above-described professions and vocations to evaluate the appropriateness of each fee and the regulatory cost associated with each fee.

(M) Existing state law, the Real Estate Appraisers' Licensing and Certification Law, provides for the licensure, certification, and regulation of real estate appraisers and appraisal management companies by the Bureau of Real Estate Appraisers within the Department of Consumer Affairs, which is headed by the Chief of the Bureau of Real Estate Appraisers. Existing state law prohibits a person from engaging in federally related real estate appraisal activity without an active license. Existing state law defines "federally related transaction" as any real estate-related financial transaction which a federal financial institutions regulatory agency engages in, contracts for, or regulates, and which requires the services of a state licensed real estate appraiser.

Existing state law prohibits a person or entity from acting in the capacity of an appraisal management company without first obtaining a certificate of registration from the bureau. Existing state law defines an "appraisal management company" as a person or entity that maintains an approved list or lists, containing 11 or more independent contractor licensed or certified appraisers, or employs 11 or more licensed or certified appraisers, receives requests for appraisals from one or more clients, and for a fee paid by one or more of its clients, delegates appraisal assignments for completion by its independent contractor or employee appraisers.

Existing federal law, the Dodd-Frank Wall Street Reform and Consumer Protection Act, requires the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Federal Housing Finance Agency, and the Bureau of Consumer Financial Protection to jointly, by rule, establish minimum requirements to be applied by a state in the registration of appraisal management companies. These minimum requirements include a requirement that an appraisal management company (1) register with and be subject to supervision by a state appraiser certifying and licensing agency in each state in which that company operates, (2) verify that only licensed or certified appraisers are used for federally related transactions, (3) require that appraisals coordinated by an appraisal management company comply with the Uniform Standards of Professional Appraisal Practice, and (4) require that appraisals are conducted independently and free from inappropriate influence and coercion, as provided. Existing federal law does not prohibit states from establishing additional requirements.

Existing federal law prohibits an appraisal management company from being registered by a state or included on the national registry if the company is owned by any person whose appraiser license or certificate was refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state.

This bill would conform to federal law by, among other things, redefining an "appraisal management company" as a person that (1) provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates, (2) provides those services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations, and (3) within a given 12-month period, oversees an appraiser panel of more than 15 state-certified or state-licensed appraisers in a state or 25 or more state-certified or state-licensed appraisers in two or more states. The bill would define "appraiser panel" and prescribe the method for determining whether an appraiser is a part of the appraisal management company's appraiser panel. The bill would additionally prohibit a person or entity from representing itself to the public as an appraisal management company, either in advertising or through its business name, without a certificate of registration.

Existing state law prohibits a person other than a licensee from signing an appraisal and authorizes a specified trainee to sign an appraisal if it is also signed by the licensee. Existing law authorizes an individual who is not a licensee to assist in the preparation of an appraisal under certain conditions.

This bill would prohibit a person other than a licensee from signing an appraisal in a federally related transaction. The bill would authorize a trainee to sign an appraisal in such a transaction if it is also signed by a licensee. The bill would authorize an individual who is not a licensee to assist in the preparation of an appraisal in a federally related transaction under certain conditions.

Existing state law prohibits the chief from issuing a certificate of registration to an appraisal management company unless the appraisal management company confirms in its application for registration that all of its contracts with clients include specified standard business practices.

This bill would delete that provision and require all appraisal management companies to, among other things, direct the appraiser to perform the assignment in accordance with the Uniform Standards of Professional Appraisal Practice and engage appraisal panel members with an engagement letter that shall include terms of payment.

Existing federal law requires a federally regulated appraisal management company to report to the state or states in which it operates the information required to be submitted by the state pursuant to the policies of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council regarding the determination of the fee imposed by the AMC National Registry, which is the registry of state-registered appraisal management companies and federally regulated appraisal management companies maintained by the Appraisal Subcommittee.

This bill would require a federally regulated appraisal management company operating in California to report to the bureau the information required to be submitted by the bureau to the Appraisal Subcommittee. The bill would authorize the bureau to charge the federally regulated appraisal management company a fee in an amount not to exceed the reasonable regulatory cost to the board for processing the information.

This bill would also define various other terms for purposes of carrying out these provisions.

This bill would make various other nonsubstantive and technical changes.

(4) (A) Existing law provides for the regulation of commercial weighing and measuring devices by the Department of Food and Agriculture, and provides for the enforcement of those provisions by the State Sealer and by county sealers of weights and measures in each county. Existing law requires the department to keep the standards of the state for weights and measures in a suitable laboratory location or, if transportable, to maintain the standards under appropriate environmental conditions and requires the department to have the standards directly certified by the National Institute of Standards and Technology or by any measurement assurance procedures approved by that institute. Existing law requires the department to use the standards of the state to certify similar standards and any dissimilar standards which are dependent on the values represented by the state standards. Existing law requires the department, or a certified laboratory designated by the department, to certify standards of the county sealers at specified intervals.

Existing law, until January 1, 2019, requires the Secretary of Food and Agriculture to establish by regulation an annual administrative fee to recover reasonable administrative and enforcement costs incurred by the Department of Food and Agriculture for exercising supervision over and performing investigations in connection with specified activities performed by sealers, and requires the administrative fee to be collected for every device registered with each county office of weights and measures and paid annually to the Department of Food and Agriculture Fund.

This bill would additionally require the annual administrative fee to be used to recover reasonable costs incurred by the department for the safekeeping and certification of the state standards, for using the state standards to certify other standards, and for certifying the standards of county sealers.

(B) Existing law defines various terms for purposes of regulating weighing and measuring devices, including the term "commercial purposes."

This bill would provide that commercial purposes does not include the determination of the weight of any animal or human by a qualified health provider, California-licensed veterinarian, licensed physician and surgeon, or staff members within the business operations of and under the supervision of a California-licensed veterinarian, or licensed physician and surgeon for the purposes of determining the appropriate dosage of any medication or medical treatment or the volume, duration, or application of any medical procedure.

(5) This bill would incorporate additional changes to Sections 7583.20 and 7598.17 of the Business and Professions Code proposed by SB 800 to be operative as specified.

(6) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(7) 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 27 of the Business and Professions Code is amended to read:

27. (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers

(electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees, including licensed marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information on its licensees and registrants.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(18) The Veterinary Medical Board shall disclose information on its licensees, registrants, and permitholders.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Medical Cannabis Regulation shall disclose information on its licensees.

(g) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

SEC. 2. Section 156 of the Business and Professions Code is amended to read:

156. (a) The director may, for the department and at the request and with the consent of a board within the department on whose behalf the contract is to be made, enter into contracts pursuant to Chapter 3 (commencing with Section 11250) of Part 1 of Division 3 of Title 2 of the Government Code or Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code for and on behalf of any board within the department.

(b) In accordance with subdivision (a), the director may, in his or her discretion, negotiate and execute contracts for examination purposes, which include provisions that hold harmless a contractor where liability resulting from a contract between a board in the department and the contractor is traceable to the state or its officers, agents, or employees.

(c) The director shall report progress on release 3 entities' transition to a new licensing technology platform to all the appropriate committees of the Legislature by December 31 of each year. Progress reports shall include updated plans and timelines for completing all of the following:

- (1) Business process documentation.
- (2) Cost benefit analyses of information technology options.
- (3) Information technology system development and implementation.
- (4) Any other relevant steps needed to meet the IT needs of release 3 entities.
- (5) Any other information as the Legislature may request.

SEC. 3. Section 303 of the Business and Professions Code is repealed.

SEC. 4. Section 1006 is added to the Business and Professions Code, immediately following Section 1005, to read:

1006. (a) By July 1, 2018, the State Board of Chiropractic Examiners shall submit a report to the appropriate policy and fiscal committees of the Legislature that contains, but is not limited to, both of the following:

- (1) The status of the State Board of Chiropractic Examiners' fee audit.
 - (2) An update on the State Board of Chiropractic Examiners' plans for restructuring its license fees.
- (b) The report to the Legislature under subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 5. Section 2499.5 of the Business and Professions Code is amended to read:

2499.5. The following fees apply to certificates to practice podiatric medicine. The amount of fees prescribed for doctors of podiatric medicine shall be determined by the board and shall be as described below. Fees collected pursuant to this section shall be fixed by the board in amounts not to exceed the actual costs of providing the service for which the fee is collected.

(a) Each applicant for a certificate to practice podiatric medicine shall pay an application fee of no more than one hundred dollars (\$100) at the time the application is filed. If the applicant qualifies for a certificate, he or she shall pay a fee not to exceed one hundred dollars (\$100) nor less than five dollars (\$5) for the issuance of the certificate.

(b) The oral examination fee shall be seven hundred dollars (\$700), or the actual cost, whichever is lower, and shall be paid by each applicant. If the applicant's credentials are insufficient or if the applicant does not desire to take the examination, and has so notified the board 30 days prior to the examination date, only the examination fee is returnable to the applicant. The board may charge an examination fee for any subsequent reexamination of the applicant.

(c) Each applicant who qualifies for a certificate, as a condition precedent to its issuance, in addition to other fees required by this section, shall pay an initial license fee. The initial license fee shall be eight hundred dollars (\$800). The initial license shall expire the second year after its issuance on the last day of the month of birth of the licensee. The board may reduce the initial license fee by up to 50 percent of the amount of the fee for any applicant who is enrolled in a postgraduate training program approved by the board or who has completed a postgraduate training program approved by the board within six months prior to the payment of the initial license fee.

(d) The biennial renewal fee shall be nine hundred dollars (\$900). Any licensee enrolled in an approved residency program shall be required to pay only 50 percent of the biennial renewal fee at the time of his or her first renewal.

(e) The delinquency fee shall be one hundred fifty dollars (\$150).

(f) The duplicate wall certificate fee shall be no more than one hundred dollars (\$100).

(g) The duplicate renewal receipt fee shall be no more than fifty dollars (\$50).

(h) The endorsement fee shall be thirty dollars (\$30).

(i) The letter of good standing fee or for loan deferment shall be no more than one hundred dollars (\$100).

(j) There shall be a fee of no more than one hundred dollars (\$100) for the issuance of a resident's license under Section 2475.

(k) The filing fee to appeal the failure of an oral examination shall be no more than one hundred dollars (\$100).

(l) The fee for approval of a continuing education course or program shall be no more than two hundred fifty dollars (\$250).

SEC. 6. Section 2570.16 of the Business and Professions Code is amended to read:

2570.16. Initial license and renewal fees shall be established by the board in an amount that does not exceed a ceiling of one hundred fifty dollars (\$150) per year. The board shall establish the following additional fees:

(a) An application fee not to exceed fifty dollars (\$50).

(b) A late renewal fee as provided for in Section 2570.10.

(c) A limited permit fee.

(d) A fee to collect fingerprints for criminal history record checks. This fee shall not exceed the amount charged by the agency providing the criminal history record checks.

(e) A fee to query the National Practitioner Data Bank for applicants for licensure and renewal of licensure. The fee shall not exceed the amount charged per query.

SEC. 7. Section 2715 of the Business and Professions Code is amended to read:

2715. (a) The board shall prosecute all persons guilty of violating this chapter.

(b) Except as provided by Section 159.5, the board, in accordance with the Civil Service Law, may employ personnel, including legal counsel, as it deems necessary to carry into effect this chapter.

(c) The board shall have and use a seal bearing the name "Board of Registered Nursing." The board may adopt, amend, or repeal, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the rules and regulations that may be reasonably necessary to enable it to carry into effect this chapter.

SEC. 8. Section 2760.1 of the Business and Professions Code is amended to read:

2760.1. (a) A registered nurse whose license has been revoked or suspended or who has been placed on probation may petition the board for reinstatement or modification of penalty, including reduction or termination of probation, after a period not less than the following minimum periods has elapsed from the effective date of the decision ordering that disciplinary action, or if the order of the board or any portion of it is stayed by the board itself or by the superior court, from the date the disciplinary action is actually implemented in its entirety, or for a registered nurse whose initial license application is subject to a disciplinary decision, from the date the initial license was issued:

(1) Except as otherwise provided in this section, at least three years for reinstatement of a license that was revoked, except that the board may, in its sole discretion, specify in its order a lesser period of time provided that the period shall be not less than one year.

(2) At least two years for early termination of a probation period of three years or more.

(3) At least one year for modification of a condition, or reinstatement of a license revoked for mental or physical illness, or termination of probation of less than three years.

(b) The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and an opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall

at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(c) The hearing may be continued from time to time as the board deems appropriate.

(d) (1) The petition may be heard by the board or the board may assign the petition to an administrative law judge of the Office of Administrative Hearings.

(2) If the board assigns the petition to an administrative law judge, the administrative law judge shall submit a proposed decision, as specified in Section 11517 of the Government Code, to the board for its consideration, which shall include reasons supporting the proposed decision.

(e) The board may grant or deny the petition, or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement or reduction of penalty.

(f) In considering a petition for reinstatement or modification of a penalty, the board or the administrative law judge shall evaluate and consider evidence of rehabilitation submitted by the petitioner using criteria specified in regulations promulgated by the board.

(g) The board may impose, or the administrative law judge may recommend, terms and conditions on the petitioner in reinstating a license, certificate, or permit or in modifying a penalty.

(h) The petitioner shall provide a current set of fingerprints accompanied by the necessary fingerprinting fee.

(i) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole, or subject to an order of registration pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(j) Except in those cases where the petitioner has been disciplined pursuant to Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

SEC. 9. Section 2987 of the Business and Professions Code is amended to read:

2987. The amount of the fees prescribed by this chapter shall be determined by the board, and shall be as follows:

(a) The application fee for a psychologist shall not be more than fifty dollars (\$50).

(b) The examination and reexamination fees for the examinations shall be the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination.

(c) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(d) The biennial renewal fee for a psychologist shall be four hundred dollars (\$400). The board may increase the renewal fee to an amount not to exceed five hundred dollars (\$500).

(e) The application fee for registration as a psychological assistant under Section 2913 shall not be more than seventy-five dollars (\$75).

(f) The annual renewal fee for registration of a psychological assistant shall not be more than seventy-five dollars (\$75).

(g) The duplicate license or registration fee is five dollars (\$5).

(h) The delinquency fee is 50 percent of the renewal fee for each license type, not to exceed one hundred fifty dollars (\$150).

(i) The endorsement fee is five dollars (\$5).

Notwithstanding any other provision of law, the board may reduce any fee prescribed by this section, when, in its discretion, the board deems it administratively appropriate.

SEC. 10. Section 4008 of the Business and Professions Code is amended to read:

4008. (a) Except as provided by Section 159.5, the board may employ legal counsel and inspectors of pharmacy. The inspectors, whether the inspectors are employed by the board or the department's Division of Investigation, may inspect during business hours all pharmacies, wholesalers, dispensaries, stores, or places where drugs or devices are compounded, prepared, furnished, dispensed, or stored.

(b) Notwithstanding subdivision (a), a pharmacy inspector may inspect or examine a physician's office or clinic that does not have a permit under Section 4180 or 4190 only to the extent necessary to determine compliance with and to enforce either Section 4080 or 4081.

(c) (1) (A) A pharmacy inspector employed by the board or in the department's Division of Investigation shall have the authority, as a public officer, to arrest, without warrant, any person whenever the officer has reasonable cause to believe that the person to be arrested has, in his or her presence, violated a provision of this chapter or of Division 10 (commencing with Section 11000) of the Health and Safety Code.

(B) If the violation is a felony, or if the arresting officer has reasonable cause to believe that the person to be arrested has violated any provision that is declared to be a felony, although no felony has in fact been committed, he or she may make an arrest although the violation or suspected violation did not occur in his or her presence.

(2) In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting inspector may, instead of taking the person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. That chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(d) There shall be no civil liability on the part of, and no cause of action shall arise against, a person, acting pursuant to subdivision (a) within the scope of his or her authority, for false arrest or false imprisonment arising out of an arrest that is lawful, or that the arresting officer, at the time of the arrest, had reasonable cause to believe was lawful. An inspector shall not be deemed an aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

(e) Any inspector may serve all processes and notices throughout the state.

(f) A pharmacy inspector employed by the board may enter a facility licensed pursuant to subdivision (c) or (d) of Section 1250 of the Health and Safety Code to inspect an automated drug delivery system operated pursuant to Section 4119 or 4119.1.

SEC. 11. Section 4840.5 of the Business and Professions Code is amended to read:

4840.5. Under conditions of an emergency, a registered veterinary technician may render such lifesaving aid and treatment as may be prescribed under regulations adopted by the board pursuant to Section 4836. Such emergency aid and treatment if rendered to an animal patient not in the presence of a licensed veterinarian may only be continued under the direction of a licensed veterinarian. "Emergency" for the purpose of this section, means that the animal has been placed in a life-threatening condition where immediate treatment is necessary.

SEC. 12. Section 4887 of the Business and Professions Code is amended to read:

4887. (a) (1) A person whose license or registration has been revoked or who has been placed on probation may petition the board for reinstatement or modification of penalty including modification or termination of probation after the period as described below in subparagraphs (A) to (C), inclusive, has elapsed from the effective date of the decision ordering the disciplinary action. The petition shall state facts as required by the board. The period shall be as follows:

(A) At least three years for reinstatement of a surrendered or revoked license.

(B) At least two years for early termination or modification of probation of three years or more.

(C) At least one year for modification of a condition or termination of probation of less than three years.

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

board for reinstatement or modification or termination of probation after one year.

(b) The petition shall be accompanied by at least two verified recommendations from veterinarians licensed by the board who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard by the board. The board may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities since the license or registration was in good standing, and the petitioner's rehabilitation efforts, general reputation for truth, and professional ability. The hearing may be continued from time to time as the board finds necessary.

(c) The board reinstating the license or registration or modifying a penalty may impose terms and conditions as it determines necessary. To reinstate a revoked license or registration or to otherwise reduce a penalty or modify probation shall require a vote of five of the members of the board.

(d) The petition shall not be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

SEC. 13. Section 5063.3 of the Business and Professions Code is amended to read:

5063.3. (a) No confidential information obtained by a licensee, in his or her professional capacity, concerning a client or a prospective client shall be disclosed by the licensee without the written permission of the client or prospective client, except the following:

(1) Disclosures made by a licensee in compliance with a subpoena or a summons enforceable by order of a court.

(2) Disclosures made by a licensee regarding a client or prospective client to the extent the licensee reasonably believes it is necessary to maintain or defend himself or herself in a legal proceeding initiated by the client or prospective client.

(3) Disclosures made by a licensee in response to an official inquiry from a federal or state government regulatory agency.

(4) Disclosures made by a licensee or a licensee's duly authorized representative to another licensee or person in connection with a proposed sale or merger of the licensee's professional practice, provided the parties enter into a written nondisclosure agreement with regard to all client information shared between the parties.

(5) Disclosures made by a licensee to either of the following:

(A) Another licensee to the extent necessary for purposes of professional consultation.

(B) Organizations that provide professional standards review and ethics or quality control peer review.

(6) Disclosures made when specifically required by law.

(7) Disclosures specified by the board in regulation.

(b) In the event that confidential client information may be disclosed to persons or entities outside the United States of America in connection with the services provided, the licensee shall inform the client in writing and obtain the client's written permission for the disclosure.

SEC. 14. Section 5096.9 of the Business and Professions Code is amended to read:

5096.9. (a) The board is authorized to adopt regulations to implement, interpret, or make specific the provisions of this article.

(b) The board shall adopt emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) to establish policies, guidelines, and procedures to initially implement this article as it goes into effect on July 1, 2013. The adoption of the regulations shall be considered by the Office of Administrative Law to be necessary for the immediate preservation of the public peace, health and safety, or general welfare. The emergency regulations

shall be submitted to the Office of Administrative Law for filing with the Secretary of State in accordance with the Administrative Procedure Act.

(c) (1) Notwithstanding any other law, to ensure uninterrupted implementation of this article, the board may adopt or amend regulations consistent with Section 100 of Title 1 of the California Code of Regulations to remove or extend the inoperative date of its regulations in Article 3 (commencing with Section 18) of Division 1 of Title 16 of the California Code of Regulations, or to remove the inoperative dates for the regulations in Article 4 (commencing with Section 26) of Division 1 of Title 16 of the California Code of Regulations.

(2) Notwithstanding any other law, the Office of Administrative Law shall consider the board's action to remove or extend the inoperative dates of these regulations as a change without regulatory effect as described in Section 100 of Title 1 of the California Code of Regulations that exempts the board from complying with the rulemaking procedure specified in the Administrative Procedure Act (Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 15. Section 5810 of the Business and Professions Code is amended to read:

5810. (a) This chapter shall be subject to review by the appropriate policy committees of the Legislature.

(b) This chapter shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 16. Section 6980.79 of the Business and Professions Code is amended to read:

6980.79. The fees prescribed by this chapter are those fixed in the following schedule:

(a) A locksmith license application fee may not exceed thirty dollars (\$30).

(b) An original license and renewal fee for a locksmith license may not exceed forty-five dollars (\$45).

(c) A branch office registration fee and branch office renewal fee may not exceed thirty-five dollars (\$35).

(d) Notwithstanding Section 163.5, the reinstatement fee as required by Section 6980.28 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(e) An initial registration fee for an employee may not exceed twenty dollars (\$20).

(f) A registration renewal fee for an employee performing the services of a locksmith may not exceed twenty dollars (\$20).

(g) The fingerprint processing fee is that amount charged the bureau by the Department of Justice.

(h) All applicants seeking a license pursuant to this chapter shall also remit to the bureau the fingerprint fee that is charged to the bureau by the Department of Justice.

(i) The fee for a "Certificate of Licensure" may not exceed twenty dollars (\$20).

(j) A delinquency fee is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(k) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 17. Section 6980.79 is added to the Business and Professions Code, to read:

6980.79. The fees prescribed by this chapter are those fixed in the following schedule:

(a) A locksmith license application fee shall be at least two hundred fifty dollars (\$250) and may be increased to an amount not to exceed two hundred seventy-five dollars (\$275).

(b) An original license fee for a locksmith license shall be at least two hundred fifty dollars (\$250) and may be increased to an amount not to exceed two hundred seventy-five dollars (\$275), and a renewal fee for a locksmith license shall be at least five hundred dollars (\$500) and may be increased to an amount not to exceed five hundred fifty dollars (\$550).

(c) A branch office initial registration fee shall be at least two hundred fifty dollars (\$250) and may be increased to an amount not to exceed two hundred seventy-five dollars (\$275), and a branch office renewal fee shall be at

least one hundred fifty dollars (\$150) and may be increased to an amount not to exceed one hundred sixty-five dollars (\$165).

(d) Notwithstanding Section 163.5, the reinstatement fee as required by Section 6980.28 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(e) An initial registration fee for an employee performing the services of a locksmith shall be at least fifty-five dollars (\$55) and may be increased to an amount not to exceed sixty dollars (\$60).

(f) A registration renewal fee for an employee performing the services of a locksmith shall be at least forty dollars (\$40) and may be increased to an amount not to exceed forty-four dollars (\$44).

(g) The fingerprint processing fee is that amount charged to the bureau by the Department of Justice.

(h) All applicants seeking a license pursuant to this chapter shall also remit to the bureau the fingerprint fee that is charged to the bureau by the Department of Justice.

(i) The fee for a Certificate of Licensure, as specified in Section 6980.24, shall be at least twenty-five dollars (\$25).

(j) A delinquency fee is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(k) The fee for an endorsed verification of licensure or registration shall be twenty-five dollars (\$25). The verification document shall include the license or registration number, the date of issuance and expiration of the license or registration, the current license or registration status, the date of the endorsement, an embossed seal, and the signature of the chief.

(l) The fee for the replacement of a lost or destroyed registration card, license, or certificate authorized by this chapter shall be twenty-five dollars (\$25). The request for a replacement of a registration card, license, or certificate shall be made in the manner prescribed by the bureau.

(m) This section shall become operative on July 1, 2018.

SEC. 18. Section 6980.9 is added to the Business and Professions Code, immediately following 6980.8, to read:

6980.9. It is the intent of the Legislature, consistent with Section 128.5 of the Business and Professions Code, that the bureau shall not maintain a reserve balance of funds greater than the amount necessary to fund operating expenses of the bureau and that the bureau shall periodically review fees pursuant to this chapter to evaluate the appropriateness of each fee and the regulatory costs associated with each fee.

SEC. 19. Section 7332 of the Business and Professions Code is amended to read:

7332. (a) An apprentice is any person who is licensed by the board to engage in learning or acquiring a knowledge of barbering, cosmetology, skin care, nail care, or electrology, in a licensed establishment under the supervision of a licensee approved by the board.

(b) For purposes of this section, "under the supervision of a licensee" means that the apprentice shall be supervised at all times by a licensee approved by the board while performing services in a licensed establishment. At no time shall an apprentice be the only individual working in the establishment. An apprentice that is not being supervised by a licensee, that has been approved by the board to supervise an apprentice, shall be deemed to be practicing unlicensed under this chapter.

SEC. 20. Section 7501.9 is added to the Business and Professions Code, immediately following Section 7501.8, to read:

7501.9. It is the intent of the Legislature, consistent with Section 128.5 of the Business and Professions Code, that the bureau shall not maintain a reserve balance of funds greater than the amount necessary to fund operating expenses of the bureau and that the bureau shall periodically review fees pursuant to this chapter to evaluate the appropriateness of each fee and the regulatory costs associated with each fee.

SEC. 21. Section 7506.10 of the Business and Professions Code is amended to read:

7506.10. (a) Every initial registration shall expire one year following the date of issuance, unless renewed as provided in this section, except for those registrations issued on or after January 1, 1984, which shall expire on December 31, 1985, and every year thereafter, unless renewed as provided in this section. A renewal registration shall expire two years following the date of renewal, unless renewed as provided in this section.

(b) At least 60 days prior to the expiration, the bureau shall mail a renewal form to the registrant at the licensee's place of business. A registrant who desires to renew his or her registration shall forward to the bureau for each registration the properly completed renewal form obtained from the bureau, with the renewal fee prescribed by this chapter, for renewal of his or her registration. Until the registration renewal certificate is issued, a registrant may continue to work with a temporary registration renewal certificate on a secure form prescribed by the chief and issued by the qualified certificate holder that has been embossed by the bureau with the state seal for a period not to exceed 120 days from the date of expiration of the registration.

(c) A licensee shall provide to his or her registrants information regarding procedures for renewal of registration.

(d) A registration that is not renewed within 60 days after its expiration may not be renewed. If the registration is renewed within 60 days after its expiration, the registrant, as a condition precedent to renewal, shall pay the renewal fee and also pay the delinquency fee prescribed in this chapter. Registrants working with expired registrations shall pay all accrued fees and penalties prior to renewal or reregistration.

(e) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(f) Upon renewal, evidence of renewal, as the director may prescribe, shall be issued to the registrant. If evidence of renewal has not been delivered to the registrant prior to the date of expiration, the registrant may present evidence of renewal to substantiate continued registration for a period not to exceed 60 days after the date of expiration or a temporary registration renewal certificate as described in subdivision (b).

(g) A registration shall not be renewed until any and all fines assessed pursuant to this chapter and not resolved in accordance with this chapter have been paid.

(h) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 22. Section 7506.10 is added to the Business and Professions Code, to read:

7506.10. (a) Every initial registration shall expire one year following the date of issuance, unless renewed as provided in this section, except for those registrations issued on or after January 1, 1984, which shall expire on December 31, 1985, and every year thereafter, unless renewed as provided in this section. A renewal registration shall expire two years following the date of renewal, unless renewed as provided in this section.

(b) At least 60 days prior to the expiration, the bureau shall mail a renewal form to the registrant at the licensee's place of business. A registrant who desires to renew his or her registration shall forward to the bureau for each registration the properly completed renewal form obtained from the bureau, with the renewal fee prescribed by this chapter, for renewal of his or her registration. Until the registration renewal certificate is issued, a registrant may continue to work with a temporary registration renewal certificate on a secure form prescribed by the chief and issued by the qualified certificate holder that has been embossed by the bureau with the state seal for a period not to exceed 120 days from the date of expiration of the registration.

(c) A licensee shall provide to his or her registrants information regarding procedures for renewal of registration.

(d) A registration that is not renewed within 60 days after its expiration may not be renewed. If the registration is renewed within 60 days after its expiration, the registrant, as a condition precedent to renewal, shall pay the renewal fee and also pay the delinquency fee prescribed in this chapter. Registrants working with expired registrations shall pay all accrued fees and penalties prior to renewal or reregistration.

(e) Upon renewal, evidence of renewal, as the director may prescribe, shall be issued to the registrant. If evidence of renewal has not been delivered to the registrant prior to the date of expiration, the registrant may present evidence of renewal to substantiate continued registration for a period not to exceed 60 days after the date of expiration or a temporary registration renewal certificate, as described in subdivision (b).

(f) A registration shall not be renewed until any and all fines assessed pursuant to this chapter and not resolved in accordance with this chapter have been paid.

(g) This section shall become operative on July 1, 2018.

SEC. 23. Section 7511 of the Business and Professions Code is amended to read:

7511. Effective July 1, 1998, the bureau shall establish and assess fees and penalties for licensure and registration as displayed in this section. The fees prescribed by this chapter are as follows:

(a) The application fee for an original repossession agency license may not exceed eight hundred twenty-five dollars (\$825).

(b) The application fee for an original qualification certificate may not exceed three hundred twenty-five dollars (\$325).

(c) The renewal fee for a repossession agency license may not exceed seven hundred fifteen dollars (\$715) biennially.

(d) The renewal fee for a license as a qualified certificate holder may not exceed four hundred fifty dollars (\$450) biennially.

(e) Notwithstanding Section 163.5, the reinstatement fee for a repossession agency license required pursuant to Sections 7503.11 and 7505.3 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(f) Notwithstanding Section 163.5, the reinstatement fee for a license as a qualified certificate holder required pursuant to Sections 7504.7 and 7503.11 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(g) A fee for reexamination of an applicant for a qualified manager may not exceed thirty dollars (\$30).

(h) An initial registrant registration fee may not exceed seventy-five dollars (\$75), a registrant reregistration fee may not exceed thirty dollars (\$30), and a registrant biennial renewal fee may not exceed sixty dollars (\$60) per registration. Notwithstanding Section 163.5 and this subdivision, the reregistration fee for a registrant whose registration expired more than one year prior to the filing of the application for reregistration may not exceed seventy-five dollars (\$75).

(i) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(j) The fingerprint processing fee is that amount charged the bureau by the Department of Justice.

(k) The director shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any applicant or licensee without charge. The director shall charge and collect a fee not to exceed ten dollars (\$10) plus sales tax for each additional copy which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person.

(l) The processing fee for the assignment of a repossession agency license pursuant to Section 7503.9 may not exceed one hundred twenty-five dollars (\$125).

This section shall become inoperative July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 24. Section 7511 is added to the Business and Professions Code, to read:

7511. The bureau shall establish and assess fees and penalties for licensure and registration as displayed in this section. The fees prescribed by this chapter are as follows:

(a) The application fee for an original repossession agency license shall be at least nine hundred seventy dollars (\$970) and may be increased to an amount not to exceed one thousand sixty-seven dollars (\$1,067).

(b) The application fee for an original qualified manager certificate shall be at least three hundred fifty dollars (\$350) and may be increased to an amount not to exceed three hundred eighty-five dollars (\$385).

(c) The renewal fee for a repossession agency license shall be at least seven hundred fifty dollars (\$750) and may be increased to an amount not to exceed eight hundred twenty-five dollars (\$825) biennially.

(d) The renewal fee for a qualified manager certificate shall be at least two hundred twenty-five dollars (\$225) and may be increased to an amount not to exceed two hundred forty-eight dollars (\$248) biennially.

(e) Notwithstanding Section 163.5, the reinstatement fee for a repossession agency license required pursuant to Sections 7503.11 and 7505.3 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(f) Notwithstanding Section 163.5, the reinstatement fee for a qualified manager certificate required pursuant to Sections 7503.11 and 7504.7 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.

(g) A fee for reexamination of an applicant for a qualified manager shall be at least sixty dollars (\$60) and may be increased to an amount not to exceed sixty-six dollars (\$66).

(h) An initial registrant registration fee shall be at least seventy-five dollars (\$75) and may be increased to an amount not to exceed eighty-two dollars (\$82), a registrant reregistration fee shall be at least seventy-five dollars (\$75) and may be increased to an amount not to exceed eighty-two dollars (\$82), and a registrant biennial renewal fee shall be at least forty dollars (\$40) and may be increased to an amount not to exceed forty-four dollars (\$44) per registration. Notwithstanding Section 163.5 and this subdivision, the reregistration fee for a registrant whose registration expired more than one year prior to the filing of the application for reregistration shall be at least seventy-five dollars (\$75) and may be increased to an amount not to exceed eighty-two dollars (\$82).

(i) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(j) The fingerprint processing fee is that amount charged to the bureau by the Department of Justice.

(k) The director shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any applicant or licensee without charge. The director shall charge and collect a fee not to exceed ten dollars (\$10) plus sales tax for each additional copy, which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person.

(l) The processing fee for the assignment of a repossession agency license pursuant to Section 7503.9 shall be at least four hundred dollars (\$400) and may be increased to an amount not to exceed four hundred forty dollars (\$440).

(m) The fee for an endorsed verification of licensure, certification, or registration shall be twenty-five dollars (\$25). The verification document shall include the license, certificate, or registration number, the date of issuance and expiration of the license, certificate, or registration, the current license, certificate, or registration status, the date of the endorsement, an embossed seal, and the signature of the chief.

(n) The fee for the replacement of a lost or destroyed registration card, license, or certificate authorized by this chapter shall be twenty-five dollars (\$25). The request for a replacement of a registration card, license, or certificate shall be made in the manner prescribed by the bureau.

(o) This section shall become operative on July 1, 2018.

SEC. 25. Section 7574.09 is added to the Business and Professions Code, immediately following Section 7574.08, to read:

7574.09. It is the intent of the Legislature, consistent with Section 128.5 of the Business and Professions Code, that the bureau shall not maintain a reserve balance of funds greater than the amount necessary to fund operating expenses of the bureau and that the bureau shall periodically review fees pursuant to this chapter to evaluate the appropriateness of each fee and the regulatory costs associated with each fee.

SEC. 26. Section 7574.11 of the Business and Professions Code is amended to read:

7574.11. (a) An applicant seeking registration as a proprietary private security officer shall apply to the department on forms provided by the department.

(b) An application for registration as a proprietary private security officer shall include, but not be limited to, the following:

(1) Submission of fingerprints for submission to the Department of Justice.

(A) The department shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all proprietary private security officer registration applicants, as defined by subdivision (f) of Section 7574.01, for the purposes of obtaining information as to the existence and

content of a record of state or federal convictions and state or federal arrests and also information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(B) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this section. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the department.

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

(D) The department shall request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in subdivision (a).

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

(2) A fee of fifty dollars (\$50).

(c) Upon approval of an application for registration as a proprietary private security officer by the director, the chief shall cause to be issued to the applicant a registration card in a form approved by the director. A registration card shall be valid for two years from the date of issue.

(d) A person may work as a proprietary private security officer pending receipt of the registration card if he or she has been approved by the director and carries on his or her person a hardcopy printout of the bureau's approval from the bureau's Internet Web site and either a valid driver's license issued pursuant to Section 12811 of the Vehicle Code or a valid identification card issued pursuant to Section 13000 of the Vehicle Code.

(e) In the event of the loss or destruction of a registration card, the registrant may apply to the bureau on a form provided by the bureau for a certified replacement of the card, stating the circumstances surrounding the loss, and pay a replacement fee of ten dollars (\$10), whereupon the bureau shall issue a replacement of the card.

(f) A registered proprietary private security officer shall apply for renewal biennially with the department on forms provided by the department. The department shall charge a renewal fee of thirty-five dollars (\$35).

(g) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 27. Section 7574.11 is added to the Business and Professions Code, to read:

7574.11. (a) An applicant seeking registration as a proprietary private security officer shall apply to the department on forms provided by the department.

(b) An application for registration as a proprietary private security officer shall include, but not be limited to, the following:

(1) Submission of fingerprints for submission to the Department of Justice.

(A) The department shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all proprietary private security officer registration applicants, as defined by subdivision (f) of Section 7574.01, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and also information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(B) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this section. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the department.

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

(D) The department shall request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in subdivision (a).

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

(2) A fee that shall be at least fifty-five dollars (\$55) and may be increased to an amount not to exceed sixty dollars (\$60).

(c) Upon approval of an application for registration as a proprietary private security officer by the director, the chief shall cause to be issued to the applicant a registration card in a form approved by the director. A registration card shall be valid for two years from the date of issue.

(d) A person may work as a proprietary private security officer pending receipt of the registration card if he or she has been approved by the director and carries on his or her person a hardcopy printout of the bureau's approval from the bureau's Internet Web site and either a valid driver's license issued pursuant to Section 12811 of the Vehicle Code or a valid identification card issued pursuant to Section 13000 of the Vehicle Code.

(e) The fee for a lost or destroyed registration card shall be twenty-five dollars (\$25). The request for a replacement of a registration card, license, or certificate shall be made in the manner prescribed by the bureau.

(f) A registered proprietary private security officer shall apply for renewal biennially with the department on forms provided by the department. The department shall charge a renewal fee that shall be at least forty dollars (\$40) and may be increased to an amount not to exceed forty-four dollars (\$44).

(g) This section shall become operative on July 1, 2018.

SEC. 28. Section 7574.13 of the Business and Professions Code is amended to read:

7574.13. (a) An applicant seeking registration as a proprietary private security employer shall apply to the department on forms provided by the department.

(b) An application for registration as a proprietary private security employer shall include, but not be limited to, a fee of seventy-five dollars (\$75).

(c) Upon approval of an application for registration as a proprietary private security employer by the director, the chief shall cause to be issued to the applicant a registration certificate in a form approved by the director. A registration certificate shall be valid for two years from the date of issue.

(d) A registered proprietary private security employer shall apply for renewal biennially with the department on forms provided by the department. The department shall charge a renewal fee of thirty-five dollars (\$35).

(e) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 29. Section 7574.13 is added to the Business and Professions Code, to read:

7574.13. (a) An applicant seeking registration as a proprietary private security employer shall apply to the department on forms provided by the department.

(b) An application for registration as a proprietary private security employer shall include, but not be limited to, a fee that shall be at least three hundred fifty dollars (\$350) and may be increased to an amount not to exceed three hundred eighty-five dollars (\$385).

(c) Upon approval of an application for registration as a proprietary private security employer by the director, the chief shall cause to be issued to the applicant a registration certificate in a form approved by the director. A registration certificate shall be valid for two years from the date of issue.

(d) A registered proprietary private security employer shall apply for renewal biennially with the department on forms provided by the department. The department shall charge a renewal fee that shall be at least three hundred fifty dollars (\$350) and may be increased to an amount not to exceed three hundred eighty-five dollars (\$385).

(e) The fee for the replacement of a lost or destroyed registration card shall be twenty-five dollars (\$25). The request for a replacement of a registration card, license, or certificate shall be made in the manner prescribed by

the bureau.

(f) This section shall become operative on July 1, 2018.

SEC. 30. Section 7574.35 is added to the Business and Professions Code, to read:

7574.35. (a) The fee for an endorsed verification of registration shall be twenty-five dollars (\$25). The verification document shall include the registration number, the date of issuance and expiration of the registration, the current registration status, the date of the endorsement, an embossed seal, and the signature of the chief.

(b) This section shall become operative on July 1, 2018.

SEC. 31. Section 7581.6 is added to the Business and Professions Code, immediately following Section 7581.5, to read:

7581.6. It is the intent of the Legislature, consistent with Section 128.5 of the Business and Professions Code, that the bureau shall not maintain a reserve balance of funds greater than the amount necessary to fund operating expenses of the bureau and that the bureau shall periodically review fees pursuant to this chapter to evaluate the appropriateness of each fee and the regulatory costs associated with each fee.

SEC. 32. Section 7582.11 of the Business and Professions Code is amended to read:

7582.11. (a) The chief shall issue a license, the form and content of which shall be determined by the chief in accordance with Section 164. In addition, the chief shall issue a "Certificate of Licensure" to any licensee, upon request and upon the payment of a fee of fifty dollars (\$50).

(b) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 33. Section 7582.11 is added to the Business and Professions Code, to read:

7582.11. (a) The chief shall issue a license, the form and content of which shall be determined by the chief in accordance with Section 164. In addition, the chief shall issue a "Certificate of Licensure" to any licensee, upon request and upon the payment of the fee prescribed in this chapter.

(b) This section shall become operative on July 1, 2018.

SEC. 34. Section 7582.17 of the Business and Professions Code is amended to read:

7582.17. (a) No licensee shall conduct a business under a fictitious or other business name unless and until he or she has obtained the written authorization of the bureau to do so.

(b) The bureau shall not authorize the use of a fictitious or other business name which is so similar to that of a public officer or agency or of that used by another licensee that the public may be confused or misled thereby.

(c) The authorization shall require, as a condition precedent to the use of any fictitious name, that the licensee comply with Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

(d) A licensee desiring to conduct his or her business under more than one fictitious business name shall obtain the authorization of the bureau in the manner prescribed in this section for the use of each name.

(e) The licensee shall pay a fee of twenty-five dollars (\$25) for each authorization to use an additional fictitious business name and for each change in the use of a fictitious business name. If the original license is issued in a nonfictitious name and authorization is requested to have the license reissued in a fictitious business name, the licensee shall pay a fee of twenty-five dollars (\$25) for the authorization.

(f) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 35. Section 7582.17 is added to the Business and Professions Code, to read:

7582.17. (a) No licensee shall conduct a business under a fictitious or other business name unless and until he or she has obtained the written authorization of the bureau to do so.

(b) The bureau shall not authorize the use of a fictitious or other business name which is so similar to that of a public officer or agency or of that used by another licensee that the public may be confused or misled thereby.

(c) The authorization shall require, as a condition precedent to the use of any fictitious name, that the licensee comply with Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

(d) A licensee desiring to conduct his or her business under more than one fictitious business name shall obtain the authorization of the bureau in the manner prescribed in this section for the use of each name.

(e) The licensee shall pay a fee of at least seventy-five dollars (\$75) that may be increased to an amount not to exceed eighty-two dollars (\$82) for each authorization to use an additional fictitious business name and for each change in the use of a fictitious business name. If the original license is issued in a nonfictitious name and authorization is requested to have the license reissued in a fictitious business name, the licensee shall pay a fee of at least seventy-five dollars (\$75) that may be increased to an amount not to exceed eighty-two dollars (\$82) for the authorization.

(f) This section shall become operative on July 1, 2018.

SEC. 36. Section 7583.12 of the Business and Professions Code is amended to read:

7583.12. (a) An employee of a licensee shall not carry or use a firearm unless the employee has in his or her possession both of the following:

- (1) A valid guard registration card issued pursuant to this chapter.
- (2) A valid firearm qualification card issued pursuant to this chapter.

(b) An employee of a licensee may carry or use a firearm while working as a security guard or security patrolperson pending receipt of a firearm qualification card if he or she has been approved by the bureau and carries on his or her person a hardcopy printout of the bureau's approval from the bureau's Internet Web site and a valid picture identification.

(c) In the event of the loss or destruction of the firearm qualification card, the cardholder may apply to the bureau for a certified replacement of the card, stating the circumstances surrounding the loss, and pay a ten-dollar (\$10) certification fee, whereupon the bureau shall issue a certified replacement of the card.

(d) Paragraph (2) of subdivision (a) and subdivision (b) shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who meets all of the following:

- (1) He or she has successfully completed a course of study in the use of firearms.
- (2) He or she is authorized to carry a concealed firearm in the course and scope of his or her employment pursuant to Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code.
- (3) He or she has proof that he or she has applied to the bureau for a firearm qualification card.

(e) (1) This section shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who has written approval from his or her primary employer, as defined in paragraph (2) of subdivision (i) of Section 7583.9, to carry a firearm while working as a security guard.

(2) A peace officer exempt under this subdivision shall carry on his or her person a letter of approval from his or her primary employer authorizing him or her to carry a firearm while working as a security guard.

(f) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 37. Section 7583.12 is added to the Business and Professions Code, to read:

7583.12. (a) An employee of a licensee shall not carry or use a firearm unless the employee has in his or her possession both of the following:

- (1) A valid guard registration card issued pursuant to this chapter.

(2) A valid firearm qualification card issued pursuant to this chapter.

(b) An employee of a licensee may carry or use a firearm while working as a security guard or security patrolperson pending receipt of a firearm qualification card if he or she has been approved by the bureau and carries on his or her person a hardcopy printout of the bureau's approval from the bureau's Internet Web site and a valid picture identification.

(c) Paragraph (2) of subdivision (a) and subdivision (b) shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who meets all of the following:

(1) He or she has successfully completed a course of study in the use of firearms.

(2) He or she is authorized to carry a concealed firearm in the course and scope of his or her employment pursuant to Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code.

(3) He or she has proof that he or she has applied to the bureau for a firearm qualification card.

(d) (1) This section shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who has written approval from his or her primary employer, as defined in paragraph (2) of subdivision (i) of Section 7583.9, to carry a firearm while working as a security guard.

(2) A peace officer exempt under this subdivision shall carry on his or her person a letter of approval from his or her primary employer authorizing him or her to carry a firearm while working as a security guard.

(e) This section shall become operative on July 1, 2018.

SEC. 38. Section 7583.17 of the Business and Professions Code is amended to read:

7583.17. (a) Upon approval of an application for registration, the chief shall cause to be issued to the applicant at his or her last known residential address a registration card in a form approved by the director.

(b) A person may work as a security guard or security patrolperson pending receipt of the registration card if he or she has been approved by the bureau and carries on his or her person a hardcopy printout of the bureau's Internet approval from the bureau's Web site and a valid picture identification.

(c) In the event of the loss or destruction of the card, the cardholder may apply to the bureau for a certified replacement of the card, stating the circumstances surrounding the loss, and pay a ten dollar (\$10) certification fee, whereupon the bureau shall issue a certified replacement of the card.

(d) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 39. Section 7583.17 is added to the Business and Professions Code, to read:

7583.17. (a) Upon approval of an application for registration, the chief shall cause to be issued to the applicant at his or her last known residential address a registration card in a form approved by the director.

(b) A person may work as a security guard or security patrolperson pending receipt of the registration card if he or she has been approved by the bureau and carries on his or her person a hardcopy printout of the bureau's approval from the bureau's Internet Web site and a valid picture identification.

(c) This section shall become operative on July 1, 2018.

SEC. 40. Section 7583.20 of the Business and Professions Code is amended to read:

7583.20. (a) A registration issued under this chapter expires two years following the date of issuance or on the assigned renewal date. Every security guard issued a registration under this chapter that expires on or after January 1, 1997, and who is also issued or renews a firearms qualification card on or after January 1, 1997, shall be placed on a cyclical renewal so that the registration expires on the expiration date of the firearms qualification card. Notwithstanding any other law, the bureau is authorized to extend or shorten the first term of registration following January 1, 1997, and to prorate the required registration fee in order to implement this cyclical

renewal. At least 60 days prior to the expiration, a registrant seeking to renew a security guard registration shall forward to the bureau a completed registration renewal application and the renewal fee. The renewal application shall be on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct.

(b) The licensee shall provide to any employee information regarding procedures for renewal or registration.

(c) In the event a registrant fails to request a renewal of his or her registration as provided for in this chapter, the registration shall expire as indicated on the registration. If the registration is renewed within 60 days after its expiration, the registrant, as a condition precedent to renewal, shall pay the renewal fee and the delinquency fee.

(d) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(e) If the renewed registration card has not been delivered to the registrant prior to the expiration of the prior registration, the registrant may present evidence of renewal to substantiate continued registration for a period not to exceed 90 days after the date of expiration.

(f) A registration may not be renewed or reinstated unless a registrant meets both of the following requirements:

(1) All fines assessed pursuant to Section 7587.7 and not resolved in accordance with the provisions of that section have been paid.

(2) On and after July 1, 2005, the registrant certifies, on a form prescribed by the bureau, that he or she has completed the 32 hours of the training required by subdivision (b) of Section 7583.6.

(g) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 40.5. Section 7583.20 of the Business and Professions Code is amended to read:

7583.20. (a) A registration issued under this chapter expires at midnight on the last day of the month two years following the date of issuance unless renewed. At least 60 days prior to the expiration, a registrant seeking to renew a security guard registration shall forward to the bureau a completed registration renewal application and the renewal fee. The renewal application shall be on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct.

(b) The licensee shall provide to any employee information regarding procedures for renewal or registration.

(c) In the event a registrant fails to request a renewal of his or her registration as provided for in this chapter, the registration shall expire as indicated on the registration. If the registration is renewed within 60 days after its expiration, the registrant, as a condition precedent to renewal, shall pay the renewal fee and the delinquency fee.

(d) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(e) If the renewed registration card has not been delivered to the registrant prior to the expiration of the prior registration, the registrant may present evidence of renewal to substantiate continued registration for a period not to exceed 90 days after the date of expiration.

(f) A registration may not be renewed or reinstated unless a registrant meets both of the following requirements:

(1) All fines assessed pursuant to Section 7587.7 and not resolved in accordance with the provisions of that section have been paid.

(2) On and after July 1, 2005, the registrant certifies, on a form prescribed by the bureau, that he or she has completed the 32 hours of the training required by subdivision (b) of Section 7583.6.

(g) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 41. Section 7583.20 is added to the Business and Professions Code, to read:

7583.20. (a) A registration issued under this chapter expires two years following the date of issuance or on the assigned renewal date. Every security guard issued a registration under this chapter that expires on or after

January 1, 1997, and who is also issued or renews a firearms qualification card on or after January 1, 1997, shall be placed on a cyclical renewal so that the registration expires on the expiration date of the firearms qualification card. Notwithstanding any other law, the bureau is authorized to extend or shorten the first term of registration following January 1, 1997, and to prorate the required registration fee in order to implement this cyclical renewal. At least 60 days prior to the expiration, a registrant seeking to renew a security guard registration shall forward to the bureau a completed registration renewal application and the renewal fee. The renewal application shall be on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct.

(b) The licensee shall provide to any employee information regarding procedures for renewal or registration.

(c) In the event a registrant fails to request a renewal of his or her registration as provided for in this chapter, the registration shall expire as indicated on the registration. If the registration is renewed within 60 days after its expiration, the registrant, as a condition precedent to renewal, shall pay the renewal fee and the delinquency fee.

(d) If the renewed registration card has not been delivered to the registrant prior to the expiration of the prior registration, the registrant may present evidence of renewal to substantiate continued registration for a period not to exceed 90 days after the date of expiration.

(e) A registration may not be renewed or reinstated unless a registrant meets both of the following requirements:

(1) All fines assessed pursuant to Section 7587.7 and not resolved in accordance with the provisions of that section have been paid.

(2) On and after July 1, 2005, the registrant certifies, on a form prescribed by the bureau, that he or she has completed the 32 hours of the training required by subdivision (b) of Section 7583.6.

(f) This section shall become operative on July 1, 2018.

SEC. 41.5. Section 7583.20 is added to the Business and Professions Code, to read:

7583.20. (a) A registration issued under this chapter expires at midnight on the last day of the month two years following the date of issuance unless renewed. At least 60 days prior to the expiration, a registrant seeking to renew a security guard registration shall forward to the bureau a completed registration renewal application and the renewal fee. The renewal application shall be on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct.

(b) The licensee shall provide to any employee information regarding procedures for renewal or registration.

(c) In the event a registrant fails to request a renewal of his or her registration as provided for in this chapter, the registration shall expire as indicated on the registration. If the registration is renewed within 60 days after its expiration, the registrant, as a condition precedent to renewal, shall pay the renewal fee and the delinquency fee.

(d) If the renewed registration card has not been delivered to the registrant prior to the expiration of the prior registration, the registrant may present evidence of renewal to substantiate continued registration for a period not to exceed 90 days after the date of expiration.

(e) A registration may not be renewed or reinstated unless a registrant meets both of the following requirements:

(1) All fines assessed pursuant to Section 7587.7 and not resolved in accordance with the provisions of that section have been paid.

(2) On and after July 1, 2005, the registrant certifies, on a form prescribed by the bureau, that he or she has completed the 32 hours of the training required by subdivision (b) of Section 7583.6.

(f) This section shall become operative on July 1, 2018.

SEC. 42. Section 7583.23 of the Business and Professions Code is amended to read:

7583.23. The bureau shall issue a firearms permit when all of the following conditions are satisfied:

(a) The applicant is a licensee, a qualified manager of a licensee, or a registered security guard subject to the following:

(1) The firearms permit may only be associated with the following:

(A) A sole owner of a sole ownership licensee, pursuant to Section 7582.7 or 7525.1.

(B) A partner of a partnership licensee, pursuant to Section 7582.7 or 7525.1.

(C) A qualified manager of a licensee, pursuant to Section 7536 or 7582.22.

(D) A security guard registrant.

(2) If the firearms permit is associated with a security guard registration, he or she is subject to the provisions of Section 7583.47, regardless of any other license possessed or associated with the firearms permit.

(b) A certified firearms training instructor has certified that the applicant has successfully completed a written examination prepared by the bureau and training course in the carrying and use of firearms approved by the bureau.

(c) The applicant has filed with the bureau a classifiable fingerprint card, a completed application for a firearms permit on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct. In lieu of a classifiable fingerprint card, the applicant may submit fingerprints into an electronic fingerprinting system administered by the Department of Justice. An applicant who submits his or her fingerprints by electronic means shall have his or her fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The terminal operator may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(d) The bureau has determined, after investigation, that the carrying and use of a firearm by the applicant, in the course of his or her duties, presents no apparent threat to the public safety, or that the carrying and use of a firearm by the applicant is not in violation of the Penal Code.

(e) The applicant has produced evidence to the firearm training facility that he or she is a citizen of the United States or has permanent legal alien status in the United States. Evidence of citizenship or permanent legal alien status shall be that deemed sufficient by the bureau to ensure compliance with federal laws prohibiting possession of firearms by persons unlawfully in the United States and may include, but not be limited to, United States Department of Justice, Immigration and Naturalization Service Form I-151 or I-551, Alien Registration Receipt Card, naturalization documents, or birth certificates evidencing lawful residence or status in the United States.

(f) The application is accompanied by the application fees prescribed in this chapter.

(g) Beginning January 1, 2018, or on a date to be determined by the bureau, but no later than July 1, 2018, the applicant is a registered security guard and he or she has been found capable of exercising appropriate judgment, restraint, and self-control, for the purposes of carrying and using a firearm during the course of his or her duties, pursuant to Section 7583.47.

SEC. 43. Section 7583.24 of the Business and Professions Code is amended to read:

7583.24. (a) The bureau shall not issue a firearm permit if the applicant is prohibited from possessing, receiving, owning, or purchasing a firearm pursuant to state or federal law.

(b) Before issuing an initial firearm permit the bureau shall provide the Department of Justice with the name, address, social security number, and fingerprints of the applicant.

(c) The Department of Justice shall inform the bureau, within 60 days from receipt of the information specified in subdivision (b), of the applicant's eligibility to possess, receive, purchase, or own a firearm pursuant to state and federal law.

(d) An applicant who has been denied a firearm permit based upon subdivision (a) may reapply for the permit after the prohibition expires. The bureau shall treat this application as an initial application and shall follow the required screening process as specified in this section.

(e) The bureau shall not issue a firearm permit pursuant to this chapter to a registered security guard if the applicant has been found incapable, at the time of application, of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of his or her duties, pursuant to Section 7583.47. An applicant who has been denied a firearm permit pursuant to this subdivision may reapply for the permit after 12 months from the date of denial. The bureau shall treat the application as an initial application and the applicant must satisfy all the requirements specified in Section 7583.23.

(f) The bureau shall not issue a firearm permit pursuant to this chapter to a licensee or a qualified manager of a licensee who, within the past 12 months, has been found incapable of exercising appropriate judgment, restraint, and self-control, for the purposes of carrying and using a firearm during the course of his or her duties, pursuant to the assessment required under Section 7583.47 for a permit associated with a security guard registration.

SEC. 44. Section 7583.47 of the Business and Professions Code is amended to read:

7583.47. (a) As used in this section, "assessment" means the application of a testing instrument identified by the bureau that evaluates whether an applicant for a firearms permit who is a registered security guard, at the time of the assessment, possesses appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of his or her security guard duties.

(b) Beginning January 1, 2018, or on a date to be determined by the bureau, but no later than July 1, 2018, the applicant shall complete the assessment, as specified in this section.

(c) (1) The bureau shall implement a process to administer the assessment specified in this section. The establishment of the assessment and the process for administering the assessment shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) The bureau shall consult with a California licensed psychologist, psychologists, or other persons with subject matter expertise, whose minimum duties shall include, but are not limited to, assisting the bureau with all of the following:

(A) Establishing criteria for a contract with a vendor to administer the assessment.

(B) Identifying minimum standards for the assessment.

(C) Evaluating currently available assessments.

(D) Providing consultative services on the bids received by the bureau from third-party vendors seeking to administer and interpret the assessment, to ensure both of the following:

(i) Compliance with the applicable standards of care for the administration and interpretation of such assessments.

(ii) The assessment will be administered in accordance with the assessment manufacturer's requirements.

(3) The bureau shall contract with a third-party vendor to administer the assessment. All third-party vendors seeking to administer the assessment must meet the minimum standards established by the bureau, its consultants, and the assessment manufacturer's requirements for administering the assessment. Considerations for the third-party vendor contract shall include, but are not limited to, all of the following:

(A) Cost to the applicant to complete the assessment.

(B) Geographic accessibility statewide of the assessment to applicants.

(C) Assessment compliance with the established minimum standards for the assessment and assessment process.

(D) Ensuring an assessment carried out on an applicant complies with the applicable professional standards of care for such assessments, as well as the assessment manufacturer's requirements for administering the assessment.

(d) Upon the bureau's verification that the applicant has satisfied subdivisions (a) to (f), inclusive, of Section 7583.23 and upon the applicant's clearance of a background check by the Department of Justice and the Federal Bureau of Investigation to possess a firearm, the bureau shall notify the applicant that he or she is to contact the

bureau's vendor to complete the assessment. The applicant, or his or her designee or employer if the employer voluntarily chooses, shall bear the cost of the assessment.

(e) Within 30 days of administering an applicant's assessment, the vendor shall directly provide the bureau, on a form and in a manner prescribed by the bureau, the applicant's assessment results. If the results of the applicant's assessment indicate that he or she is incapable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of his or her duties, at the point in time of the evaluation, the bureau shall not issue a firearms permit.

(f) The application shall be deemed incomplete until the bureau receives the applicant's results of his or her assessment.

(g) The bureau may prescribe, adopt, and enforce emergency regulations, and promulgate regulations to implement this section. Any emergency regulation prescribed, adopted, or enforced pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

(h) The assessment required pursuant to this section shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this section was scheduled to be repealed as of January 1, 2020.

SEC. 45. Section 7585.16 of the Business and Professions Code is amended to read:

7585.16. (a) In the event of the loss, theft, or destruction of a baton permit, a permit holder may request the bureau to issue a replacement permit. The request shall be in writing, shall state the circumstances surrounding the loss, theft, or destruction of the permit and the name of the instructor, training facility, and date of instruction relating to the issuance of the original baton permit. The request shall be accompanied by a five dollar (\$5) replacement fee. The bureau may issue a replacement baton permit upon verification of successful baton training.

(b) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 46. Section 7585.16 is added to the Business and Professions Code, to read:

7585.16. (a) In the event of the loss, theft, or destruction of a baton permit, a permit holder may request the bureau to issue a replacement permit. The request shall be in writing, shall state the circumstances surrounding the loss, theft, or destruction of the permit and the name of the instructor, training facility, and date of instruction relating to the issuance of the original baton permit. The request shall be accompanied by a fee prescribed in this chapter. The bureau may issue a replacement baton permit upon verification of successful baton training.

(b) This section shall become operative on July 1, 2018.

SEC. 47. Section 7588 of the Business and Professions Code is amended to read:

7588. The fees prescribed by this chapter are as follows:

(a) The application and examination fee for an original license for a private patrol operator may not exceed five hundred dollars (\$500).

(b) The application fee for an original branch office certificate for a private patrol operator may not exceed two hundred fifty dollars (\$250).

(c) The fee for an original license for a private patrol operator may not exceed seven hundred dollars (\$700).

(d) The renewal fee is as follows:

(1) For a license as a private patrol operator, the fee may not exceed seven hundred dollars (\$700).

(2) For a branch office certificate for a private patrol operator, the fee may not exceed seventy-five dollars (\$75).

- (e) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration.
- (f) A reinstatement fee is equal to the amount of the renewal fee plus the regular delinquency fee.
- (g) The fee for reexamination of an applicant or his or her manager shall be the actual cost to the bureau for developing, purchasing, grading, and administering each examination.
- (h) Registration fees pursuant to this chapter are as follows:
 - (1) A registration fee for a security guard shall not exceed fifty dollars (\$50).
 - (2) A security guard registration renewal fee shall not exceed thirty-five dollars (\$35).
- (i) Fees to carry out other provisions of this chapter are as follows:
 - (1) A firearms qualification fee may not exceed eighty dollars (\$80).
 - (2) A firearms requalification fee may not exceed sixty dollars (\$60).
 - (3) An initial baton certification fee may not exceed fifty dollars (\$50).
 - (4) An application fee and renewal fee for certification as a firearms training facility or a baton training facility may not exceed five hundred dollars (\$500).
 - (5) An application fee and renewal fee for certification as a firearms training instructor or a baton training instructor may not exceed two hundred fifty dollars (\$250).
- (j) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 48. Section 7588 is added to the Business and Professions Code, to read:

7588. The fees prescribed by this chapter are as follows:

- (a) The application and examination fee for an original license for a private patrol operator shall be at least five hundred fifty dollars (\$550) and may be increased to an amount not to exceed six hundred five dollars (\$605).
- (b) The application fee for an original branch office certificate for a private patrol operator shall be at least two hundred fifty dollars (\$250) and may be increased to an amount not to exceed two hundred seventy-five dollars (\$275).
- (c) The fee for an original license for a private patrol operator shall be at least seven hundred seventy dollars (\$770) and may be increased to an amount not to exceed eight hundred forty-seven dollars (\$847).
- (d) The renewal fee is as follows:
 - (1) For a license as a private patrol operator, the fee shall be at least nine hundred dollars (\$900) and may be increased to an amount not to exceed nine hundred ninety dollars (\$990).
 - (2) For a branch office certificate for a private patrol operator, the fee shall be at least one hundred fifty dollars (\$150) and may be increased to an amount not to exceed one hundred sixty-five dollars (\$165).
- (e) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration but not less than twenty-five dollars (\$25).
- (f) A reinstatement fee is equal to the amount of the renewal fee plus the regular delinquency fee.
- (g) The fee for reexamination of an applicant or his or her manager shall be at least sixty dollars (\$60) and may be increased to an amount not to exceed sixty-six dollars (\$66).
- (h) Registration fees pursuant to this chapter are as follows:
 - (1) A registration fee for a security guard shall be at least fifty-five dollars (\$55) and may be increased to an amount not to exceed sixty dollars (\$60).
 - (2) A security guard registration renewal fee shall be at least forty dollars (\$40) and may be increased to an amount not to exceed forty-four dollars (\$44).
- (i) Fees to carry out other provisions of this chapter are as follows:

- (1) A firearms permit fee shall be at least one hundred dollars (\$100) and may be increased to an amount not to exceed one hundred ten dollars (\$110).
 - (2) A firearms permit renewal fee shall be at least eighty dollars (\$80) and may be increased to an amount not to exceed eighty-eight dollars (\$88).
 - (3) An initial baton permit fee shall be sixty dollars (\$60) and may be increased to an amount not to exceed sixty-six dollars (\$66).
 - (4) An application fee for certification as a firearms training facility shall be at least eight hundred dollars (\$800) and may be increased to an amount not to exceed eight hundred eighty dollars (\$880).
 - (5) A renewal fee for certification as a firearms training facility shall be at least seven hundred fifty dollars (\$750) and may be increased to an amount not to exceed eight hundred twenty-five dollars (\$825).
 - (6) An application fee for certification as a baton training facility shall be at least seven hundred dollars (\$700) and may be increased to an amount not to exceed seven hundred seventy dollars (\$770).
 - (7) A renewal fee for certification as a baton training facility shall be at least five hundred fifty dollars (\$550) and may be increased to an amount not to exceed six hundred five dollars (\$605).
 - (8) An application fee for certification as a firearms or baton training instructor shall be at least three hundred fifty dollars (\$350) and may be increased to an amount not to exceed three hundred eighty-five dollars (\$385).
 - (9) A renewal fee for certification as a firearms training instructor shall be at least three hundred dollars (\$300) and may be increased to an amount not to exceed three hundred thirty dollars (\$330).
 - (10) A renewal fee for certification as a baton training instructor shall be at least two hundred seventy-five dollars (\$275) and may be increased to an amount not to exceed three hundred three dollars (\$303).
 - (11) The fee for the replacement of a lost or destroyed registration card, license, certificate, or permit authorized by this chapter shall be twenty-five dollars (\$25). The request for a replacement of a registration card, license, certificate, or permit shall be made in the manner prescribed by the bureau.
 - (12) The fee for a Certificate of Licensure, as specified in Section 7582.11, shall be twenty-five dollars (\$25).
- (j) The fee for an endorsed verification of registration, licensure, certification, or permit shall be twenty-five dollars (\$25). The verification document shall include the registration, license, certificate, or permit number, the date of issuance and expiration of the registration, license, certificate, or permit, the current registration, license, certificate, or permit status, the date of the endorsement, an embossed seal, and the signature of the chief.
- (k) This section shall become operative on July 1, 2018.

SEC. 49. Section 7591.14 is added to the Business and Professions Code, to read:

7591.14. It is the intent of the Legislature, consistent with Section 128.5 of the Business and Professions Code, that the bureau shall not maintain a reserve balance of funds greater than the amount necessary to fund operating expenses of the bureau and that the bureau shall periodically review fees pursuant to this chapter to evaluate the appropriateness of each fee and the regulatory costs associated with each fee.

SEC. 50. Section 7596.5 of the Business and Professions Code is amended to read:

7596.5. (a) The firearms qualification card shall be mailed to the applicant at the address that appears on the application. In the event of the loss or destruction of the card, the cardholder may apply to the bureau for a certified replacement of the card, stating the circumstances surrounding the loss, and pay a ten dollar (\$10) certification fee, whereupon, the bureau shall issue a certified replacement of the card.

(b) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 51. Section 7596.5 is added to the Business and Professions Code, to read:

7596.5. (a) The firearms qualification card shall be mailed to the applicant at the address that appears on the application.

(b) This section shall become operative on July 1, 2018.

SEC. 52. Section 7598.14 of the Business and Professions Code is amended to read:

7598.14. (a) Upon approval of an application for registration, the chief shall cause to be issued to the applicant, at his or her last known address, a registration card in a form approved by the director. A photo identification card shall be issued upon written request of the applicant, submission of two recent photographs of the applicant, and payment of the fee. The applicant may request to be issued an enhanced pocket card that shall be composed of a durable material and may incorporate technologically advanced security features. The bureau may charge a fee sufficient to reimburse the department's costs for furnishing the enhanced license. The fee charged may not exceed the actual costs for system development, maintenance, and processing necessary to provide this service, and may not exceed six dollars (\$6). If the applicant does not request an enhanced card, the department shall issue a standard card at no cost to the applicant. In the event of the loss or destruction of the card, the cardholder may apply to the bureau for a certified replacement of the card, stating the circumstances surrounding the loss, and pay a ten dollar (\$10) certification fee, whereupon the bureau shall issue a certified replacement of the card. Every person, while engaged in any activity for which registration is required, shall display their valid pocket card as provided by regulation.

(b) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 53. Section 7598.14 is added to the Business and Professions Code, to read:

7598.14. (a) Upon approval of an application for registration, the chief shall cause to be issued to the applicant, at his or her last known address, a registration card in a form approved by the director. A photo identification card shall be issued upon written request of the applicant, submission of two recent photographs of the applicant, and payment of the fee. The applicant may request to be issued an enhanced pocket card that shall be composed of a durable material and may incorporate technologically advanced security features. The bureau may charge a fee sufficient to reimburse the department's costs for furnishing the enhanced license. The fee charged may not exceed the actual costs for system development, maintenance, and processing necessary to provide this service, and may not exceed six dollars (\$6). If the applicant does not request an enhanced card, the department shall issue a standard card at no cost to the applicant. Every person, while engaged in any activity for which registration is required, shall display their valid pocket card as provided by regulation.

(b) This section shall become operative on July 1, 2018.

SEC. 54. Section 7598.17 of the Business and Professions Code is amended to read:

7598.17. (a) A registration issued under this chapter expires two years following the date of issuance or on the assigned renewal date. Every alarm agent issued a registration under this chapter that expires on or after January 1, 1997, and who is also issued or renews a firearms qualification card on or after January 1, 1997, shall be placed on a cyclical renewal so that the registration expires on the expiration date of the firearms qualification card. Notwithstanding any other provision of law, the bureau is authorized to extend or shorten the first term of registration following January 1, 1997, and to prorate the required registration fee in order to implement this cyclical renewal. At least 60 days prior to the expiration of a registration, a registrant who desires to renew his or her registration shall forward to the bureau a copy of his or her current registration card, along with the renewal fee as set forth in this chapter, to the bureau for renewal of his or her registration.

(b) The licensee shall provide to any employee information regarding procedures for renewal of registration.

(c) An expired registration may be renewed provided the registrant files a renewal application on a form prescribed by the director and the renewal and delinquency fees prescribed by this chapter are returned to the bureau within 60 days of the expiration date of the registration. A firearms permit is not valid while the registration is expired.

(d) A registration not renewed within 60 days following its expiration may not be renewed thereafter. The holder of the expired registration may obtain a new registration only on compliance with all of the provisions of this chapter relating to the issuance of an original registration. The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(e) The holder of an expired registration shall not engage in the activity for which a registration is required until the bureau issues a renewal registration.

(f) If the renewed registration card has not been delivered to the registrant, prior to the date of expiration of the prior registration, the registrant may present evidence of renewal to substantiate continued registration, for a period not to exceed 90 days after the date of expiration.

(g) A registration may not be renewed or reinstated until all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of that section have been paid.

(h) A new registration shall be issued subject to payment of all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of Section 7591.9 and payment of all applicable fees.

(i) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 54.5. Section 7598.17 of the Business and Professions Code is amended to read:

7598.17. (a) A registration issued under this chapter expires at midnight on the last day of the month two years following the date of issuance unless renewed. At least 60 days prior to the expiration of a registration, a registrant who desires to renew his or her registration shall forward to the bureau a completed registration renewal application and renewal fee. The renewal application shall be on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct.

(b) The licensee shall provide to any employee information regarding procedures for renewal of registration.

(c) An expired registration may be renewed provided the registrant files a renewal application on a form prescribed by the director and the renewal and delinquency fees prescribed by this chapter are returned to the bureau within 60 days of the expiration date of the registration. A firearms permit is not valid while the registration is expired.

(d) A registration not renewed within 60 days following its expiration may not be renewed thereafter. The holder of the expired registration may obtain a new registration only on compliance with all of the provisions of this chapter relating to the issuance of an original registration. The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(e) The holder of an expired registration shall not engage in the activity for which a registration is required until the bureau issues a renewal registration.

(f) If the renewed registration card has not been delivered to the registrant, prior to the date of expiration of the prior registration, the registrant may present evidence of renewal to substantiate continued registration, for a period not to exceed 90 days after the date of expiration.

(g) A registration may not be renewed or reinstated until all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of that section have been paid.

(h) A new registration shall be issued subject to payment of all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of Section 7591.9 and payment of all applicable fees.

(i) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 55. Section 7598.17 is added to the Business and Professions Code, to read:

7598.17. (a) A registration issued under this chapter expires two years following the date of issuance or on the assigned renewal date. Every alarm agent issued a registration under this chapter that expires on or after January 1, 1997, and who is also issued or renews a firearms qualification card on or after January 1, 1997, shall be placed on a cyclical renewal so that the registration expires on the expiration date of the firearms qualification card. Notwithstanding any other law, the bureau is authorized to extend or shorten the first term of registration following January 1, 1997, and to prorate the required registration fee in order to implement this cyclical renewal. At least 60 days prior to the expiration of a registration, a registrant who desires to renew his or her registration shall forward to the bureau a copy of his or her current registration card, along with the renewal fee as set forth in this chapter, to the bureau for renewal of his or her registration.

(b) The licensee shall provide to any employee information regarding procedures for renewal of registration.

(c) An expired registration may be renewed provided the registrant files a renewal application on a form prescribed by the director and the renewal and delinquency fees prescribed by this chapter are returned to the

bureau within 60 days of the expiration date of the registration. A firearms permit is not valid while the registration is expired.

(d) A registration not renewed within 60 days following its expiration may not be renewed thereafter. The holder of the expired registration may obtain a new registration only on compliance with all of the provisions of this chapter relating to the issuance of an original registration.

(e) The holder of an expired registration shall not engage in the activity for which a registration is required until the bureau issues a renewal registration.

(f) If the renewed registration card has not been delivered to the registrant prior to the date of expiration of the prior registration, the registrant may present evidence of renewal to substantiate continued registration, for a period not to exceed 90 days after the date of expiration.

(g) A registration may not be renewed or reinstated until all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of that section have been paid.

(h) A new registration shall be issued subject to payment of all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of Section 7591.9 and payment of all applicable fees.

(i) This section shall become operative on July 1, 2018.

SEC. 55.5. Section 7598.17 is added to the Business and Professions Code, to read:

7598.17. (a) A registration issued under this chapter expires at midnight on the last day of the month two years following the date of issuance unless renewed. At least 60 days prior to the expiration of a registration, a registrant who desires to renew his or her registration shall forward to the bureau a completed registration renewal application and renewal fee. The renewal application shall be on a form prescribed by the director, dated and signed by the applicant, certifying under penalty of perjury that the information in the application is true and correct.

(b) The licensee shall provide to any employee information regarding procedures for renewal of registration.

(c) An expired registration may be renewed provided the registrant files a renewal application on a form prescribed by the director and the renewal and delinquency fees prescribed by this chapter are returned to the bureau within 60 days of the expiration date of the registration. A firearms permit is not valid while the registration is expired.

(d) A registration not renewed within 60 days following its expiration may not be renewed thereafter. The holder of the expired registration may obtain a new registration only on compliance with all of the provisions of this chapter relating to the issuance of an original registration.

(e) The holder of an expired registration shall not engage in the activity for which a registration is required until the bureau issues a renewal registration.

(f) If the renewed registration card has not been delivered to the registrant prior to the date of expiration of the prior registration, the registrant may present evidence of renewal to substantiate continued registration, for a period not to exceed 90 days after the date of expiration.

(g) A registration may not be renewed or reinstated until all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of that section have been paid.

(h) A new registration shall be issued subject to payment of all fines assessed pursuant to Section 7591.9 and not resolved in accordance with the provisions of Section 7591.9 and payment of all applicable fees.

(i) This section shall become operative on July 1, 2018.

SEC. 56. Section 7599.70 of the Business and Professions Code is amended to read:

7599.70. (a) Effective July 1, 1998, the bureau shall establish and assess fees and penalties for licensure and registration as follows:

(1) A company license application fee may not exceed thirty-five dollars (\$35).

- (2) An original license fee for an alarm company operator license may not exceed two hundred eighty dollars (\$280). A renewal fee for an alarm company operator license may not exceed three hundred thirty-five dollars (\$335).
 - (3) A qualified manager application and examination fee may not exceed one hundred five dollars (\$105).
 - (4) A renewal fee for a qualified manager may not exceed one hundred twenty dollars (\$120).
 - (5) An original license fee and renewal fee for a branch office certificate may not exceed thirty-five dollars (\$35).
 - (6) Notwithstanding Section 163.5, the reinstatement fee as required by Sections 7593.12 and 7598.17 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.
 - (7) A fee for reexamination of an applicant for a qualified manager may not exceed two hundred forty dollars (\$240).
 - (8) An initial registration fee for an alarm agent may not exceed seventeen dollars (\$17).
 - (9) A registration renewal fee for an alarm agent may not exceed seven dollars (\$7).
 - (10) A firearms qualification fee may not exceed eighty dollars (\$80) and a firearms requalification fee may not exceed sixty dollars (\$60).
 - (11) The fingerprint processing fee is that amount charged the bureau by the Department of Justice.
 - (12) The processing fee required pursuant to Sections 7593.7 and 7598.14 is the amount equal to the expenses incurred to provide a photo identification card.
 - (13) The fee for a "Certificate of Licensure" may not exceed fifty dollars (\$50).
 - (14) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).
 - (15) The processing fee for the assignment of an alarm company operator license pursuant to Section 7593.15 may not exceed one hundred twenty-five dollars (\$125).
- (b) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 57. Section 7599.70 is added to the Business and Professions Code, to read:

7599.70. (a) The bureau shall establish and assess fees and penalties for licensure and registration as follows:

- (1) An alarm company operator license application fee shall be at least three hundred seventy dollars (\$370) and may be increased to an amount not to exceed four hundred seven dollars (\$407).
- (2) An original license fee for an alarm company operator license shall be at least six hundred dollars (\$600) and may be increased to an amount not to exceed six hundred sixty dollars (\$660). A renewal fee for an alarm company operator license shall be seven hundred fifty dollars (\$750) and may be increased to an amount not to exceed eight hundred twenty-five dollars (\$825).
- (3) A qualified manager certificate application and examination fee shall be at least three hundred fifty dollars (\$350) and may be increased to an amount not to exceed three hundred eighty-five dollars (\$385).
- (4) A renewal fee for a qualified manager certificate shall be at least two hundred twenty-five dollars (\$225) and may be increased to an amount not to exceed two hundred forty-eight dollars (\$248).
- (5) An original license fee for a branch office certificate shall be at least two hundred fifty dollars (\$250) and may be increased to an amount not to exceed two hundred seventy-five dollars (\$275). A renewal fee for a branch office certificate shall be at least one hundred fifty dollars (\$150) and may be increased to an amount not to exceed one hundred sixty-five dollars (\$165).
- (6) Notwithstanding Section 163.5, the reinstatement fee as required by Sections 7593.12 and 7598.17 is the amount equal to the renewal fee plus a penalty of 50 percent thereof.
- (7) A fee for reexamination of an applicant for a qualified manager shall be at least sixty dollars (\$60) and may be increased to an amount not to exceed sixty-six dollars (\$66).

(8) An initial registration fee for an alarm agent shall be at least fifty-five dollars (\$55) and may be increased to an amount not to exceed sixty dollars (\$60).

(9) A registration renewal fee for an alarm agent shall be at least forty dollars (\$40) and may be increased to an amount not to exceed forty-four dollars (\$44).

(10) A firearms permit fee shall be at least one hundred dollars (\$100) and may be increased to an amount not to exceed one hundred ten dollars (\$110), and a firearms permit renewal fee shall be at least eighty dollars (\$80) and may be increased to an amount not to exceed eighty-eight dollars (\$88).

(11) The fingerprint processing fee is that amount charged the bureau by the Department of Justice.

(12) The processing fee required pursuant to Sections 7593.7 and 7598.14 is the amount equal to the expenses incurred to provide a photo identification card.

(13) The fee for a Certificate of Licensure, as specified in Section 7593.8, shall be twenty-five dollars (\$25).

(14) The delinquency fee is 50 percent of the renewal fee in effect on the date of expiration, but not less than twenty-five dollars (\$25).

(15) The processing fee for the assignment of an alarm company operator license pursuant to Section 7593.15 shall be at least four hundred dollars (\$400) and may be increased to an amount not to exceed four hundred forty dollars (\$440).

(16) The fee for the replacement of a lost or destroyed registration card, license, certificate, or permit authorized by this chapter shall be twenty-five dollars (\$25). The request for a replacement of a registration card, license, certificate, or permit shall be made in the manner prescribed by the bureau.

(17) The fee for an endorsed verification of licensure, certification, registration, or permit shall be twenty-five dollars (\$25). The verification document shall include the license, certificate, registration, or permit number, the date of issuance and expiration of the license, certificate, registration, or permit, the current license, certificate, registration, or permit status, the date of the endorsement, an embossed seal, and the signature of the chief.

(b) This section shall become operative on July 1, 2018.

SEC. 58. Section 7635 of the Business and Professions Code is amended to read:

7635. (a) Any person employed by, or an agent of, a licensed funeral establishment, who consults with the family or representatives of a family of a deceased person for the purpose of arranging for services as set forth in subdivision (a) of Section 7615, shall receive documented training and instruction, at least once every three years, that results in a demonstrated knowledge of all applicable federal and state laws, rules, and regulations including those provisions dealing with vital statistics, the coroner, anatomical gifts, and other laws, rules, and regulations pertaining to the duties of a funeral director. A written outline of the training program, including documented evidence of the training time, place, and participants, shall be maintained in the funeral establishment and shall be available for inspection and comment by an inspector of the bureau.

(b) This section shall not apply to anyone who has successfully passed the funeral director's examination pursuant to Section 7622.

SEC. 59. Section 9882.6 is added to the Business and Professions Code, to read:

9882.6. (a) There is in the department an enforcement program that shall investigate violations of this chapter and the Motor Vehicle Inspection and Maintenance Program (Chapter 5 (commencing with Section 44000) of Part 5 of Division 2 of the Health and Safety Code) and any regulations adopted thereunder.

(b) (1) When purchasing undercover vehicles to be used for evidentiary purposes as part of the investigation, the department may purchase motor vehicles of various makes, models, and condition. These acquisitions shall be exempt from the following requirements:

(A) Chapter 5.5 (commencing with Section 8350) of Division 1 of Title 2 of the Government Code.

(B) Section 12990 of the Government Code and any applicable regulations promulgated thereunder.

(C) Subdivision (a) of Section 13332.09 of the Government Code.

(D) Section 14841 of the Government Code and subdivision (d) of Section 999.5 of the Military and Veterans Code.

(E) Sections 2010, 10286.1, 10295.1, 10295.3, 10295.35, 10296, and 12205 and Article 13 (commencing with Section 10475) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code.

(F) Section 42480 of the Public Resources Code.

(2) After purchase, the department may prepare the vehicle for use in an investigation by disabling, modifying, or otherwise changing the vehicle's emission control system components or any other part or parts of the vehicle. To complete the investigation, the department may purchase or attempt to purchase repairs, services, or parts from those entities licensed or registered by the department. The funds for the preparation and purchases shall be not subject to the monetary limit specified in Section 16404 of the Government Code, but the department shall comply with all other provisions of that section. The department shall implement the safeguards necessary to ensure the proper use and disbursement of funds utilized pursuant to this section. These expenses may be paid out of the Consumer Affairs Fund established pursuant to Section 204.

(3) Vehicles acquired pursuant to this subdivision shall be exempt from requirements established pursuant to Chapter 8.3 (commencing with Section 25722) of Division 15 of the Public Resources Code.

(4) The department shall maintain an inventory of these vehicles and provide semiannual fleet reports to the Department of General Services including, but not limited to, the vehicle's identification number, equipment number, and acquisition and disposal information.

(5) Records associated with these vehicles shall be exempt from disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 60. Section 11302 of the Business and Professions Code is amended to read:

11302. For the purpose of applying this part, the following terms, unless otherwise expressly indicated, shall mean and have the following definitions:

(a) "Affiliate" means any entity that controls, is controlled by, or is under common control with another entity.

(b) "Appraisal" means the act or process of developing an opinion of value for real property.

The term "appraisal" does not include an opinion given by a real estate licensee or engineer or land surveyor in the ordinary course of his or her business in connection with a function for which a license is required under Chapter 7 (commencing with Section 6700) or Chapter 15 (commencing with Section 8700) of Division 3, or Chapter 3 (commencing with Section 10130) or Chapter 7 (commencing with Section 10500) and the opinion shall not be referred to as an appraisal. This part does not apply to a probate referee acting pursuant to Sections 400 to 408, inclusive, of the Probate Code unless the appraised transaction is federally related.

(c) "Appraisal Foundation" means the Appraisal Foundation that was incorporated as an Illinois not-for-profit corporation on November 30, 1987.

(d) (1) "Appraisal management company" means any person or entity that satisfies all of the following conditions:

(A) Provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates.

(B) Provides those services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations.

(C) Within a given 12 calendar month period oversees an appraiser panel of more than 15 state-certified or state-licensed appraisers in a state or 25 or more state-certified or state-licensed appraisers in two or more states, as described in Section 11345.5.

(2) An appraisal management company does not include a department or division of an entity that provides appraisal management services only to that entity.

(3) An appraisal management company that is a subsidiary of an insured depository institution and regulated by a federal financial institution is not required to register with the bureau.

(e) "Appraisal management services" means one or more of the following:

(1) Recruiting, selecting, and retaining appraisers.

(2) Contracting with state-certified or state-licensed appraisers to perform appraisal assignments.

(3) Managing the process of having an appraisal performed, including providing administrative services such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and secondary market participants, collecting fees from creditors and secondary market participants for services provided, and paying appraisers for services performed.

(4) Reviewing and verifying the work of appraisers.

(f) "Appraiser panel" means a network, list, or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company. Appraisers on an appraisal management company's "appraiser panel" under this part include both appraisers accepted by the appraisal management company for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions, and appraisers engaged by the appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions. An appraiser is an independent contractor for purposes of this part if the appraiser is treated as an independent contractor by the appraisal management company for purposes of federal income taxation.

(g) "Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

(h) "Consumer credit" means credit offered or extended to a consumer primarily for personal, family, or household purposes.

(i) "Controlling person" means one or more of the following:

(1) An officer or director of an appraisal management company, or an individual who holds a 10 percent or greater ownership interest in an appraisal management company.

(2) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with clients for the performance of appraisal services and that has the authority to enter into agreements with independent appraisers for the completion of appraisals.

(3) An individual who possesses the power to direct or cause the direction of the management or policies of an appraisal management company.

(j) "Course provider" means a person or entity that provides educational courses related to professional appraisal practice.

(k) "Covered transaction" means any consumer credit transaction secured by the consumer's principal dwelling.

(l) "Creditor" means:

(1) A person who regularly extends consumer credit that is subject to a finance charge or is payable by written agreement in more than four installments, not including a down payment, and to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is no note or contract.

(2) A person regularly extends consumer credit if, in any 12-month period, the person originates more than one credit extension for transactions secured by a dwelling.

(m) "Department" means the Department of Consumer Affairs.

(n) "Director" or "chief" means the Chief of the Bureau of Real Estate Appraisers.

(o) "Dwelling" means:

(1) A residential structure that contains one to four units, whether or not that structure is attached to real property. The term includes an individual condominium unit, cooperative unit, mobilehome, and trailer, if it is used as a residence.

(2) A consumer can have only one "principal" dwelling at a time. Thus, a vacation or other second home is not a principal dwelling. However, if a consumer buys or builds a new dwelling that will become the consumer's principal dwelling within a year or upon the completion of construction, the new dwelling is considered the principal dwelling for purposes of this section.

(p) "Federal financial institutions regulatory agency" means the Federal Reserve Board, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, Federal Home Loan Bank System, National Credit Union Administration, and any other agency determined by the director to have jurisdiction over transactions subject to this part.

(q) "Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in Section 1813 of Title 12 of the United States Code and regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation.

(r) "Federally related real estate appraisal activity" means the act or process of making or performing an appraisal on real estate or real property in a federally related transaction and preparing an appraisal as a result of that activity.

(s) "Federally related transaction" means any real estate-related financial transaction which a federal financial institutions regulatory agency engages in, contracts for or regulates and which requires the services of a state licensed real estate appraiser regulated by this part. This term also includes any transaction identified as such by a federal financial institutions regulatory agency.

(t) "License" means any license, certificate, permit, registration, or other means issued by the bureau authorizing the person to whom it is issued to act pursuant to this part within this state.

(u) "Licensure" means the procedures and requirements a person shall comply with in order to qualify for issuance of a license and includes the issuance of the license.

(v) "Office" or "bureau" means the Bureau of Real Estate Appraisers.

(w) "Registration" means the procedures and requirements with which a person or entity shall comply in order to qualify to conduct business as an appraisal management company.

(x) "Secondary mortgage participant" means a guarantor or insurer of mortgage-backed securities, or an underwriter or issuer of mortgage-backed securities. Secondary mortgage market participant only includes an individual investor in a mortgage-backed security if that investor also serves in the capacity of a guarantor, insurer, underwriter, or issuer for the mortgage-backed security.

(y) "State licensed real estate appraiser" is a person who is issued and holds a current valid license under this part.

(z) "Uniform Standards of Professional Appraisal Practice" are the standards of professional appraisal practice established by the Appraisal Foundation.

SEC. 61. Section 11320.5 of the Business and Professions Code is amended to read:

11320.5. No person or entity shall act in the capacity of an appraisal management company or represent itself to the public as an appraisal management company, either in its advertising or through its business name, without a certificate of registration from the office.

SEC. 62. Section 11321 of the Business and Professions Code is amended to read:

11321. (a) No person other than a state licensed real estate appraiser may assume or use that title or any title, designation, or abbreviation likely to create the impression of state licensure as a real estate appraiser in this state.

(b) No person other than a licensee may sign an appraisal in a federally related transaction. A trainee licensed pursuant to Section 11327 may sign an appraisal in a federally related transaction if it is also signed by a licensee.

(c) No person other than a licensee holding a current valid license at the residential level issued under this part to perform, make, or approve and sign an appraisal may use the abbreviation SLREA in his or her real property

appraisal business.

(d) No person other than a licensee holding a current valid license at a certified level issued under this part to perform, make, or approve and sign an appraisal may use the term "state certified real estate appraiser" or the abbreviation SCREA in his or her real property appraisal business.

SEC. 63. Section 11323 of the Business and Professions Code is amended to read:

11323. No licensee shall engage in any appraisal activity if his or her compensation is dependent on or affected by the value conclusion generated by the appraisal.

SEC. 64. Section 11324 of the Business and Professions Code is amended to read:

11324. An individual who is not a licensee may assist in the preparation of an appraisal in a federally related transaction under the following conditions:

(a) The assistance is under the direct supervision of an individual who is a licensed appraiser and the final conclusion as to value is made by a licensed appraiser.

(b) The final appraisal document in a federally related transaction is approved and signed, with acceptance of full responsibility, by the supervising individual who is licensed by the state pursuant to this part, identifies the assisting individual, and identifies the scope of work performed by the individual who assisted in preparation of the appraisal in a federally related transaction.

SEC. 65. Section 11345 of the Business and Professions Code is amended to read:

11345. The director shall adopt regulations governing the process and procedure of applying for registration as an appraisal management company. Applications for a certificate of registration shall require, at a minimum, all of the following:

(a) The name of the person or entity seeking registration.

(b) The business address and telephone number of the person or entity seeking registration.

(c) If the applicant is not a person or entity domiciled in this state, the name and contact number of a person or entity acting as agent for service of process in this state, along with an irrevocable consent to service of process in favor of the office.

(d) The name, address, and contact information for each controlling person of the applicant who has operational authority to direct the management of, and establish policies for, the applicant.

SEC. 66. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. Notwithstanding subdivision (c) of Section 480, if the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

SEC. 67. Section 11345.3 of the Business and Professions Code is repealed.

SEC. 68. Section 11345.3 is added to the Business and Professions Code, to read:

11345.3. All appraisal management companies shall do all of the following:

- (a) Ensure that all contracted appraisal panel members possess all required licenses and certificates from the office.
- (b) Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company, in engaging an appraiser, selects an appraiser who is independent of the transaction and who has the requisite license, education, expertise, and experience necessary to competently complete the appraisal assignment for the particular market and property type.
- (c) Direct the appraiser to perform the assignment in accordance with the Uniform Standards of Professional Appraisal Practice.
- (d) Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company conducts its appraisal management services in accordance with the requirements of Section 129E(a) through (i) of the Truth in Lending Act, 15 U.S.C. 1639e(a) through (i), and regulations thereunder.
- (e) Engage appraisal panel members with an engagement letter that shall include terms of payment.
- (f) Appraisal management companies shall maintain all of the following records for each service request:
 - (1) Date of receipt of the request.
 - (2) Name of the person from whom the request was received.
 - (3) Name of the client for whom the request was made, if different from the name of the person from whom the request was received.
 - (4) The appraiser or appraisers assigned to perform the requested service.
 - (5) Date of delivery of the appraisal product to the client.
 - (6) Client contract.
 - (7) Engagement letter.
 - (8) The appraisal report.

SEC. 69. Section 11345.5 is added to the Business and Professions Code, to read:

11345.5. For purposes of subdivision (d) of Section 11302 and determining whether, within a 12-month period, an appraisal management company oversees an appraiser panel of more than 15 state-certified or state-licensed appraisers in a state or 25 or more state-certified or state-licensed appraisers in two or more states:

- (a) An appraiser is deemed part of the appraisal management company's appraiser panel as of the earliest date on which the appraisal management company does either of the following:
 - (1) Accepts the appraiser for the appraisal management company's consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions.
 - (2) Engages the appraiser to perform one or more appraisals on behalf of a creditor for a covered transaction or secondary mortgage market participant in connection with covered transactions.
- (b) An appraiser who is deemed part of the appraisal management company's appraiser panel pursuant to subdivision (a) is deemed to remain on the panel until the date on which the appraisal management company does either of the following:
 - (1) Sends written notice to the appraiser removing the appraiser from the appraiser panel, with an explanation of its action.
 - (2) Receives written notice from the appraiser asking to be removed from the appraiser panel or notice of the death or incapacity of the appraiser.
- (c) If an appraiser is removed from an appraisal management company's appraiser panel pursuant to subdivision (b), but the appraisal management company subsequently accepts the appraiser for consideration for future assignments or engages the appraiser at any time during the 12 months after the appraisal management

company's removal, the removal will be deemed not to have occurred, and the appraiser will be deemed to have been part of the appraisal management company's appraiser panel without interruption.

SEC. 70. Section 11345.6 of the Business and Professions Code is amended to read:

11345.6. (a) No appraisal management company may alter, modify, or otherwise change a completed appraisal report submitted by an appraiser.

(b) No appraisal management company may require an appraiser to provide it with the appraiser's digital signature or seal. However, nothing in this subdivision shall be deemed to prohibit an appraiser from voluntarily providing his or her digital signature or seal to another person, to the extent permissible under the Uniform Standards of Professional Appraisal Practice.

SEC. 71. Section 11345.8 is added to the Business and Professions Code, to read:

11345.8. A federally regulated appraisal management company operating in California shall report to the bureau the information the bureau is required to submit to the Appraisal Subcommittee, pursuant to the Appraisal Subcommittee's policies regarding the determination of the Appraisal Management Company Registry fee. The bureau may charge the federally regulated appraisal management company a state fee in an amount not to exceed the reasonable regulatory cost to the board for processing and submitting the information. This fee shall be deposited in the Real Estate Appraisers Regulation Fund.

SEC. 72. Section 11422 of the Business and Professions Code is amended to read:

11422. The office shall, on or before February 1, 1994, and at least annually thereafter, transmit to the appraisal subcommittee specified in subdivision (g) of Section 11302 a roster of persons licensed pursuant to this part.

SEC. 73. Section 12241 of the Business and Professions Code is amended to read:

12241. The secretary shall establish by regulation an annual administrative fee to recover reasonable administrative and enforcement costs incurred by the department for exercising supervision over and performing investigations in connection with the activities performed pursuant to Sections 12210 and 12211 and to recover reasonable costs incurred by the department for the safekeeping and certification of the state standards pursuant to Section 12304 and for certification services provided pursuant to Sections 12305 and 12310. This administrative fee shall be collected for every device registered with each county office of weights and measures, and paid to the Department of Food and Agriculture Fund.

SEC. 74. Section 12304 of the Business and Professions Code is amended to read:

12304. The department shall keep the standards of the state in a suitable laboratory location or, if transportable, shall maintain the standards under environmental conditions appropriate for maintaining the integrity of the unit of measure represented by the standard. The department shall have the standards directly certified by the National Institute of Standards and Technology or by any measurement assurance procedures approved by the National Institute of Standards and Technology.

SEC. 75. Section 12305 of the Business and Professions Code is amended to read:

12305. The department shall use the standards of the state to certify similar standards and any dissimilar standards that are dependent on the values represented by the state standards. Copies of the standards that have been compared and certified against the state standards shall become working standards that shall be used in the certification, calibration, and sealing of county field standards, and in the certification, calibration, and sealing of measurement devices submitted by state and local government agencies or by industry.

SEC. 76. Section 12310 of the Business and Professions Code is amended to read:

12310. The department, or a laboratory designated by the department that has been certified pursuant to Section 12314, shall certify the standards of the county sealers as often as may be deemed by the secretary to be necessary, based upon a review of statistical data resulting from previous certifications, but in no event shall the period of time between certifications exceed 10 years. In the absence of statistical data, standards shall be certified at least every two years. Sealers shall, upon the request of the department, deliver for testing those

standards in their possession that are used in the discharge of their duties. Direct expenses incurred in the certification process shall be borne by the state or recovered pursuant to Section 12241, while any incidental expense, such as the cost of transportation, shall be borne by the county whose standards have been certified.

SEC. 77. Section 12500 of the Business and Professions Code is amended to read:

12500. As used in this chapter the following terms mean:

(a) "Weighing instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining weight and includes any tool, appliance, or accessory used or connected therewith.

(b) "Measuring instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure and includes any tool, appliance, or accessory used or connected therewith.

(c) "Correct" means any weight or measure or weighing, measuring, or counting instrument that meet all of the tolerance and specification requirements established by the secretary pursuant to Section 12107.

(d) "Incorrect" means any instrument that fails to meet all of the requirements of Section 12107.

(e) "Commercial purposes" include the determination of the weight, measure, or count of any commodity or thing that is sold on the basis of weight, measure, or count; or the determination of the weight, measure, or count of any commodity or thing upon which determination a charge for service is based. Devices used in a determination upon which a charge for service is based include, but are not limited to, taximeters, odometers, timing devices, parcel scales, shipping scales, and scales used in the payment of agricultural workers.

"Commercial purposes" do not include the determination of the weight, measure, or count of any commodity or thing that is performed within a plant or business as a part of the manufacturing, processing, or preparing for market of that commodity or thing, or the determination of charges for the transmission of letters or parcels of less than 150 pounds, except when that determination is made in the presence of the customer charged for the service, or the determination of the weight of any animal or human by a qualified health provider, California-licensed veterinarian, licensed physician and surgeon, or staff members within the business operations of, and under the supervision of, a California-licensed veterinarian or licensed physician and surgeon for the purposes of determining the appropriate dosage of any medication or medical treatment or the volume, duration, or application of any medical procedure.

SEC. 78. Section 1 of Chapter 539 of the Statutes of 2010 is amended to read:

SECTION 1. Section 12 of the act cited in this title is amended to read:

Sec.12. (a) Licenses issued under the provisions of this section expire at 12 midnight on the last day of the month of birth of licentiates of the board.

(b) The board shall establish regulations for the administration of a birth month renewal program.

(c) A person practicing chiropractic within this state shall, on or before the last day of the person's month of birth of each year, after a license is issued to the person under this act, pay to the Board of Chiropractic Examiners the renewal fee specified under subdivision (d).

(d) (1) Until January 1, 2019, the renewal fee shall be three hundred dollars (\$300).

(2) On and after January 1, 2019, the renewal fee shall be two hundred fifty dollars (\$250).

(e) The secretary shall mail to a licensed chiropractor in this state, on or before 60 days prior to the last day of the month of the licensee's birth each year, a notice that the renewal fee will be due on or before the last day of the next month following the licensee's birth. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses.

(f) The failure, neglect or refusal of a person holding a license or certificate to practice under this act in the State of California to pay the annual fee during the time the license remains in force shall, after a period of 60 days from the last day of the month of the licensee's birth, automatically work a forfeiture of the license or certificate, and it shall not be restored except upon the written application therefor and the payment to the board of a fee of twice the annual amount of the renewal fee in effect at the time the restoration application is filed except that a licensee who fails, refuses, or neglects to pay the annual tax within a period of 60 days after the last day of the

month of the licensee's birth of each year shall not be required to submit to an examination for the reissuance of the certificate.

SEC. 79. (a) (1) Section 40.5 of this bill incorporates amendments to Section 7583.20 of the Business and Professions Code proposed by both this bill and Senate Bill 800. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 7583.20 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 800, in which case Section 40 of this bill shall not become operative.

(2) Section 41.5 of this bill incorporates changes made to Section 7583.20 of the Business and Professions Code proposed by both this bill and Senate Bill 800. That section of this bill shall only become operative if (1) both bills are enacted, without regard to the order of enactment, and become effective on or before January 1, 2018, (2) each bill amends Section 7583.20 of the Business and Professions Code, (3) and this bill adds Section 7583.20 to the Business and Professions Code, in which case Section 41 of this bill shall not become operative.

(b) (1) Section 54.5 of this bill incorporates amendments to Section 7598.17 of the Business and Professions Code proposed by both this bill and Senate Bill 800. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 7598.17 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 800, in which case Section 54 of this bill shall not become operative.

(2) Section 55.5 of this bill incorporates changes made to Section 7598.17 of the Business and Professions Code proposed by both this bill and Senate Bill 800. That section of this bill shall only become operative if (1) both bills are enacted, without regard to the order of enactment, and become effective on or before January 1, 2018, (2) each bill amends Section 7598.17 of the Business and Professions Code, (3) and this bill adds Section 7598.17 to the Business and Professions Code, in which case Section 55 of this bill shall not become operative.

SEC. 80. The Legislature finds and declares that Section 59 of this act, which adds Section 9882.6 of the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

This act strikes an appropriate balance between consumer protection and the public's right to access information about state agency spending by ensuring that only the identity of vehicle's used in undercover investigations are not revealed or disclosed as it would compromise the integrity of their purpose and the investigation.

SEC. 81. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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PASSED IN SENATE SEPTEMBER 14, 2017

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AMENDED IN ASSEMBLY AUGUST 24, 2017

AMENDED IN ASSEMBLY AUGUST 21, 2017

AMENDED IN SENATE MAY 22, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL**No. 673****Introduced by Senator Newman****February 17, 2017**

An act to amend Section 5168 of the Vehicle Code, relating to license plates.

LEGISLATIVE COUNSEL'S DIGEST

SB 673, Newman. Pet Lover's specialized license plates.

Existing law establishes a specialized license plate program and requires the Department of Motor Vehicles (DMV) to issue specialized license plates on behalf of a sponsoring state agency that meets certain requirements. Existing law requires that the DMV charge specified additional fees for the issuance, renewal, or transfer of specialized license plates, and requires the DMV to deposit the fees, less the DMV's costs, into the Specialized License Plate Fund. Existing law requires that moneys in the fund be allocated, upon appropriation by the Legislature, to each sponsoring agency in proportion to the amount that is attributable to the agency's specialized license plate program. Existing law requires the sponsoring state agency to use these moneys to fund projects and programs that promote the state agency's official policy, mission, or work.

Existing law requires the DMV to deposit fees for the issuance, renewal, or transfer of the Pet Lover's specialized license plates, less the DMV's costs, into the Pet Lover's Fund in the Specialized License Plate Fund, for the deposit of revenue derived from these specialized license plates. Existing law requires that these funds be allocated, upon appropriation by the Legislature, to the Veterinary Medical Board for disbursement by a nonprofit organization selected by the board to fund grants to providers of no-cost or low-cost animal sterilization services. Existing law requires the board to determine eligibility requirements for the grants, establish the grant

application process, and develop program specifics. Existing law authorizes the board to contract with an entity, including a nonprofit organization, to provide advice, consultation, and administrative services for purposes of implementing and administering the grant program. Existing law requires the board to provide oversight for the disbursement of grant funds under the grant program.

This bill would revise and recast those provisions by, among other things, substituting the Department of Food and Agriculture for the Veterinary Medical Board for those purposes. The bill would require the department to allocate the grant funds, as specified, to eligible veterinary facilities, as defined, that offer low-cost or no-cost animal sterilization services. The bill would authorize the department to contract with an eligible nonprofit organization, as defined, to perform marketing and promotional activities. The bill would also require the department to administer and oversee the grant program, and would require the department to collaborate with an eligible nonprofit organization to provide advice and consultation for the purposes of developing and implementing the program.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The Pet Lover's specialized license plate, sponsored by the California Spay and Neuter License Plate Fund, Inc., and the Veterinary Medical Board, has been in existence since 2013.

(b) Due to various administrative issues, funds deposited into the Pet Lover's Fund have yet to be expended for the plate's original intent to fund providers of no-cost or low-cost animal sterilization services.

(c) The sponsors have pursued several measures to rectify this issue and as such, seek to transfer authority to administer the Pet Lover's specialized license plate program and the Pet Lover's Fund from the Veterinary Medical Board to the Department of Food and Agriculture.

(d) It is therefore the intent of the Legislature that the Department of Food and Agriculture work with the previous administering partners, the Veterinary Medical Board and the California Spay and Neuter License Plate Fund, Inc., to achieve the stated goal of the Pet Lover's specialized license plate program.

SEC. 2. Section 5168 of the Vehicle Code is amended to read:

5168. (a) The fees specified in Section 5157 shall be imposed for the issuance, renewal, or transfer of the Pet Lover's specialized license plates. Notwithstanding subdivision (c) of Section 5157, after deducting its administrative costs, the department shall deposit the revenue derived from the additional fees into the Pet Lover's Fund, which is hereby established in the Specialized License Plate Fund.

(b) Upon appropriation by the Legislature, the moneys in the Pet Lover's Fund shall be allocated to the Department of Food and Agriculture. There shall not be an allocation to the Department of Food and Agriculture pursuant to subdivision (c) of Section 5157.

(c) The Department of Food and Agriculture shall allocate those grant funds to eligible veterinary facilities that offer low-cost or no-cost animal sterilization services.

(1) In administering the grants, the Department of Food and Agriculture may prioritize both of the following:

(A) Eligible veterinary facilities located in or serving underserved communities or those that can demonstrate financial need.

(B) Eligible veterinary facilities that have previously provided or currently provide low-cost or no-cost animal sterilization services.

(2) For the purposes of this subdivision, "eligible veterinary facilities" mean those facilities that are all of the following:

(A) Registered and in good standing with the Veterinary Medical Board, pursuant to Section 4853 of the Business and Professions Code.

(B) Overseen by a responsible licensee manager licensed and in good standing with the Veterinary Medical Board, pursuant to Chapter 11 (commencing with Section 4800) of Division 2 of the Business and Professions

Code.

(C) (i) Operated by a city, county, city and county, an animal care or control agency, or a nonprofit meeting the requirements of Section 501(c)(3) of the federal Internal Revenue Code that is registered and in good standing with the Secretary of State.

(ii) A city, county, or city and county animal control agency or nonprofit shelter holding a municipal contract that offers spay and neuter services for dogs and cats owned by individual members of the public is required to be current on its yearly rabies reporting requirements to the State Department of Public Health, Veterinary Public Health Section.

(d) Annual administrative costs for the program shall not exceed 25 percent of the funds collected from the issuance of the Pet Lover's license plates, and may include funds for marketing and other promotional activities associated with encouraging application for, or renewal of, Pet Lover's license plates and collaboration expenses. The Department of Food and Agriculture may contract with an eligible nonprofit organization to perform the marketing and promotional activities authorized.

(1) The eligible nonprofit organization selected by the Department of Food and Agriculture pursuant to this subdivision shall not use more than 5 percent of the moneys received pursuant to this section for administrative costs.

(2) For the purposes of this subdivision, "eligible nonprofit organization" means a nonprofit entity that is all of the following:

(A) Qualifies for tax exempt status under Section 501(c)(3) of the federal Internal Revenue Code and subdivision (d) of Section 23701 of the Revenue and Taxation Code.

(B) Registered and in good standing with the Secretary of State.

(C) Chartered and headquartered in this state.

(D) Has demonstrated experience in advertising, marketing, and promoting specialized license plates in existence prior to 2016 pursuant to this article.

(e) The Department of Food and Agriculture shall determine eligibility requirements for the grants, establish the grant application process, and develop program specifics. The Department of Food and Agriculture shall collaborate with an eligible nonprofit organization, as defined in paragraph (2) of subdivision (d), to provide advice and consultation for the purposes of developing and implementing the grant program. The Department of Food and Agriculture shall administer and oversee the grant program.


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AB-485 Pet store operators: dogs, cats, and rabbits. (2017-2018)

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ENROLLED SEPTEMBER 15, 2017

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AMENDED IN ASSEMBLY MARCH 28, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 485

**Introduced by Assembly Members O'Donnell and Dababneh
(Coauthors: Assembly Members Cervantes, Chávez, Friedman, and Kalra)
(Coauthors: Senators Galgiani and Monning)**

February 13, 2017

An act to amend Section 31753 of the Food and Agricultural Code, and to amend Section 122357 of, and to add Section 122354.5 to, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 485, O'Donnell. Pet store operators: dogs, cats, and rabbits.

Existing law requires pet store operators, as defined, to comply with laws governing, among other things, the care of animals in pet stores. Existing law makes a pet store operator who violates these provisions guilty of a misdemeanor, under certain conditions. Existing law also regulates the retail sale of dogs and cats.

Existing law requires an animal control officer, a humane officer, or a peace officer who detects any of certain violations of the laws governing pet store operators to issue a single notice to correct the violation, except as specified. Existing law makes a pet store operator who fails to comply with a notice to correct, or who violates the laws regulating pet store operators, as specified, guilty of a crime.

This bill would prohibit, on and after January 1, 2019, a pet store operator from selling a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group, as defined, that is in a cooperative agreement with at least one private or public shelter, as specified. The bill would require all sales of dogs and cats authorized by this provision to be in compliance with laws requiring the spaying or neutering of animals, as specified. The bill would require each pet store to maintain records sufficient to document the source of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year, and to post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the entity from which each dog, cat, or rabbit was obtained, and would authorize public animal control agencies or shelters to periodically require pet stores engaged in sales of dogs, cats, or rabbits to provide access to those records. The bill would make a pet store operator who violates these provisions subject to a civil penalty of \$500, as specified. The bill would also exempt a pet store operator who is subject to these provisions from certain requirements relating to the retail sale of dogs and cats, except as specified.

Existing law authorizes a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding dogs and cats.

This bill would authorize a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to the cooperative agreements authorized regarding dogs and cats described above.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 31753 of the Food and Agricultural Code is amended to read:

31753. A rabbit, guinea pig, hamster, potbellied pig, bird, lizard, snake, turtle, or tortoise that is legally allowed as personal property and that is impounded in a public or private shelter shall be held for the same period of time, under the same requirements of care, and with the same opportunities for redemption and adoption by new owners or nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organizations as provided for cats and dogs. The public or private shelter may enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to those cooperative agreements authorized in Section 31108 regarding dogs and Section 31752 regarding cats. Section 17006 shall also apply to these animals. In addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted by new owners or released to nonprofit animal rescue or adoption organizations pursuant to this section.

SEC. 2. Section 122354.5 is added to the Health and Safety Code, to read:

122354.5. (a) A pet store operator shall not sell a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group that is in a cooperative agreement with at least one private or public shelter pursuant to Section 31108, 31752, or 31753 of the Food and Agricultural Code.

(b) All sales of dogs and cats authorized by this section shall be in compliance with paragraph (1) of subdivision (a) of Section 30503 of, subdivision (b) of Section 30520 of, paragraph (1) of subdivision (a) of Section 31751.3 of, and subdivision (b) of Section 31760 of, the Food and Agricultural Code.

(c) Each pet store shall maintain records sufficient to document the source of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year. Additionally, each pet store shall post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit from which each dog, cat, or rabbit was obtained. Public animal control agencies or shelters may periodically require pet stores engaged in sales of dogs, cats, or rabbits to provide access to these records.

(d) A pet store operator who is subject to this section is exempt from the requirements set forth in Article 2 (commencing with Section 122125) of Chapter 5, except for the requirements set forth in Section 122135, paragraphs (3) and (4) of subdivision (a) of, and paragraphs (5) and (6) of subdivision (b) of, Section 122140, and Sections 122145 and 122155.

(e) A pet store operator who violates this section shall be subject to a civil penalty of five hundred dollars (\$500). Each animal offered for sale in violation of this section shall constitute a separate violation.

(f) For purposes of this section, a "rescue group" is an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code, and that does not obtain animals from breeders or brokers for compensation.

(g) This section does not prohibit a local governing body from adopting requirements that are more protective of animal welfare than those set forth in this section.

(h) This section shall become operative on January 1, 2019.

SEC. 3. Section 122357 of the Health and Safety Code is amended to read:

122357. A pet store operator who violates any provision of this chapter that is not specified in subdivision (a) of Section 122356 and is not proscribed by Section 122354.5 is guilty of a misdemeanor.


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AB-942 Personal income taxes: credit: veterinary costs. (2017-2018)

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REVISED JUNE 20, 2017

AMENDED IN ASSEMBLY APRIL 04, 2017

AMENDED IN ASSEMBLY MARCH 21, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 942

Introduced by Assembly Member Mathis
(Coauthor: Assembly Member Gloria)

February 16, 2017

An act to add and repeal Section 17052.4 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 942, as amended, Mathis. Personal income taxes: credit: veterinary costs.

The Personal Income Tax Law allows various credits against the taxes imposed by that law.

This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2017, and before January 1, 2023, in an amount equal to 50% of the amount paid or incurred during the taxable year by a taxpayer for qualified veterinary costs, as defined, for a taxpayer's pets, as defined, not to exceed \$2,000 per taxable year.

This bill would take effect immediately as a tax levy.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17052.4 is added to the Revenue and Taxation Code, to read:

17052.4. (a) For each taxable year beginning on or after January 1, 2017, and before January 1, 2023, there shall be allowed as a credit against the "net tax," as defined in Section 17039, an amount equal to 50 percent of the

amount paid or incurred during the taxable year by a taxpayer for qualified veterinary costs for a taxpayer's pets, not to exceed two thousand dollars (\$2,000) per taxable year.

(b) For purposes of this section:

(1) "Pet" means a domesticated cat or dog owned by the taxpayer.

(2) "Qualified veterinary costs" means the amount paid or incurred for ~~medical-related~~ *medically necessary* expenses paid to a licensed veterinarian, including, but not limited to, vaccinations, annual checkups, surgeries, and drug prescriptions. Qualified veterinary costs does not include expenses reimbursed by pet insurance.

~~(c) In the case where the credit allowed by this section exceeds the "net tax," the excess may be carried over to reduce the "net tax" in the following taxable year, and succeeding six years if necessary, until the credit is exhausted.~~

~~(d)~~

~~(c) This section shall remain in effect only until December 1, 2023, and as of that date is repealed. However, any unused credit may continue to be carried forward, as provided in subdivision (c), until the credit is exhausted.~~

~~(e)~~

~~(d) Section 41 does not apply to the credit allowed by this section.~~

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.

REVISIONS:

Heading—Line 2.

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AMENDED IN ASSEMBLY MARCH 08, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL**No. 208****Introduced by Assembly Member Eggman****January 23, 2017**

An act to amend Sections 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, and 1000.6 of, and to add Section 1000.65 to, the Penal Code, relating to deferred entry of judgment.

LEGISLATIVE COUNSEL'S DIGEST

AB 208, Eggman. Deferred entry of judgment: pretrial diversion.

Existing law allows individuals charged with specified crimes to qualify for deferred entry of judgment. A defendant qualifies if he or she has no conviction for any offense involving controlled substances, the charged offense did not involve violence, there is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation that qualifies for the program, the defendant's record does not indicate that probation or parole has ever been revoked without being completed, and the defendant's record does not indicate that he or she has been granted diversion, deferred entry of judgment, or was convicted of a felony within 5 years prior to the alleged commission of the charged offense.

Under the existing deferred entry of judgment program, an eligible defendant may have entry of judgment deferred, upon pleading guilty to the offenses charged and entering a drug treatment program for 18 months to 3 years. If the defendant does not perform satisfactorily in the program, does not benefit from the program, is convicted of specified crimes, or engages in criminal activity rendering him or her unsuitable for deferred entry of judgment, the defendant's guilty plea is entered and the court enters judgment and proceeds to schedule a sentencing hearing. If the defendant completes the program, the criminal charges are dismissed. Existing law

allows the presiding judge of the superior court, with the district attorney and public defender, to establish a pretrial diversion drug program.

This bill would make the deferred entry of judgment program a pretrial diversion program. The bill would make a defendant qualified for the pretrial diversion program if there is no evidence of a contemporaneous violation relating to narcotics or restricted dangerous drugs other than a violation of the offense that qualifies him or her for diversion, the charged offense did not involve violence, there is no evidence within the past 5 years of a violation relating to narcotics or restricted dangerous drugs other than a violation that qualifies for the program, and the defendant has no prior conviction for a felony within 5 years prior to the alleged commission of the charged offense.

Under the pretrial diversion program created by this bill, a qualifying defendant would enter a plea of not guilty and waive his or her right to a trial by jury, and proceedings would be suspended in order for the defendant to enter a drug treatment program for 12 to 18 months, or longer if requested by the defendant with good cause. The bill would require the court, if the defendant does not perform satisfactorily in the program or is convicted of specified crimes, to terminate the program and reinstate the criminal proceedings. The bill would require the criminal charges to be dismissed if the defendant completes the program.

This bill would incorporate additional changes to Section 1000.4 of the Penal Code proposed by SB 393 to be operative only if this bill and SB 393 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1000 of the Penal Code is amended to read:

1000. (a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for a violation of Section 11350, 11357, 11364, or 11365, paragraph (2) of subdivision (b) of Section 11375, Section 11377, or Section 11550 of the Health and Safety Code, or subdivision (b) of Section 23222 of the Vehicle Code, or Section 11358 of the Health and Safety Code if the marijuana planted, cultivated, harvested, dried, or processed is for personal use, or Section 11368 of the Health and Safety Code if the narcotic drug was secured by a fictitious prescription and is for the personal use of the defendant and was not sold or furnished to another, or subdivision (d) of Section 653f if the solicitation was for acts directed to personal use only, or Section 381 or subdivision (f) of Section 647 of the Penal Code, if for being under the influence of a controlled substance, or Section 4060 of the Business and Professions Code, and it appears to the prosecuting attorney that, except as provided in subdivision (b) of Section 11357 of the Health and Safety Code, all of the following apply to the defendant:

(1) Within five years prior to the alleged commission of the charged offense, the defendant has not suffered a conviction for any offense involving controlled substances other than the offenses listed in this subdivision.

(2) The offense charged did not involve a crime of violence or threatened violence.

(3) There is no evidence of a contemporaneous violation relating to narcotics or restricted dangerous drugs other than a violation of the offenses listed in this subdivision.

(4) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense.

(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to (4), inclusive, of subdivision (a) apply to the defendant. If the defendant is found eligible, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. This procedure is intended to allow the court to set the hearing for pretrial diversion at the arraignment. If the defendant is found ineligible for pretrial diversion, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. The sole remedy of a defendant who is found ineligible for pretrial diversion is a postconviction appeal.

(c) All referrals for pretrial diversion granted by the court pursuant to this chapter shall be made only to programs that have been certified by the county drug program administrator pursuant to Chapter 1.5

(commencing with Section 1211) of Title 8, or to programs that provide services at no cost to the participant and have been deemed by the court and the county drug program administrator to be credible and effective. The defendant may request to be referred to a program in any county, as long as that program meets the criteria set forth in this subdivision.

(d) Pretrial diversion for an alleged violation of Section 11368 of the Health and Safety Code shall not prohibit any administrative agency from taking disciplinary action against a licensee or from denying a license. This subdivision does not expand or restrict the provisions of Section 1000.4.

(e) Any defendant who is participating in a program authorized in this section may be required to undergo analysis of his or her urine for the purpose of testing for the presence of any drug as part of the program. However, urinalysis results shall not be admissible as a basis for any new criminal prosecution or proceeding.

SEC. 2. Section 1000.1 of the Penal Code is amended to read:

1000.1. (a) If the prosecuting attorney determines that this chapter may be applicable to the defendant, he or she shall advise the defendant and his or her attorney in writing of that determination. This notification shall include all of the following:

(1) A full description of the procedures for pretrial diversion.

(2) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the program, and the court in the process.

(3) A clear statement that the court may grant pretrial diversion with respect to any offense specified in subdivision (a) of Section 1000 that is charged, provided that the defendant pleads not guilty to the charge or charges, waives the right to a speedy trial, to a speedy preliminary hearing, and to a trial by jury, if applicable, and that upon the defendant's successful completion of a program, as specified in subdivision (c) of Section 1000, the positive recommendation of the program authority and the motion of the defendant, prosecuting attorney, the court, or the probation department, but no sooner than 12 months and no later than 18 months from the date of the defendant's referral to the program, the court shall dismiss the charge or charges against the defendant.

(4) A clear statement that upon any failure of treatment or condition under the program, or any circumstance specified in Section 1000.3, the prosecuting attorney or the probation department or the court on its own may make a motion to the court to terminate pretrial diversion and schedule further proceedings as otherwise provided in this code.

(5) An explanation of criminal record retention and disposition resulting from participation in the pretrial diversion program and the defendant's rights relative to answering questions about his or her arrest and pretrial diversion following successful completion of the program.

(b) If the defendant consents and waives his or her right to a speedy trial, a speedy preliminary hearing, and to a trial by jury, if applicable, the court may refer the case to the probation department or the court may summarily grant pretrial diversion. When directed by the court, the probation department shall make an investigation and take into consideration the defendant's age, employment and service records, educational background, community and family ties, prior controlled substance use, treatment history, if any, demonstrable motivation, and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which programs the defendant would benefit from and which programs would accept the defendant. The probation department shall report its findings and recommendations to the court. The court shall make the final determination regarding education, treatment, or rehabilitation for the defendant. If the court determines that it is appropriate, the court shall grant pretrial diversion if the defendant pleads not guilty to the charge or charges and waives the right to a speedy trial, to a speedy preliminary hearing, and to a trial by jury, if applicable.

(c) (1) No statement, or any information procured therefrom, made by the defendant to any probation officer or drug treatment worker, that is made during the course of any investigation conducted by the probation department or treatment program pursuant to subdivision (b), and prior to the reporting of the probation department's findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation.

(2) No statement, or any information procured therefrom, with respect to the specific offense with which the defendant is charged, that is made to any probation officer or drug program worker subsequent to the granting

of pretrial diversion shall be admissible in any action or proceeding.

(d) A defendant's participation in pretrial diversion pursuant to this chapter shall not constitute a conviction or an admission of guilt for any purpose.

SEC. 3. Section 1000.2 of the Penal Code is amended to read:

1000.2. (a) The court shall hold a hearing and, after consideration of any information relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and if the defendant should be granted pretrial diversion. If the defendant does not consent to participate in pretrial diversion, the proceedings shall continue as in any other case.

(b) At the time that pretrial diversion is granted, any bail bond or undertaking, or deposit in lieu thereof, on file by or on behalf of the defendant shall be exonerated, and the court shall enter an order so directing.

(c) The period during which pretrial diversion is granted shall be for no less than 12 months nor longer than 18 months. However, the defendant may request, and the court shall grant, for good cause shown, an extension of time to complete a program specified in subdivision (c) of Section 1000. Progress reports shall be filed by the probation department with the court as directed by the court.

SEC. 4. Section 1000.3 of the Penal Code is amended to read:

1000.3. (a) If it appears to the prosecuting attorney, the court, or the probation department that the defendant is performing unsatisfactorily in the assigned program, that the defendant is convicted of an offense that reflects the defendant's propensity for violence, or that the defendant is convicted of a felony, the prosecuting attorney, the court on its own, or the probation department may make a motion for termination from pretrial diversion.

(b) After notice to the defendant, the court shall hold a hearing to determine whether pretrial diversion shall be terminated.

(c) If the court finds that the defendant is not performing satisfactorily in the assigned program, or the court finds that the defendant has been convicted of a crime as indicated in subdivision (a), the court shall schedule the matter for further proceedings as otherwise provided in this code.

(d) If the defendant has completed pretrial diversion, at the end of that period, the criminal charge or charges shall be dismissed.

(e) Prior to dismissing the charge or charges or terminating pretrial diversion, the court shall consider the defendant's ability to pay and whether the defendant has paid a diversion restitution fee pursuant to Section 1001.90, if ordered, and has met his or her financial obligation to the program, if any. As provided in Section 1203.1b, the defendant shall reimburse the probation department for the reasonable cost of any program investigation or progress report filed with the court as directed pursuant to Sections 1000.1 and 1000.2.

SEC. 5. Section 1000.4 of the Penal Code is amended to read:

1000.4. (a) Any record filed with the Department of Justice shall indicate the disposition in those cases referred to pretrial diversion pursuant to this chapter. Upon successful completion of a pretrial diversion program, the arrest upon which the defendant was diverted shall be deemed to have never occurred. The defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or granted pretrial diversion for the offense, except as specified in subdivision (c). A record pertaining to an arrest resulting in successful completion of a pretrial diversion program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate, except that, as specified in Section 492 of the Business and Professions Code, successful completion of a pretrial diversion program does not prohibit any agency established under Division 2 (commencing with Section 500) of the Business and Professions Code, or under any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be contained in a record pertaining to an arrest leading to successful completion of a pretrial diversion program.

(b) Notwithstanding any other law, any licensing agency listed in Section 144 of the Business and Professions Code may request, and is authorized to receive, from a local or state agency certified records regarding referral to, participation in, successful completion of, and termination from, diversion programs described in this section.

(c) The defendant shall be advised that, regardless of his or her successful completion of the pretrial diversion program, the arrest upon which pretrial diversion was based may be disclosed by the Department of Justice in response to any peace officer application request and that, notwithstanding subdivision (a), this section does not relieve him or her of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

SEC. 5.5. Section 1000.4 of the Penal Code is amended to read:

1000.4. (a) Any record filed with the Department of Justice shall indicate the disposition in those cases referred to pretrial diversion pursuant to this chapter. Upon successful completion of a pretrial diversion program, the arrest upon which the defendant was diverted shall be deemed to have never occurred and the court may issue an order to seal the records pertaining to the arrest as described in Section 851.92. The defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or granted pretrial diversion for the offense, except as specified in subdivision (c). A record pertaining to an arrest resulting in successful completion of a pretrial diversion program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate, except that, as specified in Section 492 of the Business and Professions Code, successful completion of a pretrial diversion program shall not prohibit any agency established under Division 2 (commencing with Section 500) of the Business and Professions Code, or under any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest leading to successful completion of a pretrial diversion program.

(b) Notwithstanding any other law, any licensing agency listed in Section 144 of the Business and Professions Code may request, and is authorized to receive, from a local or state agency certified records regarding referral to, participation in, successful completion of, and termination from, diversion programs described in this section.

(c) The defendant shall be advised that, regardless of his or her successful completion of the pretrial diversion program, the arrest upon which the pretrial diversion was based may be disclosed by the Department of Justice in response to any peace officer application request and that, notwithstanding subdivision (a), this section does not relieve him or her of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

(d) The defendant shall be advised that, regardless of the defendant's successful completion of a pretrial diversion program, an order to seal records pertaining to an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Section 851.92.

SEC. 6. Section 1000.5 of the Penal Code is amended to read:

1000.5. (a) (1) The presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, may agree in writing to establish and conduct a preguilty plea drug court program pursuant to the provisions of this chapter, wherein criminal proceedings are suspended without a plea of guilty for designated defendants. The drug court program shall include a regimen of graduated sanctions and rewards, individual and group therapy, urinalysis testing commensurate with treatment needs, close court monitoring and supervision of progress, educational or vocational counseling as appropriate, and other requirements as agreed to by the presiding judge or his or her designee, the district attorney, and the public defender. If there is no agreement in writing for a preguilty plea program by the presiding judge or his or her designee, the district attorney, and the public defender, the program shall be operated as a pretrial diversion program as provided in this chapter.

(2) A person charged with a misdemeanor under paragraph (3) of subdivision (b) of Section 11357.5 or paragraph (3) of subdivision (b) of Section 11375.5 of the Health and Safety Code shall be eligible to participate in a preguilty plea drug court program established pursuant to this chapter, as set forth in Section 11375.7 of the Health and Safety Code.

(b) The provisions of Section 1000.3 and Section 1000.4 regarding satisfactory and unsatisfactory performance in a program shall apply to preguilty plea programs, except as provided in Section 11375.7 of the Health and Safety Code. If the court finds that (1) the defendant is not performing satisfactorily in the assigned program, (2) the defendant is not benefiting from education, treatment, or rehabilitation, (3) the defendant has been convicted of a crime specified in Section 1000.3, or (4) the defendant has engaged in criminal conduct rendering

him or her unsuitable for the preguilty plea program, the court shall reinstate the criminal charge or charges. If the defendant has performed satisfactorily during the period of the preguilty plea program, at the end of that period, the criminal charge or charges shall be dismissed and the provisions of Section 1000.4 shall apply.

SEC. 7. Section 1000.6 of the Penal Code is amended to read:

1000.6. (a) A person who is participating in a pretrial diversion program or a preguilty plea program pursuant to this chapter is authorized under the direction of a licensed health care practitioner, to use medications including, but not limited to, methadone, buprenorphine, or levoalphacetylmethadol (LAAM) to treat substance use disorders if the participant allows release of his or her medical records to the court presiding over the participant's preguilty plea or pretrial diversion program for the limited purpose of determining whether or not the participant is using such medications under the direction of a licensed health care practitioner and is in compliance with the pretrial diversion or preguilty plea program rules.

(b) If the conditions specified in subdivision (a) are met, the use by a participant of medications to treat substance use disorders shall not be the sole reason for exclusion from a pretrial diversion or preguilty plea program. A patient who uses medications to treat substance use disorders and participates in a preguilty plea or pretrial diversion program shall comply with all court program rules.

(c) A person who is participating in a pretrial diversion program or preguilty plea program pursuant to this chapter who uses medications to treat substance use disorders shall present to the court a declaration from his or her health care practitioner, or his or her health care practitioner's authorized representative, that the person is currently under their care.

(d) Urinalysis results that only establish that a person described in this section has ingested medication duly prescribed to that person by his or her physician or psychiatrist, or medications used to treat substance use disorders, shall not be considered a violation of the terms of the pretrial diversion or preguilty plea program under this chapter.

(e) Except as provided in subdivisions (a) to (d), inclusive, this section does not affect any other law governing diversion programs.

SEC. 8. Section 1000.65 is added to the Penal Code, immediately following Section 1000.6, to read:

1000.65. This chapter does not affect a pretrial diversion program provided pursuant to Chapter 2.7 (commencing with Section 1001).

SEC. 9. Section 5.5 of this bill incorporates amendments to Section 1000.4 of the Penal Code proposed by both this bill and Senate Bill 393. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 1000.4 of the Penal Code, and (3) this bill is enacted after Senate Bill 393, in which case Section 5 of this bill shall not become operative.

Legislative Changes 2018

I. **Veterinary Assistant Controlled Substance Permit (VACSP)- Probationary License**

The italicized language below would enable the Board to offer a probationary permit to an applicant who may otherwise be denied a permit for convictions of criminal acts or acts substantially related to the qualifications, duties, or functions of veterinary medicine. Currently, the Board has the authority to issue a probationary license to an RVTs in BPC Section 4845 (reference below). The administrative process of issuing a probationary permit would save the Board and the applicant time and expense preparing for, and proceeding with a hearing. The offer of the probationary license does not preclude the applicant from requesting a hearing to argue for a free and clear permit. All due process rights are still afforded the applicant. The Board would review and must approve the offer of probation and specific terms through a stipulated agreement prior to the issuance of the probationary VACSP.

Amend BPC Section 4836.2:

- (a) Applications for a veterinary assistant controlled substance permit shall be upon a form furnished by the board.
- (b) The fee for filing an application for a veterinary assistant controlled substance permit shall be set by the board in an amount the board determines is reasonably necessary to provide sufficient funds to carry out the purposes of this section, not to exceed one hundred dollars (\$100).
- (c) The board may, suspend, or revoke the controlled substance permit of a veterinary assistant after notice and hearing for any cause provided in this subdivision. The proceedings under this section shall be conducted in accordance with the provisions for administrative adjudication in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may deny, *issue a probationary registration to an applicant subject to terms and conditions deemed appropriate by the board*, revoke or suspend a veterinary assistant controlled substance permit for any of the following reasons:
 - (1) The employment of fraud, misrepresentation, or deception in obtaining a veterinary assistant controlled substance permit.
 - (2) Chronic inebriety or habitual use of controlled substances.
 - (3) The *applicant or permit holder* ~~veterinary assistant to whom the permit is issued~~ has been convicted of a state or federal felony controlled substance violation.

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

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

(d) The board shall not issue a veterinary assistant controlled substance permit to any applicant with a state or federal felony controlled substance conviction.

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

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

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

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

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

(g) This section shall become operative on July 1, 2015.

[Reference to Similar RVT Provisions BPC Section 4845]:

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

(1) Continuing medical, psychiatric, or psychological treatment.

(2) Ongoing participation in a specified rehabilitation program.

(3) Abstention from the use of alcohol or drugs.

(4) Compliance with all provisions of this chapter.

(b) (1) Notwithstanding any other provision of law, and for purposes of this section, when deciding whether to issue a probationary registration, the board shall request that an applicant with a dismissed conviction provide proof of that dismissal and shall give special consideration to applicants whose convictions have been dismissed pursuant to Section 1203.4 or 1203.4a of the Penal Code.

(2) The board shall also take into account and consider any other reasonable documents or individual character references provided by the applicant that may serve as evidence of rehabilitation as deemed appropriate by the board.

(c) The board may modify or terminate the terms and conditions imposed on the probationary registration upon receipt of a petition from the applicant or registrant.

(d) For purposes of issuing a probationary license to qualified new applicants, the board shall develop standard terms of probation that shall include, but not be limited to, the following:

(1) A three-year limit on the individual probationary registration.

(2) A process to obtain a standard registration for applicants who were issued a probationary registration.

(3) Supervision requirements.

(4) Compliance and quarterly reporting requirements.

(Added by Stats. 2008, Ch. 675, Sec. 5. Effective January 1, 2009.)

II. Veterinary Student Exemption

Originally included in SB 546 (Hill 2017), the provisions would specify the exemption for veterinary students to obtain critical clinical experience under veterinary supervision during their formal training program. The provisions as approved by the Board, would also specify the requirements of an accredited veterinary program to develop a written agreement or Memorandum of Understanding with the off-site veterinary practice when offering students off-site training experiences as part of the formal curriculum. UC Davis and Western University expressed concerns regarding the prescriptive nature of the requirements imposed on the universities to develop written agreements with educational objectives and assessments. The matter was ultimately removed from the bill with the understanding that the Board would continue to discuss the language with the universities.

Amend BPC Section 4830(a):

(5)(A) Students of an American Veterinary Medical Association Council on Education accredited veterinary medical program may participate, as part of their formal curriculum, in diagnosis and treatment with direct supervision or in surgery with immediate supervision. The student must have prior training in these activities as part of the formal curriculum and supervision must be by a California

licensed veterinarian in good standing, as defined in paragraph (1) (A) and (B) of subdivision (b) of Section 4848.

(B) Where off-campus or distributive sites provide the formal curriculum, a Memorandum of Understanding between the accredited veterinary medical program and the Off-Campus or Distributive Site must be in place that provides for: 1) a written description of the educational objectives expected to be achieved at the site, 2) an annual review conducted by the accredited veterinary medical program of the off-campus site to ensure that the educational program is being delivered in accordance with the Memorandum of Understanding to ensure that the formal curriculum and/or clinical training is appropriate, and 3) a mechanism for assessing training outcomes of the educational process.

- Pending Recommendation of the MDC-

4830 (a)(5)(B) Where Off-Campus or Distributive Sites provide the formal curriculum in place of on-campus education, a written agreement must be in place that provides for: 1) a description of the educational objectives expected to be achieved at the site, 2) a review conducted by the accredited veterinary medical program to ensure that the training is appropriate, and 3) an assessment of the educational outcomes by the student and the accredited veterinary medical program.

III. Veterinary Graduate – RVT Duties

At the April 2017 Board meeting, the Board reviewed a memo developed by Tara Welch, Legal Counsel, which included the following background:

Although the existing regulation [CCR 2027] created a registration exemption, the Board does not appear to have any statutory authority to create such exemptions. Notably, BPC section 4830 provides a list of licensure and registration exemptions, which suggests the Legislature has assumed control over such exemptions. Subdivision (a)(4) provides an exemption for students of specified DVM programs; however, this provision does not include any exemption for graduates of these programs. Accordingly, the Board may wish to consider proposed legislation to address the regulatory exemption for DVM graduates.

To provide appropriate notice and due process to DVM graduates who may have been working in settings in which they perform RVT tasks without having obtained veterinary licensure or RVT registration, the proposed statute should provide a delayed effective date for those DVM graduates. With a delayed effective date, those DVM graduates would be afforded appropriate time to obtain veterinary licensure or RVT registration. Additionally, the statute should make clear that future DVM graduates who seek to perform RVT tasks must be duly licensed or

registered. The board may wish to consider submitting the following proposal to the Legislature:

The Board approved moving forward with the recommended Legislative solution:

Proposed Business and Professions Code section 4841.2:

(a) If, on or before January 1, 2019, a graduate of a recognized veterinary college has performed animal health care tasks otherwise performed by a registered veterinary technician, the graduate shall discontinue performing such duties on or after January 1, 2019, unless the graduate is issued a license or registration as otherwise required under this chapter.

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

IV. Veterinary Law Examination (VLE)

As discussed at the Board meetings in January 2017 and July of 2017, the Office of Professional Examination Services (OPES) recommended the Board eliminate the VLE for all candidates who have completed the national exam, the California State Board (CSB) exam, and have graduated from a Board-approved veterinary training program. The OPES cited that the content of the CSB substantially covered that which was addressed in the VLE open book examination. OPES also explained the nature of an open-book or take-home test as being a learning tool as opposed to an actual examination.

The Board decided to retain the VLE as a prerequisite to licensure at its July 2017 meeting, but seemed supportive of changing the language in statute to reflect the intent of the VLE as a learning tool or resource document as opposed to an actual examination.

Amend Business and Professions Code section 4848:

(a) (1) The board shall, by means of examination and review of the laws and regulations of the Veterinary Medicine Practice Act, ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in this state and shall issue a license to every person whom it finds to be qualified. No license shall be issued to anyone who has not demonstrated his or her competency by examination.

(2) The examination shall consist of each of the following:

(A) A licensing examination that is administered on a national basis.

(B) A California state board examination.

(C) Completion of a learning tool, ~~An examination~~ concerning those statutes and regulations of the Veterinary Medicine Practice Act administered by the board. The examination shall be administered by mail and provided to applicants within 10 to 20 days of eligibility determination. The board shall have 10 to 20 days from the date of receipt to process the examination and provide candidates with the results of the examination. The applicant shall certify that he or she personally completed the examination. Any false statement is a violation subject to Section 4831. University of California and Western University of Health Sciences veterinary medical students who have successfully completed a board-approved course on veterinary law and ethics covering the Veterinary Medicine Practice Act shall be exempt from this provision.

(3) The examinations may be given at the same time or at different times as determined by the board. For examination purposes, the board may make contractual arrangements on a sole source basis with organizations furnishing examination material as it may deem desirable and shall be exempt from Section 10115 of the Public Contract Code.

(4) The licensing examination may be waived by the board in any case in which it determines that the applicant has taken and passed an examination for licensure in another state substantially equivalent in scope and subject matter to the licensing examination last given in California before the determination is made, and has achieved a score on the out-of-state examination at least equal to the score required to pass the licensing examination administered in California.

(5) Nothing in this chapter shall preclude the board from permitting a person who has completed a portion of his or her educational program, as determined by the board, in a veterinary college recognized by the board under Section 4846 to take any examination or any part thereof prior to satisfying the requirements for application for a license established by Section 4846.

(b) For purposes of reciprocity, the board shall waive the examination requirements of subdivision (a), and issue a license to an applicant to practice veterinary medicine if the applicant meets all of the following requirements and would not be denied issuance of a license by any other provision of this code:

(1) The applicant holds a current valid license in good standing in another state, Canadian province, or United States territory and, within three years immediately preceding filing an application for licensure in this state, has practiced clinical veterinary medicine for a minimum of two years and completed a minimum of 2,944 hours of clinical practice. Experience obtained while participating in an American Veterinary Medical Association (AVMA) accredited institution's internship, residency, or specialty board training program shall be valid for meeting the minimum experience requirement.

The term "in good standing" means that an applicant under this section:

(A) Is not currently under investigation nor has been charged with an offense for any act substantially related to the practice of veterinary medicine by any public agency, nor entered into any consent agreement or been subject to an administrative decision that

contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, nor been the subject of an adverse judgment resulting from the practice of veterinary medicine that the board determines constitutes evidence of a pattern of incompetence or negligence.

(B) Has no physical or mental impairment related to drugs or alcohol, and has not been found mentally incompetent by a physician so that the applicant is unable to undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public.

(2) At the time of original licensure, the applicant passed the national licensing requirement in veterinary science with a passing score or scores on the examination or examinations equal to or greater than the passing score required to pass the national licensing examination or examinations administered in this state.

(3) The applicant has either graduated from a veterinary college recognized by the board under Section 4846 or possesses a certificate issued by the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE).

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

(5) The applicant completes an approved educational curriculum on regionally specific and important diseases and conditions. The board, in consultation with the California Veterinary Medical Association (CVMA), shall approve educational curricula that cover appropriate regionally specific and important diseases and conditions that are common in California. The curricula shall focus on small and large animal diseases consistent with the current proportion of small and large animal veterinarians practicing in the state. The approved curriculum shall not exceed 30 hours of educational time. The approved curriculum may be offered by multiple providers so that it is widely accessible to candidates licensed under this subdivision.

(c) The board shall issue a temporary license valid for one year to an applicant to practice veterinary medicine under the supervision of another California-licensed veterinarian in good standing if the applicant satisfies all of the following requirements:

(1) The applicant meets the requirements of paragraphs (1) to (4), inclusive, of subdivision (b).

(2) The applicant would not be denied issuance of a license under any other provision of this chapter.

(3) The applicant agrees to complete the approved educational curriculum described in paragraph (5) of subdivision (b) on regionally specific and important diseases and conditions during the period of temporary licensure.

(d) Upon completion of the curriculum described in paragraph (5) of subdivision (b), a temporary licensee shall submit an application for full licensure accompanied by verification of completion of that curriculum and all applicable fees.

(e) The board, in its discretion, may extend the expiration date of a temporary license issued pursuant to subdivision (c) for not more than one year for reasons of health, military service, or undue hardship. An application for an extension shall be submitted on a form provided by the board.

V. Mandatory Hospital Inspection

Amendments to the statute regarding mandatory hospital inspection of at least 20% of the registered veterinary premises annually was originally part of SB 546 (Hill, 2017) at the request of the Board. The provisions were removed by the Business Professions & Economic Development Committee after concerns were raised by Appropriations' Committee staff regarding the potential fiscal impact to the Board and its Fund. The Board has been unsuccessful in securing funding for the its Hospital Inspection Program through the Department of Finance as current statutory language is not stated as a mandate, but rather encourages the Board to make every effort to reach a 20% inspection goal of all registered premises annually.

Amend Business and Professions Code section 4809.7:

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



MEMORANDUM

DATE	October 2017
TO	Veterinary Medical Board
FROM	Ethan Mathes. Operations Manager
SUBJECT	Administrative/Budget Report

Expenditure Report and Fund Condition Status

The 2016-17 Fiscal Year-end Expenditure Report is attached; the Report goes through Fiscal Month 13 of Fiscal Year (FY) 2016-17.

Budget Activities

The State of California has implemented a new accounting system, FI\$Cal, starting this current FY 2017-18. Due to the new accounting system, regular reporting of Expenditure Reports has been delayed. The Board should receive updated Expenditure Reports at its February 2018 Meeting.

Throughout the current FY staff will continue to closely monitor the Board's expenditures and projections and anticipates Attorney General and Office of Administrative Hearings. Expenditures are projecting higher this FY for these cost areas. If necessary staff will request, in January 2018, a one-time augmentation to these expenditures through the State budget process similar to the Board's one-time augmentation request in FY 2016-17.

Staff submitted a FY 2018-19 BCP request in June to make its 4.0 Veterinary Assistant Controlled Substances Permit Program staff permanently funded. Prior VACSP BCPs gave the Board authority to hire staff on a 2-year temporary basis, with the most recent VACSP BCP giving the Board permanently tenured staff with 2-year temporary funding. The current VACSP BCP seeks to permanently fund its authorized 4.0 VACSP staff. This BCP has been reviewed and approved by the Department and the Business, Consumers Services, and Housing Agency review. The BCP is currently at the Department of Finance for final review and approval.

Attachments

- Expenditure Report for Fiscal Year 2016-17, Fiscal Month 13
- Summary of Expenditures for FY 2016-17

VETERINARY MEDICAL BOARD - 0777
BUDGET REPORT
FY 2016-17 EXPENDITURE PROJECTION
Jun-2017

OBJECT DESCRIPTION	FY 2015-16		FY 2016-17				
	ACTUAL EXPENDITURES	PRIOR YEAR EXPENDITURES	BUDGET Allotment	CURRENT YEAR EXPENDITURES	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
	(MONTH 13)	6/30/2016	2016-17	6/30/2017			
PERSONNEL SERVICES							
Salary & Wages (Staff)	993,433	989,761	1,064,000	1,019,574	96%	1,019,574	44,426
Statutory Exempt (EO)	90,636	90,636	82,000	94,812	116%	94,812	(12,812)
Temp Help Reg (Seasonals)			33,000	25,472	77%	25,472	7,528
BL 12-03 Blanket							
Temp Help (Exam Proctors)							
Board Member Per Diem	6,900	6,700	14,000	7,700		7,700	6,300
Committee Members (DEC)	5,700	4,300	11,000	4,600		4,600	6,400
Overtime	1,995	1,463	0	426		426	(426)
Staff Benefits	610,044	608,766	627,000	666,328	106%	666,328	(39,328)
TOTALS, PERSONNEL SVC	1,708,708	1,701,626	1,831,000	1,818,912	99%	1,818,912	12,088
OPERATING EXPENSE AND EQUIPMENT							
General Expense	39,907	39,389	26,000	34,243	132%	34,243	(8,243)
Fingerprint Reports	520	471	6,000	512	9%	512	5,488
Minor Equipment	6,919	6,919	2,000	124	0%	124	1,876
Printing	19,795	17,693	18,000	26,881	149%	26,881	(8,881)
Communication	5,416	2,556	18,000	1,336	7%	1,336	16,664
Postage	28,278	24,414	26,000	23,402	90%	23,402	2,598
Insurance				20		20	
Travel In State	70,768	66,461	148,000	72,636	49%	72,636	75,364
Travel, Out-of-State							
Training	6,244	10,603	17,000	68	0%	68	16,932
Facilities Operations	114,242	114,048	102,000	117,554	115%	117,554	(15,554)
Utilities							
C & P Services - Interdept.	2						
C & P Services - External	227,251	227,251	136,000	257,713	189%	257,713	(121,713)
DEPARTMENTAL SERVICES:							
Departmental Pro Rata	453,708	458,000	507,000	488,657	96%	488,657	18,343
Admin/Exec	286,698	287,000	263,000	261,981	100%	261,981	1,019
Interagency Services							
IA w/ OPES	72,166	72,166		70,832		70,832	(70,832)
DOI-ProRata Internal	6,882	7,000	7,000	6,439	92%	6,439	561
Communications/PPRD Pro Rata	19,000	19,000	54,000	51,387	95%	51,387	2,613
INTERAGENCY SERVICES:							
Consolidated Data Center	2,230	2,228	8,000	26	0%	26	7,974
Information Technology		157,399	5,000				5,000
DP Maintenance & Supply	10,884			3,369		3,369	
EXAM EXPENSES:							
Exam Supplies			1,000				1,000
Exam Freight							
Exam Site Rental			5,000				5,000
C/P Svcs-External Expert Administrative	26,988	42,900		40,686		40,686	(40,686)
C/P Svcs-External Expert Examiners		40,251	31,000				31,000
C/P Svcs-External Subject Matter	55,341			36,688		36,688	(36,688)
ENFORCEMENT:							
Attorney General	510,785	513,795	645,000	657,122	102%	657,122	(12,122)
Office Admin. Hearings	105,233	82,990	198,000	151,691	77%	151,691	46,309
Court Reporters	6,043	5,543		9,363	0%	9,363	(9,363)
Evidence/Witness Fees	173,628	150,028	163,000	162,244	100%	162,244	756
DOI - Investigations	617,594	628,000	884,000	825,796	93%	825,796	58,204
Major Equipment			10,000				10,000
Special Items of Expense							
Other (Vehicle Operations)			3,000				3,000
TOTALS, OE&E	3,023,921	2,986,989	3,333,000	3,300,770	99%	3,300,770	35,619
TOTAL EXPENSE	4,732,629	4,688,615	5,164,000	5,119,682	99%	5,119,682	47,707
Sched. Reimb. - External/Private			(11,000)			(11,000)	
Sched. Reimb. - Fingerprints			(15,000)			(15,000)	
Sched. Reimb. - Other	(3,525)	(3,525)		(5,640)			
Unsched. Reimb. - Other	(158,407)	(158,407)		(197,407)			
NET APPROPRIATION	4,570,697	4,526,683	5,138,000	4,916,635	96%	5,093,682	47,707
SURPLUS/(DEFICIT):							0.9%

**Veterinary Medical Board
Summary of Expenditures - 2016/2017**

Line Item	Appropriation	Summary of Expenses
Personal Services:		
Salary & Wages (Staff)	1,064,000	Board staff salaries
Statutory Exempt (EO)	82,000	Executive Officer salary
Temp Help Reg (Seasonals)	33,000	Wages for temporary help such as a permanent-intermittent employees, students, seasonal employees, etc.
Temp Help Reg (Exam Proctors)		Examination Proctors
Board Member Per Diem	14,000	Board members' per-diem
Committee Members (DEC)	11,000	Committee members' per-diem
Overtime		Staff Overtime
Staff Benefits	627,000	OASDI, Dental, health, retirement, life, vision, Medicare
Total Personal Services	1,831,000	
Operating Expenses & Equipment:		
General Expense	26,000	Office supplies, freight
Fingerprint Reports	6,000	Fingerprint expenses – reimbursed by candidate
Minor Equipment	2,000	Equipment less than \$5K per unit
Printing	18,000	Printed forms, office copier, copying service
Communication	18,000	Phones, cellular phones
Postage	26,000	Stamps, DCA and EDD facility mailed postage
Insurance		Insurance coverage for department owned vehicles.
Travel In-State	148,000	Board, Committee, and Staff Air, car, bus, taxi, incidentals, service fees
Travel Out-of-State		Same as above - out-of-State
Training	17,000	Registration fees, subscriptions
Facilities Operations	102,000	Rent, storage, security
Utilities		Electricity, Natural Gas (P.G. & E.), water, sewer, and regular waste removal service.
C&P Services Interdept.		Services provided by other state agencies or Interagency Agreement within the Department of Consumer Affairs.
C&P Services External	136,000	Outside DCA contracts - incl. MAXIMUS and Credit Card processing
Departmental Services		
OIS Prorata	503,000	DCA Svcs: Info systems (incl. BreZE)
Admin/Exec	263,000	Pro-rata assessments to support DCA Administrative Services (HR, Accounting, Budgets, etc.), Legal, Publications
Interagency Services	50,000	Services provided to one board by another board within the Department
IA w/OPES		Services provided by OPES to Board to develop examinations
DOI-Pro Rata Internal	11,000	Services provided by Division of Investigation Pro Rata
Communications	42,000	Services provided by DCA Public Affairs
PPRD Pro Rata	12,000	Pro-rata Consumer and Community Empowerment Division
Interagency Services		
Consolidated Data Centers	8,000	CAS/Teale Data Center
Information Technology	5,000	State services pro-rata (DGS, DOF, etc)
DP Maintenance & Supply		Data processing supplies and maintenance
Exam Expenses		
Exam supplies	1,000	Examination materials, supplies not covered by contract
Exam freight		Freight, shipping and storage of examination material
Exam site rental	5,000	Facility rental charge for vet exams administration
C/P Svcs-External Expert Administrative		National exam contracts - includes PSI contract
C/P Svcs-External Expert Examiners	31,000	Wages for services provided by expert examiners in the oral/written examination process
C/P Svcs-External Subject Matter		Services provided by subject matter experts in the oral/written examination process, VET and RVT
Enforcement		
Attorney General	645,000	Office of the Attorney General/DAG legal services
Office of Admin Hearings	198,000	Office of Administrative Hearings, Admin. Law Judge and court reporter services
Court Reporters		
Evidence/Witness Fees	163,000	Expert Witness and In-house Consultants enforcement case review
DOI - Investigations	884,000	DCA Division of Investigation services
Major Equipment	10,000	Equipment more than \$5k per unit
Special Items of Expense		Intereste Penalties
Vehicle Operations	3,000	Leasing & maintenance of State vehicle (CPEI BCP)
Total OE&E	3,333,000	
Total Personal Services (above)	1,831,000	
Totals, Expenditures	5,164,000	
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
Unscheduled Reimbursement		Investigative Cost Recovery
Net Appropriation	5,138,000	

ENFORCEMENT REPORT

Prepared by Candace Raney, Enforcement Program Manager

October 2017

Complaint Investigations

The Board received 301 complaints during the first quarter of the 17/18 fiscal year, 34 of which alleged unlicensed activity. This is a record number of complaints received in one quarter. Staff will continue to provide statistical data regarding unlicensed activity as requested by the Board.

The Board continues to work collaboratively with many different governmental agencies, i.e., California Horse Racing Board, Board of Pharmacy, Drug Enforcement Administration, Society for the Prevention of Cruelty to Animals, and local jurisdiction animal control agencies. These ongoing collaborative relationships are proving to be vital to accomplishing the Board's strategic enforcement goal to safeguard consumers and the health and safety of their animals.

As reported in January 2017, on December 23, 2016, following a lengthy, multi-agency investigation (including the Division of Investigation on behalf of the Veterinary Medical Board and the Board of Pharmacy), Sean Gerson was taken into custody by Federal authorities. A criminal complaint filed on December 6, 2016 alleges that Mr. Gerson knowingly dispensed two misbranded drugs without a prescription via the internet. Over the years, the Board has received numerous complaints alleging illegal activities by Mr. Gerson. However, because Mr. Gerson is not a licensed individual, the Board's authority is limited.

Attached is a news release from the United States Attorney's Office, Central District of California dated September 11, 2017. The news release states "Gerson pleaded guilty to smuggling, introduction into interstate commerce misbranded animal prescription drugs with the intent to defraud and mislead the United States Food and Drug Administration, and a misdemeanor charge of distribution and sale of an unregistered pesticide." The news release further explains that Vaccination Services, Gerson's Pet Products Company, also pleaded guilty to the same federal charges.

The plea agreements provide for 30 months in federal prison and a fine of \$200,000 for Gerson and a five-year probationary period and \$300,000 fine for Vaccination Services. Gerson has also agreed to forfeiture of \$2.5 million in ill-gotten proceeds. Formal sentencing in the matter is scheduled for December 11, 2017. Staff is inquiring about the possibility of having the Board's investigation costs recouped from the imposed fines.

ENFORCEMENT REPORT

Prepared by Candace Raney, Enforcement Program Manager

October 2017

Citation and Fine

The Board issued 13 citations and fines during the first quarter of the 17/18 fiscal year. We continue to work toward elimination of the significant citation and fine backlog. Three of the citations were for alleged unlicensed activity.

Nickie Bach, Retired Annuitant, has been instrumental in moving the citation and fine program forward. However, due to budgetary constraints, Ms. Bach's last day with the Veterinary Medical Board was September 28. The workload associated with the citation and fine program will be absorbed into the workload of the Complaint Investigation Unit Analysts.

Probation Monitoring

The Board is currently monitoring a total of 108 probationers on active probation.

Statistical Report

The current statistical report for quarter one of the 17/18 fiscal year is attached. Also attached is the 16/17 fiscal year-end statistical report.

In addition, attached are three separate graphs to illustrate data from the past five fiscal years in each of the following areas:

- Steady increase in the number of complaints received
- Substantial decrease in the average number of days to close complaints without formal discipline (i.e. citation and fine, letter of education, no violation, insufficient evidence, no jurisdiction, etc.)
- Significant progress in the average number of days to close complaints that resulted in formal discipline (i.e. letter of public reprimand, suspension, probation, voluntary surrender, revocation, etc.)

Enforcement Forecast (FY 17/18 Q2)

Board members can anticipate two mail votes between the October 2017 and February 2018 Board meetings. The next mail vote has been prepared and is currently awaiting release.

ENFORCEMENT REPORT

Prepared by Candace Raney, Enforcement Program Manager

October 2017

Staffing Update

On September 25, 2017, Virginia Gerard joined the Enforcement Program as an Associate Enforcement Analyst in the Complaint Investigation Unit. Ms. Gerard comes to the Veterinary Medical Board after having served for many years with the Medical Board of California. We are thrilled to welcome her to the VMB enforcement team.

There is currently one vacancy for a staff services analyst (Probation Monitor) in the Enforcement Program. Interviews have been conducted and we are currently in the process of finalizing an offer of employment. Catherine Hayes, Retired Annuitant, has been a tremendous help during this transition and will continue to support the desk until such time that a permanent staff member is in place.

THE UNITED STATES ATTORNEY'S OFFICE

CENTRAL DISTRICT *of* CALIFORNIA

FOR IMMEDIATE RELEASE

Monday, September 11, 2017

Owner of O.C. Pet Products Company Pleads Guilty to Selling Pet Meds without Prescriptions, Some of Which Were Not Approved for U.S. Sale

LOS ANGELES – A Laguna Hills man pleaded guilty today to charges of selling misbranded veterinary medications without a prescription, some of which were not approved for use in the United States.

Sean Gerson, 49, the owner Vaccination Services, Inc. in Lake Forest, pleaded guilty in a scheme that netted him at least \$2.5 million over the past 15 years.

Gerson pleaded guilty to smuggling, introduction into interstate commerce misbranded animal prescription drugs with the intent to defraud and mislead the United States Food and Drug Administration, and a misdemeanor charge of distribution and sale of an unregistered pesticide. Vaccination Services also pleaded guilty today to the same federal charges.

The misbranded drugs – meaning they were sold without a valid prescription from a veterinarian – were Comfortis, an anti-flea medication, and Ciprofloxacin, a powerful antibiotic commonly called “Cipro” that can be used in dogs and cats to treat skin, respiratory and urinary tract infections.

According to court documents, Gerson sold Comfortis that was designed for the South African market and was not approved for distribution in the United States. Federal law prohibits the importation and sale of veterinary medicines that have not been approved by the FDA and Environmental Protection Agency for use in this country.

Gerson used several websites – including fleastuff.com, mydoghasfleas.xyz and fleaandtickstuff.com – to market prescription animal products to buyers without valid prescriptions.

In a plea agreement filed in United States District Court, Gerson admitted that he “knowingly distributed, transported and sold the prescription animal drugs Comfortis and Ciprofloxacin in interstate commerce” to an undercover law enforcement officer in Missouri in August 2016. Gerson at the time knew that the drug had been smuggled into the United States “because the drugs were foreign-market branded and not approved by the U.S. FDA for entry into the United States.”

Gerson also admitted that he sold foreign market pesticides – animal flea and tick products not approved for sale and distribution in the United States – to an undercover law enforcement officer in Washington in June 2012.

Gerson pleaded guilty today before United States District Judge R. Gary Klausner, who is scheduled to sentence Gerson and his company on December 11.

In the plea agreement, prosecutors and Gerson have agreed that the appropriate sentence in this case is 30 months in federal prison and a fine of \$200,000. The final sentence will be determined by Judge Klausner, and if the judge decides to deviate from the agreed-upon sentence both parties have the right to withdraw from the plea agreement and proceed to trial.

In addition to the prison sentence and criminal fine, Gerson has agreed to the entry of a \$2.5 million forfeiture judgment which will require Gerson to forfeit the proceeds of his long-running scheme.

In its plea agreement, Vaccination Services has agreed to pay a \$300,000 fine and to be placed on probation for a period of five years. This stipulated sentence is also subject to the approval of Judge Klausner.

Gerson was previously convicted of charges related to the illegal sale of pet medications and products. According to documents previously filed in the federal case in Los Angeles, Gerson pleaded guilty in Texas in 2014 to state charges of delivery of a dangerous drug, specifically a prescription drug called Clenbuterol.

In a related case, Judge Klausner in June ordered a South African veterinarian to pay a fine of \$5,000 and forfeit to the United States \$145,000 after pleading guilty to a charge of making false statements in relation to unapproved pet medications he shipped to Gerson. Craig Mostert sent the foreign-market drugs to Gerson, and significantly understated the value of the products in a series of shipments between 2008 and 2017.

The case against Gerson and Vaccination Services is the product of an investigation by U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations, the Food and Drug Administration's Office of Criminal Investigations, and the Environmental Protection Agency.

This case is being prosecuted by Assistant United States Attorney Joseph O. Johns, Chief of the Environmental and Community Safety Crimes Section.

Component(s):

USAO - California, Central

Contact:

Thom Mrozek Spokesperson/Public Affairs Officer United States Attorney's Office Central District of California (Los Angeles) 213-894-6947

ENFORCEMENT STATISTICS FISCAL YEAR 2017 - 2018
Veterinary Medical Board

COMPLAINTS AND CONVICTIONS

Complaints and Convictions	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2017 - 2018 TOTAL
Complaints Received	281				
Convictions Received	20				
Average Days to Intake	3				
Closed at Intake	0				
Pending at intake	0				

Average Days to Intake - Average cycle time from complaint received, to the date the complaint was assigned to an investigator.

UNLICENSED ACTIVITY COMPLAINTS RECEIVED

Unlicensed Activity Complaints	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2017 - 2018 TOTAL
	34				

DESK INVESTIGATIONS

Desk Investigation	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2017 - 2018 TOTAL
Assigned	304				
Closed	201				
Average Days to Complete	235				
Pending	807				

Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure of the investigation process.

SWORN INVESTIGATIONS

Sworn Investigations	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2017 - 2018 TOTAL
Assigned	4				
Closed	15				
Average Days to Complete	490				
Pending	60				

Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure of the investigation process.

ALL TYPES OF INVESTIGATIONS

All Types of Investigations	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2017 - 2018 TOTAL
Closed Without Discipline	176				
Discipline	261				
All pending cases	867				

CITATIONS

Citations	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2017 - 2018 TOTAL
Issued	13				
Avg Days to Complete Cite	703				
Citations appealed	3				

Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.

ENFORCEMENT STATISTICS FISCAL YEAR 2017 - 2018

Veterinary Medical Board
ATTORNEY GENERAL CASES

Attorney General Cases	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2017 - 2018 TOTAL
Initiated / Referred to the AG	27				
Pending at the AG	95				
Statement of Issues Filed	11				
Accusations Filed	9				

AG Case Action	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2017 - 2018 TOTAL
Closed Without Discipline	2				
Closed With Discipline	11				
Probation	7				
Public Letter of Reprimand	0				
Surrender of License	1				
License Revoked	3				
License Denied (SOI)	0				
W/D, Dismissed, Declined	2				
Average Days to Close	756				

Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of the disciplinary order.

AG Case Violation Type	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2017 - 2018 TOTAL
Substance Abuse (A)					
Unsafe/Unsanitary Cond (E)					
Applicant Investigation (I)	2				
Incompetence/Gross Negligence (N)	3				
Unprofessional Conduct (R)	3				
Criminal Conduct/Conv (V)	2				
Discipline by Another State (T)					
Unlicensed Activity (U)	1				
Drug Related Offenses (D)					
Fraud (F)					

ENFORCEMENT STATISTICS FISCAL YEAR 2017 - 2018
 Veterinary Medical Board

PROBATION

Probation	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2017 - 2018 TOTAL
New Probation Cases	11				
Probation Completed	4				
Active Cases	108				
Probationary Licenses	4				
All applicants pending licensure	17				
Tolled	6				
Petition to Revoke	4				

ENFORCEMENT STATISTICS FISCAL YEAR 2016 - 2017

Veterinary Medical Board

COMPLAINTS AND CONVICTIONS

Complaints and Convictions	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2016 - 2017 TOTAL
Complaints Received	250	226	275	268	1019
Convictions Received	14	6	18	26	64
Average Days to Intake	2	2	2	2	2
Closed	2	0	0	1	3
Pending at intake	0	4	5	0	0

Average Days to Intake - Average cycle time from complaint received, to the date the complaint was assigned to an investigator.

DESK INVESTIGATIONS

Desk Investigation	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2016 - 2017 TOTAL
Assigned	261	227	276	301	1065
Closed	183	260	224	247	914
Average Days to Complete	223	198	225	205	213
Pending	584	632	650	697	697

Average Days to Complete Desk Investigations - Average cycle time from complaint receipt to closure of the investigation process.

SWORN INVESTIGATIONS

Sworn Investigations	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2016 - 2017 TOTAL
Assigned	25	9	20	31	85
Closed	13	24	24	43	104
Average Days to Complete	513	273	404	290	261
Pending	108	95	84	71	71

Average Days to Complete Sworn Investigations - Average cycle time from complaint receipt to closure of the investigation process.

ALL TYPES OF INVESTIGATIONS

Investigations	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2016 - 2017 TOTAL
Closed Without Discipline	180	226	191	227	824
Cycle Time - No	228	214	245	214	225
All pending cases	692	727	739	768	768

CITATIONS

Citations	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2016 - 2017 TOTAL
Issued	7	5	6	16	34
Avg Days to Complete Cite	1222	669	959	935	959
Citations appealed	0	0	0	0	0

Average Days to Issue a Citation - Average cycle time from complaint receipt to the effective date of the citation.

ENFORCEMENT STATISTICS FISCAL YEAR 2016 - 2017
 Veterinary Medical Board
ATTORNEY GENERAL CASES

Attorney General Cases	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2016 - 2017 TOTAL
Initiated / Referred to the AG	11	23	19	18	71
Pending at the AG	70	75	83	81	81
Statement of Issues Filed	2	5	5	14	26
Accusations Filed	14	1	11	5	31

AG Case Action	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2016 - 2017 TOTAL
Closed Without Discipline	1	0	0	2	3
Closed With Discipline	4	13	17	10	44
Probation	1	5	8	8	22
Public Letter of Reprimand	0	0	2	0	2
Surrender of License	2	4	4	2	12
License Revoked	1	4	3	0	8
License Denied (SOI)	0	0	0	0	0
W/D, Dismissed, Declined	1	0	2	1	4
Average Days to Close	618	935	1010	837	974

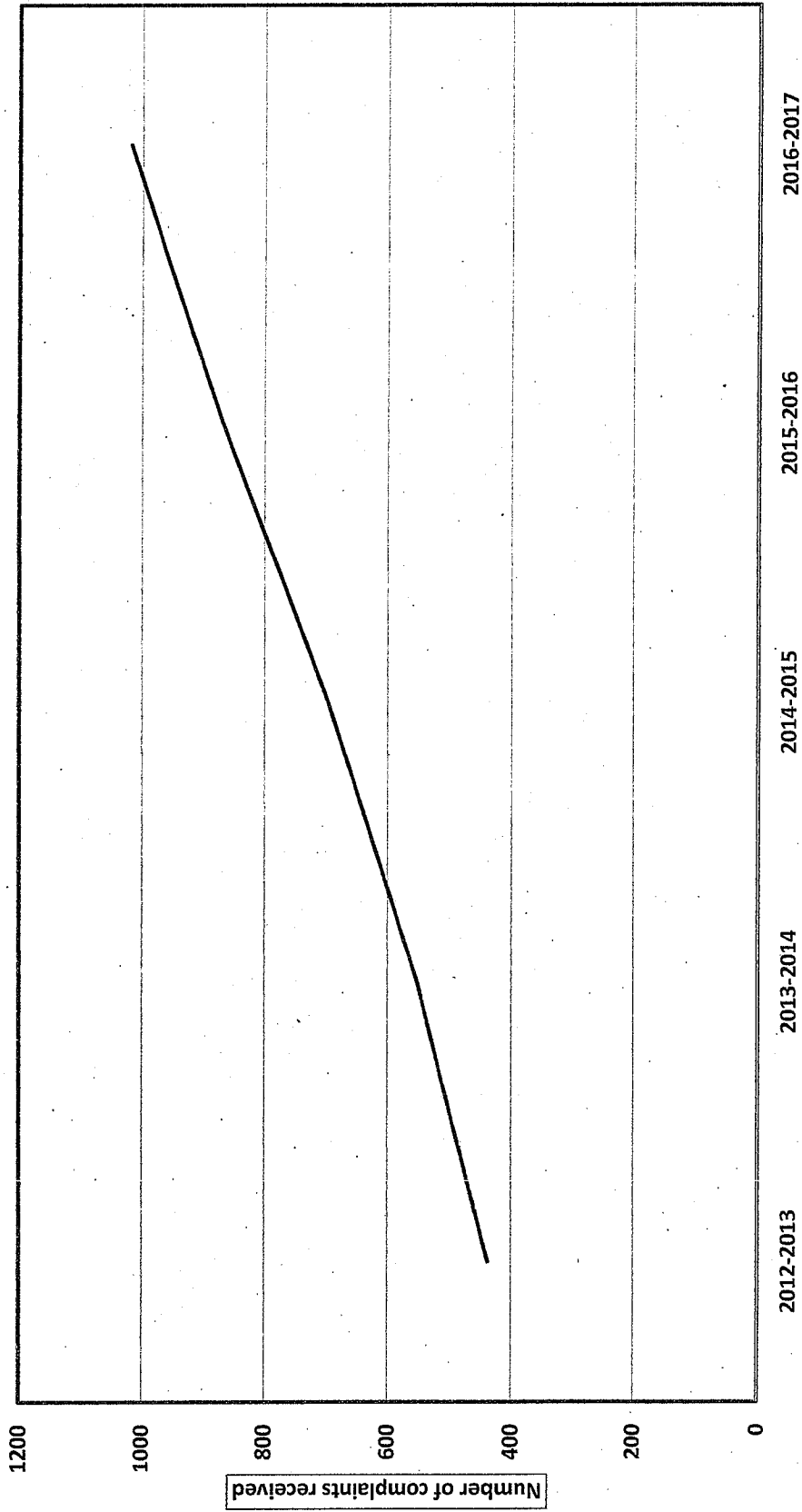
Average Days to Close a Discipline Case - Average cycle time from complaint receipt to the effective date of the disciplinary order.

AG Case Violation Type	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2016 - 2017 TOTAL
Substance Abuse (A)			1		1
Unsafe/Unsanitary Cond (E)					
Applicant Investigation (I)			4	4	8
Incompetence/Negligence (N)	2	3	4	4	14
Unprofessional Conduct (R)	1	9	5	1	17
Criminal Conduct/Conv (V)		1	1		2
Discipline by Another State (T)			1	1	2
Unlicensed Activity (U)					
Drug-Related Offenses (D)	1		1	1	3
Fraud (F)					

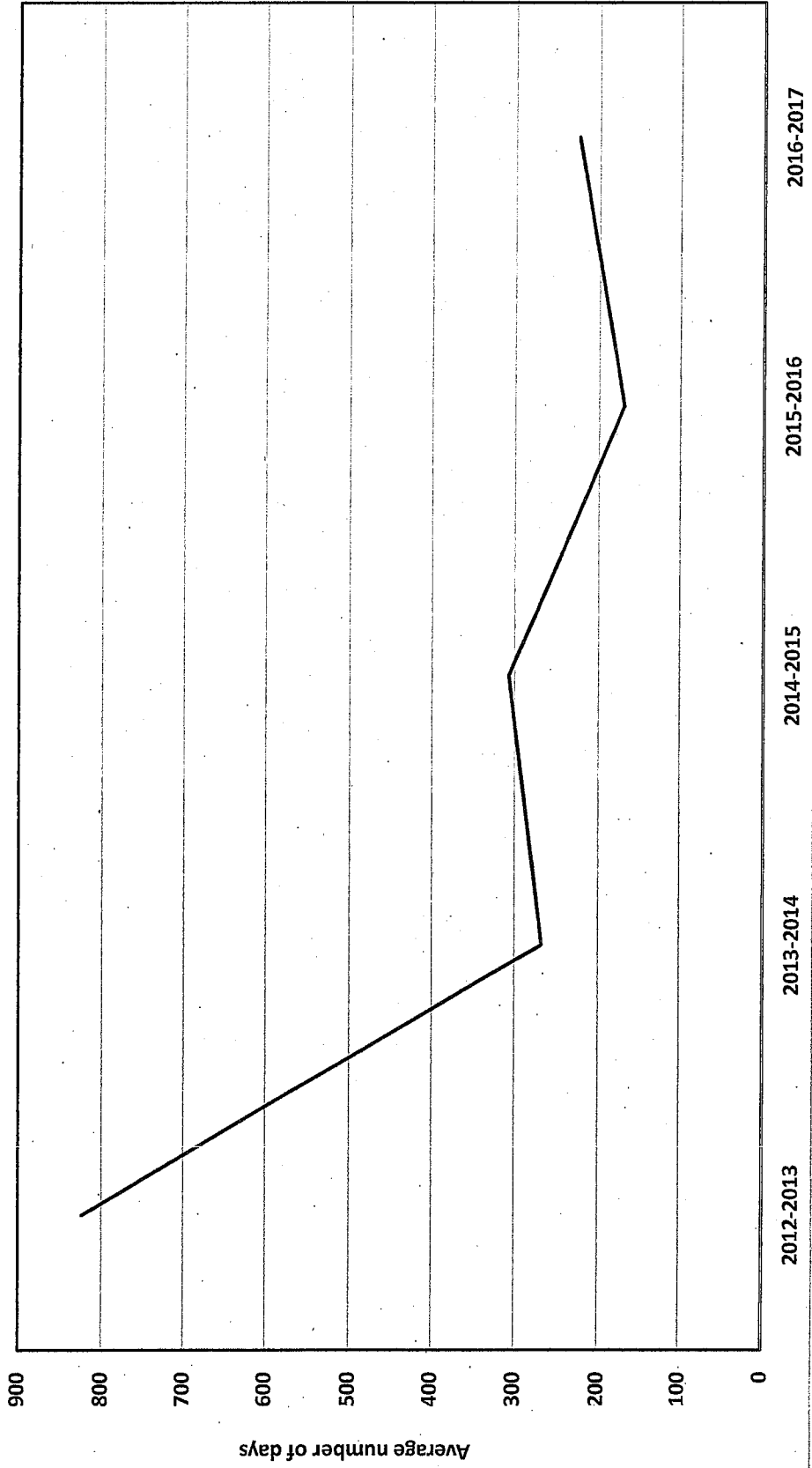
PROBATION

Probation	QTR 1 (Jul - Sep)	QTR 2 (Oct - Dec)	QTR 3 (Jan - Mar)	QTR 4 (Apr - Jun)	FY 2016 - 2017 TOTAL
New Probation Cases	3	4	7	6	20
Probation Completed	5	4	5	2	16
Active Cases	88	88	90	94	94
Probationary Licenses	0	4	5	3	3
All applicants pending licensure	9	14	19	22	22
Tolled	5	5	6	8	8
Petition to Revoke	6	4	4	4	4

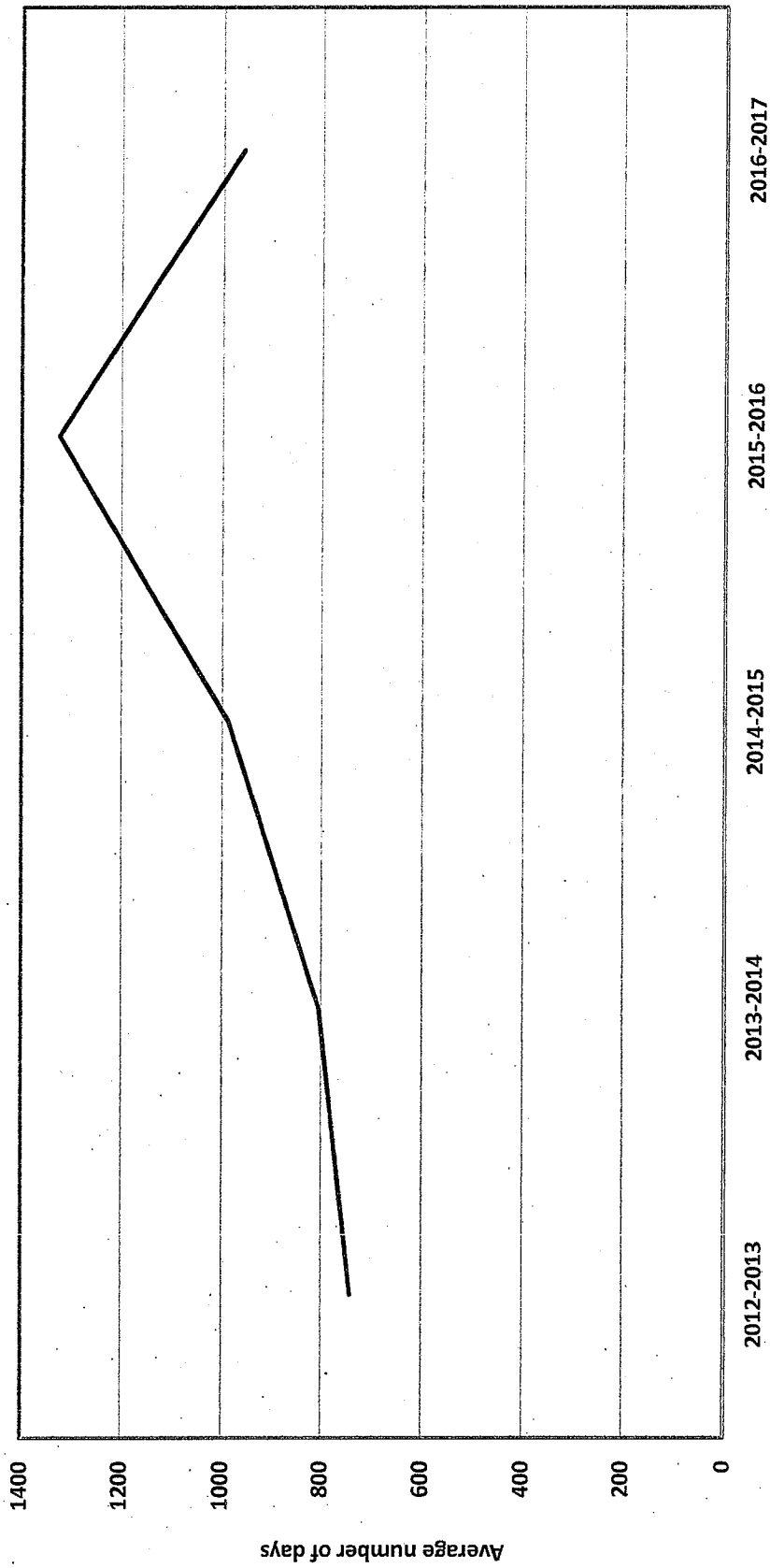
Number of complaints by fiscal year



Case Aging- Average number of days to close complaints without discipline



Case aging Average number of days to close complaints with discipline



Hospital Inspection Program Update – October 2017

Annual Training

The annual training session was held August 1-4 for all Inspectors, new and returning. We had 13 returning Inspectors and hired an additional 4 Inspectors giving us a total of 17 Inspectors for this fiscal year. This year's training highlights included a DEA presentation regarding enforcement of veterinarians recommending or selling medicinal pet products, additional instructions regarding VACSP posting requirements and inspection highlights from 2016-2017.

This year will our in-house consultants, who are also inspectors, will be creating a performance evaluation process for Inspectors which will include senior inspectors observing newer inspectors as they perform routine inspections.

Staffing

With the departure of Ms. Johnson in August, our recruitment efforts resume once again for the Program Technician II position. Interviews have been completed and we are awaiting HR approval of the selected candidate.

Outreach

The updated Hospital Standards Self-Evaluation Checklist has been disseminated to the Inspectors and each facility will be provided with a Checklist at the time of inspection. The updated Checklist is also available on the Board's website. We continue working on articles for our social media outlets based on the Top Ten deficiency list to encourage self-evaluations of minimum standards.

Assignments

Inspections are assigned following the annual training based on each Inspector's territory. Assignments are based on a random selection of premises generated by the Department's Office of Information Systems.

Inspectors are expected to complete 40-50 inspections on an annual basis, depending on the number of permitted premises in each territory.

Statistics (as of 9/30/17)

- Routine Inspections Assigned: 281
- Routine Inspection Performed: 54
- Routine Inspections Pending (not yet assigned): 450
- Complaint/Probation Related Inspections Performed: 4

- Complaint/Probation Related Inspections Pending: 28
- Document Review Status: reviewing compliance documents from November 2016 inspections
- Compliance Rate: Not available at this time
- Expenditures: approximately \$25,000