Assembly Bill No. 1980

CHAPTER 538

An act to amend Sections 4800, 4802, 4804.5, 4807, 4809.8, 4839, 4840.7, and 4887 of, to amend and repeal Sections 4832, 4833, 4834, and 4835 of, to amend, repeal, and add Section 4810 of, to add Sections 4830.8, 4839.5, and 4841.1 to, and to repeal and add Section 4801 of, the Business and Professions Code, and to amend Section 8659 of the Government Code, relating to healing arts.

[Approved by Governor September 29, 2010. Filed with Secretary of State September 29, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1980, Hayashi. Veterinary medicine.

(1) Existing law, the Veterinary Medicine Practice Act, provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board and makes a violation of the act a crime. Under existing law, the board consists of 7 members, 3 of whom are public members and 4 of whom are licensed veterinarians. Existing law makes the provisions establishing the board, and authorizing the board to appoint an executive officer, inoperative as of July 1, 2011, and repealed as of January 1, 2012.

This bill would add one registered veterinary technician to the board, to be appointed by the Governor, and would make the provisions establishing the board and authorizing it to appoint an executive officer inoperative and repealed on January 1, 2014.

(2) Existing law requires the board to appoint a voluntary, advisory multidisciplinary committee to assist, advise, and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement of the act. Existing law makes the provision establishing this committee inoperative on July 1, 2011, and repealed as of January 1, 2012.

This bill would eliminate those inoperative and repeal dates, thereby making the committee operative indefinitely. The bill would name the committee the Veterinary Medicine Multidisciplinary Advisory Committee, would eliminate its voluntary nature, and would require it to also assist the board in its examination, licensure, and registration programs. The bill would prescribe the committee's composition and would require members to serve 3-year terms, as specified. The bill would authorize the board to remove a member of the committee for continued neglect of duty, incompetency, or unprofessional conduct.

(3) Existing law requires the board to establish the tasks that may be performed by a registered veterinary technician and requires a person performing those tasks to be registered by the board.

This bill would provide an exemption from those provisions for specified veterinary technology students. The bill would also prohibit a person from using the title "registered veterinary technician" or "veterinary technician," or any other words, letters, or symbols with the intent to represent that the person is authorized to act as a registered veterinary technician, unless he or she has met certain requirements. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

Existing law requires the board to establish an advisory committee on issues pertaining to the practice of veterinary technicians known as the Registered Veterinary Technician Committee.

The bill would make the Registered Veterinary Technician Committee inoperative as of the July 1 following the initial appointment of a registered veterinary technician to the board.

(4) Existing law authorizes an unregistered assistant to operate radiographic equipment under the direct supervision of a registered veterinary technician or a licensed veterinarian.

This bill would require an unregistered assistant to be trained in the area of radiation safety and techniques in order to operate radiographic equipment under the direct supervision of a registered veterinary technician or licensed veterinarian and would require the responsible managing licensee of a veterinary premises to maintain records of that training. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

(5) Existing law requires the attending or on-call veterinarian at a rodeo event to submit a brief written listing of any animal injury requiring veterinary treatment to the board within 48 hours of the conclusion of the event.

This bill would add that reporting requirement to the Veterinary Medicine Practice Act and would also require any other veterinarian to report to the board within 7 days of rendering treatment to an animal known to be injured at a rodeo event. The bill would require the report to consist of specified information and would require the board to post a form on its Internet Web site for purposes of this requirement. Because a violation of these reporting requirements under the Veterinary Medicine Practice Act would be a crime, the bill would impose a state-mandated local program.

(6) Existing law exempts certain healing arts practitioners from liability for specified services rendered during a state of war, state of emergency, or local emergency.

This bill would exempt veterinarians and registered veterinary technicians for services rendered to animals during a state of war, state of emergency, or local emergency.

(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.

The people of the State of California do enact as follows:

SECTION 1. Section 4800 of the Business and Professions Code is amended to read:

4800. (a) There is in the Department of Consumer Affairs a Veterinary Medical Board in which the administration of this chapter is vested. The board consists of the following members:

(1) Four licensed veterinarians.

(2) One registered veterinary technician.

(3) Three public members.

(b) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

(c) The repeal of this section renders the board subject to the review provided for by Division 1.2 (commencing with Section 473).

SEC. 2. Section 4801 of the Business and Professions Code is repealed.

SEC. 3. Section 4801 is added to the Business and Professions Code, to read:

4801. (a) Each veterinarian member of the board shall be a bona fide resident of this state for a period of at least five years immediately preceding his or her appointment and shall have been a licensed veterinarian under this chapter and actually engaged in the practice of veterinary medicine in this state during that period.

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

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

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

SEC. 4. Section 4802 of the Business and Professions Code is amended to read:

4802. The members of the board shall hold office for a term of four years. Each member shall serve until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. A member may be reappointed subject to the limitation contained in Section 4801.

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

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

SEC. 5. Section 4804.5 of the Business and Professions Code is amended to read:

4804.5. 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.

This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 6. Section 4807 of the Business and Professions Code is amended to read:

4807. Five members of the board constitute a quorum for transaction of business at any meeting of the board.

SEC. 7. Section 4809.8 of the Business and Professions Code is amended to read:

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. This committee shall be known as the Veterinary Medicine Multidisciplinary Advisory Committee. Members of the multidisciplinary committee shall be appointed by the board from lists of nominees solicited by the board. The committee shall consist of the following seven members: four licensed veterinarians, two registered veterinary technicians, and one public member. 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 shall hold office 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.

(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 Personnel Administration.

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

SEC. 8. Section 4810 of the Business and Professions Code is amended to read:

4810. (a) As used in this chapter:

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

(2) "Committee" means the Registered Veterinary Technician Committee.

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

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

(b) This section shall become inoperative on the July 1 following the initial appointment of a registered veterinary technician to the board, and on the January 1 following that date is repealed, unless a later enacted statute, that becomes operative on or before that January 1, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 4810 is added to the Business and Professions Code, to read:

4810. (a) As used in this chapter:

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

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

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

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

SEC. 10. Section 4830.8 is added to the Business and Professions Code, to read:

4830.8. (a) An attending or on-call veterinarian at a rodeo event shall, pursuant to Section 596.7 of the Penal Code, report to the board any animal injury at the event requiring veterinary treatment within 48 hours of the conclusion of the rodeo.

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

(c) A report submitted pursuant to this section shall include the title, location, and date of the rodeo event, the name of the attending veterinarian at the event, the name of the reporting veterinarian, the type of animal, and a brief description of the injury suffered by the animal. The board shall post

a form on its Internet Web site to be used by veterinarians for purposes of submitting this report.

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

SEC. 11. Section 4832 of the Business and Professions Code, as added by Section 35 of Chapter 759 of the Statutes of 1997, is repealed.

SEC. 12. Section 4832 of the Business and Professions Code, as amended by Section 2 of Chapter 529 of the Statutes of 2008, is amended to read:

4832. (a) The board shall establish an advisory committee on issues pertaining to the practice of veterinary technicians, that shall be known as the Registered Veterinary Technician Committee, hereafter referred to as the committee.

(b) It is the intent of the Legislature that the Veterinary Medical Board, in implementing this article, give specific consideration to the recommendations of the Registered Veterinary Technician Committee.

(c) The committee shall consist of five members appointed by the board commencing January 1, 2009. Three members shall be registered veterinary technicians, one member shall be either a licensed veterinarian or an additional registered veterinary technician, and one member shall be a member of the public. Appointments shall be for a term of three years, and shall be staggered accordingly.

(d) No member of the committee shall serve for more than two terms. The committee shall annually elect one of its members as chairperson.

(e) The committee shall comply with Section 101.7.

(f) The scope of the committee shall not exceed the authority provided under Section 4833.

(g) This section shall become inoperative on the July 1 following the initial appointment of a registered veterinary technician to the board, and on the January 1 following that date is repealed, unless a later enacted statute, that becomes operative on or before that January 1, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 13. Section 4833 of the Business and Professions Code is amended to read:

4833. (a) The committee shall advise and may assist the board in the examination of applicants for veterinary technician registration. The examination shall be held at least once a year at the times and places designated by the board.

(b) The committee may investigate and evaluate each applicant applying for registration as a registered veterinary technician and may recommend to the board for final determination the admission of the applicant to the examination and eligibility for registration.

(c) The committee may make recommendations to the board regarding the establishment and operation of the continuing education requirements authorized by Section 4838 of this article.

(d) The committee shall advise and may assist the board in the inspection and approval of all schools or institutions offering a curriculum for training registered veterinary technicians.

(e) The committee may advise and assist the board in developing regulations to establish animal health care tasks and the appropriate degree of supervision required for those tasks for registered veterinary technicians and for unregistered assistants.

(f) The committee may advise and assist the board in developing regulations to define subdivision (c) of Section 4840, including, but not limited to, procedures for citations and fines, in accordance with Section 125.9.

(g) This section shall become inoperative on the July 1 following the initial appointment of a registered veterinary technician to the board, and on the January 1 following that date is repealed, unless a later enacted statute, that becomes operative on or before that January 1, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 14. Section 4834 of the Business and Professions Code is amended to read:

4834. (a) The board has the power to remove from office at any time any member of the committee for continued neglect of any duty required by this article, for incompetency, or for unprofessional conduct.

(b) This section shall become inoperative on the July 1 following the initial appointment of a registered veterinary technician to the board, and on the January 1 following that date is repealed, unless a later enacted statute, that becomes operative on or before that January 1, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 15. Section 4835 of the Business and Professions Code is amended to read:

4835. (a) Each member of the committee shall receive a per diem and expenses, as provided in Section 103.

(b) This section shall become inoperative on the July 1 following the initial appointment of a registered veterinary technician to the board, and on the January 1 following that date is repealed, unless a later enacted statute, that becomes operative on or before that January 1, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 16. Section 4839 of the Business and Professions Code, as added by Section 5 of Chapter 80 of the Statutes of 2009, is amended to read:

4839. (a) For purposes of this article, a registered veterinary technician means a person who has met the requirements set forth in Sections 4841.4 and 4841.5, has passed the examination described in Section 4841.4, and is registered by the board.

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

SEC. 17. Section 4839.5 is added to the Business and Professions Code, to read:

4839.5. No person shall use the title "registered veterinary technician" or "veterinary technician," or any other words, letters, or symbols, including, but not limited to, the abbreviation "R.V.T.," with the intent to represent that the person is authorized to act as a registered veterinary technician, unless that person meets the requirements of Section 4839.

SEC. 18. Section 4840.7 of the Business and Professions Code is amended to read:

4840.7. (a) A registered veterinary technician who has been examined by the board in the area of radiation safety and techniques may operate radiographic equipment under the indirect supervision of a licensed veterinarian.

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

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

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

SEC. 19. Section 4841.1 is added to the Business and Professions Code, to read:

4841.1. (a) This article shall not apply to students in the clinical portion of their final year of study in a board-approved California veterinary technology program who perform the job tasks for registered veterinary technicians as part of their educational experience, including students both on and off campus acting under the supervision of a licensed veterinarian in good standing, as defined in paragraph (1) of subdivision (b) of Section 4848.

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

SEC. 20. Section 4887 of the Business and Professions Code is amended to read:

4887. 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 a period of not less than one year has elapsed from the effective date of the decision ordering the disciplinary action. The petition shall state such facts as may be required by the board.

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.

The board reinstating the license or registration or modifying a penalty may impose such 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.

The 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. 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. 21. Section 8659 of the Government Code is amended to read:

8659. (a) Any physician or surgeon (whether licensed in this state or any other state), hospital, pharmacist, respiratory care practitioner, nurse, or dentist who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.

(b) Any veterinarian or registered veterinary technician who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any animal by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.

SEC. 22. 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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