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February 29, 2012

Susan Geranen, Executive Officer
California Veterinary Medical Board
2005 Evergreen St.
Sacramento, CA 95815

Dear Ms. Geranen:

The California Veterinary Medical Association (CVMA) continues to give its Illegal Practice Campaign a high priority. Ongoing reports of unlicensed activity and harm to animals were clearly documented in the survey we conducted as part of this campaign in 2010. Responses from over 1600 veterinarians and registered veterinary technicians showed that animals were being harmed and the public misled by unlicensed persons performing veterinary procedures.

Part of this Campaign focuses on increasing enforcement efforts over unlicensed persons and the Veterinary Medical Board (VMB) has been very responsive in this regard. We are disappointed however that the CVMA's recent collective efforts with the VMB to co-sponsor legislation to clarify statutes governing unlicensed activity in veterinary medicine have received sizeable opposition from the large animal community. Representatives from the Farm Bureau, California Cattlemen's Association and various thoroughbred associations, through letters, meetings and discussions, made it clear that they would oppose legislation that would hinder their ability to use unlicensed persons to perform veterinary procedures on their animals. Rather than running the risk of broadening the current owner exemption laws to remove their opposition – a move which the CVMA would strongly oppose – we chose not to pursue the bill in 2012.

The purpose of our bill was to clarify existing law to make it more difficult for those who perform veterinary procedures illegally to evade prosecution. Current law however makes it clear that state agencies have the authority and are directed by the state to enforce state licensing laws, including taking action against unlicensed activity. Evidence of this clearly exists in Division 1:Chapter 1.5 of the Business and Professions Code.

Our proposed legislation sought to clarify the VMB's prioritization of the use of their resources in enforcement actions against licensed and unlicensed persons. There is debate over whether the VMB's resources should have a higher prioritization over licensees than unlicensed persons. The CVMA contends that the following sections of the Business and Professions Code - Division 1:Chapter 1.5:Sections 145-149; Division 2: Chapter 11:Article 2:Section 4831; Division 2:Chapter 11:Article 4:Sections 4875.2-4875.6 - clearly state that the VMB should use their resources to prosecute those who are practicing illegally at the same level as licensees.

Another part of our proposed legislation was to add "advertising" to Section 4826 of the practice act to help improve the VMB's process of citing and fining those who advertise that they are performing veterinary procedures illegally. The CVMA has sent many samples of advertisements received from our members to the VMB that show unlicensed activity occurring by anesthesia free teeth cleaners, animal physical therapists, animal chiropractors, and others who are not under the supervision of a California licensed veterinarian. The VMB currently only sends out cease and desist letters for false advertising. Division 1: Chapter 1.5 and Division 7: Chapter 1: Article 1: Section 17500 of the Business and Professions Code, however, clearly state that the VMB already has the authority to pursue laypersons who are advertising illegally.

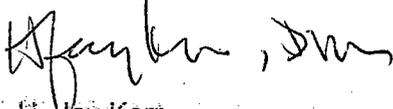
The Department of Consumer Affairs has made unlicensed activity a priority over the last several years and the VMB has followed their lead by increasing their enforcement efforts.

The CVMA commends the VMB on their recent increase in prosecutorial enforcement over unlicensed persons and urges continued efforts in this area. We also commend the Board on the recent regulation passed to clarify the use of a scaler during a dental operation. While it has not yet cleared the regulatory process, reports from our members show that this is already resulting in an increase of anesthesia free teeth cleaners now working as unregistered assistants under the supervision of a veterinarian who has established a veterinarian-client-patient relationship. This clearly is in the best interest of the animal.

We encourage the Board to continue to enforce existing laws. We will do our part by encouraging our members to continue to report unlicensed activity and by increasing our efforts to call attention to this issue through the CVMA's Illegal Practice Campaign. Supervision by California licensed veterinarians is essential to the health and welfare of all animals and for the protection of the public in the state of California.

Thank you for your continued attention and concern regarding this important matter.

Sincerely,



H. Jay Kerr
President



Valerie Fenstermaker
Executive Director