

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

2043. Civil Penalties for Citation

~~Where~~ When the executive officer has determined that a violation has occurred, any citations issued pursuant to Section 4875.2 and 125.9 of the Code shall include an assessment of a civil penalty, they shall be classified according to the nature of the violation, and shall indicate the classification on the face thereof as follows:

~~(e) (a) Class "G A" violations are violations which the executive officer has determined involve a person whom, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine and which has not caused either death or bodily injury to a patient an animal and or which does not present a substantial probability that death or serious harm to an animal patient would ~~could~~ result therefrom. A class "G A" violation is subject to a civil penalty in an amount not less than ~~fifty dollars (\$50)~~ two hundred and fifty dollars (\$250) and not exceeding ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) for each citation.~~

~~(b) Class "B" violations are violations which the executive officer has determined involve either (1) a person whom, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine and either (1) (a) has caused bodily injury to an animal patient which is not significant and substantial in nature or (2) (b) presents a substantial probability that death or serious harm would to the animal patient could result therefrom from their actions or (3) (c) has committed a violation which meets the criteria for a class "G A" violation and has two or more prior citations for a class "G A" violation within the ~~24-month~~ 5-year period immediately preceding the act serving as the basis for the citation ~~without regard to whether the actions to enforce the previous citations have become final~~. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "B" violation is subject to a civil penalty in an amount not less than ~~five hundred one dollars (\$501)~~ one thousand one dollars (\$1,001) and not exceeding ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000) for each citation.~~

~~(a) (c) Class "A C" violations are violations which the executive officer of the board has determined involve a person who has (a) has caused death or serious and significant bodily injury to an animal patient, or (b) has a history of two or more similar violations, or (c) involves a violation that has an immediate relationship to the health and safety of another person, or (d) involves multiple violations which show a willful disregard of the law, or (e) has practiced veterinary medicine without a license, or (f) committed a violation which meets the criteria for a class "B" violation within the ~~24-month~~ 5-year period immediately preceding the act serving as the basis for the citation, ~~without regard to whether the actions to enforcement the previous citations have become final~~. However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "A C" violation is subject to a civil penalty in an amount not less than ~~one thousand one dollars (\$1,001)~~ two thousand and one dollars (\$2,001) and not exceeding ~~one thousand five hundred dollars (\$1,500)~~ two thousand five hundred (\$2,500) for each citation.~~

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

1. The good or bad faith exhibited by the cited person
2. The nature and severity of the violation.
3. Evidence that the violation was willful.

4. History of violations of the same or similar nature.
5. The extent to which the cited person has cooperated with the board's investigations.
6. The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.
7. Such other matters as justice may require.